

اسم المقال: الكيفية الوجودية لتدعيم القانون الدولي؟

اسم الكاتب: سانفورد سيلفربورج

رابط ثابت: <https://political-encyclopedia.org/library/8400>

تاريخ الاسترداد: 2026/04/12 04:15 +03

الموسوعة السياسية هي مبادرة أكاديمية غير هادفة للربح، تساعد الباحثين والطلاب على الوصول واستخدام وبناء مجموعات أوسع من المحتوى العلمي العربي في مجال علم السياسة واستخدامها في الأرشيف الرقمي الموثوق به لإغناء المحتوى العربي على الإنترنت. لمزيد من المعلومات حول الموسوعة السياسية - Encyclopedia Political، يرجى التواصل على [info@political-encyclopedia.org](mailto:info@political-encyclopedia.org)

استخدامكم لأرشيف مكتبة الموسوعة السياسية - Encyclopedia Political يعني موافقتك على شروط وأحكام الاستخدام المتاحة على الموقع <https://political-encyclopedia.org/terms-of-use>

# University of Sharjah Journal

A Refereed Scientific journal

*of*

## Law Sciences



Vol. 17, No. 2

Rabia Althani 1442 A.H. / December 2020 A.D.

ISSN : 2616-6526

# How Robust Must International Law Be?

**Sanford Silverburg**

Catawba College

Salisbury - NC, USA

**Received on : 11-03-2018**

**Accepted on : 16-05-2018**

## **Abstract:**

There is an examination of the political, economic, social, and humanitarian status of the globe. The intent is to determine the extent to which extraordinary degrading conditions in the world that can be ameliorated by the application and enforcement of international law. Substantial literature will be cited that support the exposed conditions which have a deleterious effect on humans. As a final note and conclusion, the study shows there is an imperative demand that subjects of international law, particularly states, and international organizations, comply with principles of international law and ensure its enforcement for the benefit of the international community.

**Keywords:** International Law, Reactive Proposals.

*The reward for a good deed is another good deed; the reward for a transgression is another transgression.<sup>(1)</sup>*

---

(1) PIRKEI AVOT 4:2.

## **Introduction:**

The legal community responds to law and its regulatory character, whether domestic or international, and this is in itself an abstraction implying that without institutions that make that guideline understood and somehow applied, remains an ethereal esoterica.

Our primary concern here is to examine the political, economic, social, and humanitarian status of the globe and to determine, as best as we can, the extent the extent to which extraordinary degrading conditions can be ameliorated by the application of international law to reduce to some degree deleterious acts. The record of human behavior and activity seems to suggest that recidivism of terrible acts operate on a continuum, from simple to flagrant. However, recognition of the sets of intolerable behaviors over the time record attempts to dampen and remove irresponsible actors or punish them in accordance with designed legal measures to fit what appears to be criminal and illegal -at some point in time- regardless of the lack of prior attention.

To this end we essentially seek some exorable measure that would have some traction. Much credit is given to Professor Bianchi whose experience and professional record are recognized here and are employed as support to our endeavor. Bianchi, following the development of international law and its prescient appreciation of what needs to be done, set out an agenda to wit: 1) Create a situation where non-government organizations assume an international legal personality; 2) Bend normative values to changes in the evaluation of mores and priorities; 3) Introduce “soft law” as a possible agency of norm creation; 4) Understand the problem of enforcement in a dualist environment; and 5) Introduce the general nature of accountability with reference to individuals and transnational corporations.

The manner in which international law has been structured and subsequently applied has much to do with how academicians and

international lawyers have found ways to adjust to emergent conditions in the world.

In accordance with this perspective, our approach will follow as close as possible the material found in Chart 1. It is neither to say nor is it an oxymoron to claim that in the constantly changing nature of the structure and operation of the international system, there is a mix of the certainty with some features that remain in motion.

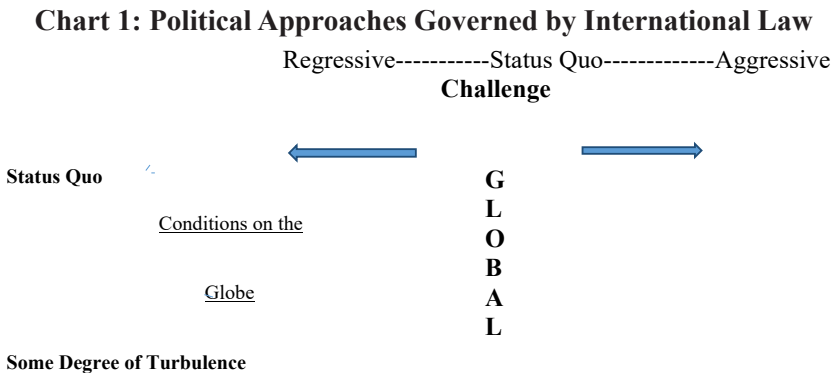
There is, without any contrary objection, a definite role for those who operate in the area of international law to upgrade the quality of life on the globe as found in the operation of the related political world.

There is and has been an evolutionary trajectory to the pattern of international law that leads to paradigmatic changes.

Marti Koskenniemi, no friend to the traditional understanding of international law, makes the distinctive argument that international law is “vulnerable to the contrasting criticisms of either being an irrelevant moralist Utopia or a manipulable façade for State interests.”

We thus find ourselves in a precarious position, some would say audacious, to broadcast a prescription for a cause not completely known.

We dare say what we feel we must encounter and accomplish, and therefore enter into a dark cave.



## **International Law and the Fit:**

States and its agents have a wide spectrum of interaction inter partes. Historians have written extensively on the ultimately destructive nature of politics with the initiation of violent conflict. Following World War II, the collective sentiment of the bulk of the world's nations attempted to create an international organization bent on moving toward a structured environment dedicated to avoiding—or hopefully—condemning and outlawing such behavior. States' decision makers, moving beyond their representative governing systems' national interest, have the option of cooperating with potentially conflicting political bodies and face the prospect of coercive actions taken under the aegis of international law.<sup>(1)</sup> One commentator has noted thusly:

The law-giver cannot promulgate laws when he has no hope that most of the community will obey, if not gladly, then at least of their own accord. He must also presume that the judges and guardians of the law will contribute to that general tendency of compliance, and without excessive recourse to procedure, prisons, and punishment.<sup>(2)</sup>

Perhaps the key element making international law a functional reality is enforcement. It is necessary to recognize that individuals whose interests and goals are inhibited by rules, regulations, or laws are often prone to avoid these constraints by searching for means to bypass those deterrents. As an example, following the structural demise of the Soviet Union (and its reemergence as the Russian Federation) and the related collapse of the

---

(1) On such action is the employment of sanctions. See JEREMY MATAM FARRALL, UNITED NATIONS SANCTIONS AND THE RULE OF LAW (2007); For an overall appraisal, see Gillian Triggs, *Public International Law: Is It Fit For Purpose?* 7 LEGAL INFO. MGT. 113-123 (2007).

(2) Charles Boassen, *The Place of International Law in Peace Research*, 5 J. PEACE RES. 28 (1968).

Cold War, the illicit arms trade surged with the availability of weapons from the former Soviet Union. In spite of a United Nations resolution,<sup>(1)</sup> banning arms trading, countries like Yemen and Somalia, both of which were recipients of the Soviet's largesse, were in a unique position to involve in a lucrative sub rosa industry. The matter brought the intention of the Security Council to create a monitoring group to surveil the effects of arms trafficking violations.<sup>(2)</sup> Admittedly, regardless of well-intentioned legal attempts, the arms trade operates with rank efficiency.

### **Reactive Proposals:**

To be sure, alternative measures to remove the incentives for non-pacific agendas have been undertaken. The basic question remains as it has historically been: Why is there any form of recidivism? The issue is while punishment follows an illegal course of action, it is in evidence that similar acts reoccur. Those acts can be obviated given a set of certain conditions, often not in existence. So, given a rational choice decision, the value of the goal might not seem worthwhile due to the risk required to achieve the end.<sup>(3)</sup>

---

(1) UN Resolution 733, S/RES/733, 47 U.N. SCOR at 55, U.N. Doc. S/RES/1733 (1992), followed by UN Resolution 1519, S/RES/1519 (2003), with an explanatory statement in United Nations Press Release SC/7957, Dec. 16, 2003. *See also* KENNETH W. HUNTER AND TIMOTHY MACK. INTERNATIONAL RIGHTS AND RESPONSIBILITIES FOR THE FUTURE 78 (1996) and NEIL FENTON. UNDERSTANDING THE UN SECURITY COUNCIL: COERCION OR CONSENT 67 (2004).

