BIBLIOGRAPHY
3rd Quarter 2017

International Humanitarian Law

New acquisitions on international humanitarian law, classified by subjects, at the International Committee of the Red Cross Library

ICRC

ICRC

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Introduction

The International Committee of the Red Cross Library

The International Committee of the Red Cross (ICRC) endeavours to prevent suffering by promoting and strengthening international humanitarian law (IHL) and universal humanitarian principles. The ICRC Library in Geneva contributes to this mission by maintaining an extensive collection of IHL documents to help ICRC colleagues in their work. While the Library was set up primarily to serve ICRC staff members, it also takes on its own share of IHL-promotion work with the general public.

To this end, the Library holds a wide collection of specific IHL documents that can be consulted by the public: preparatory documents, reports, records and minutes of Diplomatic Conferences where the main IHL treaties were adopted; records of Red Cross and Red Crescent Movement conferences, during which many IHL matters are discussed; every issue of the International Review of the Red Cross since it was founded; all ICRC publications; rare documents published in the period between the founding of ICRC and the end of the First World War and charting the influence of Dunant's ideas; and a unique collection of legislation and case law implementing IHL at domestic level.

The Library also acquires as many external IHL publications as possible, with those produced in English and French being the priority. Each journal article, chapter, book, working paper, report etc. is catalogued separately, making the Library's online catalogue (https://library.icrc.org) one of the most exhaustive resources for IHL research.

The Library is open to the public from Monday to Friday (9 am to 1 pm).

Origin and purpose of the IHL bibliography

The bibliography was first produced at the request of field communication delegates, who were in charge of encouraging universities to offer IHL courses and of assisting professors who taught this subject. The delegates needed a tool they could give their contacts to help them develop or update their IHL knowledge.

Given their needs, it was decided to classify the documents so readers could pinpoint what they needed, access the documents easily and use abstracts to decide whether or not to read a document in full.

It quickly emerged that the bibliography was also helpful to other researchers, students and legal professionals working in the field of IHL. The Library therefore decided to make the bibliography accessible to the general public.

In short, the bibliography can be useful for developing and strengthening IHL knowledge, helping ICRC delegations, National Societies, schools, universities, research centres etc. to build up their library's IHL collection, and keeping track of topical IHL issues being tackled by academics. It is also useful for authors in the process of writing articles, books and theses and legal professionals who work on IHL on a daily basis to see what has been written on a specific IHL subject.

How to use the IHL Bibliography

Part I: Multiple entries for readers who only need to check specific subjects

The first part is tailored for such readers, with 15 IHL categories that have been identified in conjunction with ICRC legal and communication advisers. An additional "Countries/Regions" category has been added for a regional approach. Each article, book and chapter is classified under every relevant category. This enables readers to swiftly identify references of interest without trawling through the whole bibliography. To avoid making the document too long, this first part only provides bibliographic references. For the abstract, please refer to the second part of the bibliography

Part II: All entries with abstract for readers who need it all

Rather than going through the first part and coming across repeated references, readers can skip to the second part where all the documents are listed alphabetically (by title), together with an abstract. The abstract is either that produced by the author or the publisher, where provided, or is drawn up by the IHL reference librarian responsible for the bibliography. As a result of a fruitful partnership with the University of Toronto, a number of abstracts are now also produced by students involved in the International Human Rights Program (IHRP).

Access to document

Whenever an article is electronically available in full text, a link allows you to access the document directly. Some links only work from within ICRC HQ premises such as the library. Some links require an ICRC login. All documents are available for loan at the ICRC Library. "Cote xxx/xxx" refers to the ICRC library call number. In case your local library cannot provide you with some of the documents, requests for copies or scans (in a reasonable amount) can be sent to library@icrc.org

Chronology

This bibliography is based on the acquisitions made by the ICRC Library over the past trimester. The Library acquires relevant articles and books as soon as they become available. However, the publication date may not coincide with the period supposedly covered by the bibliography due to publishing delays.

Contents

The bibliography lists English and French writings (e.g. articles, monographs, chapters, reports and working papers) on IHL subjects.

Sources

The ICRC Library monitors a wide range of sources, including all 120 journals to which the Library subscribes, bibliographical databases, legal databases, legal publishers' catalogues, legal research centres and non-governmental organizations. It also receives suggestions from the ICRC legal advisers.

Disclaimer

Acquisitions are made by the Library and do not necessarily reflect the opinions of the ICRC.

Subscription and feedback

Please send your request for subscription or feedback to library@icrc.org with the subject heading "IHL bibliography subscription/feedback".

I. General issues

(General catch-all category, Customary Law, Religion, Development of law, Scope, Multiple subjects monographies)

40e anniversaire des Protocoles additionnels aux Conventions de Genève de 1949

CICR. - Genève : CICR, août 2017. - [12] p.
https://library.icrc.org/library/docs/DOC/icrc-001-4321.pdf

40th anniversary of the 1977 Additional Protocols to the 1949 Geneva Conventions

ICRC. - Geneva : ICRC, June 2017. - [12] p.
https://library.icrc.org/library/docs/DOC/icrc-002-4321.pdf

The British influence on the development of the laws of war and the punishment of war criminals : from the Grotius Society to the United Nations War Crimes Commission

Matthew Garrod. - In: British influences on international law : 1915-2015. - Leiden ; Boston : Brill Nijhoff, 2016. - p. 317-366

Conforming instrumentalists : why the USA and the United Kingdom joined the 1949 Geneva Conventions

Giovanni Mantilla. In: European journal of international law = Journal européen de droit international, Vol. 28, no. 2, May 2017, p. 483-511
https://doi.org/10.1093/ejil/chx027

Le droit de Genève dans l'étude du C.I.C.R. sur le droit international humanitaire coutumier : approche critique

par Jeanne De Chantal Ond-Tonye. In: Revue juridique et politique des États francophones, 70e année, no 3, juillet-septembre 2016, p. 331-347
https://library.ext.icrc.org/library/docs/ArticlesPDF/44050.pdf

An eternal promise ? : three sketches on the universality of international humanitarian law

Tamás Hoffmann. - In: Der Traum vom Frieden : Utopie oder Realität ? : Kriegs- und Friedensdiskurse aus historischer, politologischer und juristischer Perspektive (1914-2014). - Baden-Baden : Nomos, 2016. - p. 239-262
https://library.ext.icrc.org/library/docs/ArticlesPDF/44008.pdf

La fin d'une illusion ? : le droit de la neutralité maritime à l'épreuve de la Première Guerre mondiale

Eric Schnakenbourg. In: Relations internationales, No 160, hiver 2015, p. 3-18

Humanizing the laws of war : the Red Cross and the development of international humanitarian law

ed. by Robin Geiss, Andreas Zimmermann, Stefanie Haumer. - Cambridge [etc.] : Cambridge University Press, 2017. - XIV, 266 p.

The International Committee of the Red Cross : a unique actor in the field of international humanitarian law creation and progressive development

Robin Geiss and Andreas Zimmermann. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 215-255

The International Committee of the Red Cross and customary international humanitarian law

Jean-Marie Henckaerts. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 83-112

The International Committee of the Red Cross and the Additional Protocols of 1977

Michael Bothe. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 57-80

The International Committee of the Red Cross and the Geneva Conventions of 1949

Robert Heinsch. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 27-56

Introduction : the international Red Cross and Red Crescent Movement and the development of international humanitarian law

Stefanie Haumer, Robin Geiss and Andreas Zimmermann. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 1-24

Regulation of armed conflict : critical comparativism

Nesrine Badawi. In: Third world quarterly, Vol. 37, no. 11, 2016, p. 1990-2009

Soft war : the ethics of unarmed conflict

ed. by Michael L. Gross and Tamar Meisels ; foreword by Michael Walzer. - Cambridge [etc.] : Cambridge University Press, 2017. - XVI, 268 p.

"Then a great misfortune befell them" : the laws of war on surrender and the killing of prisoners on the battlefield in the Hundred Years War

Andy King. In: Journal of medieval history, Vol. 43, no. 1, 2017, p. 106-117
https://library.ext.icrc.org/library/docs/ArticlesPDF/44025.pdf

II. Types of conflicts

(Qualification of conflict, international and non-international armed conflict, asymmetric, cyber, urban, naval and aerial warfare...)

Applying the jus in bello to military uses of outer space : a square peg in a round hole ?

Steven Freeland. - In: Private law, public law, metalaw and public policy in space : a liber amicorum in honor of Ernst Fasan. - Cham : Springer, 2016. - p. 109-122
https://library.ext.icrc.org/library/docs/ArticlesPDF/44004.pdf

Appréhender la cyberguerre en droit international : quelques réflexions et mises au point

Clémentines Bories. In: La revue des droits de l'homme, 6/2014, 13 p.
http://dx.doi.org/10.4000/revdh.984

Conducting unconventional warfare in compliance with the law of armed conflict

Jim Sleesman. In: Military law review, Vol. 224, issue 4, 2016, p. 1101-1149

Conflict in cyber space : theoretical, strategic and legal perspectives

ed. by Karsten Friis and Jens Ringsmose. - London ; New York : Routledge, 2016. - XV, 204 p.

Consent is not enough : why states must respect the intensity threshold in transnational conflict

Oona A. Hathaway... [et al.]. In: University of Pennsylvania law review, Vol. 165, no. 1, December 2016, p. 1-47
http://scholarship.law.upenn.edu/penn_law_review/vol165/iss1/1/

Cyber law development and the United States law of war manual

Sean Watts. - In: International cyber norms : legal, policy and industry perspectives. - Tallinn : NATO CCD COE, 2016. - p. 49-63
https://ccdcoe.org/sites/default/files/multimedia/pdf/InternationalCyberNorms_Ch3.pdf

An eternal promise ? : three sketches on the universality of international humanitarian law

Tamás Hoffmann. - In: Der Traum vom Frieden : Utopie oder Realität ? : Kriegs- und Friedensdiskurse aus historischer, politologischer und juristischer Perspektive (1914-2014). - Baden-Baden : Nomos, 2016. - p. 239-262
https://library.ext.icrc.org/library/docs/ArticlesPDF/44008.pdf

Expert meeting : the legal implications of adopting a conflict paradigm in Pakistan

prepared and ed. by the Research Society of International Law. - [Islamabad ; Lahore] : Research Society of International Law, [2015]. - 45 p.
http://rsilpak.org/services/the-legal-implications-of-adopting-a-conflict-paradigm-in-pakistan/

La fin d'une illusion ? : le droit de la neutralité maritime à l'épreuve de la Première Guerre mondiale

Eric Schnakenbourg. In: Relations internationales, No 160, hiver 2015, p. 3-18

The international law framework regulating the use of armed drones

Christof Heyns... [et al.]. In: International and comparative law quarterly, Vol. 65, part 4, October 2016, p. 791-827
https://doi.org/10.1017/S0020589316000385

National liberation movements : still a valid concept (with special reference to international humanitarian law) ?

Konstantinos Mastorodimos. In: Oregon review of international law, Vol. 17, no 1, 2015, p.71-109 : tabl.
http://hdl.handle.net/1794/19847

Naval blockade and the humanitarian crisis in Yemen

Martin D. Fink. In: Netherlands international law review, Vol. 64, issue 2, July 2017, p. 291–307
http://dx.doi.org/10.1007/s40802-017-0092-3

NIAC nonsense, the Afghan war, and combatant immunity

Jordan J. Paust. In: Georgia journal of international and comparative law, Vol. 44, no. 3, 2016, p. 555-575
http://digitalcommons.law.uga.edu/gjicl/vol44/iss3/4/

Rethinking proportionality in the cyber context

Stephen Petkis. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1431-1458
https://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/Petkis.PDF

Taking no prisoners : the need for an additional protocol governing detention in non-international armed conflicts

Brittany R. Warren. In: Military law review, Vol. 225, issue 1, 2017, p. 157-215

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

Conducting unconventional warfare in compliance with the law of armed conflict

Jim Sleesman. In: Military law review, Vol. 224, issue 4, 2016, p. 1101-1149

Extrapolation of criminal law modes of liability to target analysis under international humanitarian law : developing the framework for understanding direct participation in hostilities and membership in organized armed groups in non-international armed conflict

Michael John-Hopkins. In: Journal of conflict and security law, Vol. 22, no. 2, Summer 2017, p. 275-310 : diagr.
https://doi.org/10.1093/jcsl/krw025

Incentivizing armed non-state actors to comply with the law : protecting children in times of armed conflict

Sarah Hafen. In: BYU law review, Vol. 2016, issue 3, December 2016, p. 989-1041
https://digitalcommons.law.byu.edu/lawreview/vol2016/iss3/8/

National liberation movements : still a valid concept (with special reference to international humanitarian law) ?

Konstantinos Mastorodimos. In: Oregon review of international law, Vol. 17, no 1, 2015, p.71-109 : tabl.
http://hdl.handle.net/1794/19847

NIAC nonsense, the Afghan war, and combatant immunity

Jordan J. Paust. In: Georgia journal of international and comparative law, Vol. 44, no. 3, 2016, p. 555-575
http://digitalcommons.law.uga.edu/gjicl/vol44/iss3/4/

IV. Multinational forces

N/A.

V. Private entities

Private security companies during the Iraq war : military performance and the use of deadly force

Scott Fitzsimmons. - London ; New York : Routledge, 2016. - XIII, 238 p.

VI. Protection of persons

(Women, children, journalists, medical personnel, humanitarian assistance, responsibility to protect, displaced persons, humanitarian workers, ...)

The first plague : the denial of water as a forcible transfer under international humanitarian law

Samit D'Cunha. In: Michigan State international law review, Vol. 24, issue 2, 2015, p. 279-306
https://digitalcommons.law.msu.edu/ilr/vol24/iss2/1/

Forced transfer and customary international law : bridging the gap between Nuremberg and the ICTY

Nathan Quick. - In: The extraordinary chambers in the Courts of Cambodia. - The Hague : T.M.C. Asser, 2016. - p. 291-319
https://library.ext.icrc.org/library/docs/ArticlesPDF/44007.pdf

Les garanties fondamentales de la personne en droit humanitaire et droits de l'homme

par Mohamed El Kouhene ; préf. Hassan bin Talal. - Leiden ; Boston : Brill Nijhoff, 2017. - XXII, 305 p.

