BIBLIOGRAPHY
2nd Issue 2023

International Humanitarian Law

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

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.

Access to document

Whenever an article is electronically available in full text, a link allows you to access the document directly. Links followed by a * are restricted to subscribers or otherwise limited to ICRC staff. All documents are available for loan at the ICRC Library. 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 four months. The Library strives to acquire relevant articles and books as soon as they become available.

Contents

The bibliography lists writings on IHL subjects (e.g. articles, monographs, chapters, reports and working papers) in English and French, with the addition of writings in German and Spanish since 2022.

Sources

The ICRC Library monitors a wide range of sources, including all 80 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)

L'apport de l'histoire au développement du droit international humanitaire

Nathalie Colette-Basecqz et Elise Delhaise. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 359-377

L'assistance d'Etats tiers dans la guerre d'Ukraine au regard du droit international

Alexander Wentker et Claus Kreß. In: Annuaire français de droit international, 68, 2022, p. 173-192

Buddhism and international humanitarian law

ed. by Andrew Bartles-Smith ... [et al.]. - London : Routledge, 2022. - XVII, 451 p.
https://doi.org/10.4324/9781003439820

The development of international humanitarian law

Eyal Benvenisti. - In: 150 ans de contributions au développement du droit international : livre du sesquicentenaire de l'Institut de Droit international (1873-2023) = 150 years of contributing to the development of international Law : sesquicentenary book of the Institute of International Law (1873-2023). - Paris : A. Pedone, 2023. - p. 415-435

Does international humanitarian law confer undue legitimacy on violence in war?

Kieran R.J. Tinkler. In: International law studies, vol. 100, 2023, p. 605-636
https://digital-commons.usnwc.edu/ils/vol100/iss1/18/

East African laws of war

Kenneth Wyne Mutuma and Eve Massingham. - In: The laws of yesterday's wars. 2 : from ancient India to East Africa / edited by Samuel White. - Leiden ; Boston : Brill Nijhoff, 2022. - p. 214-240
https://doi.org/10.1163/9789004473218_009 *

The Geneva Conventions, insurgency, and decolonization

Boyd van Dijk. - In: The Oxford handbook of late colonial insurgencies and counter-insurgencies. - Oxford [etc.] : Oxford University Press, 2023. - p. 197-213

In search of humanity : the moral and legal discrepancy in the redress of violations in international humanitarian law

Steven van de Put. In: Israel law review : a journal of human rights, public and international law, vol. 56, issue 2, July 2023, p. 171-200
https://doi.org/10.1017/S0021223722000206 *

International humanitarian law : cases, materials and commentary

Nicholas Tsagourias, Alasdair Morrison. - Cambridge : Cambridge University Press, 2023. - XIV, 450 p.

Islamic jihadism and the laws of war : a conversation in international and Islamic law languages

Omar Mekky. - Oxford : Oxford University Press, 2023. - VIII, 259 p.
https://doi.org/10.1093/oso/9780198888369.001.0001 *

Islamic law and international humanitarian law : proceedings

Ahmed al-Dawoody, Nedim Begović, Zehra Alispahić, Mustafa Hasani, Senad Ćeman [and] Amir Mahić. - Sarajevo : Fakultet islamskih nauka Univerziteta, 2020ICRC Bosnia and Herzegovina. - 95 p.
https://library.icrc.org/library/docs/DOC/WEB_086.pdf

Islamic laws of war

Ahmed Al-Dawoody. - In: The laws of yesterday's wars. 2 : from ancient India to East Africa. - Leiden ; Boston : Brill Nijhoff, 2022. - p. 126-145
https://doi.org/10.1163/9789004473218_006 *

The laws of yesterday's wars. 2 : from ancient India to East Africa

edited by Samuel White. - Leiden ; Boston : Brill Nijhoff, 2022. - XV, 260 p.
https://doi.org/10.1163/9789004473218 *

Leçons de droit international humanitaire

Aubin Minaku Ndjalandjoko ; préf. d'Auguste Mampuya Kanunk'a-Tshiabo. - Paris : L'Harmattan, 2023. - 330 p.

Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law

edited by Brian Cuddy and Victor Kattan. - Ann Arbor : University of Michigan Press, 2023. - XVIII, 303 p.
https://doi.org/10.3998/mpub.12584508

Membership in an exclusive club : international humanitarian law rules as peremptory international law norms

Ata R. Hindi. In: Loyola University Chicago international law review, Vol. 19, issue 2, Spring 2023, p. 127-155
https://lawecommons.luc.edu/lucilr/vol19/iss2/2/

The politics of armed non-state groups and the codification of international humanitarian law

Giovanni Mantilla. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 43-63
https://doi.org/10.4337/9781800888340.00009 *

The practical reality and efficacy of international humanitarian law : some reflections

Christopher Greenwood. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 14-30
https://doi.org/10.1163/18781527-bja10064 *

The San Remo manual on the law of naval warfare : from restatement to development ?

Liesbeth Lijnzaad. - In: Unconventional lawmaking in the law of the sea. - Oxford : Oxford University Press, 2022. - p. 21-43
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58457.pdf *

Suicide attacks and international humanitarian law : a study of culturally plural agency in combatant deaths

Vishakha Wijenayake. - [S.l.] : [s.n.], 2023. - 248 p.
https://escholarship.mcgill.ca/concern/theses/n583z118q

"The Third World is a problem" : arguments about the laws of war in the United States after the fall of Saigon

Victor Kattan. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 173-206

https://doi.org/10.3998/mpub.12584508

Who is who on the battlefield ? The actors engaged in contemporary armed conflicts : proceedings of the 23rd Bruges Colloquium, 20-21 October 2022

ICRC, College of Europe

https://www.brugescolloquium.org/wp-content/uploads/2023/10/231019-FINAL-Proceedings_23rd_Bruges_Colloquium-6.pdf

Worldmaking at the end of history : the Gulf Crisis of 1990-1991 and international law

by Samuel L. Aber. In: American journal of international law, vol. 117, no. 2, April 2023, p. 201-250 : map

https://doi.org/10.1017/ajil.2023.8

II. Types of conflicts

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

Adjusting the aperture : the international law case for qualifying unmanned vessels as warships

Malgorzata Materna. In: International law studies, Vol. 100, 2023, p. 452-482
https://digital-commons.usnwc.edu/ils/vol100/iss1/13/

The application of the principle of precautions to cyber operations

Yunus Emre Gül. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 3-38
https://doi.org/10.4337/mllwr.2023.01.01 *

Armed groups and international law : in the shadowland of legality and illegality

edited by Katharine Fortin and Ezequiel Heffes. - Cheltenham : E. Elgar, 2023. - XV, 324 p.
https://doi.org/10.4337/9781800888340 *

Les aspects de droit international humanitaire et de droit international pénal du conflit

Julia Grignon. In: Annuaire français de droit international, 68, 2022, p. 227-252

Attacking data : moving beyond the interpretative quagmire of the "data as an object" debate

Marc Schack, Katrine Lund-Hansen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 349-370
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

Autonomous systems, private actors, outer space and war : lessons for addressing accountability concerns in uncertain legal environments

Eve Massingham and Dale Stephens. In: Melbourne journal of international law, vol. 23, issue 2, December 2022, 30 p.
https://law.unimelb.edu.au/__data/assets/pdf_file/0004/4601497/Massingham-unpaginated.pdf

Awakening the law of contraband in the Russia-Ukraine conflict

Martin Fink. In: International law studies, vol. 100, 2023, p. 688-707
https://digital-commons.usnwc.edu/ils/vol100/iss1/21/

Challenges of applying the law of naval warfare in non-international armed conflict at sea

Martin Fink. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 39-58
https://doi.org/10.4337/mllwr.2023.01.02 *

Complicité dans les violations graves du droit international humanitaire : observations à partir du cas du Yemen

Giuseppe Puma. In: Revue générale de droit international public, T. 127, no 2, 2023, p. 345-367

Contact with extraterrestrial intelligence and human law : the applicability of rules of war and human rights

by Michael Bohlander. - Leiden ; Boston : Brill Nijhoff, 2023. - XVII, 247 p.

Cyber conflict and the thresholds of war

Ido Kilovaty. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 251-281

De facto justice : prosecution by non-state actors in armed conflict

Helen Duffy. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 237-269
https://doi.org/10.4337/9781800888340.00017 *

'Equals, but not equals' : the paradox of amnesties and armed groups in non-international armed conflict

Annyssa Bellal. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 270-287
https://doi.org/10.4337/9781800888340.00018 *

Exploring the civilian and political institutions of armed non-state actors under IHL in a age of rebel governance

Katharine Fortin. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 140-166
https://doi.org/10.4337/9781800888340.00013

The fine line between non-international armed conflicts and internal disturbances and a call for the revival of the concept of "fundamental standards of humanity"

Eliza Walsh. In: The Irish yearbook of international law, vol. 15, 2020, p. 55-82
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58393.pdf *

From law-taking to law-making and law-adapting : exploring non-state armed groups' normative efforts

Ezequiel Heffes. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 191-211
https://doi.org/10.4337/9781800888340.00015 *

Grammar : rules in a cyber conflict

Kubo Mačák and Laurent Gisel. - In: A language of power ? : cyber defence in the European Union. - Paris : European Union Institute for Security Studies (EUISS), November 2022. - p. 60-71
https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_176.pdf#page=64

Hybrid threats and the law of the sea : use of force and discriminatory navigational restrictions in straits

Alexander Lott. - Leiden ; Boston : Brill Nijhoff, 2022. - XVII, 302 p.
https://doi.org/10.1163/9789004509368

Military assistance and state responsibility for "in bello" violations during non-international armed conflicts

Saeed Bagheri. In: The Irish yearbook of international law, vol. 15, 2020, p. 7-30
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58378.pdf *

The politics of armed non-state groups and the codification of international humanitarian law

Giovanni Mantilla. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 43-63
https://doi.org/10.4337/9781800888340.00009 *

Proscription and group membership in counter-terrorism and armed conflict : areas of tensions between criminal law and international humanitarian law

Ilya Sobol and Gloria Gaggioli. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 91-119
https://doi.org/10.4337/9781800888340.00011

The provision of healthcare by Islamist armed groups : between sharia and international law

Marta Furlan. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 212-236
https://doi.org/10.4337/9781800888340.00016 *

Purging the odious scourge of atrocities : the limits of consent in international law

Bruce Cronin. - Oxford [etc.] : Oxford University Press, 2023. - 214 p.

Quelques considérations sur les influences croisées entre l'histoire des conflits navals et le droit international

Louis Le Hardÿ de Beaulieu. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 379-399

Quelques observations à propos de la mise à jour du commentaire de la Convention (II) de Genève du 12 août 1949 pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer

Louis le Hardÿ de Beaulieu. In: Academie Royale de Marine de Belgique. Communications, tome XLII (2020-2021), p. 29-55
http://hdl.handle.net/2078/215003

Rebel rulers and rules for rebels : rebel governance and international law

Alessandra Spadaro. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 167-190
https://doi.org/10.4337/9781800888340.00011 *

Regional consultation of Asia-Pacific states : 29-30 November 2022 : international humanitarian law and cyber operations during armed conflicts

report prepared by Fasya Addina Teixeira and Tilman Rodenhäuser, legal advisers, ICRC. - Geneva : ICRC, July 2023. - 31 p.
https://library.icrc.org/library/docs/DOC/icrc-4721-002.pdf

Revolutionary war and the development of international humanitarian law

Amanda Alexander. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 112-144
https://doi.org/10.3998/mpub.12584508

"The right to participate in hostilities" : combatant privilege vs criminal responsibility for members of organised armed groups during international and domestic criminal trials

Rogier Bartels. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 64-90
https://doi.org/10.4337/9781800888340.00010 *

Russia-Ukraine conflict : the war at sea

Raul (Pete) Pedrozo. In: International law studies, Vol. 100, 2023, p. 1-61
https://digital-commons.usnwc.edu/ils/vol100/iss1/1/

The San Remo manual on the law of naval warfare : from restatement to development ?

Liesbeth Lijnzaad. - In: Unconventional lawmaking in the law of the sea. - Oxford : Oxford University Press, 2022. - p. 21-43
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58457.pdf *

Die Seeblockade im Völkerrecht

Isabella de Assis Mendonça. - Baden-Baden : Nomos, 2023. - 404 p.

La situation au regard du droit international humanitaire : considérations générales

Louis Perez. - In: Ukraine, un an de guerre : regards croisés et premières leçons. - Paris : A. Pedone, 2023. - p. 159-183

The status and use of hospital ships in times of peace and war : law of the sea, maritime law and the law of naval warfare

Wolff Heintschel von Heinegg. In: Ocean yearbook online, Vol. 37, issue 1, May 2023, p. 481-505
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58595.pdf *

The strategic use of ransomware operations as a method of warfare

Jeffrey Biller. In: International law studies, Vol. 100, 2023, p. 483-512
https://digital-commons.usnwc.edu/ils/vol100/iss1/14/

The view through a different lens : increasing respect for international humanitarian law through the use of the international human rights law framework

Emma Lush. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 95-129
https://doi.org/10.1163/18781527-bja10070 *

Virtual groups and the triggering of armed conflicts

Marie Thøgersen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 329-348
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58722.pdf *

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

Armed groups and international law : in the shadowland of legality and illegality

edited by Katharine Fortin and Ezequiel Heffes. - Cheltenham : E. Elgar, 2023. - XV, 324 p.

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https://doi.org/10.4337/9781800888340.00015 *

Operationalizing international law : from Vietnam to Gaza

Craig Jones. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 207-232

https://doi.org/10.3998/mpub.12584508

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https://doi.org/10.4337/9781800888340.00010 *

Virtual groups and the triggering of armed conflicts

Marie Thøgersen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 329-348

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58722.pdf *

The war against the people and the people's war : Palestine and the Additional Protocols to the Geneva Conventions

Ihab Shalbak and Jessica Whyte. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 145-172

https://doi.org/10.3998/mpub.12584508

Who is who on the battlefield ? The actors engaged in contemporary armed conflicts : proceedings of the 23rd Bruges Colloquium, 20-21 October 2022

ICRC, College of Europe

https://www.brugescolloquium.org/wp-content/uploads/2023/10/231019-FINAL-Proceedings_23rd_Bruges_Colloquium-6.pdf

IV. Multinational forces

A galaxy of norms : UN peace operations and protection of the environment in relation to armed conflict

Mara Tignino and Tadesse Kebebew. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1543-1567
https://library.icrc.org/library/docs/DOC/irrc-924-tignino.pdf

When may UN peacekeepers use lethal force to protect civilians ? : Reconciling threats to civilians, imminence, and the right to life

Hanna Bourgeois and Patryk I. Labuda. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 1-65
https://doi.org/10.1093/jcsl/krac027

V. Private actors

At the frontlines of implementing the right to a healthy environment : understanding human rights and environmental due diligence in relation to armed conflicts

Amanda Kron. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1623-1645
https://library.icrc.org/library/docs/DOC/irrc-924-kron.pdf

Autonomous systems, private actors, outer space and war : lessons for addressing accountability concerns in uncertain legal environments

Eve Massingham and Dale Stephens. In: Melbourne journal of international law, vol. 23, issue 2, December 2022, 30 p.
https://law.unimelb.edu.au/__data/assets/pdf_file/0004/4601497/Massingham-unpaginated.pdf

Domination, transformation, and annexation via utilities

Marya Farah and Maha Abdallah. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 348-370
https://doi.org/10.1163/9789004503939_013 *

The jus in bello under strain : diluted but not disintegrating

Laura A. Dickinson. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 184-215

Private sector responsibility for the treatment of Palestinian prisoners and detainees in light of the law and policy of the International Criminal Court

Shane Darcy. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 289-309
https://doi.org/10.1163/9789004503939_014 *

VI. Protection of persons

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

Another brick in the wall : climate change (in)adaptation under the law of belligerent occupation

Eva Baudichau. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1337-1364
https://library.icrc.org/library/docs/DOC/irrc-924-baudichau.pdf

Les aspects de droit international humanitaire et de droit international pénal du conflit

Julia Grignon. In: Annuaire français de droit international, 68, 2022, p. 227-252

Autonomous AI systems in conflict : emergent behavior and its impact on predictability and reliability

Daniel Trusilo. In: Journal of military ethics, vol. 22, no. 1, April-June 2023, p. 2-17
https://doi.org/10.1080/15027570.2023.2213985

Equality and non-discrimination in armed conflict : humanitarian and human rights law in practice

George Dvaladze. - Cheltenham ; Nothampton : E. Elgar, 2023. - XI, 303 p.
https://doi.org/10.4337/9781035315253 *

Ex gratia payments and reparations : a missed opportunity ?

Steven van de Put. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 131-155
https://doi.org/10.1163/18781527-bja10060 *

Fighting with words : humanitarian security and the changing role of law in contemporary armed conflict

Iida Maria Tammi. In: Disasters, Vol. 47, no. 4, October 2023, p. 870-890
https://doi.org/10.1111/disa.12580

The fine line between non-international armed conflicts and internal disturbances and a call for the revival of the concept of "fundamental standards of humanity"

Eliza Walsh. In: The Irish yearbook of international law, vol. 15, 2020, p. 55-82
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58393.pdf *

Gender, conflict and the environment : surfacing connections in international humanitarian law

Catherine O'Rourke and Ana Martin. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1600-1622
https://library.icrc.org/library/docs/DOC/irrc-924-orourke.pdf

Guerre et droits des femmes

Stéphanie Wattier. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 325-337

Implementing war torts

Rebecca Crootof. In: Virginia journal of international law, vol. 63, issue 3, April 2023, p. 319-395
https://www.vjil.org/s/Vol_633_Article_Crootof.pdf

The legal boundaries of (digital) information or psychological operations under international humanitarian law

Tilman Rodenhäuser. In: International law studies, vol. 100, 2023, p. 541-573
https://digital-commons.usnwc.edu/ils/vol100/iss1/16/

A primer on civilian harm mitigation in urban operations

Written by Sahr Muhammedally. - [Washington DC] : Center for Civilians in Conflict, June 2022. - VI, 44 p.
https://civiliansinconflict.org/wp-content/uploads/2022/07/CIVIC_Primer_CivilianHarm_Mitigation_UrbanWar.pdf

Protecting civilians against digital threats during armed conflict : recommendations to states, belligerents, tech companies, and humanitarian organizations : final report of the ICRC global advisory board on digital threats during armed conflicts

ICRC. - Geneva : ICRC, September 2023. - 20 p.
https://library.icrc.org/library/docs/DOC/icrc-4735-002.pdf

The provision of healthcare by Islamist armed groups : between sharia and international law

Marta Furlan. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 212-236
https://doi.org/10.4337/9781800888340.00016 *

Purging the odious scourge of atrocities : the limits of consent in international law

Bruce Cronin. - Oxford [etc.] : Oxford University Press, 2023. - 214 p.

Quelques considérations sur la contribution africaine au développement des règles internationales relatives à la protection des enfants : le cas des règles du droit international humanitaire

Steve Martial Tiwa Fomekong. In: Revue québécoise de droit international, vol. 34, no 1, 2021, p. 33-67
https://doi.org/10.7202/1092789ar

The right not to be subjected to enforced disappearance : concept, content and scope

Ioanna Pervou. - Cham : Springer, 2023. - XVII, 210 p.

La situation au regard du droit international humanitaire : considérations générales

Louis Perez. - In: Ukraine, un an de guerre : regards croisés et premières leçons. - Paris : A. Pedone, 2023. - p. 159-183

The status and use of hospital ships in times of peace and war : law of the sea, maritime law and the law of naval warfare

Wolff Heintschel von Heinegg. In: Ocean yearbook online, Vol. 37, issue 1, May 2023, p. 481-505
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58595.pdf *

The status of foreign fighters' family members under counter-terrorism law and international humanitarian law : overcoming the victims/perpetrators dichotomy ?

Francesca Capone. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 49-70

Time for "environmentarian corridors" ? Investigating the concept of safe passage to protect the environment during armed conflict

Felicia Wartiainen. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1365-1391
https://library.icrc.org/library/docs/DOC/irrc-924-wartiainen.pdf

Victims : perceptions of harm in modern European war and violence

Svenja Goltermann ; translated by Belinda Cooper. - Oxford [etc.] : Oxford University Press, 2023. - VIII, 204 p.

The war against the people and the people's war : Palestine and the Additional Protocols to the Geneva Conventions

Ihab Shalbak and Jessica Whyte. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 145-172
https://doi.org/10.3998/mpub.12584508

VII. Protection of objects

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

The 2022 political declaration on the use of explosive weapons in populated areas: a tool for protecting the environment in armed conflict ?

Simon Bagshaw. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1293-1312
https://library.icrc.org/library/docs/DOC/irrc-924-bagshaw.pdf

Another brick in the wall : climate change (in)adaptation under the law of belligerent occupation

Eva Baudichau. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1337-1364
https://library.icrc.org/library/docs/DOC/irrc-924-baudichau.pdf

At the frontlines of implementing the right to a healthy environment : understanding human rights and environmental due diligence in relation to armed conflicts

Amanda Kron. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1623-1645
https://library.icrc.org/library/docs/DOC/irrc-924-kron.pdf

Attacking data : moving beyond the interpretative quagmire of the "data as an object" debate

Marc Schack, Katrine Lund-Hansen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 349-370
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

Criminalizing reprisals against the natural environment

Matthew Gillett. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1463-1496
https://library.icrc.org/library/docs/DOC/irrc-924-gillett.pdf

A galaxy of norms : UN peace operations and protection of the environment in relation to armed conflict

Mara Tignino and Tadesse Kebebew. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1543-1567
https://library.icrc.org/library/docs/DOC/irrc-924-tignino.pdf

Gender, conflict and the environment : surfacing connections in international humanitarian law

Catherine O'Rourke and Ana Martin. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1600-1622
https://library.icrc.org/library/docs/DOC/irrc-924-orourke.pdf

Heritage destruction and the war on Ukraine

Joseph Powderly and Amy Strecker. - In: Heritage destruction, human rights and international law. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 423-454

Heritage destruction, human rights and international law

edited by Amy Strecker and Joseph Powderly. - Leiden ; Boston : Brill Nijhoff, 2023. - 502 p.

Increasing the safeguarding of protected areas threatened by warfare through international environmental law

Jérôme de Hemptinne. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1392-1411
https://library.icrc.org/library/docs/DOC/irrc-924-dehemptinne.pdf

International environmental law as a means for enhancing the protection of the environment in warfare : a critical assessment of scholarly theoretical frameworks

Raphaël van Steenberghe. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1568-1599
https://library.icrc.org/library/docs/DOC/irrc-924-vansteenberghe.pdf

The obligation to prevent environmental harm in relation to armed conflict

Rigmor Argren. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1208-1226
https://library.icrc.org/library/docs/DOC/irrc-924-argren.pdf

A possible legal framework for the exploitation of natural resources by non-state armed groups

Pouria Askary and Katayoun Hosseinnejad. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1522-1542
https://library.icrc.org/library/docs/DOC/irrc-924-askary.pdf

Prosecuting environmental harm before the International Criminal Court

Matthew Gillett. - Cambridge : Cambridge University Press, 2022. - XXI, 382 p.

Protecting civilians against digital threats during armed conflict : recommendations to states, belligerents, tech companies, and humanitarian organizations : final report of the ICRC global advisory board on digital threats during armed conflicts

ICRC. - Geneva : ICRC, September 2023. - 20 p.
https://library.icrc.org/library/docs/DOC/icrc-4735-002.pdf

Protecting the environment in armed conflict : evaluating the US perspective

W. Casey Biggerstaff and Michael N. Schmitt. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1267-1292
https://library.icrc.org/library/docs/DOC/irrc-924-biggerstaff.pdf

The protection of the natural environment under international humanitarian law : the ICRC's 2020 guidelines

Helen Obregón Gieseken and Vanessa Murphy. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1180-1207
https://library.icrc.org/library/docs/DOC/irrc-924-obregon.pdf

Re-evaluating international humanitarian law in a triple planetary crisis : new challenges, new tools

Britta Sjöstedt and Karen Hulme. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1238-1266
https://library.icrc.org/library/docs/DOC/irrc-924-sjostedt.pdf

Regional consultation of Asia-Pacific states : 29-30 November 2022 : international humanitarian law and cyber operations during armed conflicts

report prepared by Fasya Addina Teixeira and Tilman Rodenhäuser, legal advisers, ICRC. - Geneva : ICRC, July 2023. - 31 p.
https://library.icrc.org/library/docs/DOC/icrc-4721-002.pdf

Remedying the environmental impacts of war : challenges and perspectives for full reparation

Lingjie Kong and Yuqing Zhao. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1441-1462
https://library.icrc.org/library/docs/DOC/irrc-924-kong.pdf

Responding to the destruction of intangible cultural heritage in situations of armed conflict : what international law to apply?