(2) *See in particular* para. 74 in the Security Council operation as reported in the Report of the Monitoring Group, UN Doc. S/2003/223, March 25, 2003, and the Report of the Monitoring Group on Somalia Pursuant to Security Resolution 1587, UN Doc. S/2005/625 (2005).

(3) This is a powerful and contestable assumption. *See* Payam Akhavan, *Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?* 95 AMER. J. INT'L L. 8, 7-31 (2001).

One cautionary approach to prevent reoccurring behaviors is deterrence,<sup>(1)</sup> an idea that is subsumed under the umbrella notion of prevention of illegal acts. Underneath this set of ideas are the subthemes of punishment, education, rehabilitation, and pressure (assuming leverage exists).

## **Conclusion:**

To the extent that the globe is subject to a significant display of what could be perceived as criminal erga omnes obligations, it becomes incumbent on the purveyors of international law not only to address what appears to be disruptive to humanity and solvable human misery, but also engage in the most courageous manner reasonably possible to seek an advantage beyond cross-cultural communications. Similarly, it is not too much to demand that public officials in suitable roles act accordingly, properly and with due concern all with alacrity. It is commonly proclaimed by critics of international law that this body of law cannot be enforced, but unpunished crimes do not vitiate the law. “How is all of this to be done one may ask? This becomes the proverbial question of the day. From the secure position of an external observer, I find it difficult to believe—or choose not to—that what can be cobbled among the world’s politicians to serve this need is not available. For indeed, it is recognized by some of the world’s most respected scholars on international law that it can.<sup>(2)</sup> Having proclaimed this position, it is necessary to offer an associated condition, namely that it is not a reasonable expectation that much of the law will be or can be

- (1) THE IMPACT OF INTERNATIONAL LAW ON INTERNATIONAL CO-OPERATION: THEORETICAL PERSPECTIVES (Eyal Benvenisti and Moshe Hirsch eds., 2004): Colin Gray, *Gaining Compliance: The Theory of Deterrence and its Modern Application*, 29 COMP. STRAT. 278, 278-283 (2012); George W. Downs et al., *Is the Good News About Compliance Good News About Cooperation?* 50 INT’L ORG. 379-406 (1996).
- (2) THE PURSUIT OF A BRAVE NEW WORLD IN INTERNATIONAL LAW: ESSAYS IN HONOUR OF JOHN DUGARD (Tiyania Maluwa et al. eds., 2017); Jasmine Rayée, “The Future of International Criminal Justice,” ASIL Cables, Apr. 30, 2017, available at <https://www.asil.org/blogs/future-international-criminal-justice/>.

absolutely effective.

We have heard from the Honorable Rosalie Silberman Abella, a Justice on the Supreme Court of Canada, a remarkable statement of international law's potential to wit:

Since 1945, the global community has demonstrated an enormous capacity for constructing legal systems and institutions to enhance and advance international law. Many areas of international law are free from controversy and generally effective: telecommunications and broadcasting; the inter-national postal system; laws on shipping and bills of exchange; international travel; passport and customs control; international financial transactions; international trade, services, and ideas; diplomatic and consular relations; and the mutual recognition of marriages, divorces, and university degrees. They are a less visible, but nonetheless significant, series of successes for international law.<sup>(1)</sup>

One example, albeit a domestic example, that indicates that norms within a strongly structured cultural system can adjust to modernity either because of intimidation or a pragmatic reorientation, is in the Saudi Arabian situation created by its Crown Prince Mohammed bin Salman to allow its female citizens to operate a motor vehicle.<sup>(2)</sup>

---

(1) Rosalie Silberman Abella, *International Law and Human Rights: The Power and the Pity*, 55 MCGILL L.J. 2010 (2010).

(2) Royal Order to Adopt the Provisions of the Traffic Law and Its Executive Regulation, Including the Issuance of Driving Licenses for Males and Females Alike, 4691 UM AL-QURÁ, 7 Muharram 1439 Hijri, corresponding to Sept. 26, 2017, available at <https://www.uqn.gov.sa/articles/1506499233297012200>, This measure was part of a larger Saudi program, "Vision 2030." Kingdom of Saudi Arabia.

We can assure that international law will evolve continuously more effectively to meet similarly emerging and engaging challenges to dislocations from stable situations.<sup>(1)</sup> We have witnessed that evolution, in any of its forms, is not constant. It is recognized that progress can and does skip a generation. International law, at least from its outset, was concerned with the banality of armed conflict and believing that “civilized” folk could agree to resolve issues through some form of negotiation.<sup>(2)</sup> The world can be a savagely uncaring place. However, as Hughes and Seligman have so cogently pointed out, in the modern age, violent conflicts so often occur on the heels of failed conversations over the resolution of a previous conflagration.<sup>(3)</sup> There then was the warning by Lana Ljuboja who opined: “Until the day when the international community can demonstrate that those who ultimately bear the responsibility for the violations of the most fundamental rules for the protection of human being[s] are brought to justice, history will repeat itself.”<sup>(4)</sup> Enforcement, as the target for all who hold international law in disdain, as a form of coercion or cooperation, is a signal to the world regarding the level and extent to which international law can be a deterrent or a means of punishment. In a shortened conclusion, while international legal agents and their procedural instruments cannot adequately solve problems altogether, there is sufficient incentive to press forward to become the Platonic guardians for the global polity.

---

(1) Christian Tomaschat writes in support of this hopeful plan in *International Law: Ensuring the Survival of Mankind on the Eve of a New Century*, 281 RECUEIL DES COURS 9-438 (1999).

(2) PROMOTING PEACE THROUGH INTERNATIONAL LAW (Cecilia M. Balliet and Kjetil Mujezinović Larsen eds., 2015).

(3) MATTHEW HUGHES AND MATTHEW S. SELIGMAN. DOES PEACE LEAD TO WAR? PEACE SETTLEMENTS AND CONFLICT IN THE MODERN AGE (2002).

(4) Lana Ljuboja, *Justice in an Uncooperative World: ICTY and ICTR Foreshadow ICC Ineffectiveness*, 32 HOUS. J. INT’L L. 768 (2009).

## References:

- 1996 I.C.J. 226-593 (July 8), para. 25.
- 2004 I.C.J. (July 9), para. 106.
- 99 U.N.T.S. 171.
- Abraham Shanedling, Removing Weapons of Mass Destruction From the World's Most Volatile Region: How to Achieve a WMD-Free Zone in the Middle East, 46 *GEO. J. INT'L L.* 315-361 (2014/2015).
- Adam Roberts, The Laws of War: Problems of Implementation in Contemporary Conflicts, 6 *DUKE J. COMP. & INT'L L.* 11-78 (1995).
- Agnès Hurwitz, The Collective Responsibility Of States To Protect Refugees (2009).
- Airman L. K. Sharma, World Beyond Nuclear Weapons: North Korea Perceptions And Threat (2017); North Korea and Nuclear Weapons: Entering The New Era of Deterrence (Sung Chull Kim And Michael D. Cohen eds., 2017).
- Alexander Orakhelashvili. Sanctions And Fundamental Rights of States: The Case of EU Sanctions Against Iran And Syria (2016).
- Alice Edwards, Human Rights, Refugees, and the Right "To Enjoy" Asylum, 17 *INT'L J. REFUGEE L.* 293-330 (2005).
- Alicia W. Peters. Responding To Human Trafficking: Sex, Gender, And Culture In The Law (2015).
- Alison Brysk and Austin Choi-Fitzpatrick. From Human Trafficking To Human Rights: Reframing Contemporary Slavery (2011).
- Alison Pargeter, Libya: From Rogue-State to Partner, 1 *J. Middle Eastern Geopolitics* 5-9 (2005).
- Andre Nollkaemper, Systemic Effects of Responsibility for International Crimes, 8 *SANTA CLARA J. INT'L L.* 313 (2010).
- Andrea Berger. Target Markets: North Korea's Military Customers in The Sanctions Era (2016).
- Andrea Bianchi, Looking Ahead: International Law's Main Challenge, in *Routledge Handbook Of International Law* 392-409 (David Armstrong ed., 2008).
- Andrea Carcano, of Fragmentation and Precedents in International Criminal Law, 14 *J. INT'L CRIM. JUST.* 771-792 (2016).
- Andreas Follesdal, Machiavelli at 500: From Cynic to Vigilant Supporter of International Law, 28 *RATIO JURIS* 242-251 (2015).
- Andrew E. Shacknove, Who Is a Refugee? 95 *ETHICS* 274-284 (1985).
- Andrew N. Keller, Punishment for Violations of International Criminal Law: An Analysis of Sentencing at the ICTY and ICTR, 12 *IND. INT'L & COMP. L. REV.* 1991-2014 (2001).