Incentivizing armed non-state actors to comply with the law : protecting children in times of armed conflict

Sarah Hafen. In: BYU law review, Vol. 2016, issue 3, December 2016, p. 989-1041
https://digitalcommons.law.byu.edu/lawreview/vol2016/iss3/8/

L'interdiction de la violence à l'égard des femmes en temps de conflits armés : quel régime de responsabilité internationale ?

Hadi Azari. - In: Women's human rights and the elimination of discrimination = Les droits des femmes et l'élimination de la discrimination. - Leiden ; Boston : Brill Nijhoff, 2016. - p. 493-513

Is it possible to prevent sexual violence as a weapon of war against women, men and children or only to manage the after-effects ?

Samantha J. Hope. - [Guer] : EuroISME, 2017. - 53 p.
http://www.euroisme.eu/first-euroismes-prize-best-students-thesis-awarded/

Maintenir un minimum d'humanité face à la violence contre le personnel de santé

Caroline Brandao. In: La revue des droits de l'homme, août 2016, 14 p.
https://revdh.revues.org/2511

Naval blockade and the humanitarian crisis in Yemen

Martin D. Fink. In: Netherlands international law review, Vol. 64, issue 2, July 2017, p. 291–307
http://dx.doi.org/10.1007/s40802-017-0092-3

Non-refoulement as custom and jus cogens ? : putting the prohibition to the test

Cathryn Costello and Michelle Foster. In: Netherlands yearbook of international law, 2015, p. 273-327

The pen and the sword : international humanitarian law protections for journalism

Daniel J. Hessel. In: Yale journal of international law, Vol. 41, issue 2, summer 2016, p. 415-457
https://ssrn.com/abstract=2815264

Protection of civilians in armed conflict : bridging the gap between law and reality

Eva Svoboda and Emanuela-Chiara Gillard. - London : Overseas Development Institute, 2015. - 8 p.
https://www.odi.org/publications/9935-protection-civilians-armed-conflict-bridging-gap-between-law-and-reality

Should international law recognize a right of humanitarian intervention ?

Chris O'Meara. In: International and comparative law quarterly, Vol. 66, part 2, April 2017, p. 441-466
https://doi.org/10.1017/S0020589317000057

"There are no enemies after victory" : the laws against killing the wounded

Matthew Milikowsky. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1221-1269
https://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/Milikowsky.PDF

VII. Protection of objects

(Environment, cultural property, water, medical mission, emblem, etc.)

L'attaque sur l'hôpital MSF à Kunduz : quelles voies réalistes pour une justice effective ? : droit international humanitaire (DIH)

Jelena Aparac. In: La revue des droits de l'homme, février 2016, 10 p.
https://revdh.revues.org/1785

International cultural heritage law in armed conflict : case studies of Syria, Libya, Mali, the invasion of Iraq, and the Buddhas of Bamiyan

Marina Lostal. - Cambridge [etc.] : Cambridge University Press, 2017. - XVIII, 198 p.

Legal liability for environmental damage : the United Nations Compensation Commission and the 1990-1991 Gulf War

Cymie R. Payne. - In: Governance, natural resources and post-conflict peacebuilding. - London : Earthscan, 2016. - p. 719-760
https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/

Maintenir un minimum d'humanité face à la violence contre le personnel de santé

Caroline Brandao. In: La revue des droits de l'homme, août 2016, 14 p.
https://revdh.revues.org/2511

Military use of educational facilities during armed conflict : an evaluation of the Guidelines for protecting schools and universities from military use during armed conflict as an effective solution

Ashley Ferrelli. In: Georgia journal of international and comparative law, Vol. 44, no. 2, 2016, p. 339-367
http://digitalcommons.law.uga.edu/gjicl/vol44/iss2/4/

Peace through justice : international tribunals and accountability for wartime environmental damage

Anne-Cecile Vialle... [et al.]. - In: Governance, natural resources and post-conflict peacebuilding. - London : Earthscan, 2016. - p. 665-717
https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/download/170

VIII. Detention, internment, treatment and judicial guarantees

How the gloves came of : lawyers, policy makers, and norms in the debate on torture

Elizabeth Grimm Arsenault. - New York : Columbia University Press, 2017. - VIII, 267 p.

La jurisprudence européenne sur les opérations militaires à l'épreuve du feu

Nicolas Hervieu. In: La Revue des droits de l'homme, 2014, 23 p.
http://dx.doi.org/10.4000/revdh.890

La peine de mort en temps de guerre : aspects de droit international

Syméon Karagiannis. In: Journal du droit international, No 2, avril-mai-juin 2017, p. 413-484

Taking no prisoners : the need for an additional protocol governing detention in non-international armed conflicts

Brittany R. Warren. In: Military law review, Vol. 225, issue 1, 2017, p. 157-215

US Detention policy towards ISIS : between a rock and a hard place

Elizabeth Grimm Arsenault. In: Survival, Vol. 59, no. 4, August-September 2017, p. 109-134
http://dx.doi.org/10.1080/00396338.2017.1349799

IX. Law of occupation

The 2003-2004 occupation of Iraq : between social transformation and transformative belligerent occupation

Susan Power. In: Journal of conflict and security law, Vol. 19, no. 2, Summer 2014, p. 341-380
https://doi.org/10.1093/jcsl/kru003

Empire, resistance, and security : international law and the transformative occupation of Palestine

A. Dirk Moses. In: Humanity : an international journal of human rights, humanitarianism, and development, Vol. 8, no. 2, Summer 2017, p. 379-409

EU exploitation of fisheries in occupied Western Sahara : examining the case of the Front Polisario v Council of the European Union in light of the failure to account for belligerent occupation

Susan Power. In: Irish journal of European law, Vol. 19, issue 1, 2016, p. 27-37
https://www.isel.ie/article/view-free/id/211

Expert opinion on the non-renunciation of rights under international humanitarian law

by John Cerone. - [S.l.] : [Norwegian Refugee Council], June 2017. - 24 p.
https://www.nrc.no/resources/legal-opinions/expert-opinion-on-the-non-renunciation-of-rights-under-international-humanitarian-law/

Expert opinion on the occupier's legislative power over an occupied territory under IHL in light of Israel's on-going occupation

by Théo Boutruche and Marco Sassòli. - [S.l.] : [Norwegian Refugee Council], June 2017. - 43 p.
https://www.nrc.no/resources/legal-opinions/expert-opinion-on-the-occupiers-legislative-power-over-an-occupied-territory-under-ihl-in-light-of-israels-on-going-occupation/

Expert opinion relating to the conduct of prolonged occupation in the Occupied Palestinian Territory

by Michael Bothe. - [S.l.] : [Norwegian Refugee Council], June 2017. - 21 p.
https://www.nrc.no/resources/legal-opinions/expert-opinion-relating-to-the-conduct-of-prolonged-occupation-in-the-occupied-palestinian-territory/

The first plague : the denial of water as a forcible transfer under international humanitarian law

Samit D'Cunha. In: Michigan State international law review, Vol. 24, issue 2, 2015, p. 279-306
https://digitalcommons.law.msu.edu/ilr/vol24/iss2/1/

X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

Competing interpretations : the United States Department of Defense directly participates with the ICRC

Marc R. Tilney. In: Military law review, Vol. 225, issue 1, 2017, p. 133-156

The conduct of hostilities and international humanitarian law : challenges of 21st century warfare

International Law Association Study Group. - [s.l.] : [International Law Association Study Group], 2017. - 48 p.
https://ila.vettoreweb.com/Storage/Download.aspx?DbStorageId=3763&StorageFileGuid=11a3fc7e-d69e-4e5a-b9dd-1761da33c8ab

Extrapolation of criminal law modes of liability to target analysis under international humanitarian law : developing the framework for understanding direct participation in hostilities and membership in organized armed groups in non-international armed conflict

Michael John-Hopkins. In: Journal of conflict and security law, Vol. 22, no. 2, Summer 2017, p. 275-310 : diagr.
https://doi.org/10.1093/jcsl/krw025

The International Committee of the Red Cross' "Interpretative guidance on the notion of direct participation in hostilities" : see a little light

Robert Cryer. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 113-138

The international law framework regulating the use of armed drones

Christof Heyns... [et al.]. In: International and comparative law quarterly, Vol. 65, part 4, October 2016, p. 791-827
https://doi.org/10.1017/S0020589316000385

Reaffirming the distinction between combatants and civilians : the cases of the Israeli army's "Hannibal Directive" and the United States' drone airstrikes against ISIS

Hilly Moodrick-Even Khen. In: Arizona journal of international and comparative law, Vol. 33, no. 3, 2016, p. 765-801
http://arizonajournal.org/archive/vol-33-no-3/

Rethinking proportionality in the cyber context

Stephen Petkis. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1431-1458
https://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/Petkis.PDF

XI. Weapons

Décisions en matière de transferts d'armes : application des critères fondés sur le droit international humanitaire et le droit international des droits de l'homme : guide pratique

CICR. - Genève : CICR, septembre 2017. - 32 p.
https://library.icrc.org/library/docs/DOC/icrc-001-0916-2017.pdf

Development of treaties limiting or prohibiting the use of certain weapons : the role of the International Committee of the Red Cross

Kathleen Lawand and Isabel Robinson. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 141-184

Ethics and autonomous weapons

Alex Leveringhaus. - London : Palgrave Macmillan, 2016. - VII, 131 p.

False rubicons, moral panic, and conceptual cul-de-sacs : critiquing and reframing the call to ban lethal autonomous weapons

Chris Jenks. In: Pepperdine law review, Vol. 44, no. 1, 2016, p. 1-70
https://digitalcommons.pepperdine.edu/plr/vol44/iss1/2/

Les systèmes d'armes létaux autonomes (SALA) : enjeux juridiques de l'émergence d'un moyen de combat déshumanisé : droit international humanitaire et droit du désarmement

Julien Ancelin. In: La revue des droits de l'homme, octobre 2016, 12 p.
http://dx.doi.org/10.4000/revdh.2543

Wartime environmental pollution and endangerment : the landmine scourge and the global effort to eliminate it

Theresa Oby Ilegbune. In: Annual survey of international and comparative law, Vol. 21, issue 1, 2016, p. 177-201
https://digitalcommons.law.ggu.edu/annlsurvey/vol21/iss1/10/

XII. Implementation

(ICRC, protecting powers, fact finding commission, other means of preventing violations and controlling respect for IHL, state responsibility)

Accountability for violations of international humanitarian law in domestic courts : can war crimes be prosecuted in Ireland ?

Amina Adanan. In: The Irish yearbook of international law, Vol. 9, 2014, p. 61-87

L'attaque sur l'hôpital MSF à Kunduz : quelles voies réalistes pour une justice effective ? : droit international humanitaire (DIH)

Jelena Aparac. In: La revue des droits de l'homme, février 2016, 10 p.
https://revdh.revues.org/1785

The common law of war

Jens David Ohlin. In: William and Mary law review, Vol. 58, issue 2, November 2016, p. 493-533
http://scholarship.law.wm.edu/wmlr/vol58/iss2/4/

Eyes on the ground : realizing the potential of civilian-led monitoring in armed conflict

Miriam Puttick. - London : Ceasefire Centre for Civilian Rights ; Minority Rights Group International, July 2017. - 47 p.
http://minorityrights.org/publications/eyes-ground-realizing-potential-civilian-led-monitoring-armed-conflict/

Incentivizing armed non-state actors to comply with the law : protecting children in times of armed conflict

Sarah Hafen. In: BYU law review, Vol. 2016, issue 3, December 2016, p. 989-1041
https://digitalcommons.law.byu.edu/lawreview/vol2016/iss3/8/

The interplay between international human rights law and international humanitarian law in the practice of commissions of inquiry

Marco Odello. - In: Commissions of inquiry : problems and prospects. - Oxford ; Portland : Hart, 2017. - p. 199-229

Is it possible to prevent sexual violence as a weapon of war against women, men and children or only to manage the after-effects ?

Samantha J. Hope. - [Guer] : EuroISME, 2017. - 53 p.
http://www.euroisme.eu/first-euroismes-prize-best-students-thesis-awarded/

Legal liability for environmental damage : the United Nations Compensation Commission and the 1990-1991 Gulf War

Cymie R. Payne. - In: Governance, natural resources and post-conflict peacebuilding. - London : Earthscan, 2016. - p. 719-760
https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/

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par Isabelle Fouchard. - In: La mise en œuvre de la lex specialis dans le droit international contemporain : journée d'études de Lille. - Paris : Pedone, 2017. - p. 133-162

Military use of educational facilities during armed conflict : an evaluation of the Guidelines for protecting schools and universities from military use during armed conflict as an effective solution

Ashley Ferrelli. In: Georgia journal of international and comparative law, Vol. 44, no. 2, 2016, p. 339-367
http://digitalcommons.law.uga.edu/gjicl/vol44/iss2/4/

Peace through justice : international tribunals and accountability for wartime environmental damage

Anne-Cecile Vialle... [et al.]. - In: Governance, natural resources and post-conflict peacebuilding. - London : Earthscan, 2016. - p. 665-717
https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/download/170

Should international law recognize a right of humanitarian intervention ?

Chris O'Meara. In: International and comparative law quarterly, Vol. 66, part 2, April 2017, p. 441-466
https://doi.org/10.1017/S0020589317000057

"There are no enemies after victory" : the laws against killing the wounded

Matthew Milikowsky. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1221-1269
https://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/Milikowsky.PDF

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https://digitalcommons.law.ggu.edu/annlsurvey/vol21/iss1/10/

XIII. International human rights law

(Relationship with IHL, application in situations of armed conflict and other situations of violence, extraterritoriality, human rights bodies,...)