Janet Blake. - In: Heritage destruction, human rights and international law. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 142-164

State expert meeting on international humanitarian law : protecting the environment in armed conflicts : chair's summary

Swiss Federal Department of Foreign Affairs, ICRC. - [S.l.] : [s.n.], [2023]. - 33 p.
https://library.icrc.org/library/docs/DOC/EXP_ENVIRONMENT_2023_ENG.pdf

The status and use of hospital ships in times of peace and war : law of the sea, maritime law and the law of naval warfare

Wolff Heintschel von Heinegg. In: Ocean yearbook online, Vol. 37, issue 1, May 2023, p. 481-505
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58595.pdf *

The strategic use of ransomware operations as a method of warfare

Jeffrey Biller. In: International law studies, Vol. 100, 2023, p. 483-512
https://digital-commons.usnwc.edu/ils/vol100/iss1/14/

Time for "environmentarian corridors" ? Investigating the concept of safe passage to protect the environment during armed conflict

Felicia Wartiainen. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1365-1391
https://library.icrc.org/library/docs/DOC/irrc-924-wartiainen.pdf

War in cities : why the protection of the natural environment matters even when fighting in urban areas, and what can be done to ensure protection

Eve Massingham, Elina Almila and Mathilde Piret. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1313-1336
https://library.icrc.org/library/docs/DOC/irrc-924-massingham.pdf

VIII. Detention, internment, treatment and judicial guarantees

De facto justice : prosecution by non-state actors in armed conflict

Helen Duffy. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 237-269
https://doi.org/10.4337/9781800888340.00017 *

Equality and non-discrimination in armed conflict : humanitarian and human rights law in practice

George Dvaladze. - Cheltenham ; Nothampton : E. Elgar, 2023. - XI, 303 p.
https://doi.org/10.4337/9781035315253 *

From law-taking to law-making and law-adapting : exploring non-state armed groups' normative efforts

Ezequiel Heffes. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 191-211
https://doi.org/10.4337/9781800888340.00015 *

Israel's military justice system as an annexationist tool

Sahar Francis. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 159-175
https://doi.org/10.1163/9789004503939_009 *

Prisoner of war status and nationals of a detaining power

W. Casey Biggerstaff and Michael N. Schmitt. In: International law studies, vol. 100, 2023, p. 513-540
https://digital-commons.usnwc.edu/ils/vol100/iss1/15/

Private sector responsibility for the treatment of Palestinian prisoners and detainees in light of the law and policy of the International Criminal Court

Shane Darcy. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 289-309
https://doi.org/10.1163/9789004503939_014 *

Repatriating foreign terrorist fighters and their family members : what international law requires, and what national courts will do

David McKeever. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 67-107
https://doi.org/10.1093/jcsl/krac016 *

La situation au regard du droit international humanitaire : considérations générales

Louis Perez. - In: Ukraine, un an de guerre : regards croisés et premières leçons. - Paris : A. Pedone, 2023. - p. 159-183

Southern Rhodesia's adherence to the 1929 Geneva Convention on the treatment of Italian and German internees, 1939-1945

Enest Takura, Joseph Mujere, George Bishi. In: Journal of African military history, vol. 7, issue 1-2, August 2023, p. 99-120
https://doi.org/10.1163/24680966-bja10021

IX. Law of occupation

Another brick in the wall : climate change (in)adaptation under the law of belligerent occupation

Eva Baudichau. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1337-1364
https://library.icrc.org/library/docs/DOC/irrc-924-baudichau.pdf

Belligerent occupation or creeping annexation ? : identifying the red flags

Giulia Pinzauti. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 86-122
https://doi.org/10.4337/mllwr.2023.01.04 *

Concomitant prohibitions : collective punishment as the origin of other violations of the rights of civilians under belligerent occupation

Jose Serralvo. In: Israel law review : a journal of human rights, public and international law, vol. 55, issue 2, July 2022, p. 178-212
https://doi.org/10.1017/S0021223722000024

Domination, transformation, and annexation via utilities

Marya Farah and Maha Abdallah. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 348-370
https://doi.org/10.1163/9789004503939_013 *

Israel's impunity from peremptory norms

John Dugard. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 199-222
https://doi.org/10.1163/9789004503939_011 *

Israel's military justice system as an annexationist tool

Sahar Francis. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 159-175
https://doi.org/10.1163/9789004503939_009 *

The occupation of Palestine from a TWAIL lens

Ray Murphy, Anita Ferrara and Susan Power. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 52-68
https://doi.org/10.1163/9789004503939_005 *

Out of time : on the (il)legality of Israel's prolonged occupation of the West Bank

Vito Todeschini. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 31-51
https://doi.org/10.1163/9789004503939_004 *

Palestine, Israel, and the International Criminal Court

Nada Kiswanson. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 253-288
https://doi.org/10.1163/9789004503939_013 *

A possible legal framework for the exploitation of natural resources by non-state armed groups

Pouria Askary and Katayoun Hosseinnejad. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1522-1542
https://library.icrc.org/library/docs/DOC/irrc-924-askary.pdf

Prosecuting systematic economic exploitation of occupied territory as pillage

Susan Power. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 310-329
https://doi.org/10.1163/9789004503939_015 *

Reducing the friction : a functional analysis of the transformed occupation of the Gaza Strip

Aeyal Gross. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 69-103
https://doi.org/10.1163/9789004503939_006 *

The switch : the Israel High Court of Justice's transition from occupation law to human rights law

Amichai Cohen and Yuval Shany. In: International journal of constitutional law, vol. 20, issue 5, December 2022, p. 1768-1792
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58608.pdf *

Third State responsibility versus sanctions in regulating trade with illegal settlements at the EU

Manuel Devers and Tom Moerenhout. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 223-252
https://doi.org/10.1163/9789004503939_012 *

X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

Above the law : drones, aerial vision and the law of armed conflict : a socio-technical approach

Shiri Krebs. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1690-1728

https://library.icrc.org/library/docs/DOC/irrc-924-krebs.pdf

Analyzing the legality and effectiveness of US targeted killing

Laurie R. Blank. In: Journal of national security law and policy, vol. 13, no. 2, 2023, p. 259-282

https://jnslp.com/wp-content/uploads/2023/05/Analyzing_the_Legality_and_Effectiveness_of_US_Targeted_Killing.pdf

The application of the principle of precautions to cyber operations

Yunus Emre Gül. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 3-38

https://doi.org/10.4337/mllwr.2023.01.01 *

Les aspects de droit international humanitaire et de droit international pénal du conflit

Julia Grignon. In: Annuaire français de droit international, 68, 2022, p. 227-252

Challenges of applying the law of naval warfare in non-international armed conflict at sea

Martin Fink. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 39-58

https://doi.org/10.4337/mllwr.2023.01.02 *

The development of international humanitarian law

Eyal Benvenisti. - In: 150 ans de contributions au développement du droit international : livre du sesquicentenaire de l'Institut de Droit international (1873-2023) = 150 years of contributing to the development of international Law : sesquicentenary book of the Institute of International Law (1873-2023). - Paris : A. Pedone, 2023. - p. 415-435

Drones and international law : a techno-legal machinery

Rebecca Mignot-Mahdavi. - Cambridge : Cambridge University Press, 2023. - XIII, 258 p.

Equality and non-discrimination in armed conflict : humanitarian and human rights law in practice

George Dvaladze. - Cheltenham ; Nothampton : E. Elgar, 2023. - XI, 303 p.

https://doi.org/10.4337/9781035315253 *

The genesis and significance of the law of war "Rendulic Rule"

Sean Watts. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 155-176

Grammar : rules in a cyber conflict

Kubo Mačák and Laurent Gisel. - In: A language of power ? : cyber defence in the European Union. - Paris : European Union Institute for Security Studies (EUISS), November 2022. - p. 60-71

https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_176.pdf#page=64

Honest errors ? : Combat decision-making 75 years after the Hostage case

Nobuo Hayashi, Carola Lingaas. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - XV, 306 p.

Learning from automation in targeting to better regulate autonomous weapon systems : target lists, the electronic battlefield and automation in mines

Joshua G. Hughes. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 135-160
https://doi.org/10.1093/jcsl/kraco30 *

The legal boundaries of (digital) information or psychological operations under international humanitarian law

Tilman Rodenhäuser. In: International law studies, vol. 100, 2023, p. 541-573
https://digital-commons.usnwc.edu/ils/vol100/iss1/16/

The limits of honest judgment : the reasonable commander test and mistake of fact

Yasmin Naqvi. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 177-213

Manifestly unlawful : why Russian military commanders must disobey a nuclear launch order against Ukraine

Chistopher J. Hart. In: International law studies, vol. 100, 2023, p. 776-823
https://digital-commons.usnwc.edu/ils/vol100/iss1/24/

The obligation to prevent environmental harm in relation to armed conflict

Rigmor Argren. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1208-1226
https://library.icrc.org/library/docs/DOC/irrc-924-argren.pdf

Operationalizing international law : from Vietnam to Gaza

Craig Jones. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 207-232
https://doi.org/10.3998/mpub.12584508

Plague, pestilence and the peninsula : international humanitarian law concerns of North Korea's biological weapons program

Jakob M. Reynolds. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 109-134
https://doi.org/10.1093/jcsl/kraco28 *

A primer on civilian harm mitigation in urban operations

Written by Sahr Muhammedally. - [Washington DC] : Center for Civilians in Conflict, June 2022. - VI, 44 p.
https://civiliansinconflict.org/wp-content/uploads/2022/07/CIVIC_Primer_CivilianHarm_Mitigation_UrbanWar.pdf

Proportionality in international humanitarian law : refocusing the balance in practice

Jeroen van den Boogaard. - Cambridge : Cambridge University Press, 2023. - XIX, 310 p.

Revolutionary war and the development of international humanitarian law

Amanda Alexander. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 112-144
https://doi.org/10.3998/mpub.12584508

Rules of engagement and the situation of individual self-defence : applicable law and coherence with operational context

Rob McLaughlin. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 70-94
https://doi.org/10.1163/18781527-bja10066 *

Russia-Ukraine conflict : the war at sea

Raul (Pete) Pedrozo. In: International law studies, Vol. 100, 2023, p. 1-61
https://digital-commons.usnwc.edu/ils/vol100/iss1/1/

La situation au regard du droit international humanitaire : considérations générales

Louis Perez. - In: Ukraine, un an de guerre : regards croisés et premières leçons. - Paris : A. Pedone, 2023. - p. 159-183

The strategic use of ransomware operations as a method of warfare

Jeffrey Biller. In: International law studies, Vol. 100, 2023, p. 483-512
https://digital-commons.usnwc.edu/ils/vol100/iss1/14/

Technologies of decision support and proportionality in international humanitarian law

Markus Gunneflo, Gregor Noll. In: Nordic journal of international law, Vol. 92, issue 1, April 2023, p. 93-118
https://doi.org/10.1163/15718107-bja10055

War in cities : why the protection of the natural environment matters even when fighting in urban areas, and what can be done to ensure protection

Eve Massingham, Elina Almila and Mathilde Piret. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1313-1336
https://library.icrc.org/library/docs/DOC/irrc-924-massingham.pdf

XI. Weapons

The 2022 political declaration on the use of explosive weapons in populated areas: a tool for protecting the environment in armed conflict ?

Simon Bagshaw. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1293-1312
https://library.icrc.org/library/docs/DOC/irrc-924-bagshaw.pdf

The Anti-Personnel Mine Ban Convention : a commentary

Stuart Casey-Maslen. - Oxford [etc.] : Oxford University Press, 2023. - XXI, 401 p.
https://doi.org/10.1093/law/9780192882639.001.0001 *

Autonomous systems, private actors, outer space and war : lessons for addressing accountability concerns in uncertain legal environments

Eve Massingham and Dale Stephens. In: Melbourne journal of international law, vol. 23, issue 2, December 2022, 30 p.
https://law.unimelb.edu.au/__data/assets/pdf_file/0004/4601497/Massingham-unpaginated.pdf

Autonomous weapon systems : a clarification

Nathan Gabriel Wood. In: Journal of military ethics, vol. 22, no. 1, April-June 2023, p. 18-32
https://doi.org/10.1080/15027570.2023.2214402 *

Autonomous weapons

Chris Jenks. - In: Is the international legal order unraveling ?. - Oxford : Oxford Universty Press, 2022. - p. 216-250

Complicité dans les violations graves du droit international humanitaire : observations à partir du cas du Yemen

Giuseppe Puma. In: Revue générale de droit international public, T. 127, no 2, 2023, p. 345-367

Contesting use of force norms through technological practices

Ingvild Bode. In: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht = Heidelberg journal of international law, 83. Jahrgang, H. 1/2023, p. 39-64
https://doi.org/10.17104/0044-2348-2023-1-91

Cyber conflict and the thresholds of war

Ido Kilovaty. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 251-281

Deflective cooperation : social pressure and forum management in Cold War conventional arms control

Giovanni Mantilla. In: International organization, Vol. 77, no. 3, Summer 2023, p. 564-598
https://doi.org/10.1017/S0020818322000364

Le désarmement humanitaire terrain de la déformalisation du droit : l'exemple des Systèmes d'Armes Létaux Autonomes

Eric Pomès. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 147-155

Drones and international law : a techno-legal machinery

Rebecca Mignot-Mahdavi. - Cambridge : Cambridge University Press, 2023. - XIII, 258 p.

Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris

co-organisé par le Centre de recherche de l'Académie militaire de Saint-Cyr Coëtquidan et la Croix-Rouge française. - Paris : A. Pedone, 2022. - 220 p.

Guide to implementing the Biological Weapons Convention

United Nations. - Genève : United Nations, 2022. - 212 p.
https://front.un-arm.org/wp-content/uploads/2023/08/English-NIM-digital-1.pdf

The jus in bello under strain : diluted but not disintegrating

Laura A. Dickinson. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 184-215

Learning from automation in targeting to better regulate autonomous weapon systems : target lists, the electronic battlefield and automation in mines

Joshua G. Hughes. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 135-160
https://doi.org/10.1093/jcsl/krac030 *

Manifestly unlawful : why Russian military commanders must disobey a nuclear launch order against Ukraine

Chistopher J. Hart. In: International law studies, vol. 100, 2023, p. 776-823
https://digital-commons.usnwc.edu/ils/vol100/iss1/24/

Plague, pestilence and the peninsula : international humanitarian law concerns of North Korea's biological weapons program

Jakob M. Reynolds. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 109-134
https://doi.org/10.1093/jcsl/krac028 *

Quel encadrement juridique et quelles garanties de responsabilité pour les sytèmes d'armes autonomes ?

Coline Beytout-Lamarque. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 165-175

Le Saint-Siège face aux systèmes d'armes autonomes

Dominique Lambert. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 401-413

Syrian chemical weapons and international law

Tatsuya Abe. - Singapore : Springer, 2023. - IX, 360 p.

Les systèmes d'armes autonomes et les préoccupations humanitaires, juridiques et éthiques

Caroline Brandao. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 117-124

XII. Implementation

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

At the crossroads : multi-stakeholder and multi-disciplinary approaches in the application of IHL

Helen Durham and Anne Quintin. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 31-47
https://doi.org/10.1163/18781527-bja10069 *

Bridging fault lines : exploring an obligation under international law to assist victims of armed conflict

Emily Camins. In: Harvard human rights journal, Vol. 36, Spring 2023, p. 89-145
https://journals.law.harvard.edu/hrj/wp-content/uploads/sites/83/2023/06/HLH102_crop.pdf

Complicité dans les violations graves du droit international humanitaire : observations à partir du cas du Yemen

Giuseppe Puma. In: Revue générale de droit international public, T. 127, no 2, 2023, p. 345-367

The duty to investigate in situations of armed conflict : an examination under international humanitarian law, international human rights law, and their interplay

by Floris Tan. - Leiden ; Boston : Brill Nijhoff, 2023. - XL, 605 p.
https://doi.org/10.1163/9789004540958 *

Evidentiary and charging matters in the context of prosecuting returning foreign fighters before national courts

Christophe Paulussen and Tanya Mehra. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 119-141

Ex gratia payments and reparations : a missed opportunity ?

Steven van de Put. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 131-155
https://doi.org/10.1163/18781527-bja10060 *

Exploring the civilian and political institutions of armed non-state actors under IHL in a age of rebel governance

Katharine Fortin. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 140-166
https://doi.org/10.4337/9781800888340.00013

From law-taking to law-making and law-adapting : exploring non-state armed groups' normative efforts

Ezequiel Heffes. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 191-211
https://doi.org/10.4337/9781800888340.00015 *

Guide to implementing the Biological Weapons Convention

United Nations. - Genève : United Nations, 2022. - 212 p.
https://front.un-arm.org/wp-content/uploads/2023/08/English-NIM-digital-1.pdf

Implementing international humanitarian law : participation of the American states in IHL treaties and their national implementation : progress and activities in the Americas : 2020-2021 report

ICRC. - Panama : ICRC, June 2023. - 69 p.
https://library.icrc.org/library/docs/DOC/icrc-2094-002-2023.pdf

Implementing war torts

Rebecca Crootof. In: Virginia journal of international law, vol. 63, issue 3, April 2023, p. 319-395
https://www.vjil.org/s/Vol_633_Article_Crootof.pdf

In search of humanity : the moral and legal discrepancy in the redress of violations in international humanitarian law

Steven van de Put. In: Israel law review : a journal of human rights, public and international law, vol. 56, issue 2, July 2023, p. 171-200
https://doi.org/10.1017/S0021223722000206 *

International humanitarian law : cases, materials and commentary

Nicholas Tsagourias, Alasdair Morrison. - Cambridge : Cambridge University Press, 2023. - XIV, 450 p.

Israel's impunity from peremptory norms

John Dugard. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 199-222
https://doi.org/10.1163/9789004503939_011 *

The Italian legislation on war crimes : obligations to implement and the principle of legality

Giulio Bartolini and Marco Longobardo. - In: Domesticating international criminal law : reflections on the Italian and German experiences. - London : Routledge, 2023. - p. 147-160
https://doi.org/10.4324/9781003320951 *

Membership in an exclusive club : international humanitarian law rules as peremptory international law norms

Ata R. Hindi. In: Loyola University Chicago international law review, Vol. 19, issue 2, Spring 2023, p. 127-155
https://lawecommons.luc.edu/lucilr/vol19/iss2/2/

Military assistance and state responsibility for "in bello" violations during non-international armed conflicts

Saeed Bagheri. In: The Irish yearbook of international law, vol. 15, 2020, p. 7-30
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58378.pdf *

Now you see them, now you don't : court-appointed experts, wartime reparations, and the DRC v Uganda case

Sean D. Murphy and Yuri Parkhomenko. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 48-69
https://doi.org/10.1163/18781527-bja10068 *

Operationalizing international law : from Vietnam to Gaza

Craig Jones. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 207-232
https://doi.org/10.3998/mpub.12584508

Palestine, Israel, and the International Criminal Court

Nada Kiswanson. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 253-288
https://doi.org/10.1163/9789004503939_013 *

The practical reality and efficacy of international humanitarian law : some reflections

Christopher Greenwood. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 14-30
https://doi.org/10.1163/18781527-bja10064 *

Proscription and group membership in counter-terrorism and armed conflict : areas of tensions between criminal law and international humanitarian law

Ilya Sobol and Gloria Gaggioli. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 91-119
https://doi.org/10.4337/9781800888340.00011

The qualification of the activities of (returned) foreign fighters under national criminal law

Thomas Van Poecke and Hanne Cuyckens. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 143-173

Remedying the environmental impacts of war : challenges and perspectives for full reparation

Lingjie Kong and Yuqing Zhao. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1441-1462
https://library.icrc.org/library/docs/DOC/irrc-924-kong.pdf

Repatriating foreign terrorist fighters and their family members : what international law requires, and what national courts will do

David McKeever. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 67-107
https://doi.org/10.1093/jcsl/krac016 *

Returning foreign fighters : responses, legal challenges and ways forward

Francesca Capone, Christophe Paulussen, Rebecca Mignot-Mahdavi, editors. - The Hague : Asser Press, 2023. - XIX, 304 p.

Rules of engagement and the situation of individual self-defence : applicable law and coherence with operational context

Rob McLaughlin. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 70-94
https://doi.org/10.1163/18781527-bja10066 *

The shadow of success : how international criminal law has come to shape the battlefield

Gabriella Blum. In: International law studies, Vol. 100, 2023, p. 133-185
https://digital-commons.usnwc.edu/ils/vol100/iss1/4/

Shadowland strategy : how non-state armed actors navigate between national law and international law

Hyeran Jo and Niels H. Appeldorn. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 120-139
https://doi.org/10.4337/9781800888340.00012 *

Sovereignty as responsibility : understanding the legal parameters of the veto power

Jennifer Trahan. - In: Reimagining the international legal order. - London : Routledge, 2024. - p. 367-397

Syrian chemical weapons and international law

Tatsuya Abe. - Singapore : Springer, 2023. - IX, 360 p.

Third State responsibility versus sanctions in regulating trade with illegal settlements at the EU

Manuel Devers and Tom Moerenhout. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 223-252

https://doi.org/10.1163/9789004503939_012 *

XIII. International human rights law

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

The 2021 ECtHR decision in Georgia v Russia (II) and the application of human rights to extraterritorial hostilities

Marco Longobardo and Stuart Wallace. In: Israel law review : a journal of human rights, public and international law, vol. 55, issue 2, July 2022, p. 145-177
https://doi.org/10.1017/S0021223721000261

Analyzing the legality and effectiveness of US targeted killing

Laurie R. Blank. In: Journal of national security law and policy, vol. 13, no. 2, 2023, p. 259-282
https://jnslp.com/wp-content/uploads/2023/05/Analyzing_the_Legality_and_Effectiveness_of_US_Targeted_Killing.pdf

At the frontlines of implementing the right to a healthy environment : understanding human rights and environmental due diligence in relation to armed conflicts

Amanda Kron. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1623-1645
https://library.icrc.org/library/docs/DOC/irrc-924-kron.pdf

Bridging fault lines : exploring an obligation under international law to assist victims of armed conflict

Emily Camins. In: Harvard human rights journal, Vol. 36, Spring 2023, p. 89-145
https://journals.law.harvard.edu/hrj/wp-content/uploads/sites/83/2023/06/HLH102_crop.pdf

Concomitant prohibitions : collective punishment as the origin of other violations of the rights of civilians under belligerent occupation

Jose Serralvo. In: Israel law review : a journal of human rights, public and international law, vol. 55, issue 2, July 2022, p. 178-212
https://doi.org/10.1017/S0021223722000024

De facto justice : prosecution by non-state actors in armed conflict

Helen Duffy. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 237-269
https://doi.org/10.4337/9781800888340.00017 *

Domination, transformation, and annexation via utilities

Marya Farah and Maha Abdallah. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 348-370
https://doi.org/10.1163/9789004503939_013 *

The duty to investigate in situations of armed conflict : an examination under international humanitarian law, international human rights law, and their interplay

by Floris Tan. - Leiden ; Boston : Brill Nijhoff, 2023. - XL, 605 p.
https://doi.org/10.1163/9789004540958 *

Equality and non-discrimination in armed conflict : humanitarian and human rights law in practice

George Dvaladze. - Cheltenham ; Nothampton : E. Elgar, 2023. - XI, 303 p.
https://doi.org/10.4337/9781035315253 *

The fine line between non-international armed conflicts and internal disturbances and a call for the revival of the concept of "fundamental standards of humanity"

Eliza Walsh. In: The Irish yearbook of international law, vol. 15, 2020, p. 55-82
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58393.pdf *

In search of humanity : the moral and legal discrepancy in the redress of violations in international humanitarian law

Steven van de Put. In: Israel law review : a journal of human rights, public and international law, vol. 56, issue 2, July 2023, p. 171-200
https://doi.org/10.1017/S0021223722000206 *

International environmental law as a means for enhancing the protection of the environment in warfare : a critical assessment of scholarly theoretical frameworks

Raphaël van Steenberghe. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1568-1599
https://library.icrc.org/library/docs/DOC/irrc-924-vansteenberghe.pdf

Neither fish, nor fowl : a new way to a fuller understanding of the lex specialis principle

Ulf Linderfalk. In: International community law review, vol. 25, no. 5, 2023, p. 426-455
https://doi.org/10.1163/18719732-bja10097

The practical reality and efficacy of international humanitarian law : some reflections

Christopher Greenwood. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 14-30
https://doi.org/10.1163/18781527-bja10064 *

Quelques considérations sur les influences croisées entre l'histoire des conflits navals et le droit international

Louis Le Hardÿ de Beaulieu. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 379-399

Rebel rulers and rules for rebels : rebel governance and international law

Alessandra Spadaro. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 167-190
https://doi.org/10.4337/9781800888340.00011 *

Responding to the destruction of intangible cultural heritage in situations of armed conflict : what international law to apply?

Janet Blake. - In: Heritage destruction, human rights and international law. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 142-164

The switch : the Israel High Court of Justice's transition from occupation law to human rights law

Amichai Cohen and Yuval Shany. In: International journal of constitutional law, vol. 20, issue 5, December 2022, p. 1768-1792
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58608.pdf *

The view through a different lens : increasing respect for international humanitarian law through the use of the international human rights law framework

Emma Lush. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 95-129

https://doi.org/10.1163/18781527-bja10070 *

When may UN peacekeepers use lethal force to protect civilians ? : Reconciling threats to civilians, imminence, and the right to life

Hanna Bourgeois and Patryk I. Labuda. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 1-65

https://doi.org/10.1093/jcsl/krac027

XIV. International criminal law

The adjudication and findings of Finnmark's devastation charge in Hostage

Emily Crawford. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 127-154

Les aspects de droit international humanitaire et de droit international pénal du conflit

Julia Grignon. In: Annuaire français de droit international, 68, 2022, p. 227-252

Criminalizing reprisals against the natural environment

Matthew Gillett. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1463-1496
https://library.icrc.org/library/docs/DOC/irrc-924-gillett.pdf

De facto justice : prosecution by non-state actors in armed conflict

Helen Duffy. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 237-269
https://doi.org/10.4337/9781800888340.00017 *

Domestic and international criminal justice : challenges ahead

Andreas Zimmermann and John Schabedoth. - In: Domesticating international criminal law : reflections on the Italian and German experiences. - London : Routledge, 2023. - p. 65-89
https://doi.org/10.4324/9781003320951 *

Domesticating international criminal law : reflections on the Italian and German experiences

edited by Florian Jessberger, Chantal Meloni and Maria Crippa. - London : Routledge, 2023. - XXV, 297 p.
https://doi.org/10.4324/9781003320951 *

Evidentiary and charging matters in the context of prosecuting returning foreign fighters before national courts

Christophe Paulussen and Tanya Mehra. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 119-141

Exploring the civilian and political institutions of armed non-state actors under IHL in a age of rebel governance

Katharine Fortin. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 140-166
https://doi.org/10.4337/9781800888340.00013

The genesis and significance of the law of war "Rendulic Rule"

Sean Watts. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 155-176

Heritage destruction and the war on Ukraine

Joseph Powderly and Amy Strecker. - In: Heritage destruction, human rights and international law. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 423-454

Honest errors ? : Combat decision-making 75 years after the Hostage case

Nobuo Hayashi, Carola Lingaas. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - XV, 306 p.

The Italian legislation on war crimes : obligations to implement and the principle of legality

Giulio Bartolini and Marco Longobardo. - In: Domesticating international criminal law : reflections on the Italian and German experiences. - London : Routledge, 2023. - p. 147-160

https://doi.org/10.4324/9781003320951 *

The limits of honest judgment : the reasonable commander test and mistake of fact

Yasmin Naqvi. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 177-213

Palestine, Israel, and the International Criminal Court

Nada Kiswanson. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 253-288

https://doi.org/10.1163/9789004503939_013 *

Private sector responsibility for the treatment of Palestinian prisoners and detainees in light of the law and policy of the International Criminal Court

Shane Darcy. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 289-309

https://doi.org/10.1163/9789004503939_014 *

Prosecuting environmental harm before the International Criminal Court

Matthew Gillett. - Cambridge : Cambridge University Press, 2022. - XXI, 382 p.

Prosecuting systematic economic exploitation of occupied territory as pillage

Susan Power. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 310-329

https://doi.org/10.1163/9789004503939_015 *

The qualification of the activities of (returned) foreign fighters under national criminal law

Thomas Van Poecke and Hanne Cuyckens. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 143-173

Rebel rulers and rules for rebels : rebel governance and international law

Alessandra Spadaro. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 167-190

https://doi.org/10.4337/9781800888340.00011 *

Returning foreign fighters : responses, legal challenges and ways forward

Francesca Capone, Christophe Paulussen, Rebecca Mignot-Mahdavi, editors. - The Hague : Asser Press, 2023. - XIX, 304 p.

"The right to participate in hostilities" : combatant privilege vs criminal responsibility for members of organised armed groups during international and domestic criminal trials

Rogier Bartels. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 64-90
https://doi.org/10.4337/9781800888340.00010 *

The shadow of success : how international criminal law has come to shape the battlefield

Gabriella Blum. In: International law studies, Vol. 100, 2023, p. 133-185
https://digital-commons.usnwc.edu/ils/vol100/iss1/4/

XV. Contemporary challenges

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

Above the law : drones, aerial vision and the law of armed conflict : a socio-technical approach

Shiri Krebs. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1690-1728

https://library.icrc.org/library/docs/DOC/irrc-924-krebs.pdf

Adjusting the aperture : the international law case for qualifying unmanned vessels as warships

Malgorzata Materna. In: International law studies, Vol. 100, 2023, p. 452-482

https://digital-commons.usnwc.edu/ils/vol100/iss1/13/

Another brick in the wall : climate change (in)adaptation under the law of belligerent occupation

Eva Baudichau. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1337-1364

https://library.icrc.org/library/docs/DOC/irrc-924-baudichau.pdf

Attacking data : moving beyond the interpretative quagmire of the "data as an object" debate

Marc Schack, Katrine Lund-Hansen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 349-370

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

Autonomous systems, private actors, outer space and war : lessons for addressing accountability concerns in uncertain legal environments

Eve Massingham and Dale Stephens. In: Melbourne journal of international law, vol. 23, issue 2, December 2022, 30 p.

https://law.unimelb.edu.au/__data/assets/pdf_file/0004/4601497/Massingham-unpaginated.pdf

Autonomous weapon systems : a clarification

Nathan Gabriel Wood. In: Journal of military ethics, vol. 22, no. 1, April-June 2023, p. 18-32

https://doi.org/10.1080/15027570.2023.2214402 *

Autonomous weapons

Chris Jenks. - In: Is the international legal order unraveling ?. - Oxford : Oxford Universty Press, 2022. - p. 216-250

Contesting use of force norms through technological practices

Ingvild Bode. In: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht = Heidelberg journal of international law, 83. Jahrgang, H. 1/2023, p. 39-64

https://doi.org/10.17104/0044-2348-2023-1-91

Le désarmement humanitaire terrain de la déformalisation du droit : l'exemple des Systèmes d'Armes Létaux Autonomes

Eric Pomès. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 147-155

Drones and international law : a techno-legal machinery

Rebecca Mignot-Mahdavi. - Cambridge : Cambridge University Press, 2023. - XIII, 258 p.

Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris

co-organisé par le Centre de recherche de l'Académie militaire de Saint-Cyr Coëtquidan et la Croix-Rouge française. - Paris : A. Pedone, 2022. - 220 p.

Grammar : rules in a cyber conflict

Kubo Mačák and Laurent Gisel. - In: A language of power ? : cyber defence in the European Union. - Paris : European Union Institute for Security Studies (EUISS), November 2022. - p. 60-71

https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_176.pdf#page=64

International humanitarian law : cases, materials and commentary

Nicholas Tsagourias, Alasdair Morrison. - Cambridge : Cambridge University Press, 2023. - XIV, 450 p.

The jus in bello under strain : diluted but not disintegrating

Laura A. Dickinson. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 184-215

Prosecuting environmental harm before the International Criminal Court

Matthew Gillett. - Cambridge : Cambridge University Press, 2022. - XXI, 382 p.

Protecting civilians against digital threats during armed conflict : recommendations to states, belligerents, tech companies, and humanitarian organizations : final report of the ICRC global advisory board on digital threats during armed conflicts

ICRC. - Geneva : ICRC, September 2023. - 20 p.

https://library.icrc.org/library/docs/DOC/icrc-4735-002.pdf

Quel encadrement juridique et quelles garanties de responsabilité pour les sytèmes d'armes autonomes ?

Coline Beytout-Lamarque. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 165-175

Re-evaluating international humanitarian law in a triple planetary crisis : new challenges, new tools

Britta Sjöstedt and Karen Hulme. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1238-1266

https://library.icrc.org/library/docs/DOC/irrc-924-sjostedt.pdf

Returning foreign fighters : responses, legal challenges and ways forward

Francesca Capone, Christophe Paulussen, Rebecca Mignot-Mahdavi, editors. - The Hague : Asser Press, 2023. - XIX, 304 p.

Les systèmes d'armes autonomes et les préoccupations humanitaires, juridiques et éthiques

Caroline Brandao. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 117-124

Technologies of decision support and proportionality in international humanitarian law

Markus Gunneflo, Gregor Noll. In: Nordic journal of international law, Vol. 92, issue 1, April 2023, p. 93-118

https://doi.org/10.1163/15718107-bja10055

Virtual groups and the triggering of armed conflicts

Marie Thøgersen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 329-348

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58722.pdf *

Who is who on the battlefield ? The actors engaged in contemporary armed conflicts : proceedings of the 23rd Bruges Colloquium, 20-21 October 2022

ICRC, College of Europe

https://www.brugescolloquium.org/wp-content/uploads/2023/10/231019-FINAL-Proceedings_23rd_Bruges_Colloquium-6.pdf

XVI. Countries/Regions

AFGHANISTAN

The provision of healthcare by Islamist armed groups : between sharia and international law

Marta Furlan. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 212-236
https://doi.org/10.4337/9781800888340.00016 *

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Quelques considérations sur la contribution africaine au développement des règles internationales relatives à la protection des enfants : le cas des règles du droit international humanitaire

Steve Martial Tiwa Fomekong. In: Revue québécoise de droit international, vol. 34, no 1, 2021, p. 33-67
https://doi.org/10.7202/1092789ar

ALGERIA

The Geneva Conventions, insurgency, and decolonization

Boyd van Dijk. - In: The Oxford handbook of late colonial insurgencies and counter-insurgencies. - Oxford [etc.] : Oxford University Press, 2023. - p. 197-213

AMERICA

Implementing international humanitarian law : participation of the American states in IHL treaties and their national implementation : progress and activities in the Americas : 2020-2021 report

ICRC. - Panama : ICRC, June 2023. - 69 p.
https://library.icrc.org/library/docs/DOC/icrc-2094-002-2023.pdf

ASIA

Regional consultation of Asia-Pacific states : 29-30 November 2022 : international humanitarian law and cyber operations during armed conflicts

report prepared by Fasya Addina Teixeira and Tilman Rodenhäuser, legal advisers, ICRC. - Geneva : ICRC, July 2023. - 31 p.
https://library.icrc.org/library/docs/DOC/icrc-4721-002.pdf

AUSTRALIA

Heritage destruction, human rights and international law

edited by Amy Strecker and Joseph Powderly. - Leiden ; Boston : Brill Nijhoff, 2023. - 502 p.

CARIBBEAN

Heritage destruction, human rights and international law

edited by Amy Strecker and Joseph Powderly. - Leiden ; Boston : Brill Nijhoff, 2023. - 502 p.

DEMOCRATIC REPUBLIC OF THE CONGO

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https://doi.org/10.1163/18781527-bja10068

DENMARK

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Marc Schack, Katrine Lund-Hansen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 349-370
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

EAST AFRICA

East African laws of war

Kenneth Wyne Mutuma and Eve Massingham. - In: The laws of yesterday's wars. 2 : from ancient India to East Africa / edited by Samuel White. - Leiden ; Boston : Brill Nijhoff, 2022. - p. 214-240
https://doi.org/10.1163/9789004473218_009 *

EUROPEAN UNION

At the frontlines of implementing the right to a healthy environment : understanding human rights and environmental due diligence in relation to armed conflicts

Amanda Kron. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1623-1645
https://library.icrc.org/library/docs/DOC/irrc-924-kron.pdf

Third State responsibility versus sanctions in regulating trade with illegal settlements at the EU

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FINLAND

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https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

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https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

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GAZA

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https://doi.org/10.1017/S0021223722000024

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https://doi.org/10.1163/9789004503939_006 *

GERMANY

Domestic and international criminal justice : challenges ahead

Andreas Zimmermann and John Schabedoth. - In: Domesticating international criminal law : reflections on the Italian and German experiences. - London : Routledge, 2023. - p. 65-89

https://doi.org/10.4324/9781003320951 *

Domesticating international criminal law : reflections on the Italian and German experiences

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https://doi.org/10.4324/9781003320951 *

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https://doi.org/10.1163/9789004473218 *

IRAQ

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https://doi.org/10.1017/ajil.2023.8

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https://doi.org/10.1163/9789004503939_013 *

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https://doi.org/10.1163/9789004503939_011 *

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https://doi.org/10.1163/9789004503939_005 *

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https://doi.org/10.1163/9789004503939_004 *

Palestine, Israel, and the International Criminal Court

Nada Kiswanson. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 253-288
https://doi.org/10.1163/9789004503939_013 *

Private sector responsibility for the treatment of Palestinian prisoners and detainees in light of the law and policy of the International Criminal Court

Shane Darcy. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 289-309
https://doi.org/10.1163/9789004503939_014 *

Reducing the friction : a functional analysis of the transformed occupation of the Gaza Strip

Aeyal Gross. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 69-103
https://doi.org/10.1163/9789004503939_006 *

The switch : the Israel High Court of Justice's transition from occupation law to human rights law

Amichai Cohen and Yuval Shany. In: International journal of constitutional law, vol. 20, issue 5, December 2022, p. 1768-1792
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58608.pdf *

ITALY

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JAPAN

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https://doi.org/10.1163/9789004473218 *

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Vishakha Wijenayake. - [S.l.] : [s.n.], 2023. - 248 p.
https://escholarship.mcgill.ca/concern/theses/n583z118q

KUWAIT

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https://doi.org/10.1017/ajil.2023.8

LATIN AMERICA

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MEXICO

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https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58393.pdf *

NETHERLANDS

Ex gratia payments and reparations : a missed opportunity ?

Steven van de Put. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 131-155
https://doi.org/10.1163/18781527-bja10060 *

NORTH AMERICA

The laws of yesterday's wars. 2 : from ancient India to East Africa

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https://doi.org/10.1163/9789004473218 *

NORTH KOREA

Plague, pestilence and the peninsula : international humanitarian law concerns of North Korea's biological weapons program

Jakob M. Reynolds. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 109-134
https://doi.org/10.1093/jcsl/krac028 *

NORWAY

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https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58723.pdf *

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PACIFIC

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https://library.icrc.org/library/docs/DOC/icrc-4721-002.pdf

PALESTINE

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https://doi.org/10.1017/S0021223722000024

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https://doi.org/10.1163/9789004503939_013 *

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https://doi.org/10.1163/9789004503939_011 *

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https://doi.org/10.1163/9789004503939_009 *

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https://doi.org/10.1163/9789004503939_005 *

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https://doi.org/10.1163/9789004503939_006 *

Revolutionary war and the development of international humanitarian law

Amanda Alexander. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 112-144
https://doi.org/10.3998/mpub.12584508

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https://doi.org/10.1163/9789004503939_012 *

The war against the people and the people's war : Palestine and the Additional Protocols to the Geneva Conventions

Ihab Shalbak and Jessica Whyte. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 145-172
https://doi.org/10.3998/mpub.12584508

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https://digital-commons.usnwc.edu/ils/vol100/iss1/21/

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https://digital-commons.usnwc.edu/ils/vol100/iss1/24/

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https://digital-commons.usnwc.edu/ils/vol100/iss1/1/

La situation au regard du droit international humanitaire : considérations générales

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SAUDI ARABIA

Complicité dans les violations graves du droit international humanitaire : observations à partir du cas du Yemen

Giuseppe Puma. In: Revue générale de droit international public, T. 127, no 2, 2023, p. 345-367

SOUTH AFRICA

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SYRIA

Fighting with words : humanitarian security and the changing role of law in contemporary armed conflict

Iida Maria Tammi. In: Disasters, Vol. 47, no. 4, October 2023, p. 870-890
https://doi.org/10.1111/disa.12580

Military assistance and state responsibility for "in bello" violations during non-international armed conflicts

Saeed Bagheri. In: The Irish yearbook of international law, vol. 15, 2020, p. 7-30
https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58378.pdf *

The provision of healthcare by Islamist armed groups : between sharia and international law

Marta Furlan. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 212-236
https://doi.org/10.4337/9781800888340.00016 *

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https://digital-commons.usnwc.edu/ils/vol100/iss1/1/

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https://library.icrc.org/library/docs/DOC/irrc-924-krebs.pdf

Analyzing the legality and effectiveness of US targeted killing

Laurie R. Blank. In: Journal of national security law and policy, vol. 13, no. 2, 2023, p. 259-282

https://jnslp.com/wp-content/uploads/2023/05/Analyzing_the_Legality_and_Effectiveness_of_US_Targeted_Killing.pdf

Autonomous weapon systems : a clarification

Nathan Gabriel Wood. In: Journal of military ethics, vol. 22, no. 1, April-June 2023, p. 18-32

https://doi.org/10.1080/15027570.2023.2214402 *

Drones and international law : a techno-legal machinery

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https://doi.org/10.1163/18781527-bja10060 *

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Learning from automation in targeting to better regulate autonomous weapon systems : target lists, the electronic battlefield and automation in mines

Joshua G. Hughes. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 135-160

https://doi.org/10.1093/jcsl/krac030 *

Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law

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https://doi.org/10.3998/mpub.12584508

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https://doi.org/10.3998/mpub.12584508

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W. Casey Biggerstaff and Michael N. Schmitt. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1267-1292

https://library.icrc.org/library/docs/DOC/irrc-924-biggerstaff.pdf

Technologies of decision support and proportionality in international humanitarian law

Markus Gunneflo, Gregor Noll. In: Nordic journal of international law, Vol. 92, issue 1, April 2023, p. 93-118

https://doi.org/10.1163/15718107-bja10055

"The Third World is a problem" : arguments about the laws of war in the United States after the fall of Saigon

Victor Kattan. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 173-206

https://doi.org/10.3998/mpub.12584508

Worldmaking at the end of history : the Gulf Crisis of 1990-1991 and international law

by Samuel L. Aber. In: American journal of international law, vol. 117, no. 2, April 2023, p. 201-250 : map

https://doi.org/10.1017/ajil.2023.8

VATICAN

Le Saint-Siège face aux systèmes d'armes autonomes

Dominique Lambert. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 401-413

VIET NAM

The Geneva Conventions, insurgency, and decolonization

Boyd van Dijk. - In: The Oxford handbook of late colonial insurgencies and counter-insurgencies. - Oxford [etc.] : Oxford University Press, 2023. - p. 197-213

Learning from automation in targeting to better regulate autonomous weapon systems : target lists, the electronic battlefield and automation in mines

Joshua G. Hughes. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 135-160

https://doi.org/10.1093/jcsl/krac030 *

Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law

edited by Brian Cuddy and Victor Kattan. - Ann Arbor : University of Michigan Press, 2023. - XVIII, 303 p.

https://doi.org/10.3998/mpub.12584508

Operationalizing international law : from Vietnam to Gaza

Craig Jones. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 207-232
https://doi.org/10.3998/mpub.12584508

Revolutionary war and the development of international humanitarian law

Amanda Alexander. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 112-144
https://doi.org/10.3998/mpub.12584508

WESTERN SAHARA

Third State responsibility versus sanctions in regulating trade with illegal settlements at the EU

Manuel Devers and Tom Moerenhout. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 223-252
https://doi.org/10.1163/9789004503939_012 *

YEMEN

Complicité dans les violations graves du droit international humanitaire : observations à partir du cas du Yemen

Giuseppe Puma. In: Revue générale de droit international public, T. 127, no 2, 2023, p. 345-367

ZIMBABWE

Southern Rhodesia's adherence to the 1929 Geneva Convention on the treatment of Italian and German internees, 1939-1945

Enest Takura, Joseph Mujere, George Bishi. In: Journal of African military history, vol. 7, issue 1-2, August 2023, p. 99-120
https://doi.org/10.1163/24680966-bja10021

All with Abstracts

The 2021 ECtHR decision in Georgia v Russia (II) and the application of human rights to extraterritorial hostilities

Marco Longobardo and Stuart Wallace. In: Israel law review : a journal of human rights, public and international law, vol. 55, issue 2, July 2022, p. 145-177

This article discusses the findings of the European Court of Human Rights in the 2021 case of Georgia v Russia (II) in relation to the applicability of the European Convention on Human Rights to the conduct of hostilities. The article describes the arguments advanced by the Court to support the idea that the Convention does not apply to extraterritorial hostilities in an international armed conflict. In the light of past decisions, international humanitarian law, international human rights law, and the law of the treaties, it is argued that the Court's conclusion is unconvincing and the arguments seem to be based on extralegal considerations, rather than on a sound interpretation of the notion of state jurisdiction under the Convention.

https://doi.org/10.1017/S0021223721000261

The 2022 political declaration on the use of explosive weapons in populated areas : a tool for protecting the environment in armed conflict ?

Simon Bagshaw. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1293-1312

In November 2022, eighty-three States endorsed the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (Political Declaration). This article examines the potential of the new Political Declaration for strengthening the protection of the environment. An express reference to the environment, and the impact of explosive weapons thereon, exists only in the Declaration's preamble, but the lack of express references to the environment in the Declaration's operative commitments does not mean it lacks potential as a tool for strengthening the protection of the environment. On the contrary, the preambular reference provides an important basis on which to argue that the armed forces of endorsing States must consider the protection of the environment in their efforts to implement a number of the Declaration's key operational commitments.

https://library.icrc.org/library/docs/DOC/irrc-924-bagshaw.pdf

Above the law : drones, aerial vision and the law of armed conflict : a socio-technical approach

Shiri Krebs. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1690-1728

Aerial visuals play a central – and increasing – role in military operations, informing military decision-makers in real time. While adding relevant and time-sensitive information, these visuals construct an imperfect representation of people and spaces, placing additional burdens on decision-makers and creating a persuasive – yet misleading – virtual representation of the actual conditions on the ground. Based on interdisciplinary analysis of critical security studies, behavioural economics and international law literature, as well as rich data from US and Israeli military investigations into four military operations spanning from 2009 to 2021, this article identifies three types of challenges stemming from the mounting reliance on aerial visuals to inform military operations: technical challenges, relating to the technical capabilities and features of aerial vision technologies; cognitive challenges, relating to decision-making biases affecting human decision-makers; and human-technological challenges, relating to the human–machine interaction itself. The article suggests ways to mitigate these challenges, improve the application of the law of armed conflict, and protect people, animals and the environment during armed conflicts.

https://library.icrc.org/library/docs/DOC/irrc-924-krebs.pdf

The adjudication and findings of Finnmark's devastation charge in Hostage

Emily Crawford. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 127-154

As part of the post-World War II military trials of Nazi war criminals, General Lothar Rendulic, Commander-in-Chief of the 20th Mountain Army, was put on trial for acts of devastation not justified by military necessity, in the Finnmark region of Northern Norway. In his defence, Rendulic justified the acts on the grounds that the devastation of the territory and the forced evacuation of the region were permissible on the basis of being militarily necessary. Fearful of an imminent Soviet invasion of the territory following the September 1944 armistice agreement between the Soviet Union and Finland, Rendulic and his troops retreated, laying waste to the region and forcibly evacuating the population. These acts were, according to Rendulic's account, necessary to hinder the Soviet forces from advancing. Ultimately, the US Military Tribunal accepted this justification, and found Rendulic not guilty of breaching Article 23(g) of the Hague Regulations—which prohibits the destruction or seizure of enemy property, unless such destruction or seizure is "imperatively demanded by the necessities of war". This chapter will explore how the tribunal came to its decision, examining the charges regarding Rendulic's conduct in Finnmark, the prosecution and defence cases, and the decision that eventually saw Rendulic acquitted of the charge of devastation.

Adjusting the aperture : the international law case for qualifying unmanned vessels as warships

Malgorzata Materna. In: International law studies, Vol. 100, 2023, p. 452-482

A number of stakeholders in the international community have advocated for the establishment of restrictions on the development and acquisition of unmanned vessels capable of contributing to naval warfare. These efforts are often based on the notion that the law did not anticipate the existence and use of unmanned vessels, and therefore the drafters of applicable legal frameworks—including the longstanding international law definition of a "warship"—did not consider them. However, this article evaluates, element by element, how unmanned vessels can, should, and already do meet the requirements for the warship designation under international law, based on a reading compatible with the prevailing approach to the interpretation of international treaty language. It also includes an assessment of the notion that unmanned vessels were not foreseen at the time of the conception of the warship paradigm and explains why this is a flawed premise on which to rely as a pretext for establishing a new regime to account specifically for unmanned vessels. The increased use of submarines by States throughout the twentieth century is occasionally referenced as an instructive model for considering the application of the term "warship" to emerging technologies.

https://digital-commons.usnwc.edu/ils/vol100/iss1/13/

Analyzing the legality and effectiveness of US targeted killing

Laurie R. Blank. In: Journal of national security law and policy, vol. 13, no. 2, 2023, p. 259-282

Laurie Blank discusses a new approach to analyze the legality and effectiveness of US targeted killing. She suggests that targeted killing should be viewed through a lens that combines the effectiveness and legality metrics while also focusing on the essential issue of legitimacy. Blank then explores the effectiveness of targeted killing through a legal lens by exploring three considerations: the role of legal compliance in maximizing effectiveness, the interplay between effectiveness and legitimacy, and the United States' efforts to shape the law to enhance the effectiveness and availability of the tactic. Blank concludes that targeted killing is an effective means to enhance legal compliance and achieve national security objectives in the short term, but she highlights that the tactic risks applicable laws evolving in a way unfavorable for US interests in the long term.

https://jnslp.com/wp-content/uploads/2023/05/Analyzing_the_Legality_and_Effectiveness_of_US_Targeted_Killing.pdf

Another brick in the wall : climate change (in)adaptation under the law of belligerent occupation

Eva Baudichau. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1337-1364

This article explores the legal obligations of occupying powers with regard to climate change adaptation for local populations and their environment under the law of occupation, specifically in the context of prolonged belligerent occupations. It focuses on the critical matter of water and food security, in light of the increasing frequency and severity of extreme weather events. After shedding light on the intricate issues that arise at the intersection of climate change and belligerent occupation, the article argues that the general obligations incumbent upon the occupying power under occupation law, when viewed through a climate lens, can be construed as addressing the heightened climate vulnerability faced by occupied populations.

https://library.icrc.org/library/docs/DOC/irrc-924-baudichau.pdf

The Anti-Personnel Mine Ban Convention : a commentary

Stuart Casey-Maslen. - Oxford [etc.] : Oxford University Press, 2023. - XXI, 401 p.

In September 1997, the Anti-Personnel Mine Ban Convention (APMBC) was adopted by UN Member States at a dedicated diplomatic conference in Oslo. A disarmament treaty with clear and expansive humanitarian aims, the APMBC represented the culmination of many years of energetic campaigning. The Convention has since garnered the support of over 160 States Parties, yet some of its core provisions remain under scrutiny. Stuart Casey-Maslen's article-by-article commentary on the 1997 Anti-Personnel Mine Ban Convention addresses international law and State practice on anti-personnel mines in the first twenty-five years of the lifetime of this disarmament treaty. It builds upon the author's first commentary on the Convention, published by Oxford University Press in 2003, and the revised edition issued in 2005. Whereas the two earlier editions focused on the negotiating history of the APMBC, this new edition provides insight into State and treaty practice up to now. It comprehensively details the use of anti-personnel mines through to the present day, the destruction of landmine stockpiles, and mine clearance in every affected nation. An authoritative and current commentary on the Anti-Personnel Mine Ban Convention, this new edition will be a crucial asset for diplomats, international lawyers, and academics seeking to interpret this instrumental piece of disarmament law.

https://doi.org/10.1093/law/9780192882639.001.0001 *

The application of the principle of precautions to cyber operations

Yunus Emre Gül. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 3-38

The interconnected nature of cyberspace hardens the application of the principle of precautions to cyber operations. Despite the fact that the principle of precautions falls behind the other two principles that regulate the conduct of hostilities (i.e., the principles of distinction and proportionality), its practical importance renders it as significant as those latter principles. However, in order to truly apply the principle of precautions in this complex environment, it should be applied by tilting it towards humanity rather than seeking to balance humanity with military necessity.

https://doi.org/10.4337/mllwr.2023.01.01

L'apport de l'histoire au développement du droit international humanitaire

Nathalie Colette-Basecqz et Elise Delhaise. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 359-377

Dans ce liber amicorum dédié à Bruno Colson, nous avons décidé de traiter un thème, qui se situe au carrefour de nos disciplines respectives et qui met en lumière l'apport de l'histoire dans le développement du droit international humanitaire. Nous aborderons d'abord le contexte historique qui a fait émerger des règles coutumières et a ensuite donné lieu à la signature de traités, avant de nous intéresser au développement des grands principes du droit international humanitaire. Nous examinerons ensuite comment l'histoire des conflits armés a abouti à la création des juridictions pénales internationales ou mixtes, et plus tard à la naissance de la Cour pénale internationale. Nous présenterons enfin l'incrimination de nouveaux comportements

érigés en crimes de droit international humanitaire au gré des dernières évolutions historiques. En conclusion, nous partagerons quelques réflexions quant à l'apport de l'histoire au développement du droit international humanitaire.

Armed groups and international law : in the shadowland of legality and illegality

edited by Katharine Fortin and Ezequiel Heffes. - Cheltenham : E. Elgar, 2023. - XV, 324 p.

Through its careful consideration of the status of armed groups within a complex legal landscape, this insightful book identifies and examines the tensions that arise due to their actions existing across a spectrum of legality and illegality. Considering the number of armed groups currently exercising governance functions and controlling territory and population in the world, its analysis is especially topical. Armed Groups and International Law provides essential peer-reviewed analyses of the place of armed groups in the legal framework. A collaborative effort between eminent scholars from different disciplines, it summarises various points of contention within the study of these armed actors, detailing examples that are highly relevant to the contemporary world, such as Afghanistan and Syria. Addressing law-making, rebel governance and accountability, this illuminating book will be of great benefit to students of international humanitarian law, human rights law, international criminal law, and public international law seeking to expand their understanding of the treatment of armed groups within the international legal system. It will also serve as a useful resource for practitioners working in the area of civilian protection and academics conducting research on armed conflict from a variety of disciplines.

https://doi.org/10.4337/9781800888340 *

Les aspects de droit international humanitaire et de droit international pénal du conflit

Julia Grignon. In: Annuaire français de droit international, 68, 2022, p. 227-252

Le droit international humanitaire, spécialement conçu pour s'appliquer lors des conflits armés, s'inscrit naturellement au nombre des corpus juridiques mobilisés dans le cadre du conflit qui se déroule actuellement sur le territoire de l'Ukraine. De même, l'ampleur des crimes commis dans ce contexte interroge le rôle que peut y jouer le droit international pénal. Après avoir posé les qualifications juridiques qui s'imposent à la situation, cette contribution met en lumière les règles du droit international humanitaire, tant relatives à la protection des personnes que relatives à la conduite des hostilités, en s'appuyant sur un certain nombre d'exemples choisis. Elle soulève ensuite quelques aspects saillants du droit international pénal dans sa dimension propre à réprimer les violations commises lors des conflits armés.

L'assistance d'Etats tiers dans la guerre d'Ukraine au regard du droit international

Alexander Wentker et Claus Kreß. In: Annuaire français de droit international, 68, 2022, p. 173-192

L'assistance d'Etats tiers en temps de guerre est un phénomène probablement aussi ancien que la guerre elle-même. Comme le révèle la guerre en Ukraine, il s'agit encore aujourd'hui d'une caractéristique des conflits armés internationaux. Cependant, l'agression de la Russie contre l'Ukraine montre également que les questions juridiques essentielles, auxquelles cette assistance donne lieu dans le cadre de la réglementation internationale multiscalaire en vigueur, restent sous-étudiées. Cet article analyse donc trois grandes séries d'implications juridiques de l'assistance d'Etats tiers en vertu du jus contra bellum et du jus in bello dans le contexte de la guerre en Ukraine. Premièrement, l'article détermine à quel moment le soutien interétatique constitue un recours indirect à la force en soi, et quand il s'agit plutôt d'une assistance au recours à la force d'un autre Etat, et précise en quoi cette distinction est importante pour évaluer la licéité de l'assistance en vertu du jus contra bellum. Deuxièmement, l'article analyse la manière dont le droit de la neutralité encadre l'assistance des Etats tiers aux belligérants et soutient que ce corpus juridique ne peut, aujourd'hui, interdire l'assistance à la victime d'une agression. Troisièmement, l'article explique pourquoi il est important de savoir à partir de quand les Etats qui fournissent un soutien deviennent eux-mêmes parties au conflit armé interétatique et affirme que c'est le cas lorsque leurs actes ont un lien direct avec les hostilités et se produisent en étroite coordination avec les opérations militaires de l'Etat qui reçoit ce soutien. Dans l'ensemble, l'article démontre

que l'assistance d'Etats tiers en temps de guerre est aujourd'hui réglementée sur la base d'un cadre fiable, qui gagnerait néanmoins à être consolidé et affiné par la pratique des Etats.