- Ann Dummett, *The Transnational Migration of People Seen From Within a Natural Law Tradition*, in *Free Movement: Ethical Issues in The Transnational Migration of People and of Money* 169-180 (Brian Barry and Robert E. Goodin eds., 1992); Chantal Thomas, *What Does the Emerging International Law of Migration Mean for Sovereignty?* 14 MELB. J. INT'L L. 1-59 (2013).
- Ann Hironaka. *Taking Power: Rethinking War* (2017). Jonathan Renson, *Fighting For Status: Hierarchy and Conflict In World Politics* (2017).
- Anne C. Miers and T. Clifton Morgan, *Multilateral Sanctions and Foreign Policy Success: Can Too Many Cooks Spoil the Broth?* 28 INT'L INTERACTION 117-136 (2002).
- Antonio Cassese, *Reflections on International Prosecution and Punishment of Violations of Humanitarian Law*, 1997 POL. VALUES, AND FUNCTIONS 261-271.
- April Holloway, "The White Slaves of Barbary," ANCIENT ORIGINS, Oct. 6, 2014.
- Asier Garrido-Muñoz, *Managing Uncertainty: The International Court of Justice, "Objective Reasonableness" and the Judicial Function*, 30 LEIDEN J. INT'L L. 457-474 (2017).
- Attila Tanzi, *Problems of Enforcement of Decisions of the International Court of Justice and the Law of the United Nations*, 6 EUR. J. INT'L L. 539, 561-563 (1995).
- Ava Morgenstern, *The State of a Stateless People: The Current Rohingya Crisis*, 38 MICH. J. INT'L L. online (2017).
- Avoiding The Abyss: Progress, Shortfalls, And The Way Ahead In Combating The WMD Threat* (Barry R. Schneider and Jim A. Davis eds., 2006).
- Barbara Bedont and Katherine Hall-Martinez, *Ending Impunity For Gender Crimes Under the International Court*, 6 THE BROWN J. WORLD AFF. 65-85 (1999). *Women's Initiative For Gender Justice, Gender Report Card on International Criminal Court* (2009).
- Berhanykun Andemicael. *Eliminating Weapons Of Mass Destruction: Prospects For Effective International Verification* (2005).
- Bernhard Graefrath, *Universal Criminal Jurisdiction in an International Criminal Court*, 1 EUR. J. INT'L L. 67-89 (1990).
- Beth Van Schaack, *Crimen Sine Lege: Judicial Lawmaking at the Intersection of Law and Morals*, 97 GEO. L. J. 119-193 (2008).
- Bimal N. Patel, *Security Council Resolution 1540 and Non-Proliferation of Weapons of Mass Destruction*, 11 AFR. Y.B. INT'L L. 301-311 (2003).
- Brad R. Roth, *Coming to Terms With Ruthlessness: Sovereign Equality, Global Pluralism, and the Limits of International Criminal Justice*, 8 SANTA CLARA J. INT'L L. 231-288 (2010).
- Bradley A. Thayer, *The Cause of Nuclear Proliferation and Its Utility of the Nuclear Non-Proliferation Regime*, 4 SEC. STUD. 463-519 (1995).

- Brendan Cole, "Migrants are Being Sold at Open Slave Markets in Libya," *INT'L BUS. TIMES*, April 12, 2017.
- Brian Sang, *Contemporary Conflicts and Protection Gaps in International Humanitarian Law: The Necessity and Practical Utility of Fundamental Standards of Humanity*, 2015 *AFR. Y.B. INT'L HUMANITARIAN L.*
- Bruce W. Jentleson and Christopher A. Whytock, Who 'Won' Libya? The Force-Diplomacy Debate and Its Implications for Theory and Policy, 30 *INT'L SEC.* 77-86 (2005/06).
- Carlos Andrés Pagán, "The Emergence of LGBT Rights in International Human Rights Law: A Historical Inquiry," *DipLawMaticDialogue*.
- Carlos Andrés Pagán, *The Emergence of LGBT Rights in International Human Rights Law: A Historical Inquiry*, *Diplomatic Dialogues*, Human Rights Council Res. 17/19, U.N. Doc. A/HRC/RES/17/19 (June 17, 2011).
- Cartagena Declaration on Refugees, Nov. 22, 1984, OAS Doc. OEA/Ser.1/II 66, Doc. 10, Rev. 1, 190-93.
- Chantal Thomas, What Does the Emerging International Law of Migration Mean for Sovereignty? 14 *MELBOURNE J. INT'L L.* 1-59 (2013).
- Charles Boassen, *The Place of International Law in Peace Research*, 5 *J. PEACE RES.* 28 (1968).
- Chemi Shalev, "Dennis Ross: Saudi King Vowed to Obtain Nuclear Bomb After Iran," *HAARETZ*, May 30, 2012.
- Cherif Bassiouni And William Schabas. *The Legislative History Of The International Criminal Court*, 2d rev. ed. (2016).
- Chiara Cardoletti-Carroll, *Refugees and Migrants at Sea: A View from the Middle East and North Africa Region*, *AJIL Proceedings*, 2016.
- Christian Tomaschat, *International Law: Ensuring the Survival of Mankind on the Eve of a New Century*, 281 *RECUEIL DES COURS* 9-438 (1999).
- Christoph J.M. Safferling, *The Justification of Punishment in International Criminal Law*, 4 *AUST. REV. INT'L & EUR. L.* 126-163 (1999).
- Christopher J. LeMon, *International Law and North Korea Nuclear Testing*, 10 *ASIL INSIGHTS*, (Oct. 2006).
- Christopher Michaelsen, *Kadi and Al Barakaat v Council of the European Union and Commission of the European Communities: The Incompatibility of the United Nations Security Council's 1267 Sanctions Regime With European Due Process Guarantees*, 10 *MELB. J. INT'L L.* 329-346 (2009).
- Claus Kress, *Major Post-Westphalian Shifts and Some Important Neo-Westphalian Hesitations in the State Practice in the International Law of the Use of Force*, 1 *J. OF THE USE OF FORCE AND INT'L L.* 11-54 (2014).
- Clotilde Pégrier. *Ethnic Cleansing: A Legal Qualification* (2013).

