

BIBLIOGRAPHY

2nd Issue 2021

International Humanitarian Law

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



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Introduction

The International Committee of the Red Cross Library

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

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

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

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

Origin and purpose of the IHL bibliography

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

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

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

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

How to use the IHL Bibliography

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

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

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

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

Access to document

Whenever an article is electronically available in full text, a link allows you to access the document directly. 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 acquires relevant articles and books as soon as they become available. However, the publication date may not coincide with the period supposedly covered by the bibliography due to publishing delays.

Contents

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

Sources

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

Disclaimer

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

Subscription and feedback

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

I. General issues

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

Les caractéristiques spéciales du droit international humanitaire en matière de sources

Sophie Rondeau. - [S.l.] : [s.n.], 2021. - XXI, 438 p.

<https://archive-ouverte.unige.ch/unige:153798>

Chinese perspectives on the ad bellum/in bello relationship and a cultural critique of the ad bellum/in bello separation in international humanitarian law

Zhuo Liang. In: Leiden journal of international law, Vol. 34, no. 2, 2021, p. 291-320

<https://doi.org/10.1017/S0922156521000054>

Contingencies of context : legacies of the Algerian revolution in the 1977 Additional Protocols to the Geneva Conventions

Emma Stone Mackinnon. - In: Contingency in international law: on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 319-337

<https://doi.org/10.1093/oso/9780192898036.001.0001>

The cross-fertilisation of international investment law and international humanitarian law : prospects and pitfalls

Teerawat Wongkaew. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 385-409

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 1-47

<https://apjihl.org/article/deciphering-the-landscape-of-international-humanitarian-law-in-the-asia-pacific/>

Easy guide to international humanitarian law : reference for professionals working in the Occupied Palestinian Territory

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 June 2021. - 38 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/06/Easy-Guide-to-IHL.pdf>

Effets pour l'individu des régimes de protection de droit international

par Christophe Swinarski. In: Recueil des cours : Académie de droit international de la Haye = Collected courses of the Hague academy of international law, Vol. 391 (2017), 2018, p. 187-369

The “external element” of the obligation to ensure respect for the Geneva Conventions : a matter of treaty interpretation

Marten Zwanenburg. In: International law studies, Vol. 97, 2021, p. 621-651

<https://digital-commons.usnwc.edu/ils/vol97/iss1/29/>

The fog of law in the fog of war : international humanitarian law in war movies

Martyna Falkowska-Clarys and Vaios Koutroulis. - In: Cinematic perspectives on international law. - Manchester : Manchester University Press, 2021. - p. 128-152

Humanitarian support in a denial of access context : emergent strategies at the interface of humanitarian and sovereign law

Erwin Biersteker, Julie Ferguson, Peter Groenewegen and Kees Boersma. In: Journal of international humanitarian action, Vol. 6, no. 14, 2021, 14 p.

<https://doi.org/10.1186/s41018-021-00103-w> *

International investment law and the law of armed conflict

Katia Fach Gómez, Anastosios Gourgourinis, Catharine Titi. In: European yearbook of international economic law, Special issue, 2019, XII, 536 p.

The Islamic law of war and peace and the international legal order : convergence or dissonance?

Sohail H. Hashmi. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 379-394

Jus post bellum : the rediscovery, foundations, and the future of the law of transforming war into peace

by Jens Iverson. - Leiden : M. Nijhoff, 2021. - XI, 360 p.

Killing Qasem Soleimani : international lawyers divided and conquered

Luca Ferro. In: Case Western Reserve Journal of International Law, Vol. 54, issue 1, 2021, p. 163-196

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/8>

Legal challenges or "gaps" by countering hybrid warfare : building resilience in jus ante bellum

Morten M. Fogt. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 28-100

<https://www.swlaw.edu/sites/default/files/2021-03/2.%20Fogt%20%5B28-100%5D%20V2.pdf>

Narrative contingency and international humanitarian law : crimes against humanity in Cixin Liu's post-humanist universe

Amanda Alexander. - In: Contingency in international law : on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 351-369

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

Protection of foreign investments against the effects of hostilities : a framework for assessing compliance with full protection and security

Ira Ryk-Lakhman. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 259-282

Reflection of the Soviet Union/Russia's participation in the 1949 Geneva Conventions in Soviet and Russian legal systems