At the crossroads : multi-stakeholder and multi-disciplinary approaches in the application of IHL

Helen Durham and Anne Quintin. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 31-47

The faithful application of IHL during armed conflicts requires working on a variety of systems, structures and institutions that exist within a society, to ensure that the environment is conducive to respect for the law. Accordingly, there are many different roads to travel down, from developing and interpreting international legal rules to building adequate domestic frameworks, and from training armed actors on the rules applicable in warfare to working with communities affected by violence to ensure their voices are heard. This article aims to recognize the value of bringing different actors together, fostering complementarity among them and joining their forces towards the common aim of ensuring better respect for the law. Based on recent examples and studies in the field of IHL training, application and implementation, the article also aims to help humanitarian practitioners, armed actors, diplomats, legal scholars and others identify ways to work together and cross-fertilize their work.

https://doi.org/10.1163/18781527-bja10069 *

At the frontlines of implementing the right to a healthy environment : understanding human rights and environmental due diligence in relation to armed conflicts

Amanda Kron. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1623-1645

Potential harm to human rights and the environment, including by corporate actors, is amplified in situations of conflict. This article focuses on applying the right to a healthy environment in relation to armed conflicts and corporate responsibility. In particular, it analyzes and compares due diligence requirements in the European Union Conflict Minerals Regulation and the International Law Commission's Draft Principles on Protection of the Environment in Relation to Armed Conflicts and examines how these align with the right to a healthy environment.

https://library.icrc.org/library/docs/DOC/irrc-924-kron.pdf

Attacking data : moving beyond the interpretative quagmire of the "data as an object" debate

Marc Schack, Katrine Lund-Hansen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 349-370

A key contemporary challenge for international lawyers is to determine how international humanitarian law (IHL) applies to cyber operations. This involves determining how IHL language – devised for the physical world – can be translated into usable concepts for the digital age. Often, this is done largely by balancing the 'ordinary meaning' of specific IHL concepts against the 'object and purpose' of IHL treaties. This, at least, has been the case in the debate on whether the concept of 'objects' include or exclude (digital) data. Contributors to this debate often emphasise this balancing act, but also seem guided by what they consider acceptable outcomes. Specifically, they argue that what is legal in the analogue, physical world should not be rendered illegal through digitisation and vice versa. This article argues that this approach is unhelpful as it leads to conflicting results. Instead, we argue that the addition of a contextual analysis could help move the debate forward.

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Autonomous AI systems in conflict : emergent behavior and its impact on predictability and reliability

Daniel Trusilo. In: Journal of military ethics, vol. 22, no. 1, April-June 2023, p. 2-17

The development of complex autonomous systems that use artificial intelligence (AI) is changing the nature of conflict. In practice, autonomous systems will be extensively tested before being

operationally deployed to ensure system behavior is reliable in expected contexts. However, the complexity of autonomous systems means that they will demonstrate emergent behavior in the open context of real-world conflict environments. This article examines the novel implications of emergent behavior of autonomous AI systems designed for conflict through two case studies. These case studies include (1) a swarm system designed for maritime intelligence, surveillance, and reconnaissance operations, and (2) a next-generation humanitarian notification system. Both case studies represent current or near-future technology in which emergent behavior is possible, demonstrating that such behavior can be both unpredictable and more reliable depending on the level at which the system is considered. This counterintuitive relationship between less predictability and more reliability results in unique challenges for system certification and adherence to the growing body of principles for responsible AI in defense, which must be considered for the real-world operationalization of AI designed for conflict environments.

https://doi.org/10.1080/15027570.2023.2213985

Autonomous systems, private actors, outer space and war : lessons for addressing accountability concerns in uncertain legal environments

Eve Massingham and Dale Stephens. In: Melbourne journal of international law, vol. 23, issue 2, December 2022, 30 p.

Developments in technology are creating legal uncertainties concerning questions of accountability under international law, as systems become more autonomous and the chain of decision-making responsibility less clear. In outer space, there is a particular reliance on experimental and increasingly autonomous emerging technologies. In this context, the uncertainty regarding liability for adverse outcomes resulting from such systems is compounded by the fact that space, which was once solely the domain of states, has seen a significant rise in use by private actors. Space law has unique rules regarding private actors; it may be fairly asked whether existing space law is too rigid to adequately cover all current activities in outer space and appropriately assign responsibility for their consequences, especially if an incident occurs due to an autonomous system launched by a private actor. The law of armed conflict is being similarly challenged by new technologies, especially regarding the regulation of weapons, means and methods of warfare and other systems with autonomous functionalities. Although automation in military devices has been around a long time (eg landmines and uncrewed balloons), legal frameworks were not drafted with the full gamut of today's available technology in mind. The result has been extensive debate about how to appropriately assign responsibility, especially when things go wrong with autonomous systems in war. These parallel issues — attribution of both responsibility for private actors' autonomous space objects and responsibility for the actions of autonomous systems being employed in armed conflict — draw these legal frameworks together. A further connection that will be canvassed is that deployment of such systems to outer space by private actors has the potential to drag states unwittingly into armed conflict. This article reviews the current state of the law in both outer space and armed conflict and identifies areas where the unique nature of the development and deployment of autonomous systems challenges existing notions of accountability at international law. In seeking to provide some solutions, the paper makes the case for paying greater attention to the added value of domestic laws, the possibilities presented by military diplomacy, as well as asking the question of how collective responsibility principles might best be employed in these domains.

https://law.unimelb.edu.au/__data/assets/pdf_file/0004/4601497/Massingham-unpaginated.pdf

Autonomous weapon systems : a clarification

Nathan Gabriel Wood. In: Journal of military ethics, vol. 22, no. 1, April-June 2023, p. 18-32

Due to advances in military technology, there has been an outpouring of research on what are known as autonomous weapon systems (AWS). However, it is common in this literature for arguments to be made without first making clear exactly what definitions one is employing, with the detrimental effect that authors may speak past one another or even miss the targets of their arguments. In this article I examine the U.S. Department of Defense and International Committee of the Red Cross definitions of AWS, showing that these definitions are far broader than some recognize, and that they therefore classify a much larger set of weapons as AWS. I then show that these broader views of AWS have implications for what moral and legal rules we might argue should be applied to such systems. I conclude by arguing there is a greater need for precision and clarity within AWS debates, in order to ensure that researchers are discussing the same weapon

systems (autonomous or otherwise) when they argue for or against particular points. The purpose of this article is not to defend any specific view of AWS, nor to further any general endorsement or objection to such systems, but rather to show the importance of argumentative clarity in this debate.

https://doi.org/10.1080/15027570.2023.2214402

Autonomous weapons

Chris Jenks. - In: Is the international legal order unraveling ?. - Oxford : Oxford Universty Press, 2022. - p. 216-250

The vast majority of extant autonomous weapons are large, expensive, defensive, and anti-materiel in nature. However, anti-personnel and offensive autonomous weapons are now in limited use, and more states and increasingly nonstate actors have access to some form of this technology. This chapter explores high-end autonomous weapons, available only to First World militaries, and commercially available systems, which anyone with access to the internet can potentially weaponize. The chapter considers the impact of both categories of autonomous weapons on three different subsets of international law regulating the use of force: the jus ad bellum, the jus in bello, and laws regulating exports of weapons technologies. This chapter suggests that the effect autonomous weapons will have on jus in bello is likely to be mixed, but autonomous weapons will pose significant challenges for jus ad bellum and export control regimes, likely weakening them or lessening their effectiveness.

Awakening the law of contraband in the Russia-Ukraine conflict

Martin Fink. In: International law studies, vol. 100, 2023, p. 688-707

Following the collapse of the Black Sea Grain Initiative, both Russia and Ukraine announced measures against shipping that may have introduced counter-contraband operations into the maritime dimension of the Russia-Ukraine conflict. The law of contraband, which is at the heart of the law of naval warfare, regulates such operations. The law of contraband has, however, not been often used in current conflicts and some of its details are not crystalized as generally accepted law. Awakening this instrument in the current conflict brings questions for both belligerents and non-State parties, some of whom have adopted a position of qualified neutrality that allows them to militarily support Ukraine. This article revisits the law of contraband in the context of the current conflict and discusses the intersection between the law of contraband and the concept of qualified neutrality.

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Belligerent occupation or creeping annexation ? : identifying the red flags

Giulia Pinzauti. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 86-122

The prohibition of territorial acquisitions by force is undisputed. Scholars agree that an occupying power cannot annex any of the territory it occupies, or its status would become illegal. But at what point does an occupation regime cross a legal tipping point into annexation? This article seeks to conceptualize the threshold between occupation and creeping annexation. It posits that, to answer that question, it is necessary to make an overall assessment of the quality and quantity of the display of the occupant state's powers over the occupied territory. The study analyses nine examples of de jure or de facto annexation. Through a systematic comparative analysis of those nine examples with three other case studies of belligerent occupation in which the occupier(s) did not have the animus to annex the occupied territory, the article identifies several 'red flags' of an occupying state's intention to integrate a territory. While these indicators are not legal conditions of creeping annexation, they are a tool that legal scholars and policy makers could use to trigger preventative action or inform the international community's response to situations of creeping annexation.

https://doi.org/10.4337/mllwr.2023.01.04 *

Bridging fault lines : exploring an obligation under international law to assist victims of armed conflict

Emily Camins. In: Harvard human rights journal, Vol. 36, Spring 2023, p. 89-145

This Article contains three main Parts. Part II provides background information and identifies the gaps between the harm suffered by victims of armed conflict and how the law responds to these victims, pinpointing the main deficiencies of current approaches. Part III then identifies two key fault lines—assumptions that underpin the existing legal response and limit its potential for addressing the harm to, and needs of, people affected by conflict. It argues that international law's response to victims of war should aim to connect war with peace and seek to separate the obligation to address harm from other responsibilities based on violations of the law. Building on this discussion, Part IV proposes an extended victim assistance model as a safety net to support those who suffer due to armed conflict. It also briefly addresses some considerations of form, oversight, and funding, setting out options for further development.

https://journals.law.harvard.edu/hrj/wp-content/uploads/sites/83/2023/06/HLH102_crop.pdf

Buddhism and international humanitarian law

ed. by Andrew Bartles-Smith ... [et al.]. - London : Routledge, 2022. - XVII, 451 p.

What guidance can Buddhism provide to those involved in armed conflict and to belligerents who must perhaps kill or be killed or defend their families, communities or countries from attack? How, moreover, does Buddhism compare with international humanitarian law (IHL) – otherwise known as the law of armed conflict – which protects non-combatants and restricts the means and methods of warfare to limit the suffering it causes? Despite the prevalence of armed conflict in parts of the Buddhist world, few contemporary studies have addressed these questions. While there is a wealth of material on Buddhist conflict prevention and resolution, remarkably little attention has been paid to what Buddhism says about the actual conduct of war. IHL is also still relatively little known in the Buddhist world and might not therefore influence the behaviour of belligerents who self-identify as Buddhists and are perhaps more likely to be guided by Buddhist principles. This ground-breaking volume is part of an International Committee of the Red Cross project which seeks to fill this gap by exploring correspondences between Buddhist and IHL principles, and by identifying Buddhist resources to improve compliance with IHL and equivalent Buddhist or humanitarian norms. This book will be of much interest to students and researchers of International Law, Buddhism, Ethics as well as War and Conflict studies. The chapters in this book were originally published as a special issue of Contemporary Buddhism.

https://doi.org/10.4324/9781003439820

Challenges of applying the law of naval warfare in non-international armed conflict at sea

Martin Fink. In: The military law and the law of war review, vol. 61, no. 1, 2023, p. 39-58

The question of application of the law of naval warfare during non-international armed conflict (NIAC) at sea is still an area of uncharted waters. Some discussion on the matter surfaced in reaction to the Israeli naval blockades against Hamas and Hezbollah and the applicability of the law of blockade in NIAC, mainly limited to noting possible other historical examples. At this stage in the development of the law of armed conflict at sea in NIAC, there are no clear legal opinions or any direction to where this issue might go to. This article offers an introductory view on some challenges of applying the law of naval warfare during non-international armed conflict and a discussion on the use of the law of blockade in particular.

https://doi.org/10.4337/mllwr.2023.01.02 *

Complicité dans les violations graves du droit international humanitaire : observations à partir du cas du Yemen

Giuseppe Puma. In: Revue générale de droit international public, T. 127, no 2, 2023, p. 345-367

Cet article porte sur la complicité de certains Etats dans les violations graves des normes impératives du droit international humanitaire commises par la coalition dirigée par l'Arabie saoudite dans le contexte du conflit armé au Yémen. D'après l'auteur, cette forme de responsabilité, règlementée par l'article 16 du Projet d'articles de la CDI sur la responsabilité internationale, est engagée par le transfert d'armes de ces Etats vers l'Arabie saoudite. Les conditions fixées par cette disposition sont remplies : en ce qui concerne l'élément matériel, le transfert d'armes et le soutien logistique et militaire offerts par certains Etats européens

constituent l'élément objectif "typique" de la complicité, en facilitant la commission du fait illicit principal. Quant à l'élément subjectif, il est observé que la connaissance, par des Etats complices, des circonstances de l'infraction principale, peut être considérée dans le cas d'espèce comme acquise.

Concomitant prohibitions : collective punishment as the origin of other violations of the rights of civilians under belligerent occupation

Jose Serralvo. In: Israel law review : a journal of human rights, public and international law, vol. 55, issue 2, July 2022, p. 178-212

International humanitarian law (IHL) categorically prohibits all types of collective punishment. However, neither treaty nor customary sources provide a clear definition of what should be deemed a collective punishment. Given this lack of clarity, it is no surprise that little attention has been paid to the way in which resorting to different forms of collective punishment during a belligerent occupation might lead to additional violations of international law, including IHL and international human rights law (IHRL). This article explores the notion of collective punishment under the law of occupation and connects it with other relevant rules of international law. Based on this analysis, and using the Occupied Palestinian Territory as a case study, the article argues that violating the prohibition of collective punishment in a situation of belligerent occupation in all likelihood will trigger the breach of other concomitant rules of IHL and IHRL, thus shedding light on the scope of the prohibition contained in Article 33 of the Fourth Geneva Convention.

https://doi.org/10.1017/S0021223722000024 *

Contact with extraterrestrial intelligence and human law : the applicability of rules of war and human rights

by Michael Bohlander. - Leiden ; Boston : Brill Nijhoff, 2023. - XVII, 247 p.

It is statistically unlikely that humans are the only intelligent species in the universe. Nothing about the others will be known until contact is made beyond a radio signal from space that merely tells us they existed when it was sent. That contact may occur tomorrow, in a hundred years, or never. If it does it will be a high-risk scenario for humanity. It may be peaceful or hostile. Relying on alien altruism and benign intentions is wishful thinking. We need to begin identifying as a planetary species, and develop a global consensus on how to respond in either scenario.

Contesting use of force norms through technological practices

Ingvild Bode. In: Zeitschrift für ausländisches öffentliches Recht und Völkerrecht = Heidelberg journal of international law, 83. Jahrgang, H. 1/2023, p. 39-64

International law on the use of force has become increasingly contested. Such contestation also happens in the form of technologically-mediated state practices, for example via designing and using drones or weapon systems integrating autonomous or Artificial Intelligence (AI) technologies. Over time, such practices can deliberatively and tacitly shape new norms. To make sense of such dynamics, the article differentiates between an international normative order and an international legal order and theorises how their congruence/incongruence affects (social and legal) norms governing the use of force. These arguments combine norm research with scholarship across critical international law, practice theories, and science and technology studies to examine the emergence of contested areas in between the international normative and legal orders. The paper examines the practice of targeted killing in the context of jus contra bellum and the emerging norm of 'meaningful' human control in jus in bello. These examples demonstrate the emergence of significant areas of contestation in between the international normative and legal orders – and the adverse consequences of this development for the restraining quality of international law.

https://doi.org/10.17104/0044-2348-2023-1-91

Criminalizing reprisals against the natural environment

Matthew Gillett. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1463-1496

Whilst international humanitarian law (IHL) contains several prohibitions against environmental harm, the most striking is Article 55(2) of Additional Protocol I, whereby "[a]ttacks against the

natural environment by way of reprisals are prohibited". Although this provision appears absolute and unconditional, critical questions persist regarding its status under customary international law and its applicability in non-international armed conflicts. Moreover, its criminalization has not been explored in the jurisprudence of international courts or in the relevant scholarly literature, despite the fact that penal sanctions against individuals are an important factor for enforcement of environmental protections. To fill the lacuna, the following analysis examines the prohibition and criminalization of reprisals against the natural environment. It reviews conventional and customary international law to determine the current status of a putative criminal prohibition and its potential as lex ferenda. Importantly, it also assesses the relevance of reprisals against the natural environment for prosecutions under existing war crimes, such as attacks on civilian objects and destruction of enemy property.

https://library.icrc.org/library/docs/DOC/irrc-924-gillett.pdf

Cyber conflict and the thresholds of war

Ido Kilovaty. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 251-281

Cyberspace has revolutionized the way in which states engage in conflict with one another. While it is widely accepted that international law applies to cyberspace, there remains the question of whether cyberspace is truly novel and distinctive in its effects to the extent that our existing legal thresholds for war have become outdated. This chapter defines the "thresholds of war" as use of force, armed attack, and armed conflict. Through an analysis of the novelty of cyber conflict, this chapter seeks to make two contributions. First, to demonstrate that cyber conflict can be understood not only through its kinetic consequences but also through a variety of mass-scale and devastating effects that lie below the thresholds of war as articulated through the decades. Second, that these thresholds of war are outdated and in need of recalibration to properly capture actions that are legitimate and illegitimate in cyberspace. This chapter argues that the current international legal order is in danger of creating a lawless cyberspace, where states engage in offensive cyberspace behavior based on an assumption that any effects below the thresholds of war are permissible. Redrawing the line between the permissible and impermissible in cyberspace is of utmost importance to tackle this concern.

De facto justice : prosecution by non-state actors in armed conflict

Helen Duffy. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 237-269

This chapter explores the lawful contours of a growing phenomenon - the administration of criminal justice by non-state armed groups in territories under their control. It highlights a steadily mounting body of international practice recognizing the lawfulness of the 'de facto' processes as dependent on how - rather than by whom - justice is administered and considers the conditions that international law places on such justice. These include the core standards of independence and impartiality, fair trial guarantees, respect for the principle of legality and the nature of the crimes, which pose myriad challenges in practice in the context of de facto justice. Among others, the chapter flags the particular implications of increased resort by non-state actors (like states) to broad terrorism-related crimes as a basis for prosecution. Finally, as meeting the standards required of de facto justice will generally depend on external support, the chapter questions whether under international law states can - or in certain circumstances should - cooperate with or recognize such processes consistently with international law. In an area of dynamic legal and practical development, the chapter reveals a landscape that is evolving to meet the realities of the changing nature of non-state actors' exercise of power and control, but where tensions, uncertainties and paradoxes remain.

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Deflective cooperation : social pressure and forum management in Cold War conventional arms control

Giovanni Mantilla. In: International organization, Vol. 77, no. 3, Summer 2023, p. 564-598

Why do states create weak international institutions? Frustrated with proliferating but disappointing international environmental institutions, scholars increasingly bemoan agreements which, rather than solving problems, appear to exist "for show." This article offers an

explanation of this phenomenon. I theorize a dynamic of deflective cooperation to explain the creation of compromise face-saving institutions. I argue that when international social pressure to create an institution clashes with enduring disagreements among states about the merits of creating it, states may adopt cooperative arrangements that are ill-designed to produce their purported practical effects. Rather than negotiation failures or empty gestures, I contend that face-saving institutions represent interstate efforts to manage intractable disagreement through suboptimal institutionalized cooperation. I formulate this argument inductively through a new multi-archival study of conventional weapons regulation during the Cold War, which resulted in the oft-maligned 1980 UN Convention on Certain Conventional Weapons. A careful reconsideration of the negotiation process extends and nuances existing IR theorizing and retrieves its historical significance as a critical juncture and complex product of contesting diplomatic practices.

https://doi.org/10.1017/S0020818322000364

Le désarmement humanitaire terrain de la déformalisation du droit : l'exemple des Systèmes d'Armes Létaux Autonomes

Eric Pomès. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 147-155

Depuis 2014, des discussions relatives à l'encadrement et à l'avenir des Systèmes d'Armes Létaux Autonomes (SALA) sont menées dans le cadre de la Convention sur l'interdiction ou la limitation de l'emploi de certaines armes classiques (CCAC). Cet examen, entamé sous la pression des Organisations Non-Gouvernementales, achoppe pour l'heure en raison d'une part de désaccords sur les définitions essentielles et d'autre part d'intérêts étatiques divergents. Les débats actuels permettent de réfléchir sur la place qu'occupe le droit dans les discours prônant un désarmement humanitaire. Plus largement, ces discussions illustrent une certaine tendance à la déformalisation du droit international.

The development of international humanitarian law

Eyal Benvenisti. - In: 150 ans de contributions au développement du droit international : livre du sesquicentenaire de l'Institut de Droit international (1873-2023) = 150 years of contributing to the development of international Law : sesquicentenary book of the Institute of International Law (1873-2023). - Paris : A. Pedone, 2023. - p. 415-435

This chapter focuses on the two most important contributions of the Institute of International law to IHL over the years: the Oxford Manual of 1880, the codification of the laws of war that capped the first stage of the Institute's work in this area, and the Edinburgh Resolution of 1969, the first work to offer a clear path out of the "legal chaos" laid bare during the Second World War, through its conceptualisation of the distinction between military and civilian targets and its identification of the goal of preventing excessive harm to civilians.

Does international humanitarian law confer undue legitimacy on violence in war ?

Kieran R.J. Tinkler. In: International law studies, vol. 100, 2023, p. 605-636

International humanitarian law is lauded as a civilizing force that seeks to limit the effects of war for humanitarian reasons. There is, however, an increasing sense that IHL has facilitated rather than restrained military operations by conferring undue legitimacy on violence in war. This article focuses on the nature of the relationship between legitimacy and IHL to ascertain whether this is indeed the case. It concludes that, while IHL alone cannot confer "normative legitimacy" on battlefield conduct, it does frame "empirical legitimacy." Whether such legitimacy is unwarranted is, ultimately, best judged by reference to morality. Yet insistence on the pre-eminence of humanitarian concerns within IHL is shown to be both misleading and aid social acceptance of battlefield conduct that humanitarians generally deem deficient.

https://digital-commons.usnwc.edu/ils/vol100/iss1/18/

Domestic and international criminal justice : challenges ahead

Andreas Zimmermann and John Schabedoth. - In: Domesticating international criminal law : reflections on the Italian and German experiences. - London : Routledge, 2023. - p. 65-89

This chapter consists of two parts: In the first part, some of the challenges with which the International Criminal Court is currently confronted are being presented. First of all, the chapter will describe the current state of the International Criminal Court and the Rome Statute. Afterwards, the chapter analyses the Court's efforts to foster cases against third-country nationals and the challenges it is facing in that regard. In addition, the cases of Ntaganda and Al-Bashir will be illustrated to determine an increasing emancipation of the case law of the International Criminal Court from previously prevailing opinions in other areas of international law. The second part of the chapter will briefly discuss the role of domestic international criminal law and domestic courts in the further development and enforcement of international criminal law. As an example of the role that domestic courts can have in clarifying classic issues in international law, the judgment of the German Supreme Court of 28 January 2021 (3 StR 564/19), which deals with the status of customary international law on functional immunity of State officials before domestic courts, shall be assessed.

https://doi.org/10.4324/9781003320951 *

Domesticating international criminal law : reflections on the Italian and German experiences

edited by Florian Jessberger, Chantal Meloni and Maria Crippa. - London : Routledge, 2023. - XXV, 297 p.

This book provides an essential and critical overview of the most significant issues concerning the domestication of international criminal law, in particular with regard to the implementation of the ICC Statute. It discusses the most recent proposals for reform of the German Code of Crimes under International Law, the "Völkerstrafgesetzbuch", 20 years after its entering into force and introduces the project for an Italian code of international crimes drafted by the Committee of experts established in 2022 by the Ministry of Justice. Following the adoption of the ICC Statute, many States, including Germany with the "Völkerstrafgesetzbuch", introduced specific legislation to incorporate international criminal law into their domestic legal systems and a considerable number of them have been investigating and prosecuting war crimes, crimes against humanity, genocide, and even aggression ever since. Twenty-five years later, however, the process is not completed as other countries, like Italy, are still working on adopting provisions on international crimes. This book opens with a broad overview of the different approaches of the domestication of international criminal law, with a specific focus on the German and the Italian systems. After an assessment of the prerequisites for the domestic implementation of international criminal law, also from a constitutional law perspective, each chapter offers an in-depth analysis of a specific issue, such as: the definition of international crimes (genocide and crimes against humanity, war crimes and aggression); the applicability of and exceptions to the general principles of domestic criminal law; the regulation of individual criminal responsibility; sanctions and sentencing; as well as procedural aspects related to immunities, jurisdiction and prosecutorial discretion. The strong academic perspective of many authors is complemented by an equally strong practitioner perspective of the others, provided by legal scholars in the highest positions in international and national judicial institutions, resulting in a well-informed and critical appraisal of the most recent developments overall in the international criminal justice system.

https://doi.org/10.4324/9781003320951 *

Domination, transformation, and annexation via utilities

Marya Farah and Maha Abdallah. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 348-370

This chapter will explore how Israel has used its authority to administer the provision of water, electricity, and telecommunications in the West Bank to undermine Palestinian life while ensuring that such networks support the viability and growth of settlements, their integration into Israeli territory, and Israel's unlawful claim of sovereignty. This chapter will first review the obligations of an Occupying Power under international humanitarian law and international human rights law. It will also examine the role and responsibility of businesses in this context. Three case studies focusing on water, electricity and telecommunications are then presented, with

the aim of underscoring Israel's overt decades-long path towards annexation and the critical role played by business enterprises. This chapter is neither exhaustive of the countless Israeli policies and practices targeting each sector nor of other measures used to transform the OPT.

https://doi.org/10.1163/9789004503939_013 *

Drones and international law : a techno-legal machinery

Rebecca Mignot-Mahdavi. - Cambridge : Cambridge University Press, 2023. - XIII, 258 p.

Through an analysis of the use of drones, Rebecca Mignot-Mahdavi explores the ways in which, in the context of counterterrorism, war, technology and the law interact and reshape one another. She demonstrates that drone programs are techno-legal machineries that facilitate and accelerate the emergence of a new kind of warfare. This new model of warfare is individualized and de-materialized in the sense that it focuses on threat anticipation and thus consists in identifying dangerous figures (individualized warfare) rather than responding to acts of hostilities (material warfare). Revolving around threat anticipation, drone wars endure over an extensive timeframe and geographical area, to the extent that the use of drones may even be seen, as appears to be the case for the United States, as part of the normal functioning of the state, with profound consequences for the international legal order.

The duty to investigate in situations of armed conflict : an examination under international humanitarian law, international human rights law, and their interplay

by Floris Tan. - Leiden ; Boston : Brill Nijhoff, 2023. - XL, 605 p.

This book explores the duty to investigate potential violations of the law during armed conflict, and does so under international humanitarian law (IHL), international human rights law (IHRL), and their interplay. Through a meticulous comparative legal analysis, it maps out the scope and contents of investigative obligations. On the basis of general international law, it also develops and applies a novel and more broadly applicable step-by-step methodology for resolving issues of interplay between both legal regimes. In doing so, this study clarifies the scope of application and contents of investigative obligations under both legal regimes, as well as for situations to which both apply. The book finds that the oft-heard narrative that to require States to conduct human rights investigations during armed conflict would be wholly unrealistic in light of the realities of hostilities is unfounded and in need of revision.

https://doi.org/10.1163/9789004540958 *

East African laws of war

Kenneth Wyne Mutuma and Eve Massingham. - In: The laws of yesterday's wars. 2 : from ancient India to East Africa / edited by Samuel White. - Leiden ; Boston : Brill Nijhoff, 2022. - p. 214-240

This chapter seeks, in the first part, to outline East African traditional war customs and juxtapose the same to contemporary IHL principles, thereby revealing these communities to have long since formulated pargmatic traditions and customs that resemble modern IHL norms. While the East African region geographically refers to Kenya, Uganda, Tanzania, South Sudan, Rwanda and Burundi - collectively known as the East African Community ; as well as Djibouti, Eritrea, Ethiopia and Somalia, the examples herein are by and large drawn from Kenya, Uganda and to a lesser degree, Ethiopia. In the second part, this chapter turns a look at East African contributions to IHL and related treaties in the 21st Century and the inclusion of IHL principles and concepts in institutional frameworks of the region.

https://doi.org/10.1163/9789004473218_009 *

Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021

co-organisé par le Centre de recherche de l'Académie militaire de Saint-Cyr Coëtquidan et la Croix-Rouge française. - Paris : A. Pedone, 2022. - 220 p.