Appréhender la cyberguerre en droit international : quelques réflexions et mises au point

Clémentines Bories. In: La revue des droits de l'homme, 6/2014, 13 p.
http://dx.doi.org/10.4000/revdh.984

Consent is not enough : why states must respect the intensity threshold in transnational conflict

Oona A. Hathaway... [et al.]. In: University of Pennsylvania law review, Vol. 165, no. 1, December 2016, p. 1-47
http://scholarship.law.upenn.edu/penn_law_review/vol165/iss1/1/

Forewarned war : the targeting of civilian aircrafts in South America and the Inter-American human rights system

Alonso Gurmendi Dunkelberg. In: Inter-American law review, Vol. 48, issue 2, 2017, p. 1-27
http://repository.law.miami.edu/umialr/vol48/iss2/3/

The international law framework regulating the use of armed drones

Christof Heyns... [et al.]. In: International and comparative law quarterly, Vol. 65, part 4, October 2016, p. 791-827
https://doi.org/10.1017/S0020589316000385

The interplay between international human rights law and international humanitarian law in the practice of commissions of inquiry

Marco Odello. - In: Commissions of inquiry : problems and prospects. - Oxford ; Portland : Hart, 2017. - p. 199-229

La jurisprudence européenne sur les opérations militaires à l'épreuve du feu

Nicolas Hervieu. In: La Revue des droits de l'homme, 2014, 23 p.
http://dx.doi.org/10.4000/revdh.890

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La peine de mort en temps de guerre : aspects de droit international

Syméon Karagiannis. In: Journal du droit international, No 2, avril-mai-juin 2017, p. 413-484

XIV. International criminal law

L'attaque sur l'hôpital MSF à Kunduz : quelles voies réalistes pour une justice effective ? : droit international humanitaire (DIH)

Jelena Aparac. In: La revue des droits de l'homme, février 2016, 10 p.
https://revdh.revues.org/1785

The British influence on the development of the laws of war and the punishment of war criminals : from the Grotius Society to the United Nations War Crimes Commission

Matthew Garrod. - In: British influences on international law : 1915-2015. - Leiden ; Boston : Brill Nijhoff, 2016. - p. 317-366

Extrapolation of criminal law modes of liability to target analysis under international humanitarian law : developing the framework for understanding direct participation in hostilities and membership in organized armed groups in non-international armed conflict

Michael John-Hopkins. In: Journal of conflict and security law, Vol. 22, no. 2, Summer 2017, p. 275-310 : diagr.
https://doi.org/10.1093/jcsl/krw025

Forced transfer and customary international law : bridging the gap between Nuremberg and the ICTY

Nathan Quick. - In: The extraordinary chambers in the Courts of Cambodia. - The Hague : T.M.C. Asser, 2016. - p. 291-319
https://library.ext.icrc.org/library/docs/ArticlesPDF/44007.pdf

Fulfilling the Martens Clause : debating "crimes against humanity", 1899-1945

Kerstin von Lingen. - In: Humanity : a history of European concepts in practice from the sixteenth century to the present. - Göttingen : Vandenhoeck & Ruprecht, 2016. - p. 187-208

L'interdiction de la violence à l'égard des femmes en temps de conflits armés : quel régime de responsabilité internationale ?

Hadi Azari. - In: Women's human rights and the elimination of discrimination = Les droits des femmes et l'élimination de la discrimination. - Leiden ; Boston : Brill Nijhoff, 2016. - p. 493-513

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M. Cherif Bassiouni. - Antwerp ; Cambridge : Intersentia, 2017. - LX, 452 p.

Laying the foundations : commissions of inquiry and the development of international law

Shane Darcy. - In: Commissions of inquiry : problems and prospects. - Oxford ; Portland : Hart, 2017. - p. 231-256

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https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/download/170

XV. Contemporary challenges

(Terrorism, DPH, cyber warfare, asymetric war, etc.)

Applying the jus in bello to military uses of outer space : a square peg in a round hole ?

Steven Freeland. - In: Private law, public law, metalaw and public policy in space : a liber amicorum in honor of Ernst Fasan. - Cham : Springer, 2016. - p. 109-122
https://library.ext.icrc.org/library/docs/ArticlesPDF/44004.pdf

Conflict in cyber space : theoretical, strategic and legal perspectives

ed. by Karsten Friis and Jens Ringsmose. - London ; New York : Routledge, 2016. - XV, 204 p.

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http://scholarship.law.upenn.edu/penn_law_review/vol165/iss1/1/

False rubicons, moral panic, and conceptual cul-de-sacs : critiquing and reframing the call to ban lethal autonomous weapons

Chris Jenks. In: Pepperdine law review, Vol. 44, no. 1, 2016, p. 1-70
https://digitalcommons.pepperdine.edu/plr/vol44/iss1/2/

The International Committee of the Red Cross : a unique actor in the field of international humanitarian law creation and progressive development

Robin Geiss and Andreas Zimmermann. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 215-255

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Les systèmes d'armes létaux autonomes (SALA) : enjeux juridiques de l'émergence d'un moyen de combat déshumanisé : droit international humanitaire et droit du désarmement

Julien Ancelin. In: La revue des droits de l'homme, octobre 2016, 12 p.
http://dx.doi.org/10.4000/revdh.2543

XVI. Countries/Regions

AFGHANISTAN

L'attaque sur l'hôpital MSF à Kunduz : quelles voies réalistes pour une justice effective ? : droit international humanitaire (DIH)

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Marina Lostal. - Cambridge [etc.] : Cambridge University Press, 2017. - XVIII, 198 p.

NIAC nonsense, the Afghan war, and combatant immunity

Jordan J. Paust. In: Georgia journal of international and comparative law, Vol. 44, no. 3, 2016, p. 555-575
http://digitalcommons.law.uga.edu/gjicl/vol44/iss3/4/

"There are no enemies after victory" : the laws against killing the wounded

Matthew Milikowsky. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1221-1269
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EUROPEAN UNION

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https://www.isel.ie/article/view-free/id/211

GAZA

Empire, resistance, and security : international law and the transformative occupation of Palestine

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IRAQ

The 2003-2004 occupation of Iraq : between social transformation and transformative belligerent occupation

Susan Power. In: Journal of conflict and security law, Vol. 19, no. 2, Summer 2014, p. 341-380
https://doi.org/10.1093/jcsl/kru003

Eyes on the ground : realizing the potential of civilian-led monitoring in armed conflict

Miriam Puttick. - London : Ceasefire Centre for Civilian Rights ; Minority Rights Group International, July 2017. - 47 p.
http://minorityrights.org/publications/eyes-ground-realizing-potential-civilian-led-monitoring-armed-conflict/

International cultural heritage law in armed conflict : case studies of Syria, Libya, Mali, the invasion of Iraq, and the Buddhas of Bamiyan

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https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/

Private security companies during the Iraq war : military performance and the use of deadly force

Scott Fitzsimmons. - London ; New York : Routledge, 2016. - XIII, 238 p.

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http://dx.doi.org/10.1080/00396338.2017.1349799

IRELAND

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by John Cerone. - [S.l.] : [Norwegian Refugee Council], June 2017. - 24 p.
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Expert opinion on the occupier's legislative power over an occupied territory under IHL in light of Israel's on-going occupation

by Théo Boutruche and Marco Sassòli. - [S.l.] : [Norwegian Refugee Council], June 2017. - 43 p.
https://www.nrc.no/resources/legal-opinions/expert-opinion-on-the-occupiers-legislative-power-over-an-occupied-territory-under-ihl-in-light-of-israels-on-going-occupation/

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https://digitalcommons.law.ggu.edu/annlsurvey/vol21/iss1/10/

PAKISTAN

Expert meeting : the legal implications of adopting a conflict paradigm in Pakistan

prepared and ed. by the Research Society of International Law. - [Islamabad ; Lahore] : Research Society of International Law, [2015]. - 45 p.
http://rsilpak.org/services/the-legal-implications-of-adopting-a-conflict-paradigm-in-pakistan/

PALESTINE

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SAUDI ARABIA

Naval blockade and the humanitarian crisis in Yemen

Martin D. Fink. In: Netherlands international law review, Vol. 64, issue 2, July 2017, p. 291–307
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SYRIA

Conducting unconventional warfare in compliance with the law of armed conflict

Jim Sleesman. In: Military law review, Vol. 224, issue 4, 2016, p. 1101-1149

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UNITED KINGDOM

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Conforming instrumentalists : why the USA and the United Kingdom joined the 1949 Geneva Conventions

Giovanni Mantilla. In: European journal of international law = Journal européen de droit international, Vol. 28, no. 2, May 2017, p. 483-511
https://doi.org/10.1093/ejil/chx027

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UNITED STATES

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https://doi.org/10.1093/jcsl/kru003

The common law of war

Jens David Ohlin. In: William and Mary law review, Vol. 58, issue 2, November 2016, p. 493-533
http://scholarship.law.wm.edu/wmlr/vol58/iss2/4/

Competing interpretations : the United States Department of Defense directly participates with the ICRC

Marc R. Tilney. In: Military law review, Vol. 225, issue 1, 2017, p. 133-156

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Jim Sleesman. In: Military law review, Vol. 224, issue 4, 2016, p. 1101-1149

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http://scholarship.law.upenn.edu/penn_law_review/vol165/iss1/1/

Cyber law development and the United States law of war manual

Sean Watts. - In: International cyber norms : legal, policy and industry perspectives. - Tallinn : NATO CCD COE, 2016. - p. 49-63
https://ccdcoe.org/sites/default/files/multimedia/pdf/InternationalCyberNorms_Ch3.pdf

How the gloves came of : lawyers, policy makers, and norms in the debate on torture

Elizabeth Grimm Arsenault. - New York : Columbia University Press, 2017. - VIII, 267 p.

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WESTERN SAHARA

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https://www.isel.ie/article/view-free/id/211

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All with Abstracts

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Following the invasion of Iraq in 2003, the United States and the United Kingdom established a governing administration in Iraq, operating under United Nations Security Council Resolution 1483 and international humanitarian law to reconstruct Iraq. Immediately, the occupation provoked international academic debate, with Scheffer describing the occupation mandate as a transformative belligerent occupation. However, after the bombing of the United Nations (UN) headquarters in Baghdad on 19 August 2003, the UN vacated Iraq leaving only a skeleton workforce. From that point on, the Coalition Provisional Authority effectively operated alone as traditional belligerent occupants in Iraq. This article argues that the belligerent occupation, far from being a 'transformative' occupation extending beyond the traditional parameters of Article 43, instead represented a typical belligerent occupation and any changes undertaken are more accurately regulated under the framework of Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention. As such, the article proposes that many of the changes implemented during the belligerent occupation should be considered as social transformative measures permitted for the benefit of the occupied population while measures beyond this are simply illegal. In doing so, the article examines broadly national case law emerging after World War I and World War II belligerent occupations in Europe and provides an in-depth analysis of Article 43 of the Hague Regulations and Article 64 of the Fourth Geneva Convention.

https://doi.org/10.1093/jcsl/kru003

40e anniversaire des Protocoles additionnels aux Conventions de Genève de 1949

CICR. - Genève : CICR, août 2017. - [12] p.

Ce rapport succinct décrit l'impact que les Protocoles additionnels aux Conventions de Genève ont eu sur les normes, et précise comment ils ont façonné la pratique des parties aux conflits et pourquoi ils sont encore pertinents aujourd'hui, quarante ans après leur adoption le 8 juin 1977. Les Protocoles additionnels ont constitué un jalon décisif dans le développement du droit international humanitaire. Ils ont renforcé la protection des victimes, notamment des civils, dans les conflits armés internationaux (Protocole I) et non internationaux (Protocole II). En fixant des limites à la conduite de la guerre, ils ont fourni aux protagonistes des conflits une base sur laquelle se fonder pour maintenir une juste mesure entre l'impératif d'humanité et la nécessité militaire.

https://library.icrc.org/library/docs/DOC/icrc-001-4321.pdf

40th anniversary of the 1977 Additional Protocols to the 1949 Geneva Conventions

ICRC. - Geneva : ICRC, June 2017. - [12] p.

This short report describes the impact that the Additional Protocols have had on norms, how they have shaped the practice of parties to conflict and why they remain relevant today, 40 years after their adoption on 8 June 1977. The Additional Protocols to the Geneva Conventions were a landmark in the development of international humanitarian law. They strengthened the protection for victims of armed conflict, including civilians, in both international (Protocol I) and non-international (Protocol II) armed conflicts. They also placed limits on the way wars must be fought, giving parties to conflicts the means to strike a balance between humanity and military necessity.

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Accountability for violations of international humanitarian law in domestic courts : can war crimes be prosecuted in Ireland ?

Amina Adanan. In: The Irish yearbook of international law, Vol. 9, 2014, p. 61-87. - Cote 345.22/297 (Br.)

The right of States to punish persons who have committed war crimes in non-international armed conflicts exists in international law. This applies regardless of the nationality of the accused person and irrespective of the place of commission of the crime. The right is not codified in international law, unlike the same right in respect of war crimes committed in international armed conflicts. This article analyses the legislation enacted in Ireland to hold individuals accountable for extraterritorial violations of international

humanitarian law. It concludes that Irish legislation is largely in line with international law, except in respect of the exercise of universal jurisdiction over war crimes committed during non-international armed conflicts. Thus, customary international law would have to be relied on to try such crimes in Ireland. The article asserts that the restrictive approach adopted by the courts in interpreting the application of customary international law in Ireland would impede the exercise of universal jurisdiction over war crimes committed in non-international armed conflicts.

Applying the jus in bello to military uses of outer space : a square peg in a round hole ?

Steven Freeland. - In: Private law, public law, metalaw and public policy in space : a liber amicorum in honor of Ernst Fasan. - Cham : Springer, 2016. - p. 109-122. - Cote 345.26/294 (Br.)

The development of satellite technology to enhance the exploration and use of outer space has continued at a rapid rate ever since the space age began in 1957. Satellites play a vital part of many aspects of daily life, and also with respect to the conduct of armed conflict. Most military leaders regard space-related technology as an integral element of their strategic battle platform. This reflects the changing technological nature of armed conflict, which challenges many aspects of international law, including the regulation of warfare. This is particularly the case with respect to the use of satellite technology. Moreover, the continuing development of this technology challenges the core of the 'peaceful purposes' doctrine that underpins the international regulation of outer space. This chapter discusses the application of the United Nations Space Treaties and the laws of war to the use of outer space during armed conflict, and offers some reflections as to what is required to properly address the issue.

https://library.ext.icrc.org/library/docs/ArticlesPDF/44004.pdf

Appréhender la cyberguerre en droit international : quelques réflexions et mises au point

Clémentines Bories. In: La revue des droits de l'homme, 6/2014, 13 p. - Cote 348/131 (Br.)

Qu'est-ce au juste que la cyberguerre, et quelles questions pose-t-elle au droit ? L'expression « cyberguerre » est manifestement trop restrictive eu égard à la variété des contextes dans lesquels s'inscrivent les attaques informatiques. Dès lors, les règles du jus in bello ne sauraient à elles seules permettre d'appréhender un phénomène hétéroclite qui ne se limite pas aux situations de conflit armé, et un recours à d'autres branches du droit, tel le droit international des droits de l'homme, s'avère utile.

http://dx.doi.org/10.4000/revdh.984

L'attaque sur l'hôpital MSF à Kunduz : quelles voies réalistes pour une justice effective ? : droit international humanitaire (DIH)

Jelena Aparac. In: La revue des droits de l'homme, février 2016, 10 p. - Cote 345.22/299 (Br.)