V. S. Ivanenko. In: Russian year-book of international law, 2019, p. 169-179

Transformative disarmament : crafting a roadmap for peace

Louise Arimatsu. In: International law studies, Vol. 97, 2021, p. 833-915

<https://digital-commons.usnwc.edu/ils/vol97/iss1/35/>

Unveiling Common Article 3 to the Geneva Conventions : contingency, necessity, and possibility in international humanitarian law

Bianca Maganza. - In: Contingency in international law: on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 338-350

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

War

Andrew Clapham. - Oxford : Oxford University Press, 2021. - xlix, 571 p.

<https://opil.oup.com/view/10.1093/law/9780198810469.001.0001/law-9780198810469> *

War economies and international law : regulating the economic activities of violent conflict

Mark B. Taylor. - Cambridge : Cambridge University Press, 2021. - XVIII, 310 p.

<https://doi.org/10.1017/9781108652124> *

Why did starvation not become the paradigmatic war crime in international law?

Nicholas Mulder and Boyd van Dijk. - In: Contingency in international law : on the possibility on different legal histories. - Oxford : Oxford University Press, 2021. - p. 371-388

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

II. Types of conflicts

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

"A la paix comme à la guerre ?" : le droit international face aux exécutions extrajudiciaires ciblées

Olivier Corten. - Paris : Pedone, 2021. - 173 p.

Applying humanitarian law: a review of the legal status of the Turkey-Kurdistan Workers' Party (PKK) conflict

Deniz Arbet Nejbir. In: Journal of international humanitarian legal studies, Vol, 12, no. 1, 2021, p. 37-70

<https://doi.org/10.1163/18781527-bja10026> *

Armed conflicts in outer space : which law applies?

Frans G. von der Dunk. In: International law studies, Vol. 97, 2021, p. 188-231

<https://digital-commons.usnwc.edu/ils/vol97/iss1/17/>

Armed conflicts, international law, and global security

Jakob Kellenberger. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 254-272

Avoiding civilian harm from military cyber operations during armed conflicts

report prepared by Ewan Lawson and Kubo Macák. - Geneva : ICRC, May 2021. - 58 p.

<https://library.icrc.org/library/docs/DOC/icrc-4539-002.pdf>

Contingencies of context : legacies of the Algerian revolution in the 1977 Additional Protocols to the Geneva Conventions

Emma Stone Mackinnon. - In: Contingency in international law: on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 319-337

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

Le droit international humanitaire et les cyberopérations pendant les conflits armés : position du CICR : document soumis au Groupe de travail à composition non limitée chargé d'examiner les progrès de l'informatique et des télécommunications dans le contexte de la sécurité internationale ainsi qu'au Groupe d'experts gouvernementaux sur

la promotion du comportement responsable des États dans le cyberspace dans le contexte de la sécurité internationale

CICR. - [Genève] : CICR, Novembre 2019. - 11 p.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2019_11_FRE.pdf

Encirclement, deprivation, and humanity : revising the San Remo Manual provisions on blockade

Tom Dannenbaum. In: International law studies, Vol. 97, 2021, p. 307-394

<https://digital-commons.usnwc.edu/ils/vol97/iss1/20/>

Fragmented armed groups in international humanitarian law

Marishet M. Hamzah. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, p. 98-111, 2021

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0007>

Grey zone conflict in the South China Sea and challenges facing the legal framework for the use of force at sea

Trang T. Ngo. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 209-237

<https://apijhl.org/article/grey-zone-conflict-in-the-south-china-sea-and-challenges-facing-the-legal-framework-for-the-use-of-force-at-sea/>

India's anti-satellite test : from the perspective of international space law and the law of armed conflict

Shakeel Ahmad. In: International criminal law review, Vol. 21, no. 2, 2021, p. 342-366

<https://doi.org/10.1163/15718123-bja10046>

Internal strife and insurgency

Christian Henderson. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 158-175

International humanitarian law and cyber operations during armed conflicts : ICRC position : paper submitted to the 'Open-Ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security' and the 'Group of Governmental Experts on Advancing Responsible State Behaviour in Cyberspace in the Context of International Security'