« La France ne laissera pas émerger des robots tueurs, ses systèmes respecteront les Conventions internationales sur le droit de la guerre et l'homme sera à tout moment dans la boucle ». Cette

déclaration prononcée le 16 mars 2018 par Madame Florence Parly, Ministre des armées, indique clairement la position qui va guider les développements et usages des futurs robots militaires de l'armée française. Elle dessine une frontière claire entre les « Killers Robots » et les machines disposant d'un certain degré d'autonomie indispensable pour que ces dernières puissent, en temps réel, appréhender des situations et des environnements inconnus, s'adapter en fonction et décharger le militaire d'un pilotage chronophage et consommateur d'attention cognitive. Dès lors, pour quelles raisons la conception et la mise en œuvre de systèmes d'armes létaux autonomes sont-elles rejetées avec autant de force ? Quelle place accorder à l'autonomie dans les systèmes d'armes ? Cette question fait l'objet d'un débat international qui a amené depuis plusieurs années de nombreux États à préciser leur position nationale et à participer aux discussions du Groupe d'experts gouvernementaux sur les technologies émergentes dans le domaine des systèmes d'armes létaux autonomes, établi dans le cadre de la Convention sur certaines armes classiques.

Equality and non-discrimination in armed conflict : humanitarian and human rights law in practice

George Dvaladze. - Cheltenham ; Nothampton : E. Elgar, 2023. - XI, 303 p.

Although expressly prohibited under international law, discrimination is amongst the humanitarian issues that adversely impact persons, communities, and society at large, in all types of armed conflicts. In this important book George Dvaladze unpacks the complexity of the international legal regulation of guarantees of equality and non-discrimination applicable in armed conflict. Discrimination is often the root cause of, or it is intrinsically linked to, armed conflict. The realities of such situations can also exacerbate inequalities that predate the outbreak of the conflict. Addressing a significant dearth in legal literature, this discerning book analyses an array of sources of international humanitarian law (IHL) and human rights law in order to define a method to distinguish between prohibited discrimination and other differentiations in armed conflict that are permitted or even required by law. To facilitate the evaluation of a practice as discrimination, Dvaladze utilises illustrative examples from recent practices in contemporary armed conflicts and interactive flowcharts. Offering in-depth analysis of the principles of equality and non-discrimination in armed conflict, this book will be a beneficial resource for audiences interested in international law, namely law of armed conflict or IHL and human rights. Practitioners, policymakers, and academics, as well as those in the wider humanitarian sector, will find this book to be a valuable read.

https://doi.org/10.4337/9781035315253 *

'Equals, but not equals' : the paradox of amnesties and armed groups in non-international armed conflict

Annyssa Bellal. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 270-287

In non-international armed conflicts, armed groups are 'equal in arms', but not in status: they have the same obligations as states with regard to the conduct of hostilities, as granted by customary international humanitarian law, but their use of force remains strictly prohibited in domestic law. At the same time, the amnesty clause enshrined in the 1977 Additional Protocol II to the Geneva Conventions encourages parties to a NIAC to grant the broadest possible amnesty to persons who have participated in the armed conflict. By inserting this provision in AP II, states recognized that armed groups should be offered a form of 'combatant immunity' for participating in hostilities. In doing so, states remained caught in their own state-centric logic by refusing to recognize explicitly, in AP II, the principle of equality of belligerency. This chapter will endeavour to demonstrate that the result of this uncomfortable compromise has led to an unclear rule on amnesties in AP II, – and to go even further, it will contribute to questioning the efficiency of the entire Protocol when it comes to its applicability to armed groups. More generally, the hesitant approach states have adopted in 1977 to regulate armed groups' behaviour seems to fail to adequately govern the complex reality of contemporary non-international armed conflicts.

https://doi.org/10.4337/9781800888340.00018 *

Evidentiary and charging matters in the context of prosecuting returning foreign fighters before national courts

Christophe Paulussen and Tanya Mehra. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 119-141

States have been reluctant to repatriate their foreign fighters and families for a variety of reasons. One of these is of a legal nature, namely that prosecution at home would be too difficult because of a lack of evidence. After a brief overview of possible other options, this chapter will focus on the prosecution of returning foreign fighters before national courts. While acknowledging that securing evidence is and will remain difficult, this chapter points to a number of evidentiary and charging opportunities that show potential in somewhat overcoming this challenge. These could assist prosecutors in focusing on what should have their priority, namely the actual acts committed, such as war crimes and other international crimes. This chapter will also demonstrate that, in addition to membership of a terrorist organisation, there are other charges out there that do not require establishing what the returning foreign fighter has actually done while being abroad. The aim of presenting these in this chapter should not be seen as an endorsement—their critical examination will make this quite clear—but as a demonstration of the fact that the refusal to repatriate and prosecute can only be explained by a lack of political will, and not because of a lack of prosecutorial options.

Ex gratia payments and reparations : a missed opportunity ?

Steven van de Put. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 131-155

States have been increasingly engaging in a practice of ex gratia payments during armed conflict as a way to win 'hearts and minds' or mitigate local animosity from combat operations that cause civilian loss or damage. These represent voluntary payments for damages which are not the result of a violation of the laws of war. This practice provides a contrast to reparations, which are the result of a legal obligation to remedy breaches of law. This article critically assesses how these two concepts interact with each other. Analysing the current practice, this work argues that ex gratia payments can represent another barrier for victims seeking redress. Crucial here is that these payments are seen as both an explicit and implicit waiver of any future claims. This ignores the potential for synergy between the two concepts on both moral and operational grounds. To better facilitate this potential synergy, this article takes inspiration from some of the human rights jurisprudence surrounding reparations programs and considers ex gratia payments in light of their standards instead of accepting them as a blanket waiver. This would align these payments better with both the operational and moral imperatives underlying these payments.

https://doi.org/10.1163/18781527-bja10060 *

Exploring the civilian and political institutions of armed non-state actors under IHL in a age of rebel governance

Katharine Fortin. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 140-166

This chapter investigates the relevance of armed non-State actors' (ANSAs) civilian and political wings under international humanitarian law (IHL). It offers insights into how such entities have been, and should be, dealt with by criminal courts and tribunals when adjudicating cases involving ANSAs exercising governance. It ends with some closing reflections on why ANSAs' governance institutions have found themselves in such an ambiguous shadowland in international law, where the legal relevance of their existence is rarely discussed head-on or denied.

https://doi.org/10.4337/9781800888340.00013

Fighting with words : humanitarian security and the changing role of law in contemporary armed conflict

Iida Maria Tammi. In: Disasters, Vol. 47, no. 4, October 2023, p. 870-890

Violence against humanitarians is a commonplace phenomenon in contemporary armed conflict. This paper examines how the manipulation of international legal principles for political or

military purposes, a practice known as 'lawfare', impacts humanitarian security in conflict-affected areas. Drawing on a case study of the Syrian conflict (2011–), it finds that lawfare has been used to legitimate systematic civilian targeting by pro-government forces and to delegitimise the delivery of aid to opposition-held areas of the country. Efforts to use legal measures to promote civilian welfare—by way of sanctions or demands for cross-border humanitarian access—have been taken as evidence of Western attempts to politicise humanitarian considerations and international law. In practice, this has meant increased security risks for aid workers and impunity for those implicated in the violence. The paper concludes by calling for more critical research on lawfare and politicisation of international law as part and parcel of civilian protection in conflict-affected areas.

https://doi.org/10.1111/disa.12580

The fine line between non-international armed conflicts and internal disturbances and a call for the revival of the concept of "fundamental standards of humanity"

Eliza Walsh. In: The Irish yearbook of international law, vol. 15, 2020, p. 55-82

The imprecise definitions for non-international armed conflicts (NIACs) and internal disturbances have resulted in numerous scenarios where the line distinguishing an armed conflict from an internal disturbance is extremely blurred. This means the protection afforded to victims is often hampered for a number of reasons, such as the inadequacy of domestic law or derogations from human rights treaties. In evaluating this 'grey zone' between NIACs and internal disturbances, this paper proposes a new angle for the definition of internal disturbances and the revival of the concept of 'fundamental standards of humanity' for those situations lying on the spectrum somewhere between a NIAC and an internal disturbance.

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58393.pdf *

From law-taking to law-making and law-adapting : exploring non-state armed groups' normative efforts

Ezequiel Heffes. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 191-211

Every society has some form of structure in place that determines those behaviours and activities that are accepted, and those that are disapproved of and potentially subject to punishment. For the more than 60 million people living under non-State armed groups' (NSAGs) exclusive control, this creates obvious tensions, where both certainties and uncertainties co-exist. This is because NSAGs are sometimes able to offer a degree of stability, subjecting individuals to their own laws and regulations, while at the same time their own members are being subjected to the rules of the de jure State, a legal framework that (almost undisputedly) will criminalize their actions. At the same time, in non-international armed conflicts, some international humanitarian law (IHL) provisions require that these entities (and States) undertake normative efforts to ensure they are respected. By examining the possible exercise of NSAGs' law-making and law-adapting activities, this chapter addresses such tension by focusing on the prohibition of arbitrary deprivation of liberty in IHL.

https://doi.org/10.4337/9781800888340.00015 *

A galaxy of norms : UN peace operations and protection of the environment in relation to armed conflict

Mara Tignino and Tadesse Kebebew. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1543-1567

Given the increasing size and functions of United Nations (UN) peace operations (POs) and the fact that they often operate in contexts where natural resources are degraded, POs have repercussions on the environment. Yet, there is not much literature on their obligations regarding the protection of the environment in relation to armed conflicts. This article provides insights into the obligations of POs in relation to armed conflict. First, it highlights POs' customary international environmental law obligations. Second, it delves into their environmental obligations under the UN's internal rules and the host State's laws. Third, it explores obligations that arise from their mandates. In each of these sections, the article highlights the relevance and

application of these obligations in armed conflicts. The last section examines the obligations of POs to protect the natural environment under international humanitarian law.

https://library.icrc.org/library/docs/DOC/irrc-924-tignino.pdf

Gender, conflict and the environment : surfacing connections in international humanitarian law

Catherine O'Rourke and Ana Martin. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1600-1622

Both gender and the environment have traditionally been positioned at the periphery of international humanitarian law (IHL). In recent decades, there has been important progress in moving both concerns closer to its centre; to date, however, an understanding of the intersection of gender and the environment in the legal regulation of armed conflict remains largely underdeveloped. Nevertheless, as the present article documents, there are important similarities in strategies pursued to advance both gender and the environment from the periphery to the mainstream of IHL, namely: first, a focus on sources of IHL, in particular concretizing arguably limited specific treaty content with interpretive guidance and implementation frameworks; second, a conceptual critique of prevailing definitions of "harm" in IHL; and third, advancing, through close empirical documentation and household-level analysis of conflict's effects, understandings of harm that capture so-called "second-round" effects of conflict. Recognizing these important affinities between gender and environment work in IHL, this article draws on these insights to propose a typology of gendered environmental harm in conflict. The article concludes with proposals for enhancing the legal and operational capture under IHL of the gender–conflict–environment nexus.

https://library.icrc.org/library/docs/DOC/irrc-924-orourke.pdf

The genesis and significance of the law of war "Rendulic Rule"

Sean Watts. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 155-176

The notion that in armed conflict commanders are judged only according to information reasonably available to them at the time of decision-making found early and notorious application in the post-Second World War prosecution of Generaloberst Lothar Rendulic known as the Hostage case. A tribunal of American judges drawn from civilian US legal quarters famously acquitted Rendulic for devastation carried out in the erroneous belief that Soviet forces were pursuing his retreat across Norwegian Finnmark. This chapter traces the legal genesis of the so-called Rendulic Rule and evaluates its modern legal significance. Although the Hostage judgment provided little in the way of legal evidence of the rule and traced its source in only very general terms, the Rendulic Rule has since matured into a well-settled aspect of the law of war. States have incorporated it into primary rules of conduct regulating hostilities and rely on it extensively in law of war instruction and implementation.

The Geneva Conventions, insurgency, and decolonization

Boyd van Dijk. - In: The Oxford handbook of late colonial insurgencies and counter-insurgencies. - Oxford [etc.] : Oxford University Press, 2023. - p. 197-213

This chapter shows that international humanitarian law (IHL) mattered, in the realm of decolonization as much as in civil war which have received extensive scholarly attention over recent decades. During this period, scholars have largely neglected IHL's role in anti-colonial insurgencies, despite the presence of extensive archival materials on this subject. Indeed, anti-colonial insurgencies are full of references to IHL concepts. The first part on this chapter discusses the existing master-narrative of IHL's past in relation to decolonization and then shows how this view as been recently contested. The discovery of new archival sources, in combination with renewed attempts to historicize and theorize IHL even further, has fractured existing narrative of its contested past.

Grammar : rules in a cyber conflict

Kubo Mačák and Laurent Gisel. - In: A language of power ? : cyber defence in the European Union. - Paris : European Union Institute for Security Studies (EUISS), November 2022. - p. 60-71

The increasing use of military cyber capabilities and the related humanitarian concerns underscore the urgency of reaching shared understandings on the legal constraints that apply to the use of cyber operations during armed conflicts. The chapter sets the scene by defining the notion of cyber operations during armed conflicts and by presenting an overview of the current military use of cyber operations and their potential human cost. It then discusses the threshold question of whether international humanitarian law (IHL) applies to cyber operations and zooms in on three specific issues related to how IHL principles and rules apply to cyber operations during armed conflict. The chapter concludes by emphasising the importance of states formulating national positions on the application of international law, including IHL, to cyber operations.

https://www.iss.europa.eu/sites/default/files/EUISSFiles/CP_176.pdf#page=64

Guerre et droits des femmes

Stéphanie Wattier. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 325-337

Cette contribution propose de montrer que la guerre demeure principalement persécutrice des femmes et de leurs droits, au départ de l'illustration récente de la guerre en Ukraine, ainsi que du phénomène des violences sexuelles utilisées comme arme en situation de conflit armé, pour ensuite exploser les différents instruments juridiques qui existent sur les plans international et régional afin de tenter d'enrayer ce phénomène.

Guide to implementing the Biological Weapons Convention

United Nations. - Genève : United Nations, 2022. - 212 p.

The full and effective implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, more commonly known as the Biological Weapon Convention (BWC) or Biological and Toxin Weapons Convention (BTWC), requires actions to be taken by all States Parties at the national level. BWC Review Conferences have called upon States Parties to adopt, in accordance with their constitutional processes, legislative, administrative, judicial and other measures to enhance domestic implementation of the Convention. This Guide is primarily intended to provide an overview of the national implementation process and obligations stemming from the BWC. Its primary audience is States Parties initiating or already engaged in the BWC implementation process or States Parties interested in assessing their implementing framework. The Guide outlines the types of legislative, regulatory and other measures that States Parties may consider developing and adopting in order to effectively implement the BWC. It also outlines possible synergies and overlaps with other instruments such as United Nations Security Council resolution 1540 (2004) and the International Health Regulations (2005), to assist States Parties in streamlining their implementation efforts

https://front.un-arm.org/wp-content/uploads/2023/08/English-NIM-digital-1.pdf

Heritage destruction and the war on Ukraine

Joseph Powderly and Amy Strecker. - In: Heritage destruction, human rights and international law. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 423-454

In this afterword, we offer some reflections on heritage destruction in the context of the Russia-Ukraine conflict, a context in which heritage destruction is all too readily apparent. In what follows, we explore and elaborate on how allegations of heritage destruction have been instrumentalized by Russia as part of its pretext for the use of force; how and the extent to which, at the time of writing (March 2023), tangible and intangible heritage is being targeted for attack; and finally we will reflect on the degree to which international law can play a role in delivering accountability for the heritage destruction being documented on daily basis.

Heritage destruction, human rights and international law

edited by Amy Strecker and Joseph Powderly. - Leiden ; Boston : Brill Nijhoff, 2023. - 502 p,

This book brings together prominent scholars in the fields of international cultural heritage law and heritage studies to scrutinise the various branches of international law and governance dealing with heritage destruction from human rights perspectives, both in times of armed conflict as well as in peace. Importantly, it also examines cases of heritage destruction that may not be intentional, but rather the consequence of large-scale infrastructural development or resource extraction. Chapters deal with high profile cases from Europe, North Africa, The Middle East, Latin America and the Caribbean, with a substantial afterword on heritage destruction in Ukraine.

Honest errors ? : Combat decision-making 75 years after the Hostage case

Nobuo Hayashi, Carola Lingaas. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - XV, 306 p.

This book marks the 75th anniversary of the 1948 Hostage Case in which a US military tribunal in Nuremberg acquitted General Lothar Rendulic of devastating Northern Norway on account of his honest factual error. The volume critically reappraises the law and facts underlying his trial, the no second-guessing rule in customary international humanitarian law (IHL) that is named after the general himself, and the assessment of modern battlefield decisions. Using recently discovered documents, this volume casts major doubts on Rendulic's claim that he considered the region's total devastation and the forcible evacuation of all of its inhabitants imperatively demanded by military necessity at the time. This book's analysis of court records reveals how the tribunal failed to examine relevant facts or explain the Rendulic Rule's legal origin. This anthology shows that, despite the Hostage Case's ambiguity and occasional suggestions to the contrary, objective reasonableness forms part of the reasonable commander test under IHL and the mistake of fact defence under international criminal law (ICL) to which the rule has given rise. This collection also identifies modern warfare's characteristics—human judgment, de-empathetic battlespace, and institutional bias—that may make it problematic to deem some errors both honest and reasonable. The Rendulic Rule embodies an otherwise firmly established admonition against judging contentious battlefield decisions with hindsight. Nevertheless, it was born of a factually ill-suited case and continues to raise significant legal as well as ethical challenges today. The most comprehensive study of the Rendulic Rule ever to appear in English, this multi-disciplinary anthology will appeal to researchers and practitioners of IHL and ICL, as well as military historians and military ethicists and offers ground-breaking new research.

Hybrid threats and the law of the sea : use of force and discriminatory navigational restrictions in straits

Alexander Lott. - Leiden ; Boston : Brill Nijhoff, 2022. - XVII, 302 p.

Hybrid Threats and the Law of the Sea debates the practice of states that have resorted to discriminatory navigational restrictions or aggression against foreign ships and aircraft in densely navigated straits. The book explores both widely acknowledged and lesser-known maritime incidents that meet the characteristics of hybrid warfare or hybrid conflict. This research approaches hybrid threats from the perspective of the interrelationship between navigational restrictions, law enforcement, armed attack, and the legal regime of straits. It provides guidance for determining whether the rules of armed conflict or law enforcement are applicable to various naval incidents.

https://doi.org/10.1163/9789004509368

Implementing international humanitarian law : participation of the American states in IHL treaties and their national implementation : progress and activities in the Americas : 2020-2021 report

ICRC. - Panama : ICRC, June 2023. - 69 p.

This report, prepared by the Advisory Service on International Humanitarian Law of the International Committee of the Red Cross (ICRC) for submission to the member states of the Organization of American States (OAS), brings together information on the most significant

activities and progress achieved in the implementation of international humanitarian law (IHL) in the region in the period 2020–2021.

https://library.icrc.org/library/docs/DOC/icrc-2094-002-2023.pdf

Implementing war torts

Rebecca Crootof. In: Virginia journal of international law, vol. 63, issue 3, April 2023, p. 319-395

Under international law, no entity is accountable for lawful acts in war that cause harm, and accountability mechanisms for unlawful acts (like war crimes) rarely create a right to compensation for individual victims. Accordingly, states now regularly create bespoke institutions, like the proposed International Claims Commission for Ukraine, to resolve mass claims associated with international crises. While helpful for specific and politically popular populations, these one-off institutions have limited jurisdiction and thus limited effect. Creating an international "war torts" regime—which would establish a route to compensation for civilians harmed in armed conflict—would better address this accountability gap for all wartime victims. This Article is the first attempt to map out the questions and considerations that must be navigated to construct a war torts regime. With the overarching aim of increasing the likelihood of victim compensation, it considers (1) the respective benefits of international tribunals, claims commissions, victims' funds, hybrid systems, and domestic courts as institutional homes; (2) appropriate claimants and defendants; and (3) the elements of a war torts claim, including the necessary level and type of harm, the preferable liability and causation standards, possible substantive and procedural affirmative defenses, and potential remedies. Domestic law has long recognized that justice often requires a tort remedy; it is past time for international law to do so as well. By describing how to begin implementing a new war torts regime to complement the law of state responsibility and international criminal law, this Article provides a blueprint for building a comprehensive accountability legal regime for all civilian harms in armed conflict.

https://www.vjil.org/s/Vol_633_Article_Crootof.pdf

In search of humanity : the moral and legal discrepancy in the redress of violations in international humanitarian law

Steven van de Put. In: Israel law review : a journal of human rights, public and international law, vol. 56, issue 2, July 2023, p. 171-200

Both international humanitarian law (IHL) and international human rights law (IHRL) make extensive references to humanity. Yet the role attributed to humanity differs between the two. Humanity is seen in IHRL as the source of the rights, whereas in IHL it is interpreted as a moral obligation to avoid harm. This article challenges this perspective. Relying upon contemporary interpretations of IHL, it will be argued that, in a moral sense, IHL matches up closely with IHRL. Crucial here is that humanity, rather than reflect a utilitarian perspective to avoid harm, is worded in stronger terms. To reflect this accurately, it is argued that IHL is best seen as a reflection of TM Scanlon's contractualism as opposed to utilitarian reasoning. Relying upon the similarities in moral reasoning visible in both bodies of law, the article argues that this should also be reflected when it comes to redress for violations. In a concrete sense, the argument here is that this also presents a moral requirement to recognise individual claims within IHL. To give legal effect to this moral demand, it is suggested that IHRL might play a role in bridging the gap between the moral and legal considerations in IHL.

https://doi.org/10.1017/S0021223722000206 *

Increasing the safeguarding of protected areas threatened by warfare through international environmental law

Jérôme de Hemptinne. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1392-1411

Vulnerable ecological areas are often seriously impacted by armed conflicts. In theory, these areas could benefit from the safeguards offered by the international humanitarian law (IHL) regimes of "demilitarized zones" and "undefended localities", but in practice, these regimes – which are designed to protect human beings from the violence of hostilities, and whose application entirely depends on the goodwill of belligerents – are rarely triggered to protect the environment as such.

However, international environmental law (IEL) contains a rich and diversified normative framework which organizes the establishment and management of areas of major ecological importance. While this framework has not primarily been conceived to apply to war-related situations, it could nonetheless play a substantive role in strengthening the IHL normative regimes in two respects. Firstly, it could provide interpretative guidance for these regimes so that they can be oriented towards more "ecocentric" purposes and can be read in accordance with the most advanced IEL standards and mechanisms governing biodiversity hotspots (the "environmentalization" of IHL). Secondly, IEL norms and practices could directly apply during warfare and thus complement IHL in many respects. That said, the co-application of IEL and IHL raises difficult issues of compatibility between these regimes, requiring inter alia that the IEL framework governing protected areas be adapted to the needs and specificities of armed conflicts (the "humanitarization" of IEL).

https://library.icrc.org/library/docs/DOC/irrc-924-dehemptinne.pdf

International environmental law as a means for enhancing the protection of the environment in warfare : a critical assessment of scholarly theoretical frameworks

Raphaël van Steenberghe. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1568-1599

The protection of the environment during warfare attracted significant attention in the 1990s, especially after the 1990–91 Gulf War. It became clear at that time that the few rules provided by international humanitarian law (IHL) aimed specifically at protecting the environment were insufficient. Various studies have since been undertaken with the aim of strengthening that protection from an IHL perspective. It is only recently that scholars and institutions like the International Law Commission have started to reflect on how to better protect the environment in armed conflict through the lens of another branch of international law, namely, international environmental law (IEL). Such an approach has involved examining the interplay between IHL and IEL, and scholars have subsequently proposed and then elaborated on frameworks in that respect. This paper intends to identify common trends of those frameworks and to critically appraise them, with the aim of providing a suitable approach to the interplay between IHL and IEL.

https://library.icrc.org/library/docs/DOC/irrc-924-vansteenberghe.pdf

International humanitarian law : cases, materials and commentary

Nicholas Tsagourias, Alasdair Morrison. - Cambridge : Cambridge University Press, 2023. - XIV, 450 p.

By drawing together key documents, case law, reports and other materials on international humanitarian law from diverse sources, the book presents in a systematic and analytically coherent manner this body of law and to offer students, teachers and practitioners an easily accessible, targeted but also critically informed account of the relevant rules and of how they apply in practice. It covers all areas of international humanitarian law and specifically addresses issues of contemporary interest such as cyber warfare, targeting, occupation, detention, human rights in armed conflict, peacekeeping, neutrality, responsibility and accountability, enforcement, reparations. The book is ideal for instruction, research, reference and application purposes either as a standalone resource or as accompaniment to textbooks and more specialist references.

Islamic jihadism and the laws of war : a conversation in international and Islamic law languages

Omar Mekky. - Oxford : Oxford University Press, 2023. - VIII, 259 p.

The rapid rise of global Islamic Jihadism in the past few decades and the limited success of the anti-terror campaign in halting its expansion have raised hard-hitting questions about how different political actors might preserve and restore the world's peace and security. Since the end of the Second World War, international law has often been the chief instrument employed to address global conundrums of this kind. Nevertheless, international law alone cannot solve this problem. Jihadist groups often cite Islamic law argumentations to justify their combat-related actions against states while rejecting traditional international law rules. On the other hand, some states themselves ignore traditional international law rules to apply their so-called

"counterterrorism" measures. The internationally recognized laws of war - created to protect those who do not participate in hostilities - are constantly challenged by jihadist groups and responding states in justification of their combat actions. In Islamic Jihadism and the Laws of War, Dr Omar Mekky explores both sides' legal frameworks, synthesising findings from both English and Arabic sources. Drawing from the author's field expertise as a legal advisor in the Middle East and North Africa, the book narrates how Islamic Jihadism began and evolved, outlines the laws jihadists apply during combat, addresses how states often react in their fights against jihadist groups, and aims for a pragmatic humanitarian legal formula. An essential resource for legal professionals, policymakers, academics, and students, Mekky's book initiates a constructive dialogue between international law and Islamic law.

https://doi.org/10.1093/oso/9780198888369.001.0001 *

Islamic law and international humanitarian law : proceedings

Ahmed al-Dawoody, Nedim Begović, Zehra Alispahić, Mustafa Hasani, Senad Ćeman [and] Amir Mahić. - Sarajevo : Fakultet islamskih nauka Univerziteta, 2020ICRC Bosnia and Herzegovina. - 95 p.

