C8 Legitimacy and Law-Making in International Humanitarian Law

SFB 700 **Governance** in areas of limited statehood

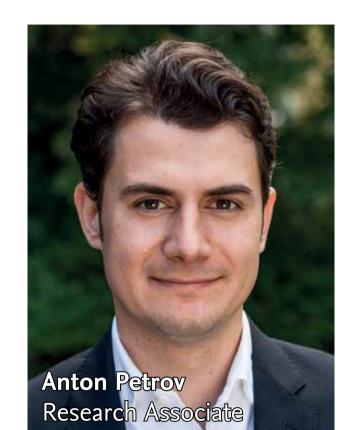Contact: heike.krieger@fu-berlin.de

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Research Question

Are the norms of international humanitarian law sufficiently flexible and legitimate to govern the behavior of non-state actors, state forces, and international forces in domestic armed conflicts?

Project Team

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Implementation

Analysis of Norms Building on our findings from the last funding period, which concentrated on instruments used to enforce international humanitarian law, the C8 project will now shift its research focus toward the analysis of norms themselves.

We will examine the norms of international humanitarian law with respect to their flexibility as well as their empirical and normative legitimacy.

Our study will also look at the practices of states, international organizations, international tribunals, and non-state actors involved in the law-making processes of international humanitarian law.

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Evaluation of Norms Using these observations, we can develop general, theoretical criteria to evaluate the flexibility and legitimacy of norms and law-making processes from an international law perspective.

Grounding our study in practical experience is crucial – especially regarding the question of how power asymmetries play out in the context of international law-making processes. To this end, we will draw on an interdisciplinary conference and expert interviews at the offices of organizations, courts, and other state and non-state actors.

Our research findings will shed light on whether international humanitarian law requires further development, and how this development should account for areas of limited statehood permeated with violence.
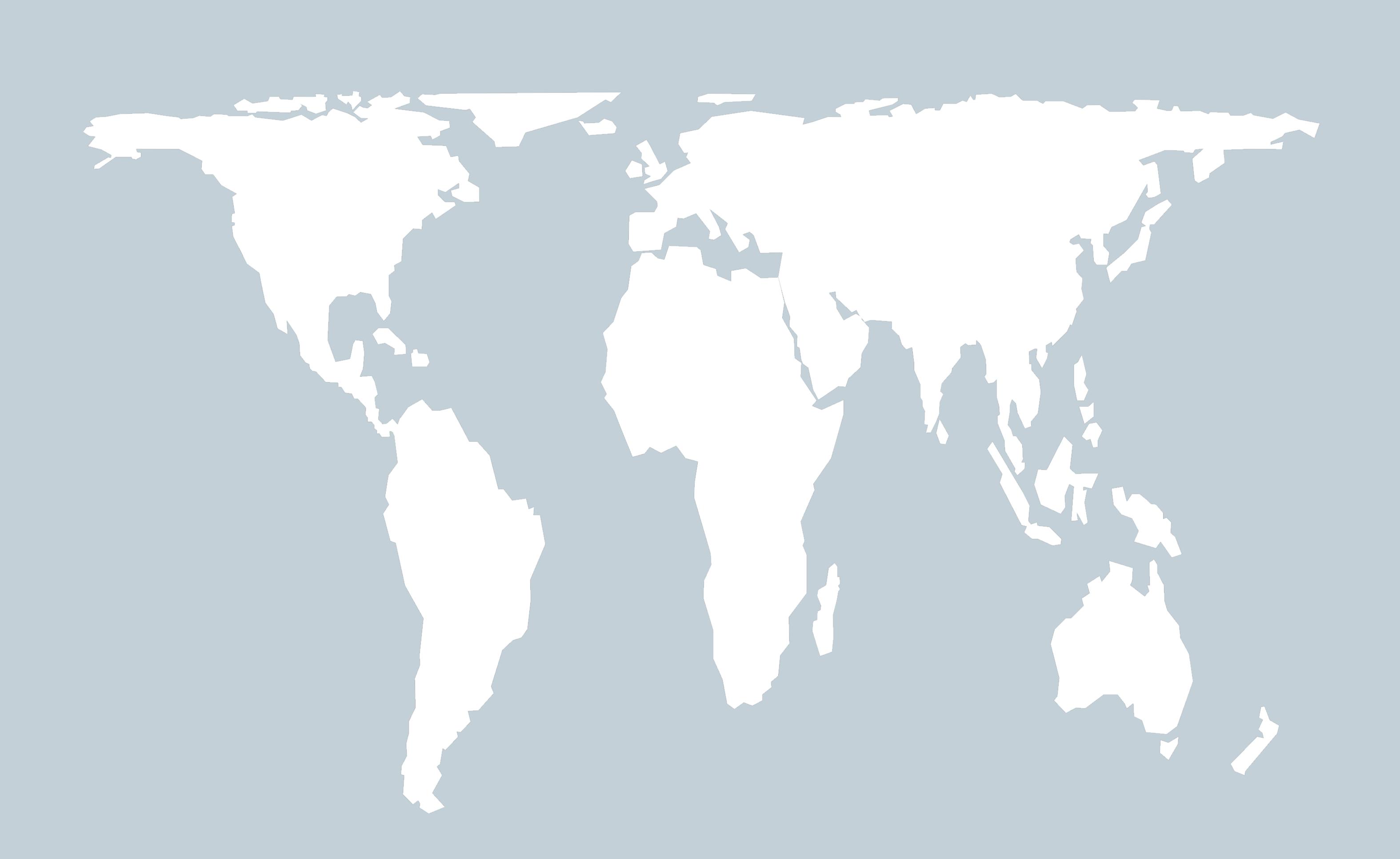

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Contribution to the SFB 700

Through its analysis of norms, the C8 project contributes significantly to exploring the legitimacy of governance in the area of security. Basing its evaluation on areas of limited statehood, the project can identify consequences for international law as a meta-governance institution that coordinates many different security actors.

DFG Collaborative Research Center (SFB) 700

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