

THE HAGUE ACADEMY OF INTERNATIONAL LAW

The Humanization of International Law

by

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Next to the process of 'humanization' of international law, the appeal of jus cogens can be explained from the international lawyer's desire for a single and coherent system of law, including a more clearly established hierarchy of norms. This aspiration is primarily infused by the concern for 'fragmentation' of international law. However, as in the case of humanization, countervailing factors prevent a further expansion of jus cogens in international law. For one thing, jus cogens, belonging to the realm of general international law, is too coarse and inflexible to be. The humanization of public international law under the impact of human rights has shifted its focus above all from State-centered to individual-centered. A human rights scholar must resist the urge to present a triumphalist view of the impact human rights have had on all the rest of international law. In this chapter, I focus on the humanization of the law of war, a process to a large extent driven by human rights and principles of humanity. The subject is vast. It is inevitable that major issues must be left out of my discussion.