The book “Islamic Law and International Humanitarian Law” was created by the joint efforts of the International Committee of the Red Cross in Bosnia and Herzegovina and the Faculty of Islamic Studies at the University of Sarajevo. Academic papers in the book arose from jointly organized meetings, primarily form the scientific conference held in September 2018 in Sarajevo. Through articles in the book, the authors who spent much of their academic work dealing with International Humanitarian Law or Islamic Law, answer questions that have emerged as crucial in the discussions.

https://library.icrc.org/library/docs/DOC/WEB_086.pdf

Islamic laws of war

Ahmed Al-Dawoody. - In: The laws of yesterday's wars. 2 : from ancient India to East Africa. - Leiden ; Boston : Brill Nijhoff, 2022. - p. 126-145

This chapter studies the development of the Islamic law of war during the earliest and most authoritative period for the formulation of Islamic law, i. e., the lifetime of Prophet Muhammed. It argues that the Islamic rules developed by classical Muslim jurists regulating the use of force in the primitive war situations of this period still continue to constitute the source of regulating and justifying certain means and methods of warfare by Islamic non-state arms groups, let alone shape the deliberations among Islamic law scholars. Therefore, it is unrealistic to ignore the role Islamic law can play on, first, better understanding of the contemporary patterns that govern the use of force by some State and non-state armed Islamic actors and, second, the humanization of contemporary armed conflicts in Muslim contexts as well as, third, the universalization of the principles of IHL. Since all the fighting that took place during the Prophet's lifetime were between Muslims and their non-Muslim adversaries, inter-Muslim fighting falls outside the realm of this study.

https://doi.org/10.1163/9789004473218_006 *

Israel's impunity from peremptory norms

John Dugard. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 199-222

This chapter will first examine Israel’s violation of peremptory norms in the OPT. It will then consider the manner in which the international community responded to apartheid South Africa’s violation of such norms and whether it is fair to compare Israel’s occupation of Palestine with apartheid South Africa. Thereafter it will address the failure of the international community, the United Nations, the European Union, and individual States to confront Israel and to hold it accountable for its wrongdoings. Finally, the question will be asked and answered whether this amounts to a grant of impunity for crimes that violate peremptory norms.

https://doi.org/10.1163/9789004503939_011 *

Israel's military justice system as an annexationist tool

Sahar Francis. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 159-175

Since 1967, Israel in its capacity as Occupying Power, has issued almost 2,000 military orders governing all aspects of Palestinian political, civilian, economic, cultural, and social life. Through these military orders, Israel has outlawed activities that are considered fundamental human rights and form the cornerstones of democracy, such as freedom of expression and opinion, political participation, and the formation of political parties. Military orders have been issued on, State property, absentee property, closed military areas, land confiscation, urban planning, and taxation. Crucially, these military orders have paved the way for two internal systems of control; the judicial system, including the military courts, military objection committees, military judges and prosecutors, and the civil administration system created in 1981. The focus of this chapter will be on the former. In particular, this chapter will examine how Israel created a military judicial justice system through a series of restrictive military orders. The problem with the Israeli military judicial system goes beyond its continuous violations of the guarantees to a fair trial. The military judicial system raises serious questions as to the legality of the occupation given its prolonged, and now entrenched, exercise of jurisdiction over Palestinian civilians before Israeli military courts

https://doi.org/10.1163/9789004503939_009 *

The Italian legislation on war crimes : obligations to implement and the principle of legality

Giulio Bartolini and Marco Longobardo. - In: Domesticating international criminal law : reflections on the Italian and German experiences. - London : Routledge, 2023. - p. 147-160

While many States Parties to the ICC Statute have already adjusted their legal framework to international humanitarian law obligations and war crimes discipline, the Italian domestic provisions on war crimes are still based on the 1941 Wartime Military Criminal Code (with minor amendments in 2001). The Italian legal system thus presents severe shortcomings, whilst coherent and updated legislation on war crimes is still lacking, notwithstanding the (explicit and implicit) obligations for domestic criminalisation imposed by the relevant treaties. In this regard, the adoption of legislation on war crimes would constitute an opportunity for the Italian legislator to introduce the utmost updated discipline, under the principle of legality. In particular, the chapter identifies the catalogue of conducts constituting war crimes, and which of these offences are applicable to military forces deployed on missions abroad. The departure from the classification in Article 8 of the ICC Statute, as pursued by some national legislation, aims at simplifying the (often overlapping) offences listed by the ICC Statute in different provisions, according to the international or internal character of the conflict.

https://doi.org/10.4324/9781003320951 *

The jus in bello under strain : diluted but not disintegrating

Laura A. Dickinson. - In: Is the international legal order unraveling ?. - Oxford : Oxford University Press, 2022. - p. 184-215

The jus in bello is perhaps the most stable branch of public international law. Yet multiple contemporary forces have placed even this relatively sturdy body of law under considerable strain. These forces include: (1) the rise of nonstate armed groups, in particular the proliferation of transnational terrorist organizations; (2) the increased use of military and security contractors; (3) the emergence of new military technologies; and (4) rapid urbanization, such as the proliferation of megacities. This chapter argues that the fact that the jus in bello has already weathered some of these challenges indicates that it may well survive the others. Fundamentally, most states remain committed to the core values that undergird this body of law. It therefore appears less likely that the jus in bello will unravel than that gaps and fissures will emerge as states seek to translate the underlying values and norms to meet new challenges. Moreover, these gaps and fissures may expand, enabling states and others to adopt competing, often self-serving, interpretations. In short, the risk is one of long-term dilution rather than rapid disintegration.

The laws of yesterday's wars. 2 : from ancient India to East Africa

edited by Samuel White. - Leiden ; Boston : Brill Nijhoff, 2022. - XV, 260 p.

How international is international humanitarian law? The Laws of Yesterday's Wars 2: From Ancient India to East Africa, together with its companion volume, The Laws of Yesterday's Wars: From Indigenous Australians to the American Civil War (Brill-Nijhoff, 2021), attempts to answer that question. It offers a culture-by-culture account of various unique restrictions placed on warfare over time. Containing essays by a range of laws of war academics and practitioners, it approaches the laws of yesterday's wars from a wide cross-section of history and culture, seeking to find any common ground and to demonstrate a history of international law outside the usual confines of its 'development' by Europeans and its later 'contributions.' This volume includes studies on Japanese, Islamic and Eastern Native American rules of war.

https://doi.org/10.1163/9789004473218 *

Learning from automation in targeting to better regulate autonomous weapon systems : target lists, the electronic battlefield and automation in mines

Joshua G. Hughes. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 135-160

Autonomous weapon systems (AWS) are an emerging technology not currently subject to any specific regulation. This article examines the nature of automation in pre-cursor technologies for three different aspects of AWS to determine regulatory best practices that can be applied to these systems. Automation in target selection is explored in the context of pre-determined target lists, which function in similar ways to entering targets into the memory of an AWS. Automation in target engagement is considered using an example of 'The Electronic Battlefield' from the Vietnam War that, despite the less capable technologies of the time, demonstrates key elements of how AWS operate. The absence of human involvement is considered in relation to two types of mines that have been regulated on the international level and evaluates dimensions of control that could be useful to apply to AWS. Conclusions about automation for each aspect are used to determine best practices for regulating use of AWS. From these best practices, an outline of a legally required minimum level of human control is also developed.

https://doi.org/10.1093/jcsl/krac030

Leçons de droit international humanitaire

Aubin Minaku Ndjalandjoko ; préf. d'Auguste Mampuya Kanunk'a-Tshiabo. - Paris : L'Harmattan, 2023. - 330 p.

Une des branches originelles du droit international public, le droit international humanitaire est un ensemble des règles internationales d'ordre conventionnel et coutumier. Elles sont porteuses d'interdictions, des obligations et prescriptions à observer au cours d'un conflit armé, pour limiter la liberté des belligérants quant au choix des méthodes et des moyens de combat et pour protéger les personnes qui ne participent pas ou plus aux hostilités. Il est un corps de normes qui protègent « ...les droits essentiels et la dignité de la personne en temps de conflit armé. » L'auteur peint un tableau présentant le DIH comme un équilibre entre les considérations humanitaires et les nécessités militaires. Les règles du DIH ne sont pas dérogeables. Car, par essence, elles constituent un droit exceptionnel, qui régit des circonstances graves. Le respect du droit international humanitaire est indifférent de la licéité ou non de la guerre. Qu'un Etat soit victime ou non au regard du jus contra bellum, il reste tenu par le droit humanitaire.

The legal boundaries of (digital) information or psychological operations under international humanitarian law

Tilman Rodenhäuser. In: International law studies, vol. 100, 2023, p. 541-573

"Information operations" or "psychological operations" have long been part of armed conflicts. Among Western militaries, they are commonly understood as the employment of communication or other means to influence the views, attitudes, or behavior of adversaries or civilian populations to achieve political and military objectives. Chinese military strategy describes "psychological offense and defense" as "a combat action that uses specific information and media to influence the psychology and behavior of the target object through rational propaganda, deterrence and

emotional guidance based on strategic intentions and combat missions." Likewise, Russian military doctrine elaborates on concepts such as "psychological warfare" and on "war against mentality." Non-State armed groups conduct such operations, too. With the rapid growth of information and communication technology over the past decade, the scale, speed, and reach of information or psychological operations have increased significantly, raising concerns about their possible humanitarian impact. While international humanitarian law permits information and psychological operations that are militarily necessary as part of military operations, it imposes limits, in particular, on those that are directed against either civilians or military personnel hors de combat and can be reasonably expected to cause harm. This article analyzes these and other limits that international humanitarian law sets on information or psychological operations during armed conflicts.

https://digital-commons.usnwc.edu/ils/vol100/iss1/16/

The limits of honest judgment : the reasonable commander test and mistake of fact

Yasmin Naqvi. - In: Honest errors? : Combat decision-making 75 years after the Hostage case. - The Hague ; Berlin ; Heidelberg : T.M.C. Asser Press : Springer, 2024. - p. 177-213

The Rendulic case is probably the first demonstration of the link between the so-called "reasonable commander test" in international humanitarian law (IHL) and the defence of mistake of fact in international criminal law (ICL). This chapter analyses the link between the reasonable commander test and the mistake of fact defence. After an outline of the legal reasoning in Hostage, it examines the origins, purpose, and operation of the reasonable commander test in IHL. It analyses the mistake of fact defence in ICL. The analysis supports the view that in cases where the reasonable commander test is applicable, mistake of fact will only provide a defence where the mistake is both honest and reasonable. On a policy level, this interpretation best comports with IHL's objective to protect the victims of armed conflict. To hold otherwise would lead to a dilution of the precautionary rules set out in IHL, removing a key incentive for commanders to ensure they have done everything feasible to check the accuracy of the information on which they base their decisions to attack.

Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law

edited by Brian Cuddy and Victor Kattan. - Ann Arbor : University of Michigan Press, 2023. - XVIII, 303 p.

Making Endless War is built on the premise that any attempt to understand how the content and function of the laws of war changed in the second half of the twentieth century should consider two major armed conflicts, fought on opposite edges of Asia, and the legal pathways that link them together across time and space. The Vietnam and Arab-Israeli conflicts have been particularly significant in the shaping and attempted remaking of international law from 1945 right through to the present day. This carefully curated collection of essays by lawyers, historians, philosophers, sociologists, and political geographers of war explores the significance of these two conflicts, including their impact on the politics and culture of the world's most powerful nation, the United States of America. The volume foregrounds attempts to develop legal rationales for the continued waging of war after 1945 by moving beyond explaining the end of war as a legal institution, and toward understanding the attempted institutionalization of endless war.

https://doi.org/10.3998/mpub.12584508

Manifestly unlawful : why Russian military commanders must disobey a nuclear launch order against Ukraine

Chistopher J. Hart. In: International law studies, vol. 100, 2023, p. 776-823

Applying the international legal framework governing the use of nuclear weapons to the facts of the war in Ukraine leads to a clear answer to the question of whether the use of nuclear weapons in Ukraine by Russia would be legal. While the 1996 International Court of Justice Advisory Opinion on the Threat or Use of Nuclear Weapons did not conclusively decide whether the use of nuclear weapons was per se illegal, by applying the legal framework articulated by the International Court of Justice to the facts of Russia's war against Ukraine it is clear that any conceivable use of nuclear weapons in Ukraine by Russia would be illegal. This article builds on

the holdings of the International Court of Justice advisory opinion by applying the fundamental principles of international humanitarian law to the war in Ukraine. This includes an evaluation of several types of potential Russian nuclear strikes, including a tactical nuclear strike on a city, at sea, or in a remote location of the battlefield. This analysis demonstrates that there is no Russian nuclear strike against Ukrainian targets that could satisfy the legal requirements of international humanitarian law. Therefore, the article advises Russian military commanders to refuse to launch any nuclear launch order against Ukraine in the present armed conflict.

https://digital-commons.usnwc.edu/ils/vol100/iss1/24/

Membership in an exclusive club : international humanitarian law rules as peremptory international law norms

Ata R. Hindi. In: Loyola University Chicago international law review, Vol. 19, issue 2, Spring 2023, p. 127-155

This paper entertains the somewhat scattered debate as to whether international humanitarian law ("IHL") rules could, and should, be considered peremptory norms of international law. For some time, the "basic rules of IHL" have been found to constitute peremptory norms of international law, with scant identification of those rules. Through a doctrinal analysis, this paper argues that, so long as they meet the Vienna Convention on the Law of Treaties' criteria, IHL rules should be treated as peremptory norms, creating erga omnes obligations for third States. Further, in theory, while the third State (external) obligation to "ensure respect" in IHL may be considered equivalent to, and even supplemented by, the rules on State responsibility, the scope of the latter may offer a stronger device for international law compliance and enforcement vis-a-vis third States and Parties. A convergent approach is suggested between Common Article 1 of the four Geneva Conventions ("to respect and ensure respect") and the rules on States responsibility to strengthen the legal basis for third State and Party action, both individually and collectively, against IHL violations.

https://lawecommons.luc.edu/lucilr/vol19/iss2/2/

Military assistance and state responsibility for "in bello" violations during non-international armed conflicts

Saeed Bagheri. In: The Irish yearbook of international law, vol. 15, 2020, p. 7-30

Military assistance to a state subjected to an armed attack and seeking the assistance of other states in self-defence is a well-accepted concept in international law. However, once the assisting state facilitates the preparation or commission of any acts violating the law of armed conflict (jus in bello), the question immediately arises of whether and to what extent the assistance provided to states involved in non-international armed conflicts (NIACs) comes within the scope of state responsibility for an internationally wrongful act (IWA). Having displaced the law of state responsibility as the lead regime on how to hold states responsible for their IWAs, this article aims to shed light on the rationale and prospects for effectively holding assisting states responsible for IWAs in NIACs. It seeks to answer the questions of when are assisting states responsible for in bello violations during NIACs, when are assisting states responsible for wrongful conduct attributable to them, when are they responsible for their aid and assistance, and whether and to what extent joint responsibility of the assisting state and the acting state would be the case. This is followed by an assessment of the alleged violations committed in the NIAC in Syria. The central argument builds on state responsibility under the ILC Draft Articles on State Responsibility, with a specific focus on the grounds for holding military allies responsible for in bello violations committed in conjunction with the acting state during NIACs.

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58378.pdf *

Neither fish, nor fowl : a new way to a fuller understanding of the lex specialis principle

Ulf Linderfalk. In: International community law review, vol. 25, no. 5, 2023, p. 426-455

International lawyers ascribe to the lex specialis principle three distinctly different meanings. Thus, lex specialis is referred to, first, as a norm designed to resolve conflicts between entire categories of norms; secondly, as a norm designed to resolve conflicts on a case-by-case basis; and, thirdly, as a rule of interpretation designed to avoid the occurrence of normative conflicts,

rather than to resolve them. Scholars have attempted to explain this divergent use of legal language. In so doing, they have consistently had their focus on the different mind-sets or inclinations of lawyers active in different branches of international law. Symptomatic is Marko Milanović, who pictured the divergent use of lex specialis as a reflection of a debate waged between "human rights enthusiasts" and "human rights sceptics". This article approaches the issue at a different level of abstraction. As it argues, the divergent use of lex specialis is the result of users' different conceptions of an international legal system. Thus, lawyers conceive differently of the lex specialis principle, depending on whether they take the position of a legal positivist, a legal idealist or a legal realist. In no case are lawyers equipped to conceive of this principle in all of its three senses.

https://doi.org/10.1163/18719732-bja10097

Now you see them, now you don't : court-appointed experts, wartime reparations, and the DRC v Uganda case

Sean D. Murphy and Yuri Parkhomenko. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 48-69

One intersection between scholarship and practice in international humanitarian law is observable in international litigation concerning violations of the law of war. An interesting example in this regard recently arose in the case by the Democratic Republic of the Congo against Uganda for war-related claims. At the reparations phase, the Court decided not to rely solely on the submissions of the Parties, but to task certain scholars and other experts to answer evidentiary questions. Yet, when the Court's judgment was issued in February 2022, the role of these experts turned out to be almost negligible, with one significant exception. The overall lesson may be that – while the work of scholars can be highly important for claims practice relating to international humanitarian law – it has its limits, such as when proving and quantifying mass civil injury resulting from a lengthy and complex armed conflict.

https://doi.org/10.1163/18781527-bja10068 *

The obligation to prevent environmental harm in relation to armed conflict

Rigmor Argren. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1208-1226

The scope of protection of the environment in relation to armed conflict has continued to expand since the issue was first introduced on the international agenda in the 1970s. Today, it is recognized that the environment is a prima facie civilian object and as such it is entitled to the same layers of protection during an armed conflict as any civilian person or object. Thus, there is a legal obligation to prevent environmental harm in armed conflict, before the event. Given the magnitude of environmental damage that can be anticipated in relation to armed conflict, the obligation to prevent such damage in the first place is critical. In this regard, it is important to note that the legal obligation to prevent environmental harm originates from international environmental law. Furthermore, the obligation to prevent harm is an ongoing obligation. This article illustrates that the general preventive obligations found in international environmental law can shed much-needed light on the general preventive obligations already established under the law of armed conflict, in furtherance of environmental protection.

https://library.icrc.org/library/docs/DOC/irrc-924-argren.pdf

The occupation of Palestine from a TWAIL lens

Ray Murphy, Anita Ferrara and Susan Power. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 52-68

This chapter will examine the international legal framework governing the situation in Palestine from a Third World Approaches to International Law lens, set out what the TWAIL movement is, and assess its relevance today. In so doing, it will address how the interplay of international law and practice are manipulated to serve neo-colonial interests in Palestine. This chapter will establish how Israel has instrumentalised international law arguments to evade its responsibilities under the Geneva Conventions. It will further explore how regime bias underpins the deference of the Israeli High Court of Justice to the military necessity arguments of the military commander, which in turn leads to a distortion of international law in the jurisprudence

of the court. This distortion is then replicated in textbooks and other influential secondary international law materials. In this way, this chapter posits that international law has enabled Israel's fragmentation, structural domination and exploitation of the Palestinian people. Given the failure of the international community to intervene, this chapter questions what the consequences are if international humanitarian law principles are continually breached during unending occupations intended to facilitate full colonisation.

https://doi.org/10.1163/9789004503939_005 *

Operationalizing international law : from Vietnam to Gaza

Craig Jones. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 207-232

As a result of the Vietnam War, and in an attempt to overcome the negativity toward the laws of war felt by many US commanders who had fought in Vietnam, the United States invented and developed a new military- legal discipline called "operational law." A mix of domestic and international law, operational law was designed to give military commanders the tools they needed for "mission success." US military lawyers first consciously used the approach in Panama (1989) and the First Gulf War (1990– 91), and it was then picked up and developed by the Israeli military during the Second Intifada beginning in September 2000. Applying the idea of operational law has allowed the United States and Israeli militaries to domesticate international law, which combined with the creative interpretive legal work of military lawyers has seen the expansion of the scope and space of a permissible target and other controversial policies that push at the boundaries of international law.

https://doi.org/10.3998/mpub.12584508

Out of time : on the (il)legality of Israel's prolonged occupation of the West Bank

Vito Todeschini. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 31-51

Israel's occupation of the Palestinian territory has lasted for 55 years at the time of writing. While its duration has earned it the label of "prolonged" occupation, the question the present chapter will explore is whether its length renders the occupation itself illegal. Under the legal frameworks that specifically regulate a situation of occupation – international humanitarian law and the law on the use of force – an occupation must be temporary. Each framework, however, attaches different value to the question of duration. International humanitarian law does not set an end date on belligerent occupation. It is rather concerned with ensuring that the protections it affords, which aim to safeguard the rights and well-being of the local population, remain applicable until the Occupying Power stops exercising effective control over the occupied territory. On the other hand, the law on the use of force, also referred to as jus ad bellum, requires an occupation to end as soon as the circumstances justifying its establishment cease to exist. With specific reference to the law of self-defence, this will occur when an armed attack is repelled or otherwise terminated. Against this background, the present chapter will consider to what extent time is a factor that impacts the legal status of an occupation. Accordingly, it will look at time through the prisms of international humanitarian law, particularly the law of occupation, and jus ad bellum. In so doing, it will posit that the infringement of the principle of temporariness makes an occupation illegal under both bodies of law.

https://doi.org/10.1163/9789004503939_004 *

Palestine, Israel, and the International Criminal Court

Nada Kiswanson. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 253-288

This chapter is divided into three distinct but connected parts. The first part will present the developments in the Situation in Palestine at the ICC. The second part will introduce the Rome Statute's complementarity framework. It will then analyse the Israeli High Court of Justice's approach to international law and discuss the structural, substantive, and procedural characteristics of the Israeli military justice system. The third and final part will present the ICC as the only international judicial institution mandated to investigate, prosecute, and punish Israelis responsible for committing war crimes and crimes against humanity on the Palestinian

territory. It will also provide an overview of Rome Statute crimes relevant to Israel's practices and policies in Palestine.

https://doi.org/10.1163/9789004503939_013 *

Plague, pestilence and the peninsula : international humanitarian law concerns of North Korea's biological weapons program

Jakob M. Reynolds. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 109-134

Suspected development of advanced biological weapons by the Democratic People's Republic of Korea (North Korea), despite its status as a party to both the Biological Weapons Convention and other nonproliferation agreements, bears significant implications for both public health and security around the globe. A steady decrease in resources and attention devoted to preparedness for biological attacks or outbreaks since 2001 has exacerbated the vulnerability of the USA and its allies to outbreaks of such pathogens, both from North Korean biological weapons and natural sources. This article assesses several International Humanitarian Law (IHL) issues raised by the prospect of an international armed conflict in which North Korea deploys biological weapons. Historical context is discussed to contextualize the various IHL issues raised by a potential armed conflict, which include United Nations Enforcement actions, anticipatory self-defense, protection of civilians, targeting and proportionality. Preparing for and responding to a potential biological weapons attack by North Korea presents a host of unique challenges for the USA and its allies. An international armed conflict involving the use of such weapons by North Korea against the USA or its allies would be devastating for civilians and military personnel alike. It is thus imperative to understand the IHL issues raised by such a conflict, including circumstances that would warrant pre-emptive use of force by the USA and its allies, the scale and scope of any military response, and the need to protect civilians throughout the Korean peninsula.

https://doi.org/10.1093/jcsl/kraco28

The politics of armed non-state groups and the codification of international humanitarian law

Giovanni Mantilla. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 43-63

This chapter analyses the historical incorporation of armed non-state actors (ANSAs) within modern treaty international humanitarian law (IHL). It argues that states have been unwilling or unable to design adequate rules for such groups due to the challenges of 'identification' and 'legitimation'. Rather than designing clear and commensurate IHL rules for ANSAs, states have commonly circumvented that goal, only adopting international rules under conditions of diplomatic pressure. To build this argument, the chapter examines the negotiation of Common Article 3 to the 1949 Geneva Conventions and the two 1977 Additional Protocols to those Conventions. It concludes that, given the political intractability of the identification and legitimation challenges under international legal processes, bilateral or domestic alternatives are advised.

https://doi.org/10.4337/9781800888340.00009 *

A possible legal framework for the exploitation of natural resources by non-state armed groups

Pouria Askary and Katayoun Hosseinnejad. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1522-1542

The law of belligerent occupation permits the Occupying Power to administer and use the natural resources in the occupied territory under the rules of usufruct. This provision has no counterpart in the provisions of humanitarian law applicable to non-international armed conflicts, which may suggest that any exploitation of natural resources by non-State armed groups is illegal. The International Committee of the Red Cross's updated 2020 Guidelines on the Protection of the Environment in Armed Conflict did not touch on this issue, and nor did the International Law Commission in its 2022 Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, where it applied the notion of sustainable use of natural resources instead of usufruct. The present paper aims to fill this gap. It first reviews the development of the concept of

usufruct and then studies whether the current international law entitles non-State armed groups with de facto control over a territory to exploit natural resources. By delving into the proposals raised by some commentators to justify such exploitation for the purpose of administering the daily life of civilian populations, the paper advocates for a limited version of this formula as the appropriate lex ferenda. In the final section, the paper discusses how situations of disaster, as circumstances which may preclude the wrongfulness of the act, may justify the exploitation of natural resources by non-State armed groups in the current international legal order.

https://library.icrc.org/library/docs/DOC/irrc-924-askary.pdf

The practical reality and efficacy of international humanitarian law : some reflections

Christopher Greenwood. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 14-30

This article considers certain aspects of the reality and efficacy of IHL. It looks at problems concerning the scope of IHL, including the question of what constitutes an armed conflict, the difficulties of disentangling international and non-international elements in some armed conflicts and debates about the application of IHL in United Nations peacekeeping. The article also examines whether IHL has acquired detail at the expense of practicality and calls for training of military personnel aimed at the development of a humanitarian reflex. It discusses the relationship between IHL and human rights law. Finally, it considers some of the problems in securing compliance with IHL.

https://doi.org/10.1163/18781527-bja10064 *

A primer on civilian harm mitigation in urban operations

Written by Sahr Muhammedally. - [Washington DC] : Center for Civilians in Conflict, June 2022. - VI, 44 p.

Today, armed conflicts are increasingly fought in urban areas affecting some 50 million people. Thus, urban areas are vulnerable to the effects of conflict, because they are the centers of gravity for civilian life. Within the complex and dynamic context of modern conflict, the risk to civilians and civilian objects grows exponentially in urbanized environments, as the co-mingling of military, civilians, and civilian objects creates challenges for belligerents to comply with international humanitarian law (IHL). Protecting civilians in urban environments, therefore, requires a comprehensive approach to foresee and mitigate risks to civilians and ensure respect for IHL. Separating military targets from civilian populations is difficult for militaries in any environment, but combat in urban areas is particularly manpower and resource intensive. The density of the population, civilian objects such as homes, schools, and infrastructure like hospitals, electrical power grids, and water sources magnify the challenges to conduct operations and minimize harm. Thus, building capabilities across the spectrum of urban operations necessitates foreseeing risks to civilians and civilian objects, as well as planning, training, and resourcing to mitigate those risks. CIVIC's new brief, A Primer on Civilian Harm Mitigation in Urban Operations, aims to provide security actors with an overview of challenges, mitigation strategies, and considerations to protecting civilians during urban operations. This paper contributes to discussions on a comprehensive approach to protecting civilians in urban operations. It is based on examining conflicts in Afghanistan, Gaza, Iraq, Nigeria, Philippines, Syria, Somalia, Ukraine, and Yemen, as well as interviews with civilians, armed actors, humanitarian organizations, protection of civilians practitioners, and military experts on urban warfare.

https://civiliansinconflict.org/wp-content/uploads/2022/07/CIVIC_Primer_CivilianHarm_Mitigation_UrbanWar.pdf

Prisoner of war status and nationals of a detaining power

W. Casey Biggerstaff and Michael N. Schmitt. In: International law studies, vol. 100, 2023, p. 513-540

This article examines whether a Detaining State is obliged to recognize prisoner of war status for its own nationals under Article 4A of the 1949 Geneva Convention III. It begins with an assessment of that article from the perspective of established principles for construing treaty

provisions. It then adds context to that assessment by examining relevant scholarship and State practice regarding its prescriptions before and after the Convention's negotiation and adoption. Although it concludes that denying prisoner of war status to a national of the Detaining Power is the more persuasive interpretation of Article 4A, it concludes by highlighting the practical challenges of determining nationality that Detaining States may confront.

https://digital-commons.usnwc.edu/ils/vol100/iss1/15/

Private sector responsibility for the treatment of Palestinian prisoners and detainees in light of the law and policy of the International Criminal Court

Shane Darcy. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 289-309

This chapter explores the legal responsibility for private sector individuals and enterprises in the context of the reported violations of human rights committed against Palestinian prisoners and detainees. It does so in light of the law and policy of the International Criminal Court, given the ongoing investigation by the ICC Prosecutor into the Situation in the State of Palestine. This chapter will begin by outlining which violations might amount to international crimes within the jurisdiction of the ICC. It then turns to the involvement of private companies in such activities and assesses whether such involvement might give rise to criminal liability under the Rome Statute. This is done by examining applicable modes of criminal liability under the Statute, in particular the concept of aiding and abetting. In light of prosecutorial policy at the ICC, which is said to focus on "those who bear the greatest responsibility" for the most serious crimes, it is asked whether corporate actors are to be considered the most appropriate targets in this particular context when turning to international criminal justice mechanisms. Regardless, the invocation of international criminal law even without any formal denunciation may prove effective at prompting business enterprises to alter their complicit behavior.

https://doi.org/10.1163/9789004503939_014 *

Proportionality in international humanitarian law : refocusing the balance in practice

Jeroen van den Boogaard. - Cambridge : Cambridge University Press, 2023. - XIX, 310 p.