ICRC. - [Geneva] : ICRC, November 2019. - 9 p.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2019_11_ENG.pdf

International humanitarian law and the protection of the civilian population in cyberspace : towards a human dignity-oriented interpretation of the notion of cyber attack under Article 49 of Additional Protocol I

Giacomo Biggio. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 114-140

<https://doi.org/10.4337/mlwr.2021.01.06>

Internationalisation of armed conflicts due to third State involvement 70 years after the adoption of the Geneva Conventions

Rogier Bartels. - In: 70 Jahre Genfer Konventionen : Stand und Perspektiven des humanitären Völkerrechts. - Berlin : Berliner Wissenschafts-Verlag, 2021. - p. 117-141

Israel's perspective on key legal and practical issues concerning the application of international law to cyber operations

Roy Schöndorf. In: International law studies, Vol. 97, 2021, p. 395-406

<https://digital-commons.usnwc.edu/ils/vol97/iss1/21/>

The principle of proportionality in maritime armed conflict : a comparative analysis of the law of naval warfare and modern international humanitarian law

David T. Lee. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 119-145

<https://www.swlaw.edu/sites/default/files/2021-03/4.%20Lee%20Macro%20%5B119-145%5D.pdf>

Protecting societies: anchoring a new protection dimension in international law in times of increased cyber threats

Robin Geiss and Henning Lahmann. - [Geneva] : Geneva Academy of International Humanitarian Law and Human Rights, February 2021. - 17 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20Societies%20-%20Anchoring.pdf>

Protection of data in armed conflict

Robin Geiss and Henning Lahmann. In: International law studies, Vol. 97, 2021, p. 556-572

<https://digital-commons.usnwc.edu/ils/vol97/iss1/27/>

Responding to hostile cyber operations : the “in-kind” option

Michael N. Schmitt and Durward E. Johnson. In: International law studies, Vol. 97, 2021, p. 96-121

<https://digital-commons.usnwc.edu/ils/vol97/iss1/15/>

Revisiting Security Council action on terrorism : new threats; (a lot of) new law; same old problems ?

David McKeever. In: Leiden journal of international law, Vol. 34, no. 2, June 2021, p. 441-470

<https://doi.org/10.1017/S0922156521000066> *

“Super-robust” peacekeeping mandates in non-international armed conflicts under international law

Marco Longobardo. In: Spanish yearbook of international law, Vol. 24, 2020, p. 42-72

<https://doi.org/10.17103/sybil.24.3>

Thresholds in flux — the standard for ascertaining the requirement of organization for armed groups under international humanitarian law

Yutaka Arai-Takahashi. In: Journal of conflict and security law, Vol. 26, no. 1, 2021, p. 79-115

<https://doi.org/10.1093/jcsl/kraa024> *

Unveiling Common Article 3 to the Geneva Conventions : contingency, necessity, and possibility in international humanitarian law

Bianca Maganza. - In: Contingency in international law: on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 338-350

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

The war on terror and the law of war : shaping international order in the context of irregular violence

Michael Stohl. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 311-325

III. Armed forces / Non-state armed groups

(Combatant status, compliance with IHL, etc.)

Allies, partners and proxies : an introduction to support relationships in armed conflict

[ICRC's Support Relationship in Armed Conflicts project]. - Geneva : ICRC, June 2021. - 32 p.

<https://library.icrc.org/library/docs/DOC/icrc-4536-002.pdf>

Analysing non-state armed groups' internal communications : recognising principles of international humanitarian law

Shane van Galen. - [S.l.] : [s.n.], 2021. - 98 p.

<http://urn.fi/URN:NBN:fi-fe2021070140821>

Are all soldiers created equal ? : on the equal application of the law to enhanced soldiers

Yahli Shereshevsky. In: Virginia journal of international law, Vol. 61, no. 2, Winter 2021, p. 271-324

https://www.vjil.org/s/612-Shereshevsky_Publications-McCraw-Final-Read.pdf

Command accountability for AI weapon systems in the law of armed conflict

James Kraska. In: International law studies, Vol. 97, 2021, p. 407-447

<https://digital-commons.usnwc.edu/ils/vol97/iss1/22/>

Doctors playing gods? The legal challenges in regulating the experimental stage of cybernetic human enhancement