- Coercive Diplomacy, Sanctions and International Law (Natalino Ronzitti ed., 2016).
- Colin Gray, Gaining Compliance: The Theory of Deterrence and its Modern Application, 29 COMP. STRAT. 278, 278-283 (2012).
- Colin Grey. Justice And Authority In Immigration Law (2015).
- Collectif Argos And Jean Jouzel. Climate Refugees (2010).
- Constance MacIntosh, Insecure Refugees: The Narrowing of Asylum-Seeker Right to Freedom of Movement and Claims Determination Post 9/11 in Canada, 16 REV. CON. STUD. 181-209 (2012).
- Convention Governing the Specific Aspects of Refugee Problems in Africa, Sept. 10, 1969, 1001 U.N.T.S. 45.
- Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277.
- Convention Related to the Status of Refugees, Dec. 14, 1950, 189 U.S.T.S. 150; UN Doc. A/CONF.2/SR.21 (1951).
- Cordula Droegge, The Interplay Between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict, 40 ISR. L REV (2007).
- Daniel W. Drezner, Bargaining, Enforcement, and Multilateral Sanctions: When is Cooperation Counterproductive? 54 INT'L ORG. 73-102 (2000).
- Danny Priel, The Boundaries of Law and the Purpose of Legal Philosophy, 27 L. & PHIL. 643-695 (2008).
- Dapo Akande, The International Court of Justice and the Security Council: Is There Room For Judicial Control of Decisions of the Political Organs of the United Nations, 46 INT'L & COMP. L. Q. 309, ft. 1 (1997).
- Darryl Robinson, The Identity Crisis of International Criminal Law, 21 LEIDEN J. INT'L 925-963 (2008).
- David Albright and Andrea Stricker, Iran's Nuclear Program, in THE IRAN PRIMER: POWER, POLITICS, AND U.S. POLICY 77 (Robin Wright ed., 2010).
- David Armitage. Civil Wars: A History In Ideas (2017).
- David E. Sanger, North Korea Says They've Shut Down Nuclear Reactor, NY Times, July 15, 2007.
- David P. Fidler, Weapons of Mass Destruction and International Law, 8 AJIL INSIGHTS (2003).
- David Palkki and Shane Smith, Contrasting Causal Mechanisms: Iraq and Libya, in SANCTIONS, STATECRAFT AND NUCLEAR PROLIFERATION 261-296 (Etel Solingen ed., 2012).
- David W. Austin, et al., Sexual Orientation and Gender Identity in International Law, 44 INT'L L 547-562 (2010).

- Diana E. Mahoney, *Expulsion of the Roma: Is France Violating EU Freedom of Movement and Playing by French Rules or Can it Proceed with Collective Roma Expulsions Free of Charge?* 37 *BROOK. J. INT'L L.* 649-682 (2012).
- Dirk Roland Haupt, *Legal Aspects of the Nuclear Accord With Iran and its Implementation: International Law Analysis and Security Council Resolution 2231* (2015).
- Donald Bloxham, *Beyond "Realism" and Legalism: A Historical Perspective on the Limits of International Humanitarian Law*, 14 *EURO. REV.* 457-470 (2006).
- Douglas Sanders, *Getting Lesbian and Gay Issues on the Human Rights Agenda* 18 *HUM. RTS. Q.* 67-106 (1996). Laura Clérico and Celeste Novelli, *The Inclusion of the Social Question Within the Gender Perspective: Notes to Rewrite "Cotton Fields,"* 9 *INTER-AMER. AND HUM. RTS. J.* 313-333 (2016).
- Douglas Singleterry, *"Ethnic Cleansing" and Genocidal Intent*, 5 *Genocide Stud. And Prevention* 39-67 (2010).
- Elazar Barkan. *Law without Nations* 157-184 (2011).
- Eliav Lieblch And Owen Alterman. *Transnational Asymmetric Armed Conflict under International Humanitarian Law: Key Contemporary Challenges* (2015).
- Elliott Rimon, *Infiltration or Immigration: The Legality of Israeli Immigration Policy Regarding African Asylum Seekers*, 24 *CARDOZO J. INT'L. & COMP. L.* 447-483 (2014/2015).
- Enzo Cannizzaro, *A Machiavellian Moment? The UN Security Council and the Rule of Law*, 3 *INT'L ORG. L. REV.* 189-224 (2006).
- Executive action, *Exec. Order No. 13, 810, "Imposing Additional Sanctions With Respect to North Korea,"* Sept. 21, 2017.
- Explanatory statement in United Nations Press Release SC/7957, Dec. 16, 2003.
- Francesca Strumia, *European Citizenship and EU Immigration: A Democratic Bridge Between the Third Country Nationals' Right to Belong and the Member States' Power to Exclude*, 22 *EURO. L.J.* 417-447 (2016).
- Francisco Orrego Vicuña. *International Dispute Settlement In An Evolving Global Society: Constitutionalization, Accessibility, Privatization* (2004).
- Frank V. Pabian, *South African's Nuclear Weapons Program: Lessons for U.S. Nonproliferation Policy*, 2 *THE NONPROLIFERATION REV.* 1-19 (1995).
- Frederick L. Kirgis, *North Korea's Missile Firings*, 10 *ASIL INSIGHTS*, (July 2006).
- Frederick L. Kirgis, *North Korea's Withdrawal from the Nonproliferation Treaty*, 8 *ASIL INSIGHTS*, Jan. 2003.
- Fulvio Vassallo Papaleologo. *A Mediterranean Perspective On Migrants' Flows in The European Union* 59-66 (2016).
- G.A. Res. 217 (III), U.N. GAOR, 3d Sess., Supp. No. 13, U.N. Doc. A/810 (1948).

- G.I.A.D. Draper, *The Relationship the Human Rights Regime and the Laws of Armed Conflict*, 1 *ISR. Y.B. HUM. RTS.* 191-208 (1972).
- GA Res. 55/25. GAOR, 55th sess., 62nd plen. mtg. Annex II, Agenda Item 105, UN Doc. A/RES/55/25, Nov. 15, 2000, art. 3 (a).
- Gary Clyde Hufbauer ET AL. *Economic Sanctions Reconsidered*, 3d ed. (2009).
- Georg Schwarzenberger. *The Frontiers Of International Law* (1962).
- George W. Downs et al., *Is the Good News About Compliance Good News About Cooperation?* 50 *INT'L ORG.* 379-406 (1996).
- Gerhard Werle and Florian Jessberger. *Principles of International Criminal Law* (2005).
- Gillian Triggs, *Public International Law: Is It Fit For Purpose?* 7 *LEGAL INFO. MGT.* 113-123 (2007).
- Gregor Schotten and Anke Biehler, *The Role of the UN Security Council in Implementing International Humanitarian Law and Human Rights*, in *International Humanitarian Law And Human Rights Law: Towards A New Merger In International Law* (Roberta Arnold and Noëlle Quéniévet eds., 2008).
- H. Wilson Harris. *Human Merchandise: A Study Of The International Traffic In Women* (1928).
- Hans Blix, *UN Security Council vs. Weapons of Mass Destruction*, 85 *NORDIC J. INT'L L.* 147-161 (2016).
- Hans-Peter Gasser, *Collective Economic Sanctions and International Humanitarian Law*, 56 *ZEITSCHRIFT FÜR AUSLÄNDISCHES ÖFFENTLICHES RECHT UND VÖLKERRECHT* 871, 876 (1996).
- Harold Honglu Koh, *How is International Human Rights Law Enforced?* 74 *INT'L L. J.* 1397-1417 (1999).
- Helene Cooper, "Saudi Arabia Approves of Iran Nuclear Deal, U.S. Defense Chief Says," *N.Y. TIMES*, July 22, 2015.
- Helene Cooper, *United States Declares North Korea Off Terror List*, *Id.*, Oct. 12, 2008.
- Hosam Matar, "Saudi Nuclear Program: A Mirage of Progress," *AL-AKHBAR*, March 5, 2015, available at <http://english.al-akhbar.com/node/4064>.
- Human Rights And The Elimination Of Discrimination* (Maarit Jänterä-Jareborg et al. eds., 2016).
- Human Rights, Sexual Orientation and Gender Identity In The Commonwealth: Struggles For Decriminalization And Change* (Corinne Lennox and Matthew Waites eds., 2013).
- Ian Brownlie, *International Law And The Use Of Force By States* (1963).
- ICC. Pre-Trial Chamber I, "Warrant of Arrest for Omar Hassan Ahmad Al Bashir," ICC-02/05-01/09-1, March 4, 2009.