L'attaque de l'hôpital des Médecins Sans Frontières (MSF) à Kunduz, en Afghanistan, le 3 octobre 2015 a suscité de vives réactions dans l'opinion publique mondiale. Mais elle pose aussi des questions juridiques importantes, en particulier concernant l'applicabilité du droit des conflits armés même aux nouvelles formes de guerre. En effet, la nature du conflit – et donc le droit applicable – en Afghanistan, qui dure depuis 30 ans, a changé à plusieurs reprises, entre les différentes invasions, les guerres civiles inter-ethniques et la « lutte contre le terrorisme ». En outre, ce drame interroge quant à l'action en justice la mieux appropriée pour faire cesser les attaques et garantir leur non répétition. Or, à cet égard, le choix de MSF de recourir à une Commission d'établissement des faits est risqué, car elle ne permettra de répondre que partiellement au besoin de justice effective.

https://revdh.revues.org/1785

The British influence on the development of the laws of war and the punishment of war criminals : from the Grotius Society to the United Nations War Crimes Commission

Matthew Garrod. - In: British influences on international law : 1915-2015. - Leiden ; Boston : Brill Nijhoff, 2016. - p. 317-366. - Cote 345.2/1040 (Br.)

At the end of World War I, the punishment of violations of the laws of war became of greater importance and the subject of heated debate than had hitherto been the case, not only for the British Government and its Allies, but also for members of the newly founded Grotius Society who had already worked on the topic during the war. The British Government proposed a number of innovative ideas that were a radical departure from the existing lex lata governing the laws of war. The most notable among them were that violations of

the laws of war give rise to individual criminal responsibility for the actual perpetrators and high ranking officials, and even Heads of State, who order or fail to prevent them, and that injured belligerents have the right to try persons belonging to the enemy for such violations, including after hostilities have ceased. These ideas were far from uncontroversial. Yet they ultimately brought about a landmark change in the customary laws of war and were relied upon by Britain and its Allies during World War II. To date, the influence that Britain had in bringing about this change has been given little consideration in existing scholarship. This chapter uses a range of primary and secondary sources, including archival materials, in order to examine the pivotal role that Britain played. It also examines the work of members of the Grotius Society, on whose innovative ideas the British Government had relied.

The common law of war

Jens David Ohlin. In: William and Mary law review, Vol. 58, issue 2, November 2016, p. 493-533. - Cote 345.22/298 (Br.)

In recent litigation before U.S. federal courts, the government has argued that military commissions have jurisdiction to prosecute offenses against the "common law of war," which the government defines as a body of domestic offenses, such as inchoate conspiracy, that violate the American law of war. This article challenges that definition by arguing that stray references to the term "common law of war" in historical materials meant something completely different. By examining the Lieber Code, the writings of early natural law theorists, and early American judicial decisions, this article concludes that the "common law of war" referred to a branch of the law of nations that applied during internal armed conflicts, such as civil wars with non-state actors. This body of law was called "common," not because it was extended or elaborated by the common law method of judge-applied law, but rather because it was "common" to all mankind by virtue of natural law, and thus even applied to internal actors, such as rebel forces, who were not otherwise bound by international law as formal states were. By recapturing this lost definition of the common law of war, this article casts some doubt on the U.S. government's position that military commissions have jurisdiction not only over international offenses, but also domestic violations of the law of war.

http://scholarship.law.wm.edu/wmlr/vol58/iss2/4/

Competing interpretations : the United States Department of Defense directly participates with the ICRC

Marc R. Tilney. In: Military law review, Vol. 225, issue 1, 2017, p. 133-156

This article examines the differences in applying the United States Department of Defense (DoD) Law of War Manual and the ICRC Interpretive Guidance on the notion of direct participation in hostilities approach to targeting under Article 13 of Additional Protocol II. The Manual and the Interpretive Guidance are consistent on the principle of civilians' direct participation in hostilities (DPH), but vary significantly in application, requiring U.S. military forces to have a collective understanding of the nuanced differences in order to work with coalition partners. The article analyzes issues for judge advocates to consider when working with coalition force judge advocates in a specific targeting scenario.

The conduct of hostilities and international humanitarian law : challenges of 21st century warfare

International Law Association Study Group. - [s.l.] : [International Law Association Study Group], 2017. - 48 p. - Cote 345.25/360 (Br.)

The International Law Association established a Study Group on the Conduct of Hostilities in the 21st Century (SG) in 2011. Discussions during the first meetings led the SG to focus attention on the legal challenges within international humanitarian law (IHL) relating to the conduct of hostilities in modern warfare. Three working groups were established to study the following issues: the military objective under IHL, precautions in attack and proportionality under IHL. The final report seeks to bring clarification of applicable rules for these selected issues.

https://ila.vettoreweb.com/Storage/Download.aspx?DbStorageId=3763&StorageFileGuid=11a3fc7e-d69e-4e5a-b9dd-1761da33c8ab

Conducting unconventional warfare in compliance with the law of armed conflict

Jim Sleesman. In: Military law review, Vol. 224, issue 4, 2016, p. 1101-1149

This article aims to comprehensively review the legality of unconventional warfare campaigns under modern international. It demonstrates that while unconventional warfare remains viable under modern international law, the law creates both legal risks and opportunities, both of which must be understood in order to wage an effective campaign. The article highlights those risks and opportunities as they apply to the unconventional warfare campaigns the United States is currently conducting in Syria. The article begins by

describing the Syrian conflict and outlining the basics of unconventional warfare. The article then turns to the two main bodies of international law governing unconventional warfare : jus ad bellum and jus in bello.

Conflict in cyber space : theoretical, strategic and legal perspectives

ed. by Karsten Friis and Jens Ringsmose. - London ; New York : Routledge, 2016. - XV, 204 p. - Cote 348/130

Adopting a multidisciplinary perspective, this book explores the key challenges associated with the proliferation of cyber capabilities. Over the past two decades, a new man-made domain of conflict has materialized. Alongside armed conflict in the domains of land, sea, air, and space, hostilities between different types of political actors are now taking place in cyberspace. This volume addresses the challenges posed by cyberspace hostility from theoretical, political, strategic and legal perspectives. In doing so, and in contrast to current literature, cyber-security is analysed through a multidimensional lens, as opposed to being treated solely as a military or criminal issues, for example. The individual chapters map out the different scholarly and political positions associated with various key aspects of cyber conflict and seek to answer the following questions: do existing theories provide sufficient answers to the current challenges posed by conflict in cyberspace, and, if not, could alternative approaches be developed?; how do states and non-state actors make use of cyber-weapons when pursuing strategic and political aims?; and, how does the advent of conflict in cyberspace challenge our established legal framework? By asking important strategic questions on the theoretical, strategic, ethical and legal implications and challenges of the proliferation of cyber warfare capabilities, the book seeks to stimulate research into an area that has hitherto been neglected.

Conforming instrumentalists : why the USA and the United Kingdom joined the 1949 Geneva Conventions

Giovanni Mantilla. In: European journal of international law = Journal européen de droit international, Vol. 28, no. 2, May 2017, p. 483-511

Why have major Western powers committed to international laws of war? Given recent American conduct amid the War on Terror, lively debate rages over this important question in scholarly and policy circles, featuring arguments that range from sheer hypocrisy and self-interest to domestic politics and international social pressures. Through a careful study of the British and American process of deciding whether to sign and ratify the core modern law-of-war treaties – the Geneva Conventions of 1949 – and to do so with or without reservations, this article demonstrates that international social conformity pressures and instrumental motives jointly influenced these countries' signature and ratification decisions. American and British reasoning was neither as self-serving as some realists presume nor as aloof to international social dynamics as rational institutionalist and liberal scholars commonly allow. The article calls for the further refinement of the theoretical debate on state commitment to international law of humane conduct, including humanitarian and human rights law, and encourages the pursuit of alternative methods, namely archival sources, to answer these and other enduring puzzles.

https://doi.org/10.1093/ejil/chx027

Consent is not enough : why states must respect the intensity threshold in transnational conflict

Oona A. Hathaway... [et al.]. In: University of Pennsylvania law review, Vol. 165, no. 1, December 2016, p. 1-47. - Cote 345.27/154 (Br.)

It is widely accepted that a state cannot treat a struggle with an organized non-state actor as an armed conflict until the violence crosses a minimum threshold of intensity. For instance, during the recent standoff at the Oregon wildlife refuge, the U.S. government could have lawfully used force pursuant to its domestic law enforcement and human rights obligations, but President Obama could not have ordered a drone strike on the protesters. The reason for this uncontroversial rule is simple—not every riot or civil disturbance should be treated like a war. But what if President Obama had invited Canada to bomb the protestors—once the United States consented, would all bets be off? Can an intervening state use force that would be illegal for the host state to use itself? The silence on this issue is dangerous, in no small part because these once-rare conflicts are now commonplace. States are increasingly using force against organized non-state actors outside of the states' own territories—usually, though not always, with the consent of the host state. What constrains the scope of the host state's consent? And can the intervening state always presume that consent is valid? This article argues that a host state's authority to consent is limited and that intervening states cannot treat consent as a blank check. Accordingly, the logic and foundational norms of the international legal order require both consent-giving and consent-receiving states to independently evaluate what legal regime governs—this will often turn on whether the intensity threshold has been met. If a non-international armed conflict exists, the actions of the intervening state are governed by international humanitarian law; if not, its actions are governed instead by its own and the host state's human rights obligations.

http://scholarship.law.upenn.edu/penn_law_review/vol165/iss1/1/

Cyber law development and the United States law of war manual

Sean Watts. - In: International cyber norms : legal, policy and industry perspectives. - Tallinn : NATO CCD COE, 2016. - p. 49-63. - Cote 348/132 (Br.)

This chapter examines the recently released United States Department of Defense (DoD) Law of War Manual to sample sovereign views on the current state of international law applicable to cyberspace operations and to assess State interest in development of new cyber-specific norms. The Manual's treatment of cyber operations is a useful indication of the current state of international norm development in cyberspace and offers insights into likely future developments. Despite presenting the opportunity to do so, the Manual declines to resolve considerable and relatively long-standing legal questions concerning the operation of the law of war in cyberspace. Although the Manual describes the U.S. as committed to resolving unsettled and undeveloped legal issues in cyberspace, its authors decline to stake out meaningful positions with respect to these issues or to resolve them in any significant respect. The Manual, with minor exceptions, is not a significant contribution to the development or refinement of new cyber norms. It leaves the international legal community uncertain with respect to both a number of substantive legal issues in cyberspace as well as with respect to how, if at all, the U.S. intends to develop new international cyber law.

https://ccdcoe.org/sites/default/files/multimedia/pdf/InternationalCyberNorms_Ch3.pdf

Décisions en matière de transferts d'armes : application des critères fondés sur le droit international humanitaire et le droit international des droits de l'homme : guide pratique

CICR. - Genève : CICR, septembre 2017. - 32 p. - Cote 341.67/617 (2017 FRE Br.)

Les États se sont engagés à subordonner leurs décisions en matière de transferts d'armes à des critères fondés sur le respect du droit international humanitaire (DIH) et du droit international des droits de l'homme. Il faut maintenant qu'ils prennent les mesures nécessaires pour que ces critères soient effectivement appliqués. Le guide pratique Décisions en matière de transferts d'armes. Application des critères fondés sur le droit international humanitaire et le droit international des droits de l'homme vise à aider les États et les organisations concernées dans cette tâche. Il offre des orientations et présente certains indicateurs à prendre en compte pour évaluer les risques que des transferts d'armes servent à violer le DIH ou les droits de l'homme. Cette deuxième édition du guide, qui avait été publié une première fois en 2007, tient compte de l'adoption du Traité sur le commerce des armes, en 2013, ainsi que d'autres éléments nouveaux. Son contenu a en outre été enrichi par l'ajout de critères de respect du droit international des droits de l'homme aux critères de respect du DIH.

https://library.icrc.org/library/docs/DOC/icrc-001-0916-2017.pdf

Development of treaties limiting or prohibiting the use of certain weapons : the role of the International Committee of the Red Cross

Kathleen Lawand and Isabel Robinson. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 141-184. - Cote 345.2/1033

This chapter examines more closely the ICRC's role in the development of IHL applying to chemical and biological weapons, anti-personnel mines, cluster munitions and explosive remnants of war, blinding laser weapons, and arms transfers. In each of these cases, the typical features of the ICRC's approach to weapons of concern are discussed, along with some of the challenges the organization has faced. The cases presented are some of the more prominent areas where the ICRC has played an important role in developing the law. It should be stressed that this chapter focuses primarily on development of the law, and does not address the work of ICRC in promoting implementation of weapons treaties. On the basis of the case studied, the chapter draws some concluding observations on the ICRC's role in the development of IHL applying to weapons, on changes in the landscape of humanitarian diplomacy in recent years, and on areas of possible normative developments.

Le droit de Genève dans l'étude du C.I.C.R. sur le droit international humanitaire coutumier : approche critique

par Jeanne De Chantal Ond-Tonye. In: Revue juridique et politique des États francophones, 70e année, no 3, juillet-septembre 2016, p. 331-347. - Cote 345.2/1039 (Br.)

Cet article revient sur l'étude du CICR sur le droit international humanitaire coutumier. L'auteur conteste le caractère coutumier des normes identifiées par le CICR, estimant que l'étude reflète une volonté d'interpréter de façon large les règles issues des Conventions de Genève en vue de créer des obligations pour

tous les Etats. En proposant une telle solution aux problèmes d'application du droit international humanitaire, l'étude ignore et contourne la volonté des Etats.

https://library.ext.icrc.org/library/docs/ArticlesPDF/44050.pdf

Empire, resistance, and security : international law and the transformative occupation of Palestine

A. Dirk Moses. In: Humanity : an international journal of human rights, humanitarianism, and development, Vol. 8, no. 2, Summer 2017, p. 379-409

This essay identifies and examines the legal-rhetorical mode of reasoning that justifies colonial-transformative occupations by legitimizing the repression of indigenous resistance via appeals to self-defense. The discretionary power authorized by the law of occupation in defence of the occupant's security becomes, in the hands of a prolonged occupying power with territorial ambitions, the door through which an entire cart and horses of colonial apparatus can be driven. The essay traces this mode of reasoning since the early modern period, and exemplifies it in the case of Israel-Palestine.