Thibault Moulin. In: Israel law review : a journal of human rights, public and international law, Vol. 54, no. 2, July 2021, p. 236-262

<https://doi.org/10.1017/S0021223721000054> *

Fragmented armed groups in international humanitarian law

Marishet M. Hamzah. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, p. 98-111, 2021

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0007>

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia - People's Army, FARC-EP)

Ezequiel Heffes. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 52 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Case%20Study-Revolutionary%20Armed%20Forces%20of%20Colombia%20%E2%80%93%20People%E2%80%99s%20Army.pdf>

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : the National Movement for the Liberation of Azawad (Mouvement national de libération de l'Azawad, MNLA), Mali

Pascal Bongard. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 47 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Case%20Study%20-%20MNLA.pdf>

ICRC engagement with non-State armed groups : why, how, for what purpose, and other salient issues : ICRC position paper

ICRC. - [Geneva] : ICRC, March 2021. - 12 p.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2021_03_ENG.pdf

International human rights law beyond state territorial control

Antal Berkes. - Cambridge : Cambridge University Press, 2021. - XXI, 357 p.

International law and the protection of cultural property in non-international armed conflict : applicability to non-state armed groups in the Syrian conflict

Allison McClelland. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 61-91

Legal advisers in the field during armed conflict

Yoram Dinstein. In: International law studies, Vol. 97, 2021, p. 917-936

<https://digital-commons.usnwc.edu/ils/vol97/iss1/36/>

Thresholds in flux — the standard for ascertaining the requirement of organization for armed groups under international humanitarian law

Yutaka Arai-Takahashi. In: Journal of conflict and security law, Vol. 26, no. 1, 2021, p. 79-115

<https://doi.org/10.1093/jcsl/kraa024> *

IV. Multinational forces

The application of international humanitarian law to peacekeepers : the situation in Mali

Thierry Kaiser and Carlijn Ruers. In: Journal of international peacekeeping, Vol. 24, no. 1-2, 2020, p. 190-222

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/54415.pdf> *

International human rights law beyond state territorial control

Antal Berkes. - Cambridge : Cambridge University Press, 2021. - XXI, 357 p.

Manuel de Leuven sur le droit international applicable aux opérations de paix

Terry D. Gill, Dieter Fleck, William H. Boothby et Alfons Vanheusden. - Bruxelles : Bruylant, 2021. - 411 p.

Regulating the use of force by United Nations peace support operations : balancing promises and outcomes

Charuka Ekanayake. - Abingdon : Routledge, 2021. - XXIV, 262 p.

“Super-robust” peacekeeping mandates in non-international armed conflicts under international law

Marco Longobardo. In: Spanish yearbook of international law, Vol. 24, 2020, p. 42-72

<https://doi.org/10.17103/sybil.24.3>

V. Private actors

Differentiating the corporation : accountability and international humanitarian law

David Hughes. In: Michigan journal of international law, Vol. 42, no. 1, 2020, p. 47-104
<https://doi.org/10.36642/mjil.42.1.differentiating>

VI. Protection of persons

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

Avoiding civilian harm from military cyber operations during armed conflicts

report prepared by Ewan Lawson and Kubo Macák. - Geneva : ICRC, May 2021. - 58 p.
<https://library.icrc.org/library/docs/DOC/icrc-4539-002.pdf>

Civilian casualty mitigation and the rationalization of killing

Brian Smith. In: Journal of military ethics, Vol. 20, no. 1, 2021, p. 47-66
<https://doi.org/10.1080/15027570.2021.1949783> *

Civilian protection in armed conflict

Cordula Droege and Helen Durham. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 362-379

Collateral damage in the law of war

Costas Hadjiconstantinou. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 443-449

Displacement and dispossession : redefining forced displacement and identifying when forced displacement becomes pillage under international humanitarian law

Kerrin Geoffrey Buck. In: Journal of international humanitarian action, Vol. 2, no. 5, 2017, 18 p.
<https://doi.org/10.1186/s41018-016-0016-6> *

Gunshot wound reporting legislation in the Asia - Pacific region : a need to ensure better consistency with IHL

Kelisiana Thynne and Sahar Haroon. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 99-134
<https://apihl.org/article/gunshot-wound-reporting-legislation-in-the-asia-pacific-region-a-need-to-ensure-better-consistency-with-ihl/>

Humanitarian relief in situations of armed conflict

Emanuela-Chiara Gillard and Nathalie Weizmann. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 503-527

Humanitarian support in a denial of access context : emergent strategies at the interface of humanitarian and sovereign law

Erwin Biersteker, Julie Ferguson, Peter Groenewegen and Kees Boersma. In: Journal of international humanitarian action, Vol. 6, no. 14, 2021, 14 p.