- ICTY, *Prosecutor v Radovan Karadžić*, UN Doc. IT-95-5/18-T, D73723-D73715, March 11, 2013.
- ICTY, *Prosecutor v. Ratko Mladić*, UN Doc. IT-09-92-T, D114712, Nov. 21, 2017.
- Ignacio de la Rasilla del Moral, Notes for the History of New Approaches to International Legal Studies—Not a Map But Perhaps a Compass, in *New Approaches To International Law: The European And American Experiences* 225-250 (José Beneyto and David Kennedy eds., 2012).
- Igor Borba, The Upsurge in International Courts After the Establishment of the ICJ, in *International Law: Contemporary Issues And Future Developments* 216-228 (Sanford R. Silverburg ed., 2011).
- Inger Österdahl, The Exception as the Rule: Lawmaking on Force and Human Rights by the UN Security Council, 10 *J. CONFLICT SEC. L.* 1-20 (2005).
- International Convention for the Suppression of White Slave Traffic, May 4, 1910, 111 *L.N.T.S.* 278.
- Iran and Libyan Sanctions Act, 19 U.S.C. 2511 and 2518 and 50 U.S.C. 1701 (1996).
- J. Nyawo. *Selective Enforcement And International Criminal Law: The International Criminal Court And Africa* (2017).
- Jaber Seyvanizad, WMD Under Islamic International Law, 3 *INT’L J. L.* 12-16 (2017).
- Jacques E. C. Hymans. *The Psychology Of Nuclear Proliferation* (2006).
- James D. Fry, The UN Security Council and the Law of Armed Conflict: Amity or Enmity? 38 *GEO. WASH. INT’L L. REV.* 327-348 (2006).
- James Quigley, Displaced Palestinians and a Right of Return, 39 *HARV. INT’L L.J.* 171-229 (1998).
- Jane McAdam, The Emerging New Zealand Jurisprudence on Climate Change, Disasters and Displacement, 3 *MIGRAT. STUD.* 131-142 (2015).
- Jasmine Rayée, “The Future of International Criminal Justice,” *ASIL Cables*, Apr. 30, 2017.
- Jeffrey A. Meyer, Second Thoughts on Secondary Sanctions, 30 *U. PA. J. INT’L L.* 905-967 (2009).
- Jeffrey L. Dunoff, What is the Purpose of International Law? 3 *INT’L THEORY* 326-338 (2011).
- Jeremy Matam Farrall, *United Nations Sanctions And The Rule Of Law* (2007).
- Jillian Blake and Aqsa Mahmud, A Legal ‘Red Line’? Syria and the Use of Chemical Weapons in Civil Conflict, 61 *UCLA L. REV. DISC.* 244-260 (2014).
- Joel Quirk. *The Anti-Slavery Project: From The Slave Trade To Human Trafficking* (2014).
- Johannes Morsink. *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (2000).

- John Drummond, Punishment in International Criminal Law, 14 GLOBAL INT'L CTS. REV. 1-20 (2012).
- John Dugard, International Criminal Law, the International Criminal Court, and Civil Society, ACTA JURIDICA 3-16 (2016).
- John R. Wennersten And Denise Robbins. Rising Tides: Climate Refugees in The Twenty-First Century (2017). Benoit Mayer, Climate Change Reparations and the Law and Practice of State Responsibility, 7 ASIA J. INT'L L. 185-216 (2017).
- Jonathan B. Schwartz, Dealing with a "Rogue State": The Libya Precedent, 101 AMER. J. INT'L L. 553-580 (2007).
- José D. Inglés, "Study on Discrimination in Respect of the Right of Everyone to Leave any Country and to Return to His Country," U.N. Econ. Mand Soc. Council, Comm'n on Hum. Rts., Sub.-Comm. on Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub2/220/Rev.1 (1963).
- Joseph S. Nye, Jr. Understanding International Conflict: An Introduction to Theory And History, 4th ed. (2003).
- Joseph Sinde Warioba, Monitoring Compliance With and Enforcement of Binding Decisions of International Courts, in 5 MAX PLANCK Y.B. U.N. L 41-52. (Jochen A. Frowein and WolfrumRüdiger eds., 2001).
- Joshua Sinai, Libya's Pursuit of Weapons of Mass Destruction, 4 The Nonproliferation REV. 96-101 (1996).
- JOYNER, International Law and the Proliferation of WMD, 104 AMER. J. INT'L L. 163-168 (2010).
- Judith G. Gardam, Legal Restraints on Security Council Military Enforcement Action, 17 MICH. J. INT'L L. 287-322 (1996).
- Judy Warrick, "A North Korean Ship Was Seized Off Egypt With a Huge Cache of Weapons Destined for a Surprising Buyer," WASH. POST, Oct. 1, 2017.
- Julia Coman and Colin Brown, "Revealed: The Real Reason for Libya's WMD Surrender," DAILY TELEGRAPH, Dec. 21, 2003.
- Julian Ku and JideNzelibe, Do International Criminal Tribunals Deter or Exacerbate Humanitarian Atrocities? 84 WASH. U. L. REV. 777-833 (2006).
- Julius Stone. Legal Controls of International Conflict: A Treatise On The Dynamics Of Disputes-And-War-Law (1954).
- Kamari M. Clarke and Abel S. Knottnerus, Africa and The ICC: Perceptions Of Justice (2016).
- Karel Wellens, The UN Security Council and New Threats to the Peace: Back to the Future, 8 J CONFLICT SEC. L. 15-70 (2003).

- Kenechukwu Esom and Ismene Nicole Zarifis, *The African Charter and Freedom From Discrimination on Grounds of Sexual Orientation and Gender Identity: A Critique of the African Commission on Human and Peoples' Rights*, 39 S. AFR. Y.B. INT'L L. Supp. 196-223 (2014).
- Kenneth Katzman. *U.S.-Libyan Relations: An Analytic Compilation of US Policies, Laws & Regulations* (2003).
- Kenneth W. Hunter and Timothy Mack. *International Rights and Responsibilities for The Future* 78 (1996).
- Kingston Reid, *Could a Nuclear-Armed Iran be Contained*, 18 BULL. ATOMIC SCIENTISTS (2013).
- Klejda Mulaj, *Forced Displacement in Darfur, Sudan: Dilemmas of Classifying the Crimes*, 46 INT'L MIGRATION 27-48 (2008).
- Kristin E. Boon, *U.N. Sanctions as Regulation*, 15 CHIN. J. INT'L L. 543-577 (2016).
- Kurt René Radley, *The Palestinian Refugees: The Right to Return in International Law*, 72 AMER. J. INT'L L. 586-614 (1978).
- Lana Ljuboja, *Justice in an Uncooperative World: ICTY and ICTR Foreshadow ICC Ineffectiveness*, 32 HOUS. J. INT'L L. 768 (2009).
- Laurence Boisson de Chazournes, *The Collective Responsibility of States to Ensure Respect for Humanitarian Principles*, in *MONITORING HUMAN RIGHTS IN EUROPE* 247-260 (Arie Bloed et al. eds., 1993).
- Law and Civil War In The Modern World* (Ian Brownlie and James N. Moore eds., 1974).
- Lee Feinstein and Ann-Marie Slaughter, *A Duty to Prevent*, 83 FOR. AFF. 136-150 (2004).
- Leen de Smet and Frederik Naert, *Making or Breaking of International Law: An International Law Analysis of Belgium's Act Concerning the Punishment of Grave Breaches of Humanitarian Law*, 35 REV. BELGE. DE DROIT INT'L. 571-511 (2002).
- Lewis A. Dunn, *Countering Proliferation Insights From Past 'Wins, Losses, and Draws,'* 13 THE NONPROLIFERATION REV. 479-489 (2006).
- Line Gissel, *The International Criminal Court And Peace Processes In Africa: Judicialising Peace* (2018).
- Lisa Brooten and Yola Verbruggen, *Producing the News: Reporting on Myanmar's Rohingya Crisis*, 47 J. CONTEMP. ASIA 440-360 (2017).
- Louise Chappell. *The Politics of Gender Justice At The ICC: Legacies And Legitimacy* (2016).
- M. Cherif Bassiouni, *Enslavement as an International Crime*, 23 N.Y.U. J. INT'L L. & POL. 445-518 (1991).
- M. Zuhair Diab, *Syria's Chemical and Biological Weapons: Assessing Capabilities and Motivations*, 5 THE NONPROLIFERATION REV. 104-111 (1997).