An eternal promise ? : three sketches on the universality of international humanitarian law

Tamás Hoffmann. - In: Der Traum vom Frieden : Utopie oder Realität ? : Kriegs- und Friedensdiskurse aus historischer, politologischer und juristischer Perspektive (1914-2014). - Baden-Baden : Nomos, 2016. - p. 239-262. - Cote 345.2/991 (Br.)

Since time immemorial, humankind has sought to create a regulatory framework that could mitigate the destruction of war. Many international lawyers emphasize that the very character of the law of armed conflict (LOAC) has undergone a profound transformation as signaled by the increasingly prevalent use of the expression "international humanitarian law" (IHL), a term that in itself implies universality and equal application to tame the horrors of armed conflict. Such "humanized" humanitarian law seems to be the pinnacle of progress, the fulfilment of the ancient dream of humanity. Still, this pristine image is marred by a history of racism, exclusion and lethal inclusion. In this chapter the author reflects on these blemishes and examines whether international humanitarian law can move beyond its past and present to finally truly deserve such lofty label.

https://library.ext.icrc.org/library/docs/ArticlesPDF/44008.pdf

Ethics and autonomous weapons

Alex Leveringhaus. - London : Palgrave Macmillan, 2016. - VII, 131 p. - Cote 341.67/823

Autonomous weapons are capable, once programmed, of searching for and engaging a target without direct intervention by a human operator. Critics of these weapons claim that 'taking the human out-of-the-loop' represents a further step towards the de-humanisation of warfare, while advocates of this type of technology contend that the power of machine autonomy can potentially be harnessed in order to prevent war crimes. This book provides a thorough and critical assessment of these two positions. Written by a political philosopher at the forefront of the autonomous weapons debate, the book clearly assesses the ethical and legal ramifications of autonomous weapons, and presents a novel ethical argument against fully autonomous weapons.

EU exploitation of fisheries in occupied Western Sahara : examining the case of the Front Polisario v Council of the European Union in light of the failure to account for belligerent occupation

Susan Power. In: Irish journal of European law, Vol. 19, issue 1, 2016, p. 27-37. - Cote 351/128 (Br.)

On 10 December 2015, the General Court of the European Union (EGC) handed down a landmark decision in the case of Front Polisario v Council of the European Union. There the Court annulled a reciprocal trade liberalization agreement, facilitating Morocco's grant of concessions to European States for the exploitation of natural resources in Moroccan occupied Western Sahara. This paper examines the decision, which raised interesting questions of international law, in particular the competence of the EU to conclude international treaties with a belligerent occupant on behalf of and 'for the benefit of' the occupied population. It questions the logic of the approach of the EGC in continuing to treat occupied Western Sahara as non-self-governing territory and suggests that the more relevant legal framework for occupation is international humanitarian law. Introduction

https://www.isel.ie/article/view-free/id/211

Expert meeting : the legal implications of adopting a conflict paradigm in Pakistan

prepared and ed. by the Research Society of International Law. - [Islamabad ; Lahore] : Research Society of International Law, [2015]. - 45 p. - Cote 345.27/165 (Br.)

This report was published by RSIL in 2015 and was the outcome of an expert meeting which took place on 6 May, 2015 at the RSIL offices in Islamabad on the applicability of international humanitarian law to domestic counter-terrorism operations in Pakistan. The session focused on discussing, from a strictly academic perspective, if a state of armed conflict exists in Pakistan according to objective legal criteria, and the political advantages and disadvantages of the State of Pakistan adopting a conflict paradigm in catering to contemporary threats. Traditionally, the State of Pakistan's response to counter-terrorism could be regarded as falling exclusively within the domain of a 'law enforcement' paradigm with regular law enforcement agencies responsible for maintaining law and order and the civilian anti-terrorism courts serving as the forum for trial of terrorist offences. Recently however, the nature and scope of the threat has changed dramatically, representing a truly existential threat to the security and well-being of the State as a whole. Metastasizing from a spate of isolated incidents to a nation-wide menace, contemporary terrorism in Pakistan is a much-changed beast from the phenomenon which first gave rise to the anti-terrorism courts under the Anti-Terrorism Act, 1997. In responding to this accelerated threat, the state has arguably shifted into a de facto 'conduct of hostilities' paradigm.

http://rsilpak.org/services/the-legal-implications-of-adopting-a-conflict-paradigm-in-pakistan/

Expert opinion on the non-renunciation of rights under international humanitarian law

by John Cerone. - [S.l.] : [Norwegian Refugee Council], June 2017. - 24 p. - Cote 351/129 (Br.)

International humanitarian law (IHL) is the applicable body of law in the case of belligerent occupation, such as the now fifty-year-long occupation of Palestine. The Fourth Geneva Convention of 1949 includes in article 8 a clause of non-renunciation of rights, meaning that the protected persons under the convention cannot legally abdicate their rights. The Legal Expert Opinion by Professor John Cerone examines the meaning and scope of the non-renunciation principle. The legal opinion tackles a series of questions concerning the extent to which relevant rules of international law impact the agreements between the Palestine Liberation Organization (PLO) and Israel; Whether rights are waivable under IHL; How this rule is applied to the duties of States and the duties and rights of individuals; and how the non-renunciation of rights should inform the work of impartial humanitarian and protection organizations. It concludes that any restriction of rights of protected persons, irrespective of motive, which is not expressly sanctioned by the Convention, would "adversely affect the situation of protected persons" and would therefore be barred by IHL. According to this interpretation, special agreements may not restrict human rights in a way that it not expressly permitted by the Convention. Further, it demonstrates that to the extent the organization is mandated to assist in the protection and promotion of the rights of protected persons, it could provide a useful rule in monitoring compliance with the Conventions, giving primary consideration to the best interest of the individual protected person.

https://www.nrc.no/resources/legal-opinions/expert-opinion-on-the-non-renunciation-of-rights-under-international-humanitarian-law/

Expert opinion on the occupier's legislative power over an occupied territory under IHL in light of Israel's on-going occupation

by Théo Boutruche and Marco Sassòli. - [S.l.] : [Norwegian Refugee Council], June 2017. - 43 p. - Cote 351/131 (Br.)

The Legal Expert Opinion authored by Dr. Théo Boutruche and Professor Marco Sassòli is concerned with the legal obligation of the Occupying Power, imposed by the relevant norms of international humanitarian law (IHL), not to make changes to local legislation other than those necessary for security needs or those that benefit the local population, and analyzes the changes to legislation that Israel has made throughout fifty years of occupation in light of this obligation. The Expert Opinion first provides an in-depth analysis of the meaning, scope and interplay of the relevant duties and obligations of the Occupying Power limiting changes to local laws and institutions. It then assesses the most significant changes introduced by Israel over the 50 years of occupation, considering in particular the different type of legislation adopted, from military orders to laws passed by the Israeli Parliament. Finally, the Expert Opinion identifies Israel's obligations to rectify unlawful changes and third States' obligations in this regard. The Opinion concluded that certain legislative changes adopted by an Occupying Power, may not only constitute violations of the law of belligerent occupation, but may also amount to a certain form of annexation, prohibited by the jus ad bellum, the international law on the use of force.

https://www.nrc.no/resources/legal-opinions/expert-opinion-on-the-occupiers-legislative-power-over-an-occupied-territory-under-ihl-in-light-of-israels-on-going-occupation/

Expert opinion relating to the conduct of prolonged occupation in the Occupied Palestinian Territory

by Michael Bothe. - [S.l.] : [Norwegian Refugee Council], June 2017. - 21 p. - Cote 351/130 (Br.)

The Legal Expert Opinion, authored by Professor Emeritus Michael Bothe, was commissioned given the fact that the Israeli occupation of the West Bank and the Gaza Strip has now lasted for fifty years and requires a thorough stocktaking of applicable international law and an assessment of patterns of violations which have transpired. The Expert Opinion analyzes the situation of occupation, governed by rules belonging to four different fields of international law, namely international humanitarian law (IHL), international human rights law (IHRL), the law relating to the use of force (jus contra bellum) and the law relating to the self-determination of peoples. The Opinion concludes that the law of belligerent occupation was violated by a number of measures and policies adopted by Israel, in particular the establishment of Israeli settlements in the occupied Palestinian territory (oPt) and various measures restricting the freedom of movement of, and preventing the beneficial use of land by the Palestinian population. Taken together, these measures amount to a policy which was designed to create a coercive environment which would permanently change the demographic structure of the oPt in favour of Israeli territorial interests, thus amounting to the de facto annexation of major parts of Palestinian territory, which violated the principle of the provisional character of occupation. The de facto annexation also violated the prohibition of the acquisition of territory by the use of force, which constitutes aggression. These measures also violate the right of the Palestinian people to self-determination. Due to the fact that many of the norms which have been violated apply erga omnes (owed by States towards the community of States as a whole), and in the light of the obligation of States parties to the Geneva Conventions to ensure the respect thereof, third States have the legal possibility and even the duty to take measures in order to induce Israel to comply with the relevant obligations.

https://www.nrc.no/resources/legal-opinions/expert-opinion-relating-to-the-conduct-of-prolonged-occupation-in-the-occupied-palestinian-territory/

Extrapolation of criminal law modes of liability to target analysis under international humanitarian law : developing the framework for understanding direct participation in hostilities and membership in organized armed groups in non-international armed conflict

Michael John-Hopkins. In: Journal of conflict and security law, Vol. 22, no. 2, Summer 2017, p. 275-310 : diagr.

Direct participation in hostilities and membership in an organized armed group are contested and controversial concepts. Recent developments in military and legal doctrine suggest that a more practicable account may supplement the valuable work of the ICRC in its Interpretive guidance on direct participation in hostilities in order to guide target analysis in the unconventional and civilianized operational environment of contemporary non-international conflicts. The purpose of this article is to extrapolate criminal law models of accessorial liability and co-perpetration in order to elucidate the concepts of direct participation in hostilities and membership in an organized armed group. What is proposed is an intelligence-led framework for target analysis that is grounded in military doctrine and based on a mixture of objective and subjective criteria derived from criminal law. This can foster a better understanding of the social dynamic that sustains on-going fighting which limits the scope for arbitrary and erroneous targeting decisions in doubtful situations.

https://doi.org/10.1093/jcsl/krw025

Eyes on the ground : realizing the potential of civilian-led monitoring in armed conflict

Miriam Puttick. - London : Ceasefire Centre for Civilian Rights ; Minority Rights Group International, July 2017. - 47 p. - Cote 345.22/296

This report is about harnessing developments already in motion internationally to produce better information about human rights and international humanitarian law violations in situations affected by conflict. Its main contention is that local civil society actors can be enabled, with the help of modern technology, to become central actors in the processes of monitoring, documentation and reporting. Empowering local activists has not only practical value, in that these activists often have the closest access to victims of violations, but normative value as well, because it makes monitoring more inclusive, participatory, and meaningful to local populations. The basis of this report is the experience of the Ceasefire Centre for Civilian Rights and Minority Rights Group International in implementing a system of civilian-led monitoring in Iraq between 2014 and 2017, which is presented as a case study to illustrate one possible application of the approach put forward throughout the report.

http://minorityrights.org/publications/eyes-ground-realizing-potential-civilian-led-monitoring-armed-conflict/

False rubicons, moral panic, and conceptual cul-de-sacs : critiquing and reframing the call to ban lethal autonomous weapons

Chris Jenks. In: Pepperdine law review, Vol. 44, no. 1, 2016, p. 1-70. - Cote 341.67/829 (Br.)

By casting into the indeterminate future and projecting visions of so-called killer robots, The Campaign to Stop Killer Robots (The Campaign) has incited moral panic in an attempt to stimulate a discussion—and ultimately a ban—on lethal autonomous weapons (LAWS). The real concern is the weapon systems' ability to select and engage targets without human intervention. However, weapons systems that perform these functions have already been employed internationally since 1980 and The Campaign has been unable to specify which of the current systems its proposed ban should include. This article explains autonomy in general and as applied to weapons systems. It examines both The Campaign's primary source documents and reports on LAWS by the Human Rights Watch and a United Nations Special Rapporteur. Likewise, it discusses the flaws with The Campaign's current approach and proposes an alternative moratorium on LAWS designed primarily to lethally target personnel.

https://digitalcommons.pepperdine.edu/plr/vol44/iss1/2/

La fin d'une illusion ? : le droit de la neutralité maritime à l'épreuve de la Première Guerre mondiale

Eric Schnakenbourg. In: Relations internationales, No 160, hiver 2015, p. 3-18

Dans les années qui précèdent la Première Guerre mondiale, le droit de la neutralité est un sujet de réflexion important. Des conférences internationales permettent de définir un cadre légal devant assurer la sauvegarde des droits des non-belligérants dans un futur conflit. Mais dès août 1914, les parties en guerre commencent à prendre des mesures portant atteinte aux droits des neutres et de la neutralité. L'extension des marchandises comprises dans la catégorie de la contrebande et l'établissement d'un blocus particulièrement rigoureux rendent très difficile la pratique de la navigation et du commerce neutre. Si le droit de la neutralité tel qu'il existait en 1914 a bel et bien été violé, il ne disparaît pas et demeure une référence tout au long du conflit. En fait, le cadre juridique de la neutralité est soumis à l'épreuve du défi technologique et de l'intensité de la guerre moderne qui révèlent davantage ses carences que sa nullité intrinsèque.

The first plague : the denial of water as a forcible transfer under international humanitarian law

Samit D'Cunha. In: Michigan State international law review, Vol. 24, issue 2, 2015, p. 279-306. - Cote 351/132 (Br.)

This article posits that forcible transfers are not merely achieved through explicit deportation or transfer plans on the part of an occupying power. Instead, forcible transfers and deportations may also be achieved constructively through the production of inhabitable conditions that effectively force the local population to leave. The article argues that the denial of adequate water has been used as a means to coerce the Palestinian population to abandon the West Bank. The articule first explores whether the West Bank is, for the purposes of international law, an occupied territory. After establishing the applicable law, the article explores the legal concept of deportation and forcible transfers under international law to better understand how it applies to the conflict. This article then investigates water deprivation in the West Bank. After exploring the legal and policy aspects of water deprivation, this paper offers policy recommendations for this legal quandary.

https://digitalcommons.law.msu.edu/ilr/vol24/iss2/1/

Forced transfer and customary international law : bridging the gap between Nuremberg and the ICTY

Nathan Quick. - In: The extraordinary chambers in the Courts of Cambodia. - The Hague : T.M.C. Asser, 2016. - p. 291-319. - Cote 365/526 (Br.)

