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Some reflections on the international legal framework governing transnational armed conflicts / Claus Kress

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Author zone:	Claus Kress
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Abstract:	Transnational non-State armed violence calls for a reconsideration of the existing concepts of the ius contra bellum, the ius in bello and international human rights law, and international criminal law in order to see whether new concepts such as the category of 'transnational armed conflict law' are needed. This article suggests that current international law can adequately deal with transnational armed conflicts without having to devise fundamentally new legal categories. Instead, it is possible, though intellectually demanding, to adjust and to fine tune the existing legal concepts including, in particular, the right to self-defence and the law of non-international armed conflict, and to construe on that basis an overall legal framework that provides for both a coherent and a reasonably balanced answer to the challenges posed.
Authors:	Kress, Claus
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