- Manisuli Ssenyonjo, State Withdrawal Notifications From the Rome Statute from the International Criminal Court: South Africa, Burundi and the Gambia, *CRIM. L.F.* 1-57 (2017).
- Margit Ammer and Joachim Stern, Human Rights Challenges in the Areas of Asylum and Immigration, 16 *AUST. REV. INT'L & EURO. L.* 191-221 (2014).
- Maria Eriksson. Defining Rape: Emerging Obligations For States In International Law (2011).
- María Fernanda Perez Solla. Slavery and Human Trafficking, International Law and The Role of The World Bank, SP Discussion Paper No. 0904 (2009).
- Maria Mendoza, A System in Need of Repair: The Inhumane Treatment of Detainees in the U.S. Immigration Detention System, 41 *N.C. J. INT'L L.* 405-452 (2015/2016).
- Maria Theodorou, Migration Refugee Crisis: A Challenge of Historic Proportions for Europe.
- Marie Jacobsson, Syria and the Issue of Chemical Weapons, a Snapshot of a Legal Time-Frame: The United Nations Security Council Resolution 2118 (2013).
- Marjolein Cupido, Facing Facts in International Criminal Law: A Caustic Model of Judicial Reasoning, 14 *J. INT'L CRIM. JUST.* 1-20 (2016).
- Mark Hibbs, Saudi Arabia's Nuclear Ambitions, *CARNEGIE ENDOWMENT FOR INT'L PEACE*, July 2010.
- Martti Koskeniemi. From Apology To Utopia: The Structure Of International Legal Argument i (2005).
- Mary Ellen O'Connell, Regulating the Use of Force in the 21st Century, In *Politics, Values, And Functions: International Law In The 21st Century: Essays In Honour Of Louis Henkin* 443-460 (Jonathan I. Charney ed., 1997).
- Massimo Condinanzi ET AL. Citizenship of The Union and Free Movement of Persons (2008).
- Matthew C. Waxman, The Use of Force Against States that "Might" Have Weapons of Mass Destruction, 31 *MICH. J. INT'L L.* 1-77 (2009).
- Matthew Hughes and Matthew S. Seligman. Does Peace Lead To War? Peace Settlements And Conflict In The Modern Age (2002).
- Maurizio Albahari. Crimes of Peace: Mediterranean Migrations At The World's Deadliest Border (2015).
- Maurizio Martinelli et al., The Iranian Nuclear Agreement: A Scientifically Reliable, Transactional and Verifiable Joint Comprehensive Plan of Action, in *Id.*, at 471-486.
- Michael Bothe, The Historical Evolution of International Humanitarian Law, International Human Rights Law, Refugee Law and International Criminal Law, in *Krisensicherung Und Humanitärer Schutz—Crisis Management And Humanitarian Protection* 37 (Horst Fischer et al. eds., 2004).

- Michael Tierney, Delegation Success and Policy Failure: Collective Delegation and the Search for Iraqi Weapons of Mass Destruction, 71 L. & CONTEMP. PROB. 283-312 (2008).
- Michelle Nichols, "North Korea Shipment to Syria Chemical Arms Agency Intercepted: U.N. Report," Reuters, Aug. 21, 2017.
- Mike Krever, "New Zealand New Leader: We Must Be Ready for 'Climate Refugees,'" CNN News, Oct. 31, 2017.
- Mike Sanderson, Statelessness and Mass Expulsion in Sudan: A Reassessment of the International Law, 12 NW U. J. HUM. RTS. 74-114 (2014).
- Miriam Barnum and Bryan L. Fearey, Sanctions as a Nonproliferation Tool: Lessons from Libya, 35 COMP. STRAT. 234-245 (2006).
- Mitchell Reis, Bridled Ambition: Why Countries Constrain Their Nuclear Capabilities (1995).
- MurhafJouejati, Syrian Motives for its WMD Programs and What to do About Them, 59 MIDDLE EAST J. 52-61 (2005).
- Myres S. McDougal and W. Michael Reisman, The Changing Structure of International Law: Unchanging Theory for Inquiry, 65 COLUM. L. REV. 810- 835 (1965).
- N.C. ASTHANA. NUCLEAR WEAPONS AND INTERNATIONAL SECURITY (2017).
- Nathan E. Busch And Joseph F. Pilat. The Politics Of Weapons Inspections: Assessing Wmd Monitoring And Verification Regime 81 (2017).
- Neil Fenton Understanding The UN Security Council: Coercion Or Consent 67 (2004).
- Niamh Nic Shuibhne, The Coherence of EU Free Movement Law: Constitutional Responsibility and The Court Of Justice (2013).
- Nora V. Demleitner, Forced Prostitution: Naming an International Offense, 18 FORDHAM INT'L L.J. 162-171 (1994).
- Nuclear Non-Proliferation In International Law: Vol. Iii-- Legal Aspects of The Use Of Nuclear Energy For Peaceful Purposes 403-469 (Jonathan L. Black-Branch and Dieter Fleck, eds., 2016).
- OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).
- Occasional UNODA Paper, No. 28, U.N. Sales No. E.16.IX.8.
- Omri Ben-Shahar and Anu Bradford, Efficient Enforcement in International Law, 12 CHI. J. INT'L L. 375-431 (2012).
- Oscar Schachter, The Enforcement of International Judicial And Arbitral Decisions, 54 AMER. J. INT'L L. 1, 21 (1960).
- Paolo Picone, The Distinction Between jus cogens and Obligations ergo omnes, in The Law Of Treaties Beyond The Vienna Convention 358 (Enzo Cannizzaro ed., 2011).

- Patrick Terrell et al., Eliminating Libya's WMD Programs: Creating a Cooperative Situation, 23 THE NONPROLIFERATION REV. 185-196 (2016).
- Paul Tilsley, "10 African Nations Trade Arms With North Korea, Flouting UN Sanctions, Report Finds," Fox News, Sept. 20, 2017.
- Paul Weis, The Concept of Refugee in International Law, 87 J. DU DROIT INTERNATIONAL 929-1001 (1960).
- Paulette Lloyd, Framing and Transnational Legal Organizations: The Case of Human Trafficking, PROCEEDINGS OF THE 110TH ANN. MTG., AMER. SOC'Y INT'L LAW 68-70 (2016).
- Payam Akhavan, Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities? 95 AMER. J. INT'L L. 8, 7-31 (2001).
- Pelma Rajapakse, Application of Human Rights for Protection of Legitimate Expectations in Immigration Cases, 27 KING'S L.J. 236-258 (2016).
- Philip Alston, The Myopia of the Handmaidens: International Lawyers and Globalization, 8 EURO. J. INT'L L. 435-438 (1997).
- Philippe Couvreur, The International Court Of Justice And The Effectiveness Of International Law (2016).
- Philippe de Bruycker, Pour un agenda européen de recherche en matière d'immigration et d'asile, 99 KRITISCHE VIERTELJAHRSSCHRIFT FÜR GESETZGEBUNG UND RECHTSWISSENSCHAFT 104-116 (2016).
- PIRKEI AVOT 4:2.
- Principles for the Protection of Civilian Populations in Armed Conflict, UN Doc. A/8028Basic, Dec. 9, 1970.
- Promoting Peace Through International Law (Cecilia M. Balliet and Kjetil Mujezinović Larsen eds., 2015).
- PROTECTION DES MIGRANTS ET DES RÉFUGIÉS AU XXII SIÈCLE: ASPECTS DE DROIT INTERNATIONAL (Guy S. Goodwin-Gill et al. eds., 2015).
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Children, 2237 U.N.T.S. 319, supplementing the Convention Against Transnational Organized Crime, 2237 U.N.T.S. 39574.
- Ralph Wilde, When Migrants Make Perilous Sea Crossings: The Causal Role of International Law.
- Randall Newham, Carrots, Sticks, and Bombs: The End of Libya's WMD Program, 20 MEDITERRANEAN Q. 77-94 (2009).
- Rebecca J. Cook And Simone Cusack. Gender Stereotyping: Transnational Legal Perspectives (2009).

