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Articles

The Prohibition of Annexations and the Foundations of Modern International Law

Ingrid Brunk and Monica Hakimi

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The international legal norm that prohibits forcible annexations of territory is foundational to modern international law. It lies at the core of three projects that have been central to the enterprise: (1) to settle title to territory as the basis for establishing state authority; (2) to regulate the use of force across settled borders; and (3) to provide for people within settled borders collectively to determine their own fates. Prohibiting forcible annexations is integral to each of these projects independently, and by tying them together, has had a transformative effect on the legal system as a whole. However, its significance is widely overlooked or misunderstood. Analysts have also largely failed to appreciate that it is now caught up in a broader contest over the future world order and at risk of erosion.

A Sleeping Giant? The ENMOD Convention as a Limit on Intentional Environmental Harm in Armed Conflict and Beyond

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This Article reinterprets the 1976 Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) to show how it might rationally strengthen protections for the environment against intentional damage by states, particularly during armed conflict. The Article applies the orthodox rules of treaty interpretation to analyze in depth the Convention text, the *travaux préparatoires*, and available subsequent state practice, aiming to determine how the somewhat opaque Article II of ENMOD and its definition of “environmental modification technique” is best understood. It concludes that ENMOD has a broader potential application than it has historically been given.

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In *Ukraine v. Russian Federation*, the International Court of Justice (ICJ) was called upon to interpret two conventions: the International Convention for the Suppression of the Financing of Terrorism of 1999 and the International Convention on the Elimination of All Forms of Racial Discrimination of 1965. In its judgment, while the ICJ rejected most of Ukraine’s claims it nevertheless found that the Russian Federation had violated both of these Conventions.

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In *European Parliament v. European Commission*, the Grand Chamber of the Court of Justice of the European Union rendered its judgment on the dispute between the Parliament and the Commission. The judgment offers another episode in the long saga over the execution of the principle of visa reciprocity under European Union law.

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