The Case 002 Closing Order charged displacements as the other inhumane act of forced transfer, and it was on this basis that convictions for the same were entered by the Extraordinary Chambers in the Courts of Cambodia (ECCC) Trial Chamber. However, the Closing Order did not reflect the state of customary international law by 1975. Rather, the ECCC could have charged and convicted the Case 002 accused for deportation within national boundaries. By analysing the evolution of forced displacement as a crime, this article demonstrates that deportation within national boundaries was recognised as a crime in customary international law by 1975.

https://library.ext.icrc.org/library/docs/ArticlesPDF/44007.pdf

Forewarned war : the targeting of civilian aircrafts in South America and the Inter-American human rights system

Alonso Gurmendi Dunkelberg. In: Inter-American law review, Vol. 48, issue 2, 2017, p. 1-27. - Cote 345.1/651 (Br.)

Throughout the War on Drugs, South American governments have fought a difficult and many times losing battle against drug trafficking. Lack of resources and policing capabilities have lead a growing number of States to adopt so called “Shoot-Down Laws”, legislation designed to authorize use of lethal force against “hostile” aircraft suspected of being involved in narco-trafficking. This article examines said laws from the viewpoint of international law, humanitarian law and human rights law. The article makes the point that mere transportation of narcotics cannot be reason enough to authorize use of lethal force and that “Shoot-Down Laws” constitute both a violation of the right to life and a misuse of the law of armed conflict to justify military action against civilian aircraft. The article claims that other alternatives, such as closer bilateral cooperation and enforcement, must be explored if these governments want to avoid being sued for human rights violations at the Inter-American level.

http://repository.law.miami.edu/umialr/vol48/iss2/3/

Fulfilling the Martens Clause : debating "crimes against humanity", 1899-1945

Kerstin von Lingen. - In: Humanity : a history of European concepts in practice from the sixteenth century to the present. - Göttingen : Vandenhoeck & Ruprecht, 2016. - p. 187-208. - Cote 361/683

The use of the concept of crimes against humanity as a legal tool in the tribunals of our times can be seen as the legacy of the idea of humanity in warfare, rooted in a moral approach to injustice, as reflected within the anti-slavery courts during the nineteenth century, and its political legacy as embodied in the Peace Conferences at The Hague (1899 and 1907) and their preamble, the Martens Clause. Only following the experience of the First World War and its political failure to deter perpetrators from further crimes, the notion of humanity was transformed into a legally sound concept, brought forward during the Second World War by exile lawyers who gained access with their ideas to political decision-making circles. The long way from debates within the United Nations War Crimes Commission to the charters of Nuremberg and Tokyo reflect the permanent tension between the ideas of justice, diplomatic considerations and geopolitics.

Les garanties fondamentales de la personne en droit humanitaire et droits de l'homme

par Mohamed El Kouhene ; préf. Hassan bin Talal. - Leiden ; Boston : Brill Nijhoff, 2017. - XXII, 305 p. - Cote 362.9/46 (2017)

La protection de l’individu dans les situations de conflits armés et sa protection dans les situations de paix ont été scindées pour des raisons historiques, sociales, juridiques et politiques. Mohamed El Kouhene confronte ces deux branches de droit international que les développements récents rapprochent de manière substantielle. Il les compare sous l’angle des droits les plus fondamentaux de la personne et les met en relation sous leur aspect le plus délicat, à savoir les régimes de protection, leur portée, leurs interdépendances. Bien qu’ils constituent deux systèmes juridiques distincts, le droit international humanitaire et le droit international des droits de l’homme forment, plus que jamais, un faisceau de normes et de mécanismes de protection complémentaires. Cette approche complémentariste défendue par l’auteur dans la première édition du livre en 1986 ne s’est pas démentie au fil des ans. Au contraire elle a prospéré sous l’influence mutuelle de la doctrine, du législateur et du juge internationaux. Le sujet est toujours d’actualité, plus que jamais dirions-nous, car dans l’environnement sombre où nous vivons, la communauté internationale se doit de mobiliser tout l’arsenal juridique dont elle dispose pour sauvegarder et faire respecter les règles qui protègent l’humanité. Ce livre est une réédition du texte original avec une introduction et une préface nouvelles.

How the gloves came of : lawyers, policy makers, and norms in the debate on torture

Elizabeth Grimm Arsenault. - New York : Columbia University Press, 2017. - VIII, 267 p. - Cote 362.9/337

The treatment of detainees at Abu Ghraib prison, Guantánamo Bay, and far-flung CIA "black sites" after the attacks of 9/11 included cruelty that defied legal and normative prohibitions in U.S. and international law. The antitorture stance of the United States was brushed aside. Since then, the guarantee of American civil liberties and due process for prisoners of war and detainees has grown muddled, threatening the norms that sustain modern democracies. This book considers the legal and political arguments that led to this standoff

between civility and chaos and their significant consequences for the strategic interests and standing of the United States.

Humanizing the laws of war : the Red Cross and the development of international humanitarian law

ed. by Robin Geiss, Andreas Zimmermann, Stefanie Haumer. - Cambridge [etc.] : Cambridge University Press, 2017. - XIV, 266 p. - Cote 345.2/1033

Over the past 150 years, the International Committee of the Red Cross (ICRC) has been one of the main drivers of progressive development in international humanitarian law, whilst assuming various roles in the humanization of the laws of war. With select contributions from international experts, this book critically assesses the ICRC's unique influence in international norm creation. It provides a detailed analysis of the workings of the International Red Cross, Red Crescent Movement and ICRC by addressing the milestone achievements as well as the failures, shortcomings and controversies over time. Crucially, the contributions highlight the lessons to be learnt for future challenges in the development of international humanitarian law.

Incentivizing armed non-state actors to comply with the law : protecting children in times of armed conflict

Sarah Hafen. In: BYU law review, Vol. 2016, issue 3, December 2016, p. 989-1041. - Cote 362.7/26 (Br.)

Although the use of child soldiers is an international problem, it is difficult to reconcile international law with the compliance of armed non-state actors, or ANSAs. International law usually binds states and seldom reaches ANSAs. Geneva Call, a non-profit group based out of Switzerland, has written Deeds of Commitment as possible compliance mechanisms for some international issues, including the use of children in armed conflict. Under current international law, Deeds of Commitment concerning child soldiers, such as the one created by Geneva Call, carry no binding nature and represent no enforceable norm against organized armed groups. However, they still hold significant potential as a method by which ANSAs may commit to abide by international norms in a way that is analogous to a unilateral statement. The international community should find ways to encourage compliance with these Deeds by threatening measures such as sanctions, delegitimization, and political isolation, or by offering economic incentives, training, law-making abilities, and a political position to help rebuild a state. As Deeds of Commitment have proven successful so far, it appears that attracting more ANSA signatories could broaden their positive international effect.

https://digitalcommons.law.byu.edu/lawreview/vol2016/iss3/8/

L'interdiction de la violence à l'égard des femmes en temps de conflits armés : quel régime de responsabilité internationale ?

Hadi Azari. - In: Women's human rights and the elimination of discrimination = Les droits des femmes et l'élimination de la discrimination. - Leiden ; Boston : Brill Nijhoff, 2016. - p. 493-513. - Cote 362.9/341 (Br.)

Il revient en principe au juge international de sanctionner la violation des règles des droits de l'homme et du droit international humanitaire qui interdisent les violences sexuelles. Le mécanisme habituellement employé consiste à engager la responsabilité pénale internationale des individus ayant participé d'une manière ou d'une autre à la perpétration des crimes en question. Aussi nécessaire et efficace soit-il, ce mécanisme peine toutefois à constituer une réponse adéquate aux exactions sexuelles commises contre les femmes, et ce d'abord parce qu'il souffre de lacunes importantes, et ensuite parce que l'entreprise criminelle étant la plupart du temps l'oeuvre de l'autorité centrale, celle-là n'est pas dûment réprimée si la responsabilité de celle-ci n'est pas également engagée.

The International Committee of the Red Cross : a unique actor in the field of international humanitarian law creation and progressive development

Robin Geiss and Andreas Zimmermann. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 215-255. - Cote 345.2/1033

This concluding chapter considers, first of all, the ICRC's historic development from a philanthropic private association into a influential stakeholder in the field of international humanitarian law. It then considers the organization's versatile modus operandi, namely its multifaceted working methods including the various channels and "entry points" through which it seeks to influence relevant stakeholders and the different approaches, strategies, and methods of interaction the ICRC has adopted at different times with regards to different projects. In doing so, this chapter is also trying to give due regard to the various indirect and informal ways in which the ICRC attempts to exert its influence on international law development processes.

Then, this contribution present three explanatory strands for the ICRC's "special role" and long-standing influence on the development of IHL. Finally, it considers the challenges to the ICRC's role in humanitarian norm creation and provides an outlook on how this role is likely to develop in the future.

The International Committee of the Red Cross and customary international humanitarian law

Jean-Marie Henckaerts. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 83-112. - Cote 345.2/1033

Part I of this chapter looks at some of the historical background to the ICRC's reliance on customary international humanitarian law. Part II explains the specific mandate given to the ICRC to carry out a comprehensive assessment of customary humanitarian law. Part III discusses the main functions custom can play and gives some examples of the contemporary relevance of customary humanitarian law. Part IV addresses the impact of the ICRC study on recent references to customary humanitarian law. Finally, part V focuses on reactions to the methodology used by the study.

The International Committee of the Red Cross and the Additional Protocols of 1977

Michael Bothe. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 57-80. - Cote 345.2/1033

This chapter highlights tensions and challenges during the process that led to the adoption of the 1977 Additional Protocols to the Geneva Conventions and points out the role the International Committee of the Red Cross (ICRC) played in alerting States to persistent regulatory insufficiencies and protective gaps. It considers the role of the ICRC in the preparation of and the results achieved by the Diplomatic Conference on the reaffirmation and development of international humanitarian law applicable in armed conflicts (1974-1977) and notes that the conceptual work of the ICRC was the decisive foundation for the elaboration of the Additional Protocols. Recalling the political nature of many debates, the chapter also underlines some difficulties underestimated by the ICRC and some resulting loopholes, such as the protection of the victims of non-international armed conflicts or the issues of nuclear weapons and protection of the natural environment.

The International Committee of the Red Cross and the Geneva Conventions of 1949

Robert Heinsch. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 27-56. - Cote 345.2/1033

This chapter looks closely at how the ICRC helped to prepare the drafts for the 1949 Diplomatic Conference, how it influenced the negotiations during the conference, and how it continued to have an impact on the interpretations of the Conventions long after their adoption and indeed up until today. Since the four Geneva Conventions, the travaux préparatoires and the minutes from the conference as such cover hundreds and probably even thousands of pages, this contribution focuses on certain crucial legal provisions and innovations which stood out from the results of the 1949 Diplomatic Conference or which highlight especially the important role the ICRC played.

The International Committee of the Red Cross' "Interpretative guidance on the notion of direct participation in hostilities" : see a little light

Robert Cryer. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 113-138. - Cote 345.2/1033

The most recent contribution of the International Committee of the Red Cross (ICRC) to the debate on international humanitarian law (IHL) is the interpretative guidance on direct participation in hostilities. The Guidance has been considerably criticized and this chapter sets out to investigate and appraise some of those critiques and link them to broader debates about interpretation (and interpreters) of IHL. The chapter looks at three principles from the Guidance on the concept of civilians and combatants in armed conflicts and the level of force that may be used against the latter. It also discusses principle III which relates to the status of private military and security companies and their employees. The chapter concludes that although it is not beyond critique, the Guidance represents an important contribution to the development of IHL. Such developments are not solely, if they ever were, the remit of States, or more narrowly, the military

representatives of those States. The Guidance is already having an impact in practice, and the more practice that accumulates that conforms with the Guidance, the more difficult it may be to deny its normative status.

International cultural heritage law in armed conflict : case studies of Syria, Libya, Mali, the invasion of Iraq, and the Buddhas of Bamiyan

Marina Lostal. - Cambridge [etc.] : Cambridge University Press, 2017. - XVIII, 198 p. - Cote 357/191

This book fills gaps in the exploration of the protection of cultural heritage in armed conflict based on the World Heritage Convention. Marina Lostal offers a new perspective, designating a specific protection regime to world cultural heritage sites, which is so far lacking despite the fact that such sites are increasingly targeted. Lostal spells out this area's discrete legal principles, providing accessible and succinct guidelines to a usually complex web of international conventions. Using the conflicts in Syria, Libya and Mali (among others) as case studies, she offers timely insight into the phenomenon of cultural heritage destruction. Lastly, by incorporating the World Heritage Convention into the discourse, this book fulfills UNESCO's long-standing project of exploring 'how to promote the systemic integration between the [World Heritage] Convention of 1972 and the other UNESCO regimes'.

The international law framework regulating the use of armed drones

Christof Heyns... [et al.]. In: International and comparative law quarterly, Vol. 65, part 4, October 2016, p. 791-827

This article provides a holistic examination of the international legal frameworks which regulate targeted killings by drones. The article argues that for a particular drone strike to be lawful, it must satisfy the legal requirements under all applicable international legal regimes, namely: the law regulating the use of force (ius ad bellum); international humanitarian law and international human rights law. It is argued that the legality of a drone strike under the ius ad bellum does not preclude the wrongfulness of that strike under international humanitarian law or international human rights law, and that since those latter obligations are owed to individuals, one State cannot consent to their violation by another State. The article considers the important legal challenges that the use of armed drones poses under each of the three legal frameworks mentioned above. It considers the law relating to the use of force by States against non-State groups abroad. This part examines the principles of self-defence and consent, in so far as they may be relied upon to justify targeted killings abroad. The article then turns to some of the key controversies in the application of international humanitarian law to drone strikes. It examines the threshold for non-international armed conflicts, the possibility of a global non-international armed conflict and the question of who may be targeted in a non-international armed conflict. The final substantive section of the article considers the nature and application of the right to life in armed conflict, as well as the extraterritorial application of that right particularly in territory not controlled by the State conducting the strike.

https://doi.org/10.1017/S0020589316000385

The interplay between international human rights law and international humanitarian law in the practice of commissions of inquiry

Marco Odello. - In: Commissions of inquiry : problems and prospects. - Oxford ; Portland : Hart, 2017. - p. 199-229. - Cote 345/725

This chapter looks at the work that commissions of inquiry do, with a particular attention to their use of international human rights law, international humanitarian law and other related rules and principles, in particular international criminal law, due to the possible consequences of individual criminal responsibility linked to the events under consideration. As these sets of rules are defined under international law, the mandates and the reports of the commissions of inquiry are relevant to see how they refer to, interpret and apply those norms in their work. It is also relevant to mention that the two main sets of international rules, despite the fact that they are well defined in international law, are also the object of discussion with regard to their possible relationship. In particular which rules would apply in borderline situations, when the armed conflict is not clearly recognized, and the possible clash of international humanitarian law and international human rights law may occur? It looks at the possible relationship within the context of commissions of inquiry that have dealt with situations that have been, at a certain point, identified as armed conflict.