<https://doi.org/10.1186/s41018-021-00103-w> *

Interaction between international humanitarian law and national law in the field of the protection of rights of the most vulnerable population groups

S. Ye. Smirnykh. In: Russian year-book of international law, 2019, p. 287-300

International humanitarian law and refugee protection

Reuven (Ruv) Ziegler. - In: The Oxford handbook of international refugee law. - Oxford : Oxford University Press, 2021. - p. 221-239

<https://opil.ouplaw.com/view/10.1093/law/9780198848639.001.0001/law-9780198848639-chapter-13> *

International legal bases and practice of protection of rights of indigenous and tribal peoples at the time of armed conflict

U. J. Mammadov. In: Russian year-book of international law, 2019, p. 255-271

Justice for Syrians under the International Criminal Court : applying the Myanmar model of territorial jurisdiction for cross-border crimes

Natasha Chhabra. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 164-183

<https://apijhl.org/article/justice-for-syrians-under-the-international-criminal-court-applying-the-myanmar-model-of-territorial-jurisdiction-for-cross-border-crimes/>

Military briefing : persons with disabilities and armed conflict

Alice Priddy. - Geneva : Geneva Academy of International Humanitarian Law and Human Rights, March 2021. - 17 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Military%20Briefing%20Persons%20with%20Disabilities%20and%20Armed%20Conflict.%20pdf>

The principle of proportionality in maritime armed conflict : a comparative analysis of the law of naval warfare and modern international humanitarian law

David T. Lee. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 119-145

<https://www.swlaw.edu/sites/default/files/2021-03/4.%20Lee%20Macro%20%5B119-145%5D.pdf>

Protecting the global information space in times of armed conflict

Robin Geiss and Henning Lahmann. - Geneva : [Geneva Academy of International Humanitarian Law and Human Rights], February 2021. - 19 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20the%20Global%20information%20space%20in%20times%20of%20armed%20conflict.pdf>

Respecting and protecting health care in armed conflicts and in situations not covered by international humanitarian law

Advisory service on IHL. - Geneva : ICRC, April 2021. - 9 p.

https://library.icrc.org/library/docs/DOC/WEB_033.pdf

The road to Ongwen : consolidating contradictory child soldiering narratives in international criminal law

Jonathan Kwik. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 135-163

<https://apijhl.org/article/the-road-to-ongwen-consolidating-contradictory-child-soldiering-narratives-in-international-criminal-law/>

Some critical comments on the approach of the Eritrea-Ethiopia Claims Commission towards the treatment of protected persons in international humanitarian law

Marco Sassòli. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 409-424

Syria and the neutrality trap : the dilemmas of delivering humanitarian aid through violent regimes

Carsten Wieland. - London : I.B. Tauris, 2021

Towards enhanced protection of the marine environment and vulnerable populations in relation to armed conflicts

Kimberley J. Graham, Elizabeth B. Hessami and Masa Nagai. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, p. 35-49, 2021

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0003> *

Transitional post-occupation obligations under the law of belligerent occupation

Dana Wolf. In: Minnesota journal of international law, Vol. 27, issue 1, 2018, p. 5-65

<https://scholarship.law.umn.edu/mjil/354>

The treatment of protected persons under the applicable international law in the findings of the Eritrea-Ethiopia Claims Commission

Silvia Sanna. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 373-408

VII. Protection of objects

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

Les atteintes à l'environnement

Marina Eudes et Juliette Tricot. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 53-69

Destruction and looting of cultural property in Yemen's civil war : legal implications and methods of prevention

Julia Emtseva. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 92-110

Developing international guidelines for protecting schools and universities from military use during armed conflict

Steven Haines. In: International law studies, Vol. 97, 2021, p. 573-620

<https://digital-commons.usnwc.edu/ils/vol97/iss1/28/>

Fresh water in international law

Laurence Boisson De Chazournes. - Oxford : Oxford University Press, 2021. - XIII, 344 p.