This book seeks to clarify the legal concept of proportionality in international humanitarian law, as it applies during armed conflict. It is argued in the book that a refocus of the interpretation of the proportionality rule is warranted to enhance the protection of civilians. More precisely, this book seeks to dissect the origins of the rule, determine how its components must be interpreted and how it is to be applied in practice. The book considers practical situations that may arise in the conduct of military operations and searches for the limits international humanitarian law sets to commanders' assessments of proportionality during armed conflict. The book concludes that proportionality is an inherently subjective and imprecise yardstick that nonetheless serves to protect civilians during armed conflict.

Proscription and group membership in counter-terrorism and armed conflict : areas of tensions between criminal law and international humanitarian law

Ilya Sobol and Gloria Gaggioli. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 91-119

The concept of 'membership' plays a key role in the contemporary practice of international humanitarian law (IHL) and counter-terrorism law. Membership in a non-State armed group (NSAG), reflected in the function assumed by an individual within that entity, is considered to be a decisive criterion for the purpose of targeting under IHL. Membership in a proscribed/terrorist organisation is widely criminalised at the national level. In situations of armed conflict, both notions often apply to the same conduct, one that criminal law seeks to prevent and punish, and that IHL of non-international armed conflicts (NIACs) neither permits nor prohibits. This chapter discusses the notions of 'membership' in national proscription regimes and under IHL of NIACs, and addresses the possible and real areas of tensions that such regulatory overlap creates. It finds that many such tensions do not result from proper conflicts between norms but rather from diverging interests that are at times difficult - but not necessarily impossible - to reconcile.

https://doi.org/10.4337/9781800888340.00011

Prosecuting environmental harm before the International Criminal Court

Matthew Gillett. - Cambridge : Cambridge University Press, 2022. - XXI, 382 p.

> The threat of anthropocentric environmental harm grows more pressing each year. Around the world, human activities are devastating the natural environment and contributing to potentially irreversible climate change. This book explores the ways in which the International Criminal Court may effectively prosecute those who cause or contribute to serious environmental destruction. Written by an international lawyer who has prosecuted cases of war crimes, crimes against humanity, and genocide, it provides insights into the procedures, laws, and techniques capable of leading to convictions against those who harm the environment.

Prosecuting systematic economic exploitation of occupied territory as pillage

Susan Power. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 310-329

> At the Nuremberg Tribunal, two categories of pillage were identified, firstly the theft by soldiers of property for private gain, and secondly, "the organized seizure of property undertaken within the framework of a systematic economic exploitation of occupied territory". It has been suggested that the second category of pillage did not survive the dolus specialis for pillage in the Elements of Crimes of the Rome Statute of the International Criminal Court, which requires that the perpetrator intended to appropriate the property "for private or personal use". This chapter will explore whether the ICC can prosecute cases of public revenue appropriation as systematic economic exploitation of occupied territory. For this purpose, this chapter will examine the prosecution of public acts of property appropriation, directed for public use, such as public monies siphoned from the revenues of the occupied territory and absorbed into the Occupying State's treasury.
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> https://doi.org/10.1163/9789004503939_015 *

Protecting civilians against digital threats during armed conflict : recommendations to states, belligerents, tech companies, and humanitarian organizations : final report of the ICRC global advisory board on digital threats during armed conflicts

ICRC. - Geneva : ICRC, September 2023. - 20 p.

> Between 2021 and 2023, the International Committee of the Red Cross (ICRC) convened a global advisory board of high-level leaders and experts from the legal, military, policy, technological, and security fields to advise the organization on digital threats and to develop concrete recommendations to protect civilians against such threats. This report presents recommendations to belligerents, states, technology companies, and humanitarian organizations to prevent or mitigate digital threats to civilian populations.
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> https://library.icrc.org/library/docs/DOC/icrc-4735-002.pdf

Protecting the environment in armed conflict : evaluating the US perspective

W. Casey Biggerstaff and Michael N. Schmitt. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1267-1292

> This article outlines and evaluates the US perspective on how treaty and customary international law protect the natural environment during international armed conflict. It surveys the relevant treaties to which the United States is a party and examines US views on their pertinent provisions. It then assesses claims that the environmental obligations residing in the 1977 Additional Protocol I to the 1949 Geneva Conventions have attained customary status, outlines the United States' rejection of those claims, and evaluates the reasonableness thereof. Finally, it highlights ambiguities in certain US environmental positions, the resolution of which would bring much-needed clarity to the law.
>
> https://library.icrc.org/library/docs/DOC/irrc-924-biggerstaff.pdf

The protection of the natural environment under international humanitarian law : the ICRC's 2020 guidelines

Helen Obregón Gieseken and Vanessa Murphy. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1180-1207

In 2020, the International Committee of the Red Cross's work on the protection of the natural environment under international humanitarian law (IHL) produced the Committee's Guidelines on the Protection of the Natural Environment in Armed Conflict (ICRC Guidelines), an update of their 1994 predecessor. The ICRC Guidelines consist of thirty-two rules and recommendations under IHL, each accompanied by a commentary explaining their legal basis and providing guidance for interpretation. This article presents an overview of the context surrounding the Guidelines, certain key legal content, and practical implications for the conduct of parties to armed conflict as they fight.

https://library.icrc.org/library/docs/DOC/irrc-924-obregon.pdf

The provision of healthcare by Islamist armed groups : between sharia and international law

Marta Furlan. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 212-236

While the legal personality of States is unambiguous, non-State armed groups display a greater complexity in this field. This is because they can simultaneously be bearers of obligations under international law, criminal entities under national law, and enforcers of their own system of rebel law when they engage in governance activities. Acknowledging this unique complexity, this chapter explores how Islamist non-State armed groups behave when they are both law-makers with the intention of applying a certain legal framework over the territories under their control and subjects of international law bound by specific obligations as parties to a non-international armed conflict. To do so, the chapter focuses on two cases of Islamist rebel rulers, Hayat Tahrir al-Sham in Syria and the Taliban in Afghanistan, and investigates how their governance patterns in matters of healthcare relate to Islamic law and international law.

https://doi.org/10.4337/9781800888340.00016 *

Purging the odious scourge of atrocities : the limits of consent in international law

Bruce Cronin. - Oxford [etc.] : Oxford University Press, 2023. - 214 p.

Purging the Odious Scourge of Atrocities explains the growth of a small body of human rights law that bans the use of violence against a state's own population when it is deemed a mass atrocity. These laws are binding on all states regardless of whether they have accepted it by signing treaties, or whether it is consistent with widespread state practice. Yet, this challenges the doctrine of consent, which has traditionally been the foundation of international law. Bruce Cronin argues that qualitative changes in the form of global governance are leading to an expansion in the theoretical underpinnings of international law and its role in contemporary world politics. Specifically, in limited and well-defined areas of international law, states have begun to recognize the authority of collective international consensus over individual state consent as the source of some legal rules. Cronin supports this theory by examining the degree to which the international community has, via multilateral conferences among states, developed a consensus around the legal control of "excessive internal state violence"—that is, a level of coercive force that the international community considers to be disproportionate and illegitimate for pursuing state interests within its own borders. These practices, which the Genocide Convention refers to as an "odious scourge", include widespread, systematic attacks on civilian populations; violent persecution of defined groups (including genocide, ethnic cleansing, and apartheid); torture; and the violation of civilian immunity in internal armed conflicts. In these cases, state action is subject to general international law that overrides their consent. By allowing us to rethink the mechanisms that give international law actual force, Purging the Odious Scourge of Atrocities promises to reshape our understanding of why states are required to abide by human rights norms they never consented to by treaty or customary practice.

The qualification of the activities of (returned) foreign fighters under national criminal law

Thomas Van Poecke and Hanne Cuyckens. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 143-173

National prosecutors and courts usually qualify the activities of foreign fighters (FFs) as terrorist offences. However, the groups FFs join tend to have a “dual nature”: they usually qualify as both terrorist groups under counter-terrorism (CT) instruments and non-state armed groups (NSAGs) under international humanitarian law (IHL). Hence, the activities of (returned) FFs are situated at the confines of CT instruments and IHL, which complicates the qualification of their activities under national criminal law. These activities may qualify as serious violations of IHL, namely war crimes, but also as other international crimes, namely crimes against humanity or genocide. Furthermore, some of the activities committed by FFs can also be qualified as “common” offences under domestic criminal law. Ultimately, we conclude that national prosecutors and courts should consider all relevant legal frameworks when qualifying the activities of (returned) FFs. FFs should be prosecuted and punished for international crimes and common offences in addition to, or instead of, terrorist offences if necessary or appropriate.

Quel encadrement juridique et quelles garanties de responsabilité pour les sytèmes d'armes autonomes ?

Coline Beytout-Lamarque. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021, Hexagone Balard, ministère des Armées, Paris. - Paris : A. Pedone, 2022. - p. 165-175

Le droit international humanitaire (DIH) n'est pas uniquement une discipline académique, les questions juridiques doivent prendre en compte des considérations pratiques et se baser sur des scénarios concrets. L'analyse de la Croix-Rouge française (CRf) repose à la fois sur les textes juridiques, mais également sur les échanges qu'elle a avec les forces armées, les entreprises de l'armement et les acteurs humanitaires notamment. Le contrôle humain des armements autonomes et les responsabilités des décideurs militaires, de l'Etat et des entreprises de défense seront donc abordés sous l'angle de l'expertise juridique et opérationnelle de la Croix-Rouge française dans ce domaine.

Quelques considérations sur la contribution africaine au développement des règles internationales relatives à la protection des enfants : le cas des règles du droit international humanitaire

Steve Martial Tiwa Fomekong. In: Revue québécoise de droit international, vol. 34, no 1, 2021, p. 33-67

À l’occasion du trentième anniversaire de l’adoption de la Charte africaine des droits et du bien-être de l’enfant, on se propose d’analyser la contribution africaine au développement du régime juridique international de protection des enfants affectés par les conflits armés. On soutient que les règles régionales africaines ayant pour objectif spécifique d’assurer une protection aux enfants en situation de conflit armé enrichissent les règles équivalentes du droit international humanitaire (DIH) et permettent ainsi à l’Afrique de disposer d’un cadre juridique efficace pour l’amélioration du sort des enfants victimes des conflits armés. À cet égard, après avoir relevé l’absence en DIH d’une définition univoque du terme « enfant », l’analyse démontre que les règles conventionnelles et coutumières africaines présentent l’avantage de consacrer une définition précise et uniforme de ce terme, non sans souligner les enjeux positifs de cette définition régionale pour le renforcement de la protection juridique des enfants en temps de conflit armé. Ensuite, on procède à une mise en parallèle des règles universelles et des règles régionales de droit humanitaire relatives à la protection des enfants et, à travers une interprétation systématique et évolutive, on démontre que les règles régionales réaffirment les protections consacrées par les règles universelles, tout en sauvegardant leur cohérence et leur intégrité. Enfin, en ayant recours à une démarche comparative et analytique, on démontre que les règles régionales conventionnelles et coutumières qui régissent l’interdiction du recrutement et de l’utilisation des enfants dans les conflits armés ont le mérite d’être plus protectrices que les règles équivalentes de DIH. On en conclut que le respect et la mise en œuvre de ces règles pourraient contribuer à mettre un terme au phénomène des enfants soldats en Afrique.

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Quelques considérations sur les influences croisées entre l'histoire des conflits navals et le droit international

Louis Le Hardÿ de Beaulieu. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 379-399

Si la pensée stratégique navale peut utilement s'enrichir de l'analyse historique, il en va même du droit international. Il n'a d'ailleurs pas manqué de le faire à de nombreuses reprises et le fait encore régulièrement. Cette prise en compte de l'histoire permet de nourrir non seulement le droit des conflits armés sur mer, mais, en diverses occasions également, le droit international public de manière plus large. Quatre axes de réflexion très différents ont été choisis ci-après en vue de colorer les reflets de cette constatation. On observera ainsi que, se basant sur des faits documentés, des évolutions normatives ont été rendues possibles grâce à des impulsions parfois nées hors de cadres étatiques ou interétatiques du juge international définis a priori. Au-delà de l'évolution de la norme, le rôle créateur du juge international pourra être mis en évidence tant en ce qui concerne les questions liées à la responsabilité pénale internationale qu'en ce qui concerne celles qui ont trait à la responsabilité étatique. Enfin, on retiendra les apports mutuels du droit des conflits armés en mer et de la protection des droits fondamentaux.

Quelques observations à propos de la mise à jour du commentaire de la Convention (II) de Genève du 12 août 1949 pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer

Louis le Hardÿ de Beaulieu. In: Academie Royale de Marine de Belgique. Communications, tome XLII (2020-2021), p. 29-55

La Convention (II) de Genève pour l'amélioration du sort des blessés, des malades et des naufragés des forces armées sur mer a fait l'objet d'un premier commentaire en 1960, mais les innovations technologiques ainsi que l'évolution du droit et de la pratique internationales depuis la fin de la Deuxième Guerre mondiale autant que la nécessité de combler des lacunes ou de lever certaines interrogations ont pour conséquence qu'il est heureux qu'un commentaire nouveau et détaillé ait été réservé à cette Convention près de 70 ans après son adoption. Ce nouveau commentaire, finalisé en 2017, offre en quelque 1330 pages et 3379 paragraphes une somme impressionnante de réflexions ainsi qu'une vision rajeunie et techniquement actualisée du droit applicable aux conflits armés en mer.

http://hdl.handle.net/2078/215003

Re-evaluating international humanitarian law in a triple planetary crisis : new challenges, new tools

Britta Sjöstedt and Karen Hulme. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1238-1266

In the face of the triple planetary crisis, which includes climate change, biodiversity loss and environmental degradation, there is growing recognition that the environment needs to be re-evaluated and better protected. The expansion in our understanding of the environment challenges the traditional anthropocentric focus of international law. Simultaneously, international environmental law is increasingly recognizing the interdependence of ecosystems and species. The present article looks at how to reconcile these heightened environmental values and the legal norms in armed conflict by examining two examples: the safeguarding of protected areas and the restoration of the environment post-conflict. By analyzing the changing values and legal developments in this area, the article offers legal and practical tools to support the protection of nature's intrinsic value in future warfare.

https://library.icrc.org/library/docs/DOC/irrc-924-sjostedt.pdf

Rebel rulers and rules for rebels : rebel governance and international law

Alessandra Spadaro. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 167-190

In non-international armed conflicts, armed groups often control and administer territory by exercising governmental functions traditionally reserved to the State. In political science, this phenomenon is referred to as rebel governance. Rebel governance consists in activities that range

from the establishment of a police force or the settlement of disputes, to the provision of services such as healthcare and education. It often relies on the participation and support of civilians, or even on a rebel social contract. International law, for the most part, considers rebel governance as a threat to sovereignty, which is a fundamental attribute of States as the main subjects. Under international law, rebel governance is therefore often treated as hostile or criminal. A different attitude towards rebel governance has been displayed by the European Court of Human Rights, which has considered its possible benefits for the population. This chapter argues that the latter approach should be preferred in so far as it puts the needs of individuals before those of States.

https://doi.org/10.4337/9781800888340.00011 *

Reducing the friction : a functional analysis of the transformed occupation of the Gaza Strip

Aeyal Gross. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 69-103

This chapter will first describe Israel's continued exercise of control over the Gaza Strip after 2005. Second, it will discuss the inflexible binary academic debate around the occupation of the Gaza Strip and develop an alternative functional approach. Third, it will analyse the Israeli Supreme Court's view of and approach to the occupation of the Gaza Strip. Finally, this chapter will suggest that the debate over whether the Gaza Strip is occupied is reflective of Israel's indeterminacy towards the status of the Palestinian territory occupied by it in 1967 and explain the role of the functional approach as one that, facing this indeterminacy, aims to create accountability where power is exercised.

https://doi.org/10.1163/9789004503939_006 *

Regional consultation of Asia-Pacific states : 29-30 November 2022 : international humanitarian law and cyber operations during armed conflicts

report prepared by Fasya Addina Teixeira and Tilman Rodenhäuser, legal advisers, ICRC. - Geneva : ICRC, July 2023. - 31 p.

The Ministry of Foreign Affairs of the Republic of Indonesia and the International Committee of the Red Cross (ICRC) jointly organized – on 29 and 30 November 2022 – a regional consultation of states in the Asia-Pacific region on international humanitarian law (IHL) and cyber operations during armed conflicts. The aim of the event was to facilitate a dialogue between states in the region, with a view to fostering the exchange of views and developing a common understanding of how and when IHL applied to the use of information and communication technologies during armed conflicts. This report provides an account of the exchanges among experts that took place during the consultation. The discussion addressed the questions of when and how IHL applied to cyber operations during armed conflict, including certain key IHL notions that needed to be clarified in the cyber context. It also highlighted suggestions for the way forward, including through developing national positions on international law in cyberspace.

https://library.icrc.org/library/docs/DOC/icrc-4721-002.pdf

Remedying the environmental impacts of war : challenges and perspectives for full reparation

Lingjie Kong and Yuqing Zhao. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1441-1462

While the law of State responsibility, particularly the principle of full reparation, provides general guidance for achieving full reparation, it is not quite obvious what kinds of reparation qualify as "full" and how to actualize full reparation. This article centres on the principles, approaches and methods surrounding full reparation for armed conflict-related environmental damage in the law of State responsibility. It examines how the environment is legally defined as an object of protection under international law, and discusses practical challenges in international compensation for wartime environmental damage. In doing so, it ascertains the underlying objective of full reparation, develops an approach to assessing wartime environmental damage, and draws on experiences of international jurisprudence to quantify compensation for wartime environmental damage.

https://library.icrc.org/library/docs/DOC/irrc-924-kong.pdf

Repatriating foreign terrorist fighters and their family members : what international law requires, and what national courts will do

David McKeever. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 67-107

The evolution of ISIL and the foreign terrorist fighter phenomenon has raised many legal and practical challenges. Some of the most pressing and debated relate to the thousands of men, women and children, previously affiliated (to varying degrees) to ISIL and now held in camps in northern Syria. The call for repatriation of these persons has met mixed responses. Much of the debate has focused on policy considerations rather than examining, in depth, what international law prescribes here: that is, to what extent does international law oblige the States of origin to repatriate their nationals? This article will answer this question, looking at relevant rules of human rights law (including the emerging 'functional approach' to extra-territorial jurisdiction) as well as international humanitarian law. It will also examine an important principle of domestic law which is likely to play a major role in how these issues are adjudicated: namely, judicial deference to the executive in matters of foreign policy. The article argues that the international legal rules invoked in favour of an obligation to repatriate are far less prescriptive than generally asserted, while the principle of judicial deference to the executive in matters of foreign policy—particularly in cases involving national security considerations—means that national courts are likely to give States yet further latitude in this regard. For both legal and practical reasons, actions aimed at convincing national courts that a State is obliged to repatriate its nationals will not suffice to resolve these complex challenges.

https://doi.org/10.1093/jcsl/krac016 *

Responding to the destruction of intangible cultural heritage in situations of armed conflict : what international law to apply?

Janet Blake. - In: Heritage destruction, human rights and international law. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 142-164

The introduction of the category of intangible cultural heritage (ICH) into the range of cultural heritage explicitly granted protection under international law and, consequently, under international humanitarian law (IHL), poses a new challenge to both policymakers and lawmakers. It would appear that both IHL and international criminal law lack the tools necessary for proper consideration of this newly-perceived issue. One of the important areas that this chapter considers, is the separation which has classically been made between the international law governing peacetime and the law of armed conflict. Here I argue that, in order to safeguard intangible cultural heritage (ICH) during armed conflict, we need not only to apply the rules of IHL (as far as they can apply), but also human rights law, including cultural rights of refugees and the related cultural heritage treaty law. In addition to this, we also need to consider how the protection of ICH can be strengthened during peacetime in order to protect it better during armed conflicts.

Returning foreign fighters : responses, legal challenges and ways forward

Francesca Capone, Christophe Paulussen, Rebecca Mignot-Mahdavi, editors. - The Hague : Asser Press, 2023. - XIX, 304 p.

This book, a follow-up publication to the 2016 volume Foreign Fighters under International Law and Beyond, zooms in on the responses that the international community and individual States are implementing in response to (prospective and actual) returning foreign fighters (FFs) and their families, focusing on returnees from Syria and Iraq to European countries. As States and international organisations are still 'learning by doing', the role of the academic community is to help steer the process by bridging the divide between international standards and their implementation at the national level and between security concerns and human rights law. Furthermore, the academic community can and should assist in identifying ways forward that are both effective, sustainable and international law-compliant. Those are, ultimately, the goals that the present volume seeks to pursue. The observations, recommendations and warnings included in this book will be useful in future debates on (returning) FFs, both in the academic world and in the world of policy makers and practitioners, as well as to the public at large.

Revolutionary war and the development of international humanitarian law

Amanda Alexander. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 112-144

The 1977 Additional Protocols to the 1949 Geneva Conventions established the principle of distinction between civilians and combatants and the protection of civilians as perhaps the central precepts of international humanitarian law. But the easy acceptance of those precepts today masks how their particular features emerged as flawed compromises from the 1974–1977 negotiations. The United States and the Vietnamese communists (both the government of North Vietnam and the National Liberation Front in South Vietnam) took different legal and spatial understandings of armed conflict into the Second Indochina War. Those differences between Western conventional war and revolutionary war played out both on the battlefields of Vietnam and around the conference tables of Geneva. Diplomatically outnumbered in Geneva, the United States and its Western allies were forced to accept the proposition that wars of national liberation— wars fought to free a country from imperial control— were legitimate international conflicts, and that guerrilla fighters could be legitimate combatants. The guerrilla fighter question put the principle of distinction front and center at the conference, with long and complex debates eventually leading to a compromise: combatants only needed to distinguish themselves from the civilian population during a military engagement and the preceding deployment. Thus the principle of distinction was enshrined in law only by accepting the lack of any absolute difference between combatant and civilian.

https://doi.org/10.3998/mpub.12584508

The right not to be subjected to enforced disappearance : concept, content and scope

Ioanna Pervou. - Cham : Springer, 2023. - XVII, 210 p.

This book offers a distinctive approach to the right not to be subjected to enforced disappearance. Over the last decade, the entry into force of the UN Convention for the Protection of All Persons from Enforced Disappearance has brought to the forefront of legal discussion the need to effectively address the practice of disappearance. Yet, there are still obstacles to combatting it, which are in part due to a limited understanding of the right's underlying concept, content and scope. This book examines the phenomenon and definition of enforced disappearance and sheds new light on the right against disappearance. Presenting a doctrinal appraisal of the norm's legal value, it suggests that the right against enforced disappearance holds a customary value, while also arguing that it has since attained a jus cogens status. Lastly, it examines in detail the rights to truth and reparation and how regional and national courts have interpreted these norms. It assesses the UN Convention's dynamics and considers whether the lack of a right against disappearance embedded in regional human rights systems affects individuals' protection. The book provides an overview of key jurisprudence on disappearances, making it of benefit to both practitioners and theorists of international law.

"The right to participate in hostilities" : combatant privilege vs criminal responsibility for members of organised armed groups during international and domestic criminal trials

Rogier Bartels. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 64-90

Combatants, i.e., members of the armed forces of a party to an international armed conflict, have the right to directly participate in hostilities. This so-called combatant privilege applies both in case of domestic criminal law and before international criminal courts and tribunals. Combatants cannot be prosecuted for their mere participation in the fighting, so long as they act in accordance with international humanitarian law (IHL). Those fighting on behalf of the parties to a non-international armed conflict do not enjoy such an immunity from criminal prosecution by virtue of IHL. However, as a result of the limited jurisdiction of international criminal courts and tribunals, and due to the treatment of IHL as legitimising otherwise unlawful conducts, members of organised armed groups are effectively afforded a status akin to combatant privilege. Domestic criminal trials treat members of non-State actors differently, also when they do comply with IHL. The present chapter analyses the treatment of participation in hostilities by members of armed non-State actors and the interplay between IHL and (international) criminal law in this regard.

https://doi.org/10.4337/9781800888340.00010 *

Rules of engagement and the situation of individual self-defence : applicable law and coherence with operational context

Rob McLaughlin. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 70-94

Within a broader discussion as to the place and role of self-defence within Rules of Engagement, this article seeks to describe some of the drafting and application issues that often present when employing Rules of Engagement – as a distillation of law, policy, operational context, and capability – to resolve, or to encapsulate the resolution achieved, in each mission-specific dialogue between operational context and the law of individual self-defence. To this end, the analysis will focus primarily (but not exclusively) upon the availability to military members of the 'right' of individual self-defence in otherwise law of armed conflict-governed operations.

https://doi.org/10.1163/18781527-bja10066 *

Russia-Ukraine conflict : the war at sea

Raul (Pete) Pedrozo. In: International law studies, Vol. 100, 2023, p. 1-61

Although much has been written about the Russia-Ukraine conflict, most writings have focused on land warfare. This article explores the conflict at sea and a host of legal issues arising from that aspect of the conflict. The article begins with a discussion of a series of events at sea that preceded the Russian invasion in 2022, including the Kerch Strait incidents and interference with freedom of navigation in the Black Sea. It then discusses multiple post-invasion legal issues involving the war at sea, including access to the Black Sea, maritime exclusion zones, naval mines, naval bombardment, unmanned maritime systems, targeting and seizure of merchant vessels, humanitarian corridors, qualified neutrality, and sanctions enforcement.

https://digital-commons.usnwc.edu/ils/vol100/iss1/1/

Le Saint-Siège face aux systèmes d'armes autonomes

Dominique Lambert. - In: Guerre et paix : mélanges en l'honneur du professeur Bruno Colson. - Bruxelles : Larcier, 2023. - p. 401-413

Le Saint-Siège, par l'intermédiaire de son Observateur permanent auprès des Nations unies à Genève, est intervenu, dès le début des discussions et de manière régulière, pour souligner les risques de l'utilisation des LAWS, mais aussi pour proposer des repères permettant d'appréhender les questions éthiques et juridiques que pose l'utilisation de tels systèmes d'armes. Face aux risques, le Saint-Siège avait rejoint, dès le départ, le groupe des Etats et ONG qui demandaient de bannir les LAWS. En 2022, le Saint-Siège a réaffirmé sa volonté d'œuvrer à un instrument juridique pour réguler les LAWS et a demandé un moratoire sur le développement de tels systèmes d'armes. Dans cet exposé, nous voudrions, de manière synthétique, résumer les apports du Saint-Siège dans ce contexte, en soulignant leur originalité.

The San Remo manual on the law of naval warfare : from restatement to development ?

Liesbeth Lijnzaad. - In: Unconventional lawmaking in the law of the sea. - Oxford : Oxford University Press, 2022. - p. 21-43

The chapter examines the 1994 San Remo Manual in International Law applicable to Armed Conflicts at Sea, as a compilation of rules on naval warfare. It was described by the expert authors as a 'contemporary restatement—together with some progressive development'. By 2020, another group of experts had begun discussions on revising the 1994 San Remo Manual. While a restatement may seem to make sense in view of the age of the original treaties, this chapter will question the reasons for making a restatement, and the way in which this is being done. Even if restatements may be a harmless re-reading of the law, in view of contemporary situations, a question arises with respect to how often, or how long, this can be done. The chapter explores what is labelled the 'elasticity' of reinterpretation, based on the understanding that reinterpretation has a purpose, and is not a merely objective act.

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58457.pdf *

Die Seeblockade im Völkerrecht

Isabella de Assis Mendonça. - Baden-Baden : Nomos, 2023. - 404 p.