Introduction : the international Red Cross and Red Crescent Movement and the development of international humanitarian law

Stefanie Haumer, Robin Geiss and Andreas Zimmermann. - In: Humanizing the laws of war : the Red Cross and the development of international humanitarian law. - Cambridge [etc.] : Cambridge University Press, 2017. - p. 1-24. - Cote 345.2/1033

This introduction focuses on the roles of National Red Cross and Red Crescent Societies and of the International Federation of Red Cross and Red Crescent Societies regarding the development of international humanitarian law. More specifically, this introduction places a particular focus on the relationship between a given State and the respective National Red Cross or Red Crescent Society on its territory, as a further important component of the International Red Cross and Red Crescent Movement in the area of international humanitarian law. The mandate of the respective National Society, while being auxiliary to the public authorities, is also explored, which not only includes the National Society's contribution to the development of international humanitarian law as such, but also analyses its cooperation with the respective government to ensure respect for these rules.

Investigating war crimes in the former Yugoslavia war 1992-1994 : the United Nations Commission of Experts established pursuant to Security Council resolution 780 (1992)

M. Cherif Bassiouni. - Antwerp ; Cambridge : Intersentia, 2017. - LX, 452 p. - Cote 344/700

United Nations Security Council Resolution 780 (1992) appointed a Commission of Experts to investigate war crimes and crimes against humanity amounting to violations of international humanitarian law in the territory of the former Yugoslavia. This book details the investigation into the conflict, including the uncovering of mass graves, the interviewing of victims of rape and sexual assault, and the utilization of prison camps and mass expulsion for the purpose of ethnic cleansing. Along with the author's personal insights and insider anecdotes on the conflict, this book highlights the continuing need for the pursuit of accountability and international criminal justice in a world of thriving bureaucracy and realpolitik.

Is it possible to prevent sexual violence as a weapon of war against women, men and children or only to manage the after-effects ?

Samantha J. Hope. - [Guer] : EuroISME, 2017. - 53 p. - Cote 362.9/339 (Br.)

In 2012, the UK introduced the 'Preventing Sexual Violence Initiative'. This paper examines whether it is actually possible to prevent sexual violence being employed as a weapon of war against women, men and children. It assesses existing prevention strategies, uses Daesh as a case study – to illustrate the limitations of the current approaches – and considers additional measures. The paper concludes that it is possible to prevent sexual violence in war, provided that all appropriate measures are harnessed and adapted to the specific circumstances of each conflict. It will, though, require improvements to existing strategies, the use of additional prevention measures, more resources and long-term engagement of all actors.

http://www.euroisme.eu/first-euroismes-prize-best-students-thesis-awarded/

La jurisprudence européenne sur les opérations militaires à l'épreuve du feu

Nicolas Hervieu. In: La Revue des droits de l'homme, 2014, 23 p. - Cote 345.1/654 (Br.)

Etre projetée sur les champs de bataille est en soi une épreuve pour la Convention européenne des droits de l'homme. Historique à plusieurs égards, l'arrêt Hassan c. Royaume-Uni rendu le 16 septembre 2014 le confirme amplement. Certes, dans cette affaire, la Grande Chambre de la Cour européenne a fermement consolidé l'emprise conventionnelle sur le théâtre des hostilités, fût-il à mille lieues des cieux européens. Mais pour dissoudre l'inextricable dilemme né de la détention au cours d'un conflit armé international, la Cour a mis en exergue une logique de conciliation entre le droit européen des droits de l'homme, d'une part, et le droit international humanitaire, d'autre part. Or, acquise au prix de maintes réécritures prétoriennes du texte conventionnel, cette approche n'est pas dénuée de périls. Surtout, elle peine à dissimuler l'effacement européen devant le droit international humanitaire. Si ce n'est une véritable capitulation.

http://dx.doi.org/10.4000/revdh.890

Laying the foundations : commissions of inquiry and the development of international law

Shane Darcy. - In: Commissions of inquiry : problems and prospects. - Oxford ; Portland : Hart, 2017. - p. 231-256. - Cote 345/725

This chapter draws on a number of prominent examples of commissions of inquiry to assess whether they can be considered to have made a contribution to the development of international law, specifically international criminal law. It considers illustrative instances of the application of international law by the Commission on the Responsibility of the Authors of the War and on the Enforcement of Penalties (1919), the United Nations War Crimes Commission (1943-1948) and the Commission of Experts established by the Security Council to examine alleged violations of international humanitarian law in the Former Yugoslavia (1992-1994). The question of whether commissions of inquiry can be said to have developed, rather than merely applied international law, is the central concern of this chapter. Consideration is first given to the

legal weight to be ascribed to the findings of commissions of inquiry within the international legal system, before turning to an examination of the three chosen commissions. The chapter's analysis draws upon the jurisprudence of relevant international courts and tribunals, and other sources of international law, in considering the contribution of commissions of inquiry to the development of international law.

Legal liability for environmental damage : the United Nations Compensation Commission and the 1990-1991 Gulf War

Cymie R. Payne. - In: Governance, natural resources and post-conflict peacebuilding. - London : Earthscan, 2016. - p. 719-760 . - Cote 358/161 (Br.)

The United Nations Compensation Commission (UNCC) established by the United Nations Security Council proved to be an innovative institution that implemented a law-based approach to the transition from conflict to peace and to the restoration of war-damaged environmental resources. This chapter illustrates how the UNCC adapted the traditional bilateral compensation commission model to address the substantial environmental damage that resulted from the 1990-1991 Gulf War. The UNCC demonstrates that states can be held accountable for wartime environmental damage, and reveals the benefits that can be obtained from multilateral engagement and long-term commitment to environmental restoration. After discussing the role of natural resources in Iraq's decision to invade Kuwait and the resulting environmental damage, the chapter considers the legal procedures and principles that shaped the work of the UNCC, including the review of environmental claims. It then provides an assessment of the UNCC as an instrument of reparations and post-conflict restoration.

https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/

La lex specialis à l'épreuve de la pratique du droit international humanitaire

par Isabelle Fouchard. - In: La mise en œuvre de la lex specialis dans le droit international contemporain : journée d'études de Lille. - Paris : Pedone, 2017. - p. 133-162. - Cote 345/724

Il ne s'agit ici ni de considérer globalement la place de la lex specialis parmi les autres outils d'interprétation et d'application du droit international, ni d'explorer de manière générale les relations qu'entretiennent le droit international humanitaire (DIH) et le droit international des droits de l'homme. La démarche proposée consiste à revisiter l'adage lex specialis à l'aune de la pratique du DIH et d'interroger ce qui est souvent tenu pour une évidence - le droit international humanitaire est lex specialis par rapport au droit international des droits de l'homme, lex generali. Bien que l'utilisation - au double sens de recours et d'usage - ou la non-utilisation de la lex specialis relève, comme dans d'autres domaines, du libre choix de l'interprète, et qu'en conséquence la pratique se revèle loin d'être uniforme, nous tenterons d'éclairer les apports possibles de la mise en oeuvre du DIH à l'analyse d'ensemble de la lex specialis en droit international, d'abord sous l'angle de ses conditions de mise en oeuvre puis à l'aune des effets qu'on lui prête.

Maintenir un minimum d'humanité face à la violence contre le personnel de santé

Caroline Brandao. In: La revue des droits de l'homme, août 2016, 14 p. - Cote 359/109 (Br.)

La résolution 2286 adoptée par le Conseil de sécurité le 3 mai 2016 pour le respect de la mission médicale dans les conflits armés est importante pour l'effectivité du droit international humanitaire (DIH). Elle réaffirme la pertinence de ce droit et incite à prendre des mesures spécifiques pour protéger la fourniture des soins de santé. Les membres du Conseil de sécurité démontrent en adoptant cette résolution, que la violence contre les soins de santé est un problème humanitaire grave qui doit être affronté au plus haut niveau. L'article présentera les conditions de sécurité dans lesquelles les actions du personnel médical se déroulent et se concentrera sur la protection juridique du personnel médical, à travers le droit international humanitaire.

https://revdh.revues.org/2511

Military use of educational facilities during armed conflict : an evaluation of the Guidelines for protecting schools and universities from military use during armed conflict as an effective solution

Ashley Ferrelli. In: Georgia journal of international and comparative law, Vol. 44, no. 2, 2016, p. 339-367. - Cote 357/192 (Br.)

The need for explicit standards and norms to protect schools from use by military forces resulted in the release of the Guidelines for protecting schools and universities from military use during armed conflict (the Guidelines) in 2014. This note evaluates the potential effectiveness of the Guidelines. It demonstrates the inherent problems arising from the military use of schools during armed conflict as evidenced by its effect

in Syria. It then analyzes the effectiveness of the Guidelines by first comparing the advantages and disadvantages of hard law and soft law. Second it evaluates the Guidelines against key criteria set out by the Global coalition to protect education from attack, the nongovernment organization that effectuated the Guidelines. Lastly this note recommends that states adopt the Guidelines, and suggests amendments and additions to this document, namely inclusion of a reparations structure and accountability mechanisms.

http://digitalcommons.law.uga.edu/gjicl/vol44/iss2/4/

National liberation movements : still a valid concept (with special reference to international humanitarian law) ?

Konstantinos Mastorodimos. In: Oregon review of international law, Vol. 17, no 1, 2015, p.71-109 : tabl.. - Cote 348.29/250 (Br.)

This article examines the contemporary relevance of the concept of national liberation movements. These movements constitute a category of armed nonstate actors that appeared predominantly in the decolonization period and relate to peoples' self-determination. The article first discusses the interrelated notions of liberation movements, self-determination and peoples. It then considers the role of recognition and its effect for national liberation movements, as well as the inclusion of the concept in international humanitarian law. It concludes that it is difficult to envision a future for the category of national liberation movements.

http://hdl.handle.net/1794/19847

Naval blockade and the humanitarian crisis in Yemen

Martin D. Fink. In: Netherlands international law review, Vol. 64, issue 2, July 2017, p. 291–307. - Cote 347/164 (Br.)

A Saudi Arabia-led coalition is supporting the Yemeni Government with military means against the Houthis in Yemen. Part of those military operations are naval operations off the coast of Yemen that aim to stop the influx of weapons meant for the Houthis. It is viewed that these naval enforcement measures, often termed blockade, have a severe impact on the dire humanitarian situation in Yemen. As the blockade is seen to cause severe humanitarian distress and is leading to starvation, many feel that it has been unlawfully established. The law of blockade is a specific legal regime that regulates how belligerent blockades can be lawfully established and enforced. The question, however, is whether a belligerent blockade has in fact been established in the case of Yemen and whether, considering the circumstances of the Yemeni conflict, the law of blockade applies.

http://dx.doi.org/10.1007/s40802-017-0092-3

NIAC nonsense, the Afghan war, and combatant immunity

Jordan J. Paust. In: Georgia journal of international and comparative law, Vol. 44, no. 3, 2016, p. 555-575. - Cote 345.26/298 (Br.)

This essay addresses important issues concerning the nature of the ongoing Afghan war, proper criteria for prisoner of war status, and membership as the proper criterion for combatant status and combatant immunity for lawful acts of warfare. The issues were prominent during a hearing in a federal district court in Virginia in June 2015. As documented in this essay, for several reasons the Afghan armed conflict is one of an international character and membership is and must remain the sole criterion for pow and combatant status for members of armed forces of the Taliban and military units attached thereto. Proper classification of the conflict and continued use of the membership criterion will be critical for protection of U.S. soldiers and those of other countries in the future. For example, classification of an armed conflict as one that is not of an international character when it is actually international in character can pose threats of civil and criminal responsibility for soldiers who engage in detention and killing of persons on the battlefield that would be recognizably permissible during an armed conflict of an international character.

http://digitalcommons.law.uga.edu/gjicl/vol44/iss3/4/

Non-refoulement as custom and jus cogens ? : putting the prohibition to the test

Cathryn Costello and Michelle Foster. In: Netherlands yearbook of international law, 2015, p. 273-327. - Cote 365/430 (Br.)

The norm of non-refoulement is at the heart of the international protection of refugees yet there remains a lack of consensus as to its status. In this contribution, the authors examine the question whether it has attained the status of a jus cogens norm. Adopting the methodology of 'custom plus' they first examine whether non-refoulement has attained the status of custom, concluding that widespread state practice and opinio juris underpin the view that it is clearly a norm of customary international law. Moreover, much of

this evidence also leads to the conclusion that it is ripe for recognition as a norm of jus cogens, due to its universal, non-derogatory character. In other words, it is a norm accepted and recognised by the international community of states as a whole as a norm from which no derogation is permitted. The chapter then examines the consequences for its recognition as jus cogens, exploring some of the many ways in which jus cogens status may have meaningful implications for the norm of non-refoulement.

Peace through justice : international tribunals and accountability for wartime environmental damage

Anne-Cecile Vialle... [et al.]. - In: Governance, natural resources and post-conflict peacebuilding. - London : Earthscan, 2016. - p. 665-717. - Cote 358/160 (Br.)

This chapter discusses experiences in which judicial bodies have adjudicated environmental wrongs committed during armed conflict. The discussion is divided into two sections, the first dealing with civil and the second with criminal tribunals. Each section presents examples involving international tribunals first, followed by examples involving national courts. A discussion of the lessons from the tribunals follows each set of examples. Although the institutions discussed rely on international law for their authority, there is a dearth of legal precedent for applying such law in the adjudication of environmental wrongs committed during conflict. This chapter seeks to provide insight into how the use of tribunals to address wartime environmental wrongs can expand in the future.

https://environmentalpeacebuilding.org/publications/books/governance-natural-resources-and-post-conflict-peacebuilding/download/170

La peine de mort en temps de guerre : aspects de droit international

Syméon Karagiannis. In: Journal du droit international, No 2, avril-mai-juin 2017, p. 413-484. - Cote 362.9/340 (Br.)

