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Military Lawyers on the Battlefield: An Empirical Account of International Law Compliance

Laura A. Dickinson

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This empirical study, based on personal interviews, draws on insights from organizational theory to consider how military lawyers embedded with troops can help produce battlefield decisions that comply with international legal norms. These lawyers appear to be most likely to function effectively and encourage legal compliance if certain organizational features are present. Accordingly, focusing on the links between organizational structure, institutional culture, and legal compliance through more nuanced qualitative analysis should contribute to a better understanding of international law compliance.

Protection of Indigenous Peoples on the African Continent: Concepts, Position Seeking, and the Interaction of Legal Systems

Willem van Genugten

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The negotiation of the 2007 Declaration on the Rights of Indigenous Peoples prompted the airing of African views on the protection of indigenous peoples, illustrated here by such issues as preferential treatment, collective versus individual rights, and the right to self-determination. The author stresses the need for systematic consideration of African particularities in focusing on the interactions between indigenous, national, and international law, exemplified by South African case law, which is seen as a laboratory where all these strands converge.

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