Die Seeblockade wurde völkerrechtlich bislang fast ausschließlich im Rahmen des ius in bello analysiert. Seit der Entstehung des Systems der Friedenssicherung der Vereinten Nationen stellt sich jedoch die Frage, wie die Seeblockade friedenssicherungsrechtlich zu bewerten ist und wie sich das Verhältnis zwischen Konfliktvölker- und Friedenssicherungsrecht im Hinblick auf die Seeblockade auswirkt. Im Rahmen dieses Werkes wird sowohl die jahrhundertelange völkergewohnheitsrechtliche Entwicklung des Seeblockaderechts detailliert herausgearbeitet als auch eine Analyse des aktuellen Seeblockaderechts im Lichte des Konfliktvölkerrechts und des Friedenssicherungsrechts unter Berücksichtigung des Zusammenspiels beider Rechtsgebiete vorgenommen.

The shadow of success : how international criminal law has come to shape the battlefield

Gabriella Blum. In: International law studies, Vol. 100, 2023, p. 133-185

The rise of international criminal law (ICL) has undoubtedly contributed to the development and enforcement of international humanitarian law (IHL). Yet, there are also important and oft-overlooked ways in which it has done the opposite. By labeling certain violations of the laws of war as “criminal” and setting up dedicated mechanisms for prosecution and punishment of offenders, the content, practice, and logic of ICL are displacing those of IHL. With its doctrinal precision, elaborate institutions, and the seemingly irresistible claim of political and moral priority, ICL is overshadowing the more diffuse, less institutionalized, and more difficult to enforce IHL. But if ICL becomes the dominant lens through which battlefield activity is measured, it is not merely intellectually unsatisfying; it poses a serious risk to the attainment of the very same humanitarian values that ICL seeks to protect. Consider the fact that in many wars fought today, the majority of civilian deaths and injuries does not result from acts that could be classified as war crimes, but from the more “mundane” choices of means and methods of warfare that at most would lend themselves to IHL scrutiny. Rather than diminishing the importance of ICL, this article calls for more attention to the ways in which ICL is impacting IHL as well as for a stronger commitment by States to the application and enforcement of IHL for its own sake.

https://digital-commons.usnwc.edu/ils/vol100/iss1/4/

Shadowland strategy : how non-state armed actors navigate between national law and international law

Hyeran Jo and Niels H. Appeldorn. - In: Armed groups and international law : in the shadowland of legality and illegality. - Cheltenham : E. Elgar, 2023. - p. 120-139

Non-state armed actors (NSAAs) reside in a ‘shadowland’ between legality and illegality. They are legal subjects of international law but are considered outlaws under some national legal systems. The legal tension causes NSAAs to adopt a diverse set of strategies. Some NSAAs contest the rules that govern their behaviour from within the existing international legal system. Others reject international and domestic legal systems completely and try to create their own ‘clearland’ where they can legitimize their own rules and regulations. A third set of NSAAs chooses to remain silent, or are silenced by exclusionary government policies. This chapter sketches these shadowland strategies with ample examples across the globe. The variety of shadowland strategies has implications for violence reduction as well as the international engagement with violent actors around the world.

https://doi.org/10.4337/9781800888340.00012 *

La situation au regard du droit international humanitaire : considérations générales

Louis Perez. - In: Ukraine, un an de guerre : regards croisés et premières leçons. - Paris : A. Pedone, 2023. - p. 159-183

Le présent chapitre vise à explorer les enjeux auxquels le droit international humanitaire (DIH) est confronté dans le cadre du conflit entre la Russie et l'Ukraine. Il s'articule selon une double

opération indispensable. En premier lieu, il examine les enjeux relatifs à l'applicabilité du DIH. Si ce droit s'applique à la situation ukrainienne depuis 2014, les évènements de 2022 soulèvent quelques interrogations spécifiques. Un second temps est consacré à des enjeux choisis concernant l'application du DIH dans ses deux dimensions, la conduite des hostilités et l'assistance aux personnes protégées.

Southern Rhodesia's adherence to the 1929 Geneva Convention on the treatment of Italian and German internees, 1939-1945

Enest Takura, Joseph Mujere, George Bishi. In: Journal of African military history, vol. 7, issue 1-2, August 2023, p. 99-120

The article looks at the Southern Rhodesian government's efforts to implement the 1929 Geneva Convention's provisions in establishing and administering internment camps during Second World War, despite the fact that the convention did not apply to civilian internees. The article contends that, although the Southern Rhodesian government was committed to the Geneva Convention of 1929, which specified the guidelines and norms for the treatment of prisoners of war, this was fraught with ambiguities. This was partially due to the fact that internees were not initially considered prisoners of war and also because the pro-British Southern Rhodesia white community had conflicting feelings towards Germans and Italians. Hence, although the Geneva Convention obliged capturing states to adhere to certain norms, there was a limit to how far Southern Rhodesia could go in terms of executing these stipulations. This article is based on archival documents from the National Archives of Zimbabwe.

https://doi.org/10.1163/24680966-bja10021

Sovereignty as responsibility : understanding the legal parameters of the veto power

Jennifer Trahan. - In: Reimagining the international legal order. - London : Routledge, 2024. - p. 367-397

This chapter examines the veto power of the permanent members of the UN Security Council from the vantage point of "sovereignty as responsibility"—particularly, whether vetoing permanent members are breaching their obligations under the doctrine of the responsibility to protect ("R2P") when they cast a veto while there is ongoing genocide, crimes against humanity, war crimes or the serious risk of these crimes occurring, and the resolution in question would take action to prevent or stop the crimes. The chapter argues that the concept of "sovereignty as responsibility" and R2P have in no way permeated into Security Council practice. The chapter argues that it is time to "operationalize" at least the "hard" (i.e., binding) law that underlies R2P so that it is applied to the practice of the UN Security Council. The Security Council is simply not above the law, and neither the veto nor the threat to use the veto should be used to shield the perpetration of atrocity crimes.

State expert meeting on international humanitarian law : protecting the environment in armed conflicts : chair's summary

Swiss Federal Department of Foreign Affairs, ICRC. - [S.l.] : [s.n.], [2023]. - 33 p.

The State expert meeting on international humanitarian law: protecting the environment in armed conflicts was held on 24, 26, 31 January and 2 February 2023. It was organized and chaired by Switzerland and the International Committee of the Red Cross (ICRC). The meeting brought together almost 380 experts, primarily from ministries of defense, environment and foreign affairs, from over 120 countries. The objective of the State expert meeting was to contribute to achieving realistic and pragmatic progress on the national implementation of international humanitarian law (IHL) relating to the protection of the natural environment in armed conflicts. The meeting did not aim to discuss applicable IHL rules or the legal interpretation of them. Rather, it sought to collectively identify challenges and practices related to the protection of the natural environment in armed conflicts – without criticism regarding the practice of individual states – on three core areas: 1. Disseminating, training and integrating at the national level IHL rules regarding the protection of the natural environment; 2. Assessing the effects of military operations on the natural environment and the implications for operations; 3. Identifying and designating areas of particular environmental importance or fragility as demilitarized zones.

https://library.icrc.org/library/docs/DOC/EXP_ENVIRONMENT_2023_ENG.pdf

The status and use of hospital ships in times of peace and war : law of the sea, maritime law and the law of naval warfare

Wolff Heintschel von Heinegg. In: Ocean yearbook online, Vol. 37, issue 1, May 2023, p. 481-505

Hospital ships are vessels that are designed or equipped and primarily used to provide medical and surgical treatment and nursing care for sick or injured people at sea. Under the law of the sea and maritime law, such vessels are not dealt with separately. Therefore, their status and the respective rules applicable to them depend on the entities operating them. If operated by the armed forces of a State for exclusively government non-commercial purposes they qualify as warships or, if they are under the command of a civilian master, other State ships ("auxiliaries") that enjoy sovereign immunity in all sea areas, including the internal waters of another State. If operated by private entities or individuals, they qualify as merchant vessels. The law of naval warfare distinguishes between military hospital ships operated by the parties to the conflict and private hospital ships. The latter may be operated by national Red Cross/Red Crescent Societies, officially recognized relief societies, or private persons either of the parties to an international armed conflict or of a neutral State. The protection of all hospital ships under the 1949 Geneva Convention II is subject to comparatively strict conditions, some of which may have become obsolete in light of contemporary technologies and novel threats.

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The status of foreign fighters' family members under counter-terrorism law and international humanitarian law : overcoming the victims/perpetrators dichotomy ?

Francesca Capone. - In: Returning foreign fighters : responses, legal challenges and ways forward. - The Hague : Asser Press, 2023. - p. 49-70

Following the military defeat of the Islamic State of Iraq and Syria (ISIS), the States of nationality of the individuals who flocked to the Middle East to join the group have been urged to develop a proactive approach to deal with the situation. At present, family members of ISIS fighters are detained in improvised prisons in Iraq as well as in overcrowded refugee camps in Syria, under the authority of the Syrian Democratic Forces (SDF). As States of origin, including European ones, remain mainly concerned about their national security and in most instances oppose a blanket refusal to any request for repatriation submitted by their nationals, one of the main issues to address is whether the wives and children of foreign fighters (FFs) should be regarded as 'victims' of terrorism or 'perpetrators/terrorists'. Although such a complex question would clearly deserve to be analysed adopting a multidisciplinary approach, the scope of the present chapter is to determine if and how international law can contribute to shedding light on the matter. More in detail, after a brief analysis of the roles played by foreign women and children affiliated with ISIS, this chapter will reflect on how they fit within the current international legal framework, looking in particular at international counter-terrorism (CT) law and international humanitarian law (IHL) and discussing if and how the latter can help to overcome some of the shortcomings of the former.

The strategic use of ransomware operations as a method of warfare

Jeffrey Biller. In: International law studies, Vol. 100, 2023, p. 483-512

This article examines the potential use and legal limitations of ransomware to achieve strategic effects in armed conflicts. Ransomware is defined here as the temporary encryption of data until some pre-condition is met to release the encryption. The article focuses on international law as applicable to a State's use of ransomware against another State, where both are parties to an existing international armed conflict. The author finds that international humanitarian law does not currently prohibit most uses of ransomware against non-military related targets in armed conflicts. While the encryption of data may be a legal violation when it inhibits the functionality of specific protected categories, civilian data cannot be said to have per se protection. This argument is strengthened when considered in the context of temporary encryption, as opposed to permanent corruption. Recognizing the potential dangers presented by the use of ransomware in armed conflicts, this article identifies primary legal and ethical questions that States must resolve to protect non-military related data from ransomware operations in armed conflicts.

https://digital-commons.usnwc.edu/ils/vol100/iss1/14/

Suicide attacks and international humanitarian law : a study of culturally plural agency in combatant deaths

Vishakha Wijenayake. - [S.l.] : [s.n.], 2023. - 248 p.

Diverse cultures have constructed their own stories around suicide attackers, at times depicting the attacker as an agentic actor, naming them a hero or martyr for sacrificing their lives for a significant cause. In contrast, others paint them as victims, cogs in the wheel of armies or armed groups, that do not allow them any agency over their lives; or as perpetrators who carry out violence that is deviant and extreme. These diverse depictions create a complex image of suicide attackers' deaths subject to nuanced cultural understandings of agency in war. Despite regulating various developments in conduct of hostilities, International Humanitarian Law has no express provisions on suicide attacks. This body of law ignores the intentionality and certainty of suicide attackers' deaths that make them distinct from most combatant deaths. This thesis examines its silence on the deaths of suicide attackers. I argue that this silence is a result of how the complicated narratives on agency constructed around suicide attackers' deaths in diverse cultural contexts, challenge the victim-perpetrator binary that undergirds International Humanitarian Law. To further this argument, I juxtapose International Humanitarian Law principles with local cultural narratives in three contexts: Kamikaze pilots in World War II, female suicide attackers in the Sri Lankan Civil War, and martyrdom operations carried out by jihadist non-State armed groups. These contexts are selected, respectively, to highlight how International Humanitarian Law's victim-perpetrator binary is shaped by its historical, gendered, and religious biases. The intricate narratives on agency constructed around suicide attackers' deaths in each of these contexts, challenge and subvert this victim-perpetrator binary. This thesis shows that cultural assumptions on combatant agency shape International Humanitarian Law's silence on suicide attackers' deaths. Therefore, it fails to fully engage with the diverse ways in which combatants in various cultures experience death on the battlefield. By examining this gap, the thesis offers International Humanitarian Law avenues to engage with culturally plural depictions of combatant agency over their own deaths.

https://escholarship.mcgill.ca/concern/theses/n583z118q

The switch : the Israel High Court of Justice's transition from occupation law to human rights law

Amichai Cohen and Yuval Shany. In: International journal of constitutional law, vol. 20, issue 5, December 2022, p. 1768-1792

It has been suggested that the jurisprudence of the High Court of Justice (HCJ) relating to the territories occupied by Israeli in 1967 had effectively legitimized the occupation. Recent decisions by the HCJ suggest, however, that the legal paradigm it applies has shifted from Israeli administrative law to Israeli constitutional law, and from the international law of belligerent occupation to domestic human rights law. The Silwad judgment—a landmark decision from June 2020 in which the HCJ struck down the Regularization Law of 2017—illustrates this switch. Furthermore, it reflects the challenge confronting the HCJ when striving to facilitate structural change in the situation in the occupied territories. Contrary to some of the literature which criticized the switch to human rights norms for diluting the rights of Palestinians residing in the occupied territories, we submit that it potentially constitutes an important step in the direction of confronting the systematic discrimination of Palestinians which that belligerent occupation law paradigm failed to prevent.

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58608.pdf *

Syrian chemical weapons and international law

Tatsuya Abe. - Singapore : Springer, 2023. - IX, 360 p.

This is the first book to focus on international efforts to address Syrian chemical weapons issues in an international law context. It provides an overview of the process of control over Syrian compliance/non-compliance with international obligations, including the keys to success in eliminating Syria's stockpiles and reasons for difficulties in handling multiple uses of toxic chemicals as weapons in domestic armed conflicts. It also addresses collective and unilateral sanctions against Syria outside of international institutional frameworks, and their implications for subsequent cases. Supported by extensive analyses of developments within the OPCW

Executive Council and the UN Security Council, this book is recommended for readers seeking insight about chemical weapons issues and dynamism of international law.

Les systèmes d'armes autonomes et les préoccupations humanitaires, juridiques et éthiques

Caroline Brandao. - In: Les enjeux de l'autonomie des systèmes d'armes létaux : actes enrichis du colloque du 9 novembre 2021. - Paris : A. Pedone, 2022. - p. 117-124

Compte tenu de la vitesse à laquelle l'utilisation et les technologies des systèmes d'armes autonomes se développent, il est crucial de s'entendre sur les limites à imposer. Ces limites peuvent être des règles de droit au niveau national et international, mais aussi des normes communes de politique générale et des bonnes pratiques. Elles peuvent être des limites fixées par le droit international humanitaire, mais aussi par les droits humains. Le colloque sur les enjeux de l'autonomie des systèmes d'armes létaux de novembre 2021 et l'avis sur l'intégration de l'autonomie dans les systèmes d'armes létaux du Comité d'Ethique de la Défense offrent des recommandations sur la méthodologie, la recherche, l'emploi, la conception et la formation constituant une première étape dans l'élaboration de pratiques complémentaires et synergiques.

Technologies of decision support and proportionality in international humanitarian law

Markus Gunneflo, Gregor Noll. In: Nordic journal of international law, Vol. 92, issue 1, April 2023, p. 93-118

What does proportionality reasoning mean for decision support in international humanitarian law (IHL)? We first consider contemporary IHL commentaries on proportionality as an analogue form of decision support through a paradigmatic example. Over time, proportionality in IHL has changed from being a rule-specific space for discretionary decision making to a much broader compromise-seeking within boundaries marked by law. Today, proportionality is a master norm in IHL, remaking rules by stealth and enabling the accommodation of novel master technologies as lawful. Artificial Intelligence (AI) support for military decision making is one such master technology that resonates particularly well with the inner structure of proportionality thinking: both build on cost-benefit analysis and engender the quantification of the world through data collection. We analyse how cost-benefit analysis and digitalization and algorithmic processing intersect in the U.S. legal context, to then proliferate into U.S. warfare and decision support systems, and onwards into IHL.

https://doi.org/10.1163/15718107-bja10055

"The Third World is a problem" : arguments about the laws of war in the United States after the fall of Saigon

Victor Kattan. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 173-206

This chapter revisits the critiques of international humanitarian law in the years 1977-1987, which, it is argued, influenced the Reagan administration's decision to withdraw from the International Court of Justice and refrain from sending the First Additional Protocol to the Geneva Conventions (API) to the Senate for advice and consent to ratification. It explains that officials in the Reagan administration viewed certain provisions of API as too constraining on US power in the global confrontation with the Soviet Union, and too accommodating to the interests of the national liberation movements that were supported by the Soviet Union in undermining US interests in the Third World. These lawyers rejected the changing structure of international law brought about by the decolonization process, and they rejected the inviolability of the sovereignty of the postcolonial state. To win the Cold war, the United States wanted to go on the offensive, and in order to accomplish this objective international law needed to be interpreted flexibly.

https://doi.org/10.3998/mpub.12584508

Third State responsibility versus sanctions in regulating trade with illegal settlements at the EU

Manuel Devers and Tom Moerenhout. - In: Prolonged occupation and international law : Israel and Palestine. - Leiden ; Boston : Brill Nijhoff, 2023. - p. 223-252

This chapter will explain why ending trade with illegal settlements such as those of Israel in the West Bank, including East Jerusalem and the occupied Syrian Golan, and those of Morocco in Western Sahara, is not a sanction under international law or European Union law. Part 1 will discuss how the practice of illegal settlements triggers Third States' responsibilities. It will highlight that trading with illegal settlements violates the legal duties of non-recognition and non-assistance, which are self-executing duties and not sanctions. Part 2 will elaborate on how the prohibition on settlement trade is not a sanction, but a trade measure under EU law as well. It will also reference recent caselaw that confirms this position and thereby helps protect the integrity of international law since States can use sanctions to pick and choose who to apply international law to, which ultimately undermines international law. Part 3 will present the implications of understanding settlement trade as a general measure, rather than, incorrectly, as a sanction. Part 4 will address EU law and practice in dealing with trade with settlements. It will set out the inconsistency in the practice of the European Commission and discuss legal trends towards prohibiting settlement trade as a trade measure. It will also highlight a recent European Citizens Initiative, in relation to which the European Commission recognised that stopping trade with illegal settlements as a general measure indeed constitutes a trade measure.

https://doi.org/10.1163/9789004503939_012 *

Time for "environmentarian corridors" ? Investigating the concept of safe passage to protect the environment during armed conflict

Felicia Wartiainen. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1365-1391

Actors engaging in a diverse set of environmental protection activities are experiencing serious difficulties executing their mandates during armed conflict, leading to environmental harm that could otherwise have been mitigated. This article examines to what extent the international legal and policy framework can ensure the protection of environmental protection actors during armed conflict. To overcome protection challenges, the article introduces the concept of "environmentarian corridors". Environmentarian corridors would allow for the unimpeded movement of environmental protection workers and resources through contested territory and into emergency areas to protect the environment. They would also serve to increase awareness about obligations to protect the environment and would help to ensure the safety of environmental protection actors during armed conflict. Additionally, environmentarian corridors offer potential for conducting environmental protection activities on ecocentric grounds. The article concludes by advocating for stakeholders to employ the provisions and concepts articulated herein as a means to further promote and strengthen initiatives aimed at protecting the environment during armed conflict.

https://library.icrc.org/library/docs/DOC/irrc-924-wartiainen.pdf

Victims : perceptions of harm in modern European war and violence

Svenja Goltermann ; translated by Belinda Cooper. - Oxford [etc.] : Oxford University Press, 2023. - VIII, 204 p.

Classifying people as 'victims' is a historical phenomenon with remarkable growth since the second half of the 20th century. The term victim is widely used to refer both to those who have died in wars and to people who have experienced some form of physical or psychological violence. Moreover, victimhood has become a shorthand for any injustice suffered. This can be seen in many contexts: in debates on social justice, when claims for compensation are made, human rights are defended, past crimes are publicly commemorated, or humanitarian intervention is called for. By adopting a history of knowledge approach, Victims takes a fresh look at the phenomenon of classifying people as victims. It goes beyond existing narratives to provide a new and comprehensive explanation of the complex genealogy of modern concepts of victimhood. In order to reveal the fundamental shifts in perceptions and interpretations of harm, this book reconstructs the emergence of the figure of the victim from the late 18th century to the present.

Focusing on Western Europe, it shows that neither the World Wars nor the Holocaust were the only reasons for this shift. Instead, changing power relations and new knowledge, especially in medicine and law, fundamentally altered perceptions and interpretations of death and suffering, of legitimate and illegitimate violence. Today, the debate takes another turn with the widespread criticism of victim attribution and the increasing delegitimisation of the term. Svenja Goltermann tells this story with brilliant clarity - without subscribing to the new denigration of the victim.

The view through a different lens : increasing respect for international humanitarian law through the use of the international human rights law framework

Emma Lush. In: Journal of international humanitarian legal studies, vol. 14, issue 1, 2023, p. 95-129

In years past, much of the discussion around International Humanitarian Law and International Human Rights Law has been dedicated to considering the convergence of the two regimes; to discover a way to increase respect for the protection of the individual in armed conflict. Meanwhile, egregious violations of individual's human rights continue to occur in armed conflicts – those in Ukraine, Yemen, Ethiopia, Afghanistan, and many others. This paper surveys the relationship between the two international disciplines, and considers that though IHL and IHRL are two regimes that have different aims, both contain norms that strive for the protection of the individual in armed conflict. Ultimately, this paper argues that protection of individuals in armed conflict can be strengthened by importing IHL norms into the IHRL framework. This cross-pollination allows treaty bodies to interpret, and make comments about, State Parties' adherence to IHL that can increase respect for those norms, given IHRL's associated enforcement mechanisms and communications machinery.

https://doi.org/10.1163/18781527-bja10070 *

Virtual groups and the triggering of armed conflicts

Marie Thøgersen. In: Nordic journal of international law, vol. 92, issue 3, October 2023, p. 329-348

The article examines how virtual groups can trigger an armed conflict, and thus, the application of international humanitarian law (IHL). The emergence of non-State actors as central players in cyberspace, together with the increasing use of cyber operations in conflicts, makes the regulation of non-State actors in armed conflicts a topical issue. The triggering provisions in IHL require a level of organization of non-State groups, which do not necessarily resonate with the realities among virtual groups. To determine if the triggering provisions allow for a reinterpretation to fit better the potentially differently structured virtual groups, the article scrutinizes the legal bases for the organization requirements in the respective provisions and identities the underlying rationales. The article concludes that the legal bases for the organization requirement in the three provisions are distinct, but that none of them currently allows for reinterpretation.

https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/58722.pdf *

The war against the people and the people's war : Palestine and the Additional Protocols to the Geneva Conventions

Ihab Shalbak and Jessica Whyte. - In: Making endless war : the Vietnam and Arab-Israeli conflicts in the history of international law. - Ann Arbor : University of Michigan Press, 2023. - p. 145-172

Ihab Shalbak and Jessica Whyte examine the question of the relation between irregular fighters and the civilian population from a Palestinian perspective. As one of the few national liberation movements that had not achieved statehood by the time the Additional Protocols were finalized, the stakes of the debate were crucial for the Palestinians, touching as they did on the existential question of who constituted a people. In the years between the 1967 War and the Diplomatic Conference, armed struggle played a central role in the self-constitution of a Palestinian identity. The essential unity of civilian and combatant— fighter and farmer— was the foundation upon which the Palestinian national movement reconstituted the Palestinian people, with a right to self- determination and a right to return to their land. The cause of combatant status for irregular fighters, then, was central to the Palestinian participation in the negotiations for the Additional

Protocols. The Palestinian delegation stressed that giving status to irregular fighters was actually a means of protecting civilians, given the harm inflicted on civilians by counterinsurgency campaigns and pacification. Winning recognition for guerrilla fighters and protections for civilians, however, came at the cost of operating within the strictures of international law— of substituting state- building for nation- building.

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War in cities : why the protection of the natural environment matters even when fighting in urban areas, and what can be done to ensure protection

Eve Massingham, Elina Almila and Mathilde Piret. In: International review of the Red Cross, Vol. 105, no. 924, 2023, p. 1313-1336

Around 50 million people across the world are affected by urban warfare. When conflict occurs in cities, the natural environment has historically been relegated to an afterthought, but both the immediate and long-term environmental consequences of urban warfare are serious. This article looks at actions that can be taken to protect the natural environment – and through this, the population – against the effects of urban warfare when fighting in urban areas. It is intended to be a part of the conversation about what parties to armed conflict can and should do to give effect to their legal obligations under international humanitarian law and international law more broadly, with a specific focus on the natural environment when fighting in urban areas.

https://library.icrc.org/library/docs/DOC/irrc-924-massingham.pdf

When may UN peacekeepers use lethal force to protect civilians ? : Reconciling threats to civilians, imminence, and the right to life

Hanna Bourgeois and Patryk I. Labuda. In: Journal of conflict and security law, Vol. 28, no. 1, Spring 2023, p. 1-65

While the use of force in UN peacekeeping was traditionally limited to self-defence, the UN Security Council now regularly deploys peacekeeping missions with robust mandates to protect civilians and encourages their proactive implementation, including by using force. For many years, the Security Council authorised the use of 'all necessary means' to protect civilians from 'imminent threats' of physical violence, but its recent mandates have often dropped references to 'imminence'. The UN has also interpreted such mandates as broader authorisation for peacekeepers to use force in response to temporally ill-defined threats to civilians. This turn to robust civilian protection is often celebrated, yet the legal parameters of using force continue to evolve below the radar and are rarely scrutinised, with scholarly writing focused on peacekeeper self-defence, rules of engagement and UN policy to justify proactive mandate implementation. Drawing on an analysis of the relationship between peacekeeping mandates and international law in light of the shift from defensive to proactive peacekeeping, this article argues that the legality of using force for civilian protection purposes must be reconciled not only with Security Council resolutions and their language on imminence, but also with human rights law (HRL), which imposes strict temporal conditions for lawful deprivations of the right to life outside the conduct of hostilities. Using examples of how the UN's current practice of using force to protect civilians in hostile environments may contravene international norms, this article attempts to reconcile proactive civilian-oriented peacekeeping with the concept of imminence as understood in HRL.

https://doi.org/10.1093/jcsl/krac027

Who is who on the battlefield ? The actors engaged in contemporary armed conflicts : proceedings of the 23rd Bruges Colloquium, 20-21 October 2022

ICRC, College of Europe

Opening remarks. – Setting the scene : global trends and contemporary landscapes of armed conflicts. – Panel 1 : International armed conflict : when does a state become a party to the conflict ?. – Panel 2 : Not taking sides : is the law of neutrality still relevant in the XXIst century ?. – Panel 3 : Reaching the threshold(s) : when do non-state actors become parties in an armed conflict ?. – Panel 4 & 5 : On the battlefield : the multiplicity of actors and challenges for the application of IHL. Part I & II – Closing remarks.

https://www.brugescolloquium.org/wp-content/uploads/2023/10/231019-FINAL-Proceedings_23rd_Bruges_Colloquium-6.pdf

Worldmaking at the end of history : the Gulf Crisis of 1990-1991 and international law

by Samuel L. Aber. In: American journal of international law, vol. 117, no. 2, April 2023, p. 201-250 : map

This Article argues that the Gulf Crisis of 1990–91, the first major international crisis of the post-Cold War era, was a constitutive moment for international law. The Article examines the contests in the United Nations over the meaning of the Crisis and shows that these contests were also over the meaning of cooperation under international law in the "new world order." The Article casts the Gulf Crisis itself as a moment of "worldmaking," in which the United States refashioned foundational concepts like interdependence, sovereignty, and humanity in warfare and deployed them to suit a state-centered vision of international cooperation under hierarchy.

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