Même si nombre d'Etats maintiennent la peine de mort dans leur arsenal répressif, il est indéniable que, depuis une trentaine d'années, l'abolition de cette peine barbare gagne du terrain. Au niveau du droit international, tant universel que régional, plusieurs instruments juridiques, s'emploient à consacrer son abolition. Toutefois, la plupart d'entre eux réservent l'hypothèse de crimes de nature militaire commis en temps de guerre. Ce sont les conditions dans lesquelles la peine capitale peut être rétablie que cette étude examine. Il s'agit de conditions pas toujours faciles à cerner tant en ce qui concerne ces périodes exceptionnelles que sont les "temps de guerre" que les techniques juridiques qui permettent exceptionnellement la résurrection de la peine de mort ou encore les garanties qui doivent absolument entourer tout procès pouvant conduire à une condamnation capitale.

The pen and the sword : international humanitarian law protections for journalism

Daniel J. Hessel. In: Yale journal of international law, Vol. 41, issue 2, summer 2016, p. 415-457. - Cote 360/48 (Br.)

Barrels of ink have been spilled on the discussion about how to better protect journalists working in war zones. Understandably so; throughout the world, journalists covering armed conflicts have been harassed, threatened, denied access, and even killed. Scholars have written on the issue of how international humanitarian law (IHL) — the legal framework governing warfare — can better protect journalists and have put forth important and welcome suggestions. In doing so, they have documented the expansion of legal protections for wartime journalists. However, few have closely interrogated the underlying question of why IHL protections for journalists have expanded. This Note fills that gap. It documents a shift in international public discourse about the role of wartime journalists and why they warrant protection. This Note argues that early IHL protections for journalists were motivated exclusively by individual humanitarianism. Now, however, IHL protections for journalists are also motivated by the mutually inclusive public- informing function of journalists. Because of this shift, this Note argues that IHL can — and should — be understood not only as protecting journalists as individuals, but also as protecting journalism as a field.

https://ssrn.com/abstract=2815264

Private security companies during the Iraq war : military performance and the use of deadly force

Scott Fitzsimmons. - London ; New York : Routledge, 2016. - XIII, 238 p. - Cote 355/1104

This book explores the use of deadly force by private security companies during the Iraq War. The work focuses on and compares the activities of the US companies Blackwater and Dyncorp. Despite sharing several important characteristics, such as working for the same client (the US State Department) during the same time period, the employees of Blackwater fired their weapons far more often, and killed and seriously injured

far more people in Iraq than their counterparts in DynCorp. In order to explain this disparity, the book undertakes the most comprehensive analysis ever attempted on the use of violence by the employees of these firms. Based on extensive empirical research, it offers a credible explanation for this difference: Blackwater maintained a relatively bellicose military culture that placed strong emphasis on norms encouraging its personnel to exercise personal initiative, proactive use of force, and an exclusive approach to security, which, together, motivated its personnel to use violence quite freely against anyone they suspected of posing a threat. Utilizing the Private Security Company Violent Incident Dataset (PSCVID), created by the author in 2012, the book draws upon data on hundreds of violent incidents involving private security personnel in Iraq to identify trends in the behaviour exhibited by the employees of different firms.

Protection of civilians in armed conflict : bridging the gap between law and reality

Eva Svoboda and Emanuela-Chiara Gillard. - London : Overseas Development Institute, 2015. - 8 p. - Cote 362/124 (Br.)

Numerous laws – particularly international humanitarian law (IHL) – exist to protect civilians in conflicts by putting obligations on all parties to a conflict. At the same time, many NGOs have sought to mainstream protection in their programming. But conflicts continue to see systematic violations of IHL, causing untold suffering on the civilian population. This policy brief examines the gap between laws and reality and offers suggestions on how to bridge the divide.

https://www.odi.org/publications/9935-protection-civilians-armed-conflict-bridging-gap-between-law-and-reality

Reaffirming the distinction between combatants and civilians : the cases of the Israeli army's "Hannibal Directive" and the United States' drone airstrikes against ISIS

Hilly Moodrick-Even Khen. In: Arizona journal of international and comparative law, Vol. 33, no. 3, 2016, p. 765-801. - Cote 345.25/359 (Br.)

Should the principle of distinction and the protection of civilians be reevaluated in facing the challenges of the war on terror in general and the use of human shields in particular? In addition, how does the use of new technologies that allow removal of combatants from the actual battlefield affect the protection of civilian life? The author contends that while protecting combatants' lives is a legitimate military interest, it should only be undertaken within the boundaries of the principle of distinction and proportionality. Hence, the author argues that the principle of distinction should be reaffirmed and that new technologies adapted to it. The author also puts forward that, in dealing with the challenge of the illegitimate use of human shields, we must not forsake the principle of distinction. The second part of the article analyzes Israel's use of the Hannibal directive in Operation Protective Edge and the United States' use of drone strikes during the campaign against ISIS.

http://arizonajournal.org/archive/vol-33-no-3/

Regulation of armed conflict : critical comparativism

Nesrine Badawi. In: Third world quarterly, Vol. 37, no. 11, 2016, p. 1990-2009. - Cote 345.2/1042 (Br.)

This paper calls for comparative analysis of international humanitarian law and Islamic laws regulating armed conflict by focusing on the underlying assumptions and interests informing both systems (rather than on rule-based comparison). It argues that examination of the biases inherent to each legal system can potentially inform scholars to understand better the paradigms shaping each of them. In doing so, the paper builds on contextual and critical interpretations of both fields of law to assert the need for 'critical comparativism' rather than functionalist comparativism. Unlike functionalist comparativism, which treats international law as the 'objective' benchmark against which other legal traditions are measured, 'critical comparativism' treats the two legal systems examined as alternative manifestations of power structures which, when contrasted against each other, help shed more light on the inherent bias in each legal system.

Rethinking proportionality in the cyber context

Stephen Petkis. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1431-1458. - Cote 348/133 (Br.)

Despite a rise in "cyber attacks", there is no unified international agreement on how the existing laws of war restrain the use of cyber force. Consequently, states have very little guidance on how to respond "proportionally" to a cyber aggression, or whether a state's own offensive cyber measures are "proportional." Contemporary legal scholarship appears to have settled on a definition of "force" that applies the existing laws of war to cyber actions only when such actions are likely to result in conventional "kinetic" harm. This approach fails to adequately address the unique concerns raised by cyber warfare and, indeed, ignores cyber

attacks as a distinct component of the modern military arsenal. This note argues that “force” in the cyber context should be interpreted based on the purpose of the attack, not its eventual effect. Any cyber attack launched for the purpose of affecting a foreign national security interest should be considered a “use of force” subject to the existing laws of war. This approach not only mitigates the practical difficulties inherent in trying to anticipate the kinetic consequences of a cyber attack, it also ensures that states cannot engage in an endless cycle of cyber aggressions unrestrained by the laws of war. This note also makes suggestions for re-conceptualizing proportionality analysis in light of the purpose-based definition of cyber “force.” To comply with jus ad bellum proportionality, cyber responses should be limited to neutralizing aggressive attacks, only in cases of clear attribution. Furthermore, to comply with jus in bello proportionality, states should be careful to consider likely entanglements between civilian and military cyber networks.

https://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/Petkis.PDF

Should international law recognize a right of humanitarian intervention ?

Chris O'Meara. In: International and comparative law quarterly, Vol. 66, part 2, April 2017, p. 441-466

The ongoing Syrian civil war calls for a re-evaluation of using force to protect human rights. This article does not rake over the much-debated issue of whether a right of humanitarian intervention exists as lex lata. Instead, it addresses the little reviewed normative issue of whether the right should exist in international law to support and reflect a pluralistic understanding of sovereignty. Despite advancements in international human rights law, international humanitarian law and international criminal law, this wider fabric of international law preserves Westphalian sovereignty and the principle of non-intervention. It denies any right of humanitarian intervention.

https://doi.org/10.1017/S0020589317000057

Soft war : the ethics of unarmed conflict

ed. by Michael L. Gross and Tamar Meisels ; foreword by Michael Walzer. - Cambridge [etc.] : Cambridge University Press, 2017. - XVI, 268 p. - Cote 345.2/1038

Includes : Defining war / J. Wolfendale. - Coercion, manipulation, and harm : civilian immunity and soft war / V. Morkevicius. - The ethics of soft war on today's mediatized battlespaces / S. Kaempf. - A cooperative globalist approach to the hostage dilemma / A. Colonomos. - Proportionate self-defense in unarmed conflict / M. L. Gross.

Les systèmes d'armes létaux autonomes (SALA) : enjeux juridiques de l'émergence d'un moyen de combat déshumanisé : droit international humanitaire et droit du désarmement

Julien Ancelin. In: La revue des droits de l'homme, octobre 2016, 12 p. - Cote 341.67/828 (Br.)

Les robots-tueurs, techniquement dénommés systèmes d’armes létaux autonomes (SALA), sont sur le point de constituer un nouveau moyen de combat. L’étendue de cette nouvelle catégorie est au cœur des discussions internationales menées dans le cadre du suivi de la Convention sur certaines armes classiques. L’analyse de leurs implications potentielles pour le droit international dépasse le cadre d’un simple examen de licéité.

http://dx.doi.org/10.4000/revdh.2543

Taking no prisoners : the need for an additional protocol governing detention in non-international armed conflicts

Brittany R. Warren. In: Military law review, Vol. 225, issue 1, 2017, p. 157-215

The current misunderstanding of a State's authority to conduct security detentions in non-international armed conflicts (NIACs) has left the state of the law fractured and unclear. This dissonance will severly hamper the United States' ability to conduct detention operations with coalition partners. In order to address the lack of clarity, the international community should clarify international humanitarian law (IHL) through an Additional Protocol to the Geneva Conventions. This new protocol would recognize States' inherent authority to conduct security detentions in NIACs. The article proceeds with a discussion of legal frameworks that apply during NIACs under both IHL and international human rights law (IHRL) and an analysis of the current debate over the authority to detain in NIACs. It concludes that IHL does, in fact, reflect an authority to detain that displaces the application of IHRL, relying on both a structural analysis of the two bodies of law and pre-Geneva understanding of State authorities during armed conflict. The article then discusses the provisions an Additional Protocol IV to the Geneva Conventions governing security detentions in NIACs should contain. The most important provisions for this treaty are procedures for legal detention reviews, as well as procedures for the transfer of detained persons to sovereign authorities. The article considers several

counterarguments to a treaty-based solution to the problem of security detentions in NIAC and concludes with a proposed text for a new additional protocol.

"Then a great misfortune befell them" : the laws of war on surrender and the killing of prisoners on the battlefield in the Hundred Years War

Andy King. In: Journal of medieval history, Vol. 43, no. 1, 2017, p. 106-117. - Cote 345.2/1041 (Br.)

The Battle of Agincourt in 1415 has been seen as glorious feat of arms for the English, and for Henry V in particular. However, for many historians, Henry's conduct was marred by his order for the killing of French prisoners, which has been characterised by some as a war crime. This paper examines how common were such massacres of prisoners, and whether such attitudes were shared by contemporaries. It has usually been considered that the ethics of chivalry and the laws of war forbade the deliberate killing of prisoners; how then could such conduct be justified?

https://library.ext.icrc.org/library/docs/ArticlesPDF/44025.pdf

"There are no enemies after victory" : the laws against killing the wounded

Matthew Milikowsky. In: Georgetown journal of international law, Vol. 47, issue 4, 2016, p. 1221-1269. - Cote 362/125 (Br.)

Despite the centrality of the principle of respect and protection for the battlefield wounded and sick in international humanitarian law (enacted as part of the first Geneva Convention of 1864) it is traditionally viewed as an "easy" principle and one to which scholars and practitioners have devoted little thought. This paper traces the slow evolution of this principle from its first enactment into international law in 1864 through three subsequent Conventions (1906, 1929, and 1949), until the Additional Protocol I of 1977 made clear that it was not the "wounded" who received protection, but only the wounded "who refrain from any act of hostility" or the "hors de combat." This paper then looks at relevant modern American military training and doctrine, and suggests that America has adopted the most expansive definition available under the law. The impact of the law on the battlefield is then assessed by examining case studies involving the alleged or possible targeting of the hors de combat in the Iraq and Afghanistan conflicts. This shows the real world impact of the good faith standard, a standard that affords vast discretion to the soldier on the ground. Ultimately, this paper concludes there is no standard preferable to the good faith standard, but limited changes in training and court-martial process may re-emphasize the need for battlefield protection of the wounded and sick.

https://www.law.georgetown.edu/academics/law-journals/gjil/recent/upload/Milikowsky.PDF

US Detention policy towards ISIS : between a rock and a hard place

Elizabeth Grimm Arsenault. In: Survival, Vol. 59, no. 4, August-September 2017, p. 109-134

The United States' resort to torture in responding to past terrorist threats raises questions about how the country will deal with captured members of the Islamic State (also known as ISIS or ISIL). As a US-led coalition seeks to retake the ISIS stronghold in northern Iraq the United States has opted to delegate responsibility for detainee handling to Iraqi and Kurdish forces. US involvement against ISIS thus far has comprised an air campaign supported by special-forces troops on the ground, limiting the possibility for detainee capture. Nevertheless, the policy of delegating responsibility for any prisoners generates two key questions: what steps should the United States take to ensure the humane treatment of detainees at the hands of its allied partners, and how will the United States craft a detention policy if the fight extends beyond the current air campaign?

http://dx.doi.org/10.1080/00396338.2017.1349799

Wartime environmental pollution and endangerment : the landmine scourge and the global effort to eliminate it

Theresa Oby Ilegbune. In: Annual survey of international and comparative law, Vol. 21, issue 1, 2016, p. 177-201. - Cote 341.67/830 (Br.)

The principal purpose of this paper is to discuss the legal aspects of the global efforts to ban and eliminate landmines. In doing this, it is considered necessary to explain what landmines are; the nature and extent of security, social and environmental problems posed by landmines; the history and development of the international campaign to adopt a treaty banning landmines; and efforts made, and still being made, to implement that treaty. In these discussions, Nigeria is used as a case study.

https://digitalcommons.law.ggu.edu/annlsurvey/vol21/iss1/10/

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