- René Pita and Juan Domingo, *The Use of Chemical Weapons in the Syrian Conflict*, 2 TOXICS 391-402 (2014).
- Report of the Monitoring Group, UN Doc. S/2003/223, March 25, 2003, and the Report of the Monitoring Group on Somalia Pursuant to Security Resolution 1587, UN Doc. S/2005/625 (2005).
- Report of the Office of the High Commissioner for Human Rights, U.N. Doc. A/HRC/19/41 (2011).
- Report on Respect for Human Rights in Armed Conflict, chap. 3, 20-29, annex 1, UN Doc. A/8052, Sept. 18, 1970.
- Report on Respect for Human Rights in Armed Conflict, UN Doc. A/7729, Nov. 20, 1969.
- Robert Cryer and Hakan Friman, *An Introduction To Criminal International Law Procedure*, 2d ed. (2010).
- Robert Kol and Richard Hyde, *An Introduction to International Criminal Law And The International Law Of Armed Conflict* (2008).
- Roger S. Clark, *United Nations Convention Against Transnational Organized Crime*, 50 WAYNE L. REV. 161-184 (2004).
- Rolf Trapp, *Elimination of the Chemical Weapons Stockpile of Syria*, 19 J. CONFLICT & SEC. L. 7-23 (2014).
- Ronald Bruce St John, "Libya is not Iraq": Preemptive Strikes, WMD and Diplomacy, 58 MIDDLE EAST J. 386-402 (2004).
- Rosalie Silberman Abella, *International Law and Human Rights: The Power and the Pity*, 55 MCGILL L.J. 2010 (2010).
- Royal Order to Adopt the Provisions of the Traffic Law and Its Executive Regulation, Including the Issuance of Driving Licenses for Males and Females Alike, 4691 Um al-Qurá, 7 Muharram 1439 Hijri, corresponding to Sept. 26, 2017.
- Ruth Lapidot, *The Right of Return in International Law, With Special Reference to the Palestinian Refugees*, 16 ISRAEL Y.B. HUM RTS. 103-125 (1986).
- S. Afr. No. 46 of 1999, *Nuclear Energy Act of 1999*, 414 [S. AFR.] GOVT. GAZETTE, Dec. 23, 1999.
- S. Afr. *Non-Proliferation of Weapons of Mass Destruction Act 87 of 1993*, June 23, 1993.
- S.C. Res. 237, U.N. Doc. S/RES 237, para. 2.
- S.C. Res. 436, U.N. Doc. S/RES 436, para. 2.
- Said Mahmoudi, *The Iran Nuclear Deal: Some International-Law Aspects, in The International Legal Order: Current Needs And Possible Responses: Essays In Honour Of Djmamchid Montaz 23-40* (James Crawford et al. eds., 2017).

- Sanford R. Silverburg and Shadi Ashdaifat, Second Decade of Evolution in the International Law and Weapons of Mass Destruction: UN Resolution 1540 at a Glance, 16 BRIT. J. HUMAN. & SOC. SCI. 32-48 (2017).
- Sara Hamood. African Transit Migration Through Libya to Europe: The Human Cost (January 2006).
- SC Res. 1173, S/RES/ 1173, June 12, 1988, para. 12 (b).
- SC Res. 1306, S/RES/1306, July 5, 2000, paras. 1 and 2.
- SC Res. 1343, S/RES/1343, March 7, 2001, para.6.
- SC Res. 446, para. 2, UN Doc. S/RES/446, March 22, 1979.
- Scott D. Sagan, Why Do States Build Nuclear Weapons? Three Models in Search of a Bomb, 21 INT'L SEC. 54-86 (1966/67).
- Scott Helfstein, Friends Don't Let Friends Proliferate, 125 POL. SCI. Q. 281, 282 (2010).
- Seán MacBride, Human Rights in Armed Conflict: The Inter-Relationship Between the Humanitarian Law and the Law of Human Rights, 9 REVUE DU DROIT PÉNAL MILITAIRE ET DE DROIT DE LA GUERRE 373-388 (1970).
- Second Optional Protocol to the International Covenant on Civil and Political Rights, GA Res. 44/127, UN GAOR, 44th Sess., Supp. No. 49 (1989) at 207.
- Simon Chesterman. Just War or Just Peace? Humanitarian Intervention And International Law (2001).
- Stephen Hobe, Drones in International Law, From Cold War To Cyber War: The Evolution of The International Law of Peace and Armed Conflict Over The Past 25 Years, 107-112 (Hans-Joachim Heintze ed., 2016).
- Stephen J. Toope, Does International Law Impose a Duty Upon the United Nations to Prevent Genocide, 46 MCGILL L.J. 187-194 (2000).
- Stephen P. Marks et al., The Role of International Law Declaration on the Right to Development, in Realizing The Right To Development: Essays In Commemoration Of The United Nations Declaration On The Right To Development 441-468 (United Nations, Human Rights, Office of the High Commissioner, 2013).
- Stopping Korea From Going Nuclear, Part I (William Burr ed., 2017).
- Syeda NaushinParnini et al. The Rohingya Refugee Crisis and Bangladesh-Myanmar Relations, 22 ASIAN AND PACIFIC MIGRATION J. 133-146 (2013).
- Syria, Legislative Decree No. 29 (1970).
- T.D. Gill, Legal and Some Political Limitations on the Power of the UN Security Council to Exercise its Enforcement Powers Under Chapter VII of the Charter, 27 NETH. Y.B. INT'L L. 38-138 (1995).
- T.V. PAUL. Power Versus Prudence: Why Nations Forego Nuclear Weapons (2000).
- Targeted Sanctions And Human Rights (Matthew Happold and Paul Eden eds., 2016).

- Targeted Sanctions: The Impact And Effectiveness Of United Nations Action (Thomas J. Biersteker et al. eds., 2016).
- The Arrest Warrant Case, *Dem. Rep. of the Congo v. Belgium*, [2002] I.C.J.
- The Council of Europe Trafficking Convention, May 16, 2005, 2005 CETS 197.
- The Countering America's Adversaries Through Sanctions Act, Pub. L. No. 115-44, 131 Stat. 956 (2017).
- The Deportation Regime: Sovereignty, Space And The Freedom of Movement (Nicholas De Genova and Nethalie Peutz, eds., 2010).
- The Impact of International Law On International Cooperation: Theoretical Perspectives (Eyal Benvenisti and Moshe Hirsch eds., 2004).
- The International Convention on the Protection of All Migrant Workers and Members of Their Families, Dec. 18, 1990, 2220 U.N.T.S. 3.
- The International Criminal Court and Africa: One Decade On (Evelyn A. Ankumah ed., 2016).
- The Law of Armed Conflict And The Use of Force (Frauke Lachenmann and Rüdiger Wolfrum eds., 2017).
- The OPCW Executive Council Decision, in *International Law and Changing Perceptions of Security* 134-151 (2014).
- The Optional Protocol to the International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 302.
- The Protocol Amending the International Agreement for the Suppression of White Slave Traffic, May 4, 1949, 30 U.N.T.S. 23.
- The Pursuit Of A Brave New World In International Law: Essays In Honour Of John Dugard (Tiyaniama Maluwa et al. eds., 2017).
- The Role Of International Courts (Carl Brudenbacher and Erhard Brusek eds., 2008).
- The Rome Statute.
- The U.S. Treasury Department subsequently followed suit, pursuant to Exec. Order No. 13,224, 66 Fed. Reg. 49079 (Sept. 25, 2001).
- The Use Of Force In International Law (Gazzini and Nikolaos Tsagourias eds., 2012).
- Timothy J. Hatton and Jeffrey G. Williamson, What Fundamentals Drive World Migration?, in *POVERTY, INTERNATIONAL MIGRATION AND ASYLUM* 15-38 (George J. Borjas and Jeff Crisp eds., 2005).
- Towards A Refugee Oriented Right Of Asylum (Laura Westra et al. eds., 2017).
- Transnational Legal Processes And Human Rights (Kyriaki Topidi and Lauren Fielder eds., 2013). *Transnational Legal Orders* (Terence C. Halliday and Gregory Shaffer eds., 2015).

