Law-Making and Legitimacy in International Humanitarian Law

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International Humanitarian Law (IHL) is in a state of some turbulence, as a result of, among other things, non-international armed conflicts, terrorist threats and the rise of new technologies. This incisive book observes that while states appear to be reluctant to act as agents of change, informal methods of law-making are flourishing. Illustrating that not only courts, but various non-state actors, push for legal developments, this timely work offers an insight into the causes of this somewhat ambivalent state of IHL by focusing attention on both the legitimacy of law-making processes and the actors involved.

‘Formally, states, and states alone, make and authoritatively interpret international humanitarian law. But this legalistic maxim hardly reflects the actual process by which IHL emerges and evolves. Law-Making and Legitimacy in International Humanitarian Law brings together general international law and humanitarian law experts to tease loose key aspects of this dynamic and assess their legitimacy. The first work to examine the foundational issue of IHL development critically and comprehensively, it is a must read for IHL scholars and practitioners.’
– Michael Schmitt, United States Military Academy at West Point, US and University of Reading School of Law, UK

‘This volume explores the interplay of law and legitimacy in relation to the law of armed conflict and includes contributions by a collection of noted scholars. It focuses on the role that various actors play in the process of developing, questioning and affirming international humanitarian law. It does so in an innovative and thought provoking way and will doubtless be of interest to both the legal theorist and the IHL specialist.’
– Terry Gill, University of Amsterdam, the Netherlands

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