- Treasa Dunworth, Pursuing “Effective Measures” Relating to Nuclear Disarmament: Ways of Making a Legal Obligation a Reality, (899) INT’L REV. RED CROSS 601-619 (2015).
- Trita Parsi, *Losing An Enemy: Obama, Iran, And The Triumph of Diplomacy* (2017).
- U.N. Charter art. 94, para. 2.
- U.N. Doc. C.N. 805.2016. TREATIES-XIII.10.
- U.N. General Assembly, Statement on Human Rights, Sexual Orientation and Gender Identity, Dec. 18, 2008.
- U.N. Sales No. E.15.IX.1; *Rethinking General And Complete Disarmament In The Twenty-First Century* (2016).
- U.N. Security Council Resolution, 2231, U.N. Doc. S/RES/2231, July 20, 2015.
- U.S. President. Presidential Determination No. 40-44, Sept. 10, 2004, 69 F.R. 56163.
- U.S. Trails Suspected North Korean Arms Ship to Myanmar,” [N.Y.] DAILY NEWS, June 22, 2009.
- UN Resolution 733, S/RES/733, 47 U.N. SCOR at 55, U.N. Doc. S/RES/1733(1992), UN Resolution 1519, S/RES/1519 (2003).
- UN S/RES/ 2094 (2013).
- UN S/RES/1718 (2006).
- UN S/RES/1874 (2009).
- UN S/RES/2087 (2013).
- UN S/RES/2270 (2016).
- UN S/RES/2321 (2016).
- UN S/RES/2371 (2017).
- UN SC Res. 1054, S/RES/1954, Apr. 26, 1996.
- UN SC Res. 1070, S/RES/ 1070, Aug. 16, 1996, para. 3.
- UN SC Res. 1132, S/RES/1132, Oct. 8, 1997.
- UN SC Res. 1137, S/RES/1137, Nov. 12, 1997.
- UN SC Res. 1171, S/RES/1171, June 5, 1998.
- UN SC Res. 1203, S/RES/1203, Oct. 24, 1998.
- UN SC Res. 1267, S/RES/1267, Oct. 15, 1999, para. 4 (a). Clemens A. Feinäugle, *The UN Security Council Al-Qaida and Taliban Sanctions Committee: Emerging Principles of International Institutional for the Protection of Individuals*, 9 GERM. L. J. 1513-1540 (2008).
- UN SC Res. 1343, S/RES/1343, March 7, 2001
- UN SC Res. 1596, S/RES/1596, May 3, 2005, paras. 7 and 8. Landgericht (LG) Frankfurt, Urt. V. 16.11.2017, Az. 2-240 37/17.

- UN SC Res. 1718 (Oct. 14, 2006).
- UN SC Res. 2118, UN Doc. S/RES/2118 (2013). See Michelle Bentley. *Syria And The Chemical Weapons Taboo: Exploiting The Forbidden* (2017).
- UN SC Res. 748, S/RES/748, March 31, 1992
- UN SC Res. 748, S/RES/748, Mar. 31, 1992; UN SC Res. 883, S/RES/883, Nov. 11, 1993; UN SC Res. 1992, S/RES/1992, Aug. 27, 1998.
- UN SC Res. 748, S/RES/748, March 31, 1992, para.4 en 5.
- UN SC Res. 757, S/RES/757, May 30, 2002
- UN SC Res. 942, S/RES/942, Sept. 23, 1994.
- United Nations Convention Against Transnational Organized Crime.
- United Nations, Midterm Report Of The Panel Of Experts Established Pursuant To Resolution 1874 (2009), UN Doc. S/2017/742, Sept. 5, 2017.
- United Nations, Office For Disarmament Affairs. *Disarmament And Related Treaties* (2015).
- United States v. Herman Goering et. al. (judgment), reprinted in *22 TRIAL OF MAJOR WAR CRIMINALS BEFORE THE INTERNATIONAL MILITARY TRIBUNAL* 411 (1948).
- Universal Decl. on HR, Art. 13 (2).
- Universal Jurisdiction: National Courts and The Prosecution of Serious Crimes Under International Law (Stephen Macedo ed., 2006).
- Utpala Rahman, *The Rohingya Refugees: A Security Dilemma for Bangladesh*, 8 *J. IMMIGRANT & REFUGEE STUD* (2010).
- Vienna Declaration and Programme of Action, World Conference on Human Rights, 22d plen. mtg. (June 23, 1993), U.N. Doc. A/CONF.157/23 (1997); 32 *I.L.M.*1661 (1993).
- Vincent Chetail and Géraldine Ruiz, *Aisle et immigration*, 5 *J. EURO. DES DROITS DE L'HOMME* 651-670 (2015).
- Vincent Chetail, *The Banality of Evil from Dachau to Darfur: An Analysis of the Evolution of the Concept of Genocide Since 1945*, (131) *RELS. INTERNATIONALES* 49-72 (2007).
- Vladimir Prvulović, *New Problems Resulting From EU Enlargement: Freedom of Movement, a Right, a Privilege, a Problem*, 60 *REV. INT'L AFF.* 80-93 (2009).
- Vladislava Stoyanova. *Human Trafficking and Slavery Reconsidered: Conceptual Limits And States' Positive Obligations In European Law* (2017).
- William Burr, *The United States and South Korea's Nuclear Weapons Program, 1974-1976, Part I*, *NAT'L SEC. ARCH.*, 2017.
- William D. Coplin. *The Functions Of International Law: An Introduction To The Role Of International Law In The Contemporary World* (1965).

- Wolfgang Friedmann, *The Changing Dimensions of International Law*, 62 COLUM L. REV. 1147-1165 (1962).
- Wolfgang Friedmann, *The Role of International Law in the Conduct of International Affairs*, 20 INT'L J. 158-172 (1965).
- Wolfgang S. Heinz and Judith Kaiser, *Gender in Armed Conflict: The Dimensions of Sexual Violence*, in *From Cold War to Cyber War 187-203* (Hans-Joachim Heinzteed, 2016).
- Xing-Yin Ni, *A Nation Going Under: Legal Protection for "Climate Change Refugees"*, 38 B.C. INT'L & COMP. L. REV. 329-366 (2015).
- Yaffa Zilbershats, *International Law and the Palestinian Refugees and Right of Return to the State of Israel*, in *Israel and The Palestinian Refugees 191-218* (Eyal Benvenisti et al. eds., 2007).
- Yoav Tadmor, *The Palestinian Refugees of 1948: The Right of Compensation and Return*, 8 TEMPLE INT'L & COMP. L. J. 403-434 (1994).

## الكيفية الوجودية لتدعيم القانون الدولي؟

سانفورد سيلفربورج

كلية جاتوبا

ساليسبوري، ولاية كارولانيا الشمالية - الولايات المتحدة الأمريكية

### ملخص البحث:

إن دراسة الوضع السياسي والاقتصادي والاجتماعي والإنساني في العالم يؤدي بجميع الأحوال إلى معرفة وتحديد مدى التهديد بالظروف المهيمنة وغير العادية في العالم والتي يمكن تحسينها بتطبيق قواعد القانون الدولي. حيث تسرد هذه الورقة البحثية قدراً كبيراً من الأدبيات القانونية الدولية، والتي بدورها تدعم مختلف الظروف القاسية التي تعرضت لها البشرية. وعليه، تشمل الورقة البحثية في طياتها الحديث عن نزع السلاح، والعقوبات كوسيلة لإجبار الدول على التعاون، ولا سيما من قبل الدول التي تنتهك وبشكل اعتيادي مبادئ القانون الدولي، والقانون الجنائي الدولي، حيث أن النزاعات المسلحة المستمرة تتخذ كشكل أساسي في الصراع بين الدول، كما يعتبر الصراع الداخلي كالحرب الأهلية جزء من ذلك الصراع. كما تغطي هذه الورقة البحثية الحديث عن حقوق الإنسان، كما هو مفهوم حالياً وتطبيقه، وتمدده المنطقي، كما تعتبر الظاهرة الحالية المتمثلة في الهجرة واللاجئين من المنتجات النهائية المحتملة للصراعات. وملاحظة أخيرة، هنالك اقتراح أساسي بأن تلك المواضيع الهامة المذكورة يجب أخذها بعين الاعتبار لضمان إنفاذ مبادئ القانون الدولي، والتي بدورها جاءت لصالح المجتمع الدولي ككل.

الكلمات الدالة: القانون الدولي، مقترحات رد الفعل