<https://doi.org/10.1093/oso/9780198863427.001.0001> *

Heritage destruction in Syria and Northern Iraq : which is the applicable law ?

Francesca Sironi De Gregorio. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 3-44

Implementing the obligation to return illicitly exported cultural property to the authorities of an occupied territory : who bears the responsibility ?

Sofia Pouloupoulou. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 167-190

International law and the protection of cultural property in non-international armed conflict : applicability to non-state armed groups in the Syrian conflict

Allison McClelland. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 61-91

Monitoring attacks on health care as a basis to facilitate accountability for human rights violations

Benjamin Mason Meier, Hannah Rice and Shashika Bandara. In: Health and human rights journal, Vol. 23, issue 1, June 2021, p. 55-70

<https://cdni.sph.harvard.edu/wp-content/uploads/sites/2469/2021/06/Meier.pdf>

The obligation to prevent and avoid destruction of cultural heritage : from Bamiyan to Iraq

Francesco Francioni and Federico Lenzerini. - In: Cultural heritage rights. - Abingdon : Routledge, 2021. - p. 407-419

The practice of Asian states implementing the principle for protection of monuments and works of art before World War I

Alice Lopes Fabris. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 267-281

Prolonged occupation and exploitation of natural resources : a focus on natural gas off the coast of Northern Cyprus

Emilia Pabian. In: Journal of international humanitarian legal studies, Vol. 12, no. 1, 2021, p. 71-110

<https://doi.org/10.1163/18781527-bja10029> *

Protecting societies: anchoring a new protection dimension in international law in times of increased cyber threats

Robin Geiss and Henning Lahmann. - [Geneva] : Geneva Academy of International Humanitarian Law and Human Rights, February 2021. - 17 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20Societies%20-%20Anchoring.pdf>

The protection of cultural property in times of armed conflict : the practice of the International Criminal Tribunal for the former Yugoslavia

Hirad Abtahi. - In: Cultural heritage rights. - Abingdon : Routledge, 2021. - p. 375-406

Protection of cultural property under international humanitarian law : emerging trends

Niteesh Kumar Upadhyay and Mahak Rathee. In: Revista de direito internacional, V. 17, n. 3, 2020, p. 389-409

<https://doi.org/10.5102/rdi.v17i3.7076>

Report: the United Kingdom's practice on the protection of the environment in relation to armed conflict

Conflict and Environment Observatory. - Conflict and Environment Observatory, 2019. - 21 p.

<https://ceobs.org/report-the-united-kingdoms-practice-on-the-protection-of-the-environment-in-relation-to-armed-conflicts/>

Respecting and protecting health care in armed conflicts and in situations not covered by international humanitarian law

Advisory service on IHL. - Geneva : ICRC, April 2021. - 9 p.

https://library.icrc.org/library/docs/DOC/WEB_033.pdf

Towards enhanced protection of the marine environment and vulnerable populations in relation to armed conflicts

Kimberley J. Graham, Elizabeth B. Hessami and Masa Nagai. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, p. 35-49, 2021

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0003> *

VIII. Detention, internment, treatment and judicial guarantees

Detainee operations in Ukraine : risk or opportunity for international law ?

Cristina Teleki. In: Journal of humanitarian legal studies, Vol. 12, no. 1, 2021, p. 111-140

<https://doi.org/10.1163/18781527-bja10023> *

Doctors playing gods? The legal challenges in regulating the experimental stage of cybernetic human enhancement

Thibault Moulin. In: Israel law review : a journal of human rights, public and international law, Vol. 54, no. 2, July 2021, p. 236-262

<https://doi.org/10.1017/S0021223721000054> *

Institutionalized inhumanity : from torture to assassination

Natasa Mavronicola. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 396-412

Israel's administrative detention in the Occupied Palestinian Territories : an assessment of the applicable norms of international law and possibilities of enforcement

Peter Langford and Triestino Mariniello with Paolo Lobba. - [Ormskirk, UK] : [Edge Hill University], September 2019. - 179 p.

https://research.edgehill.ac.uk/ws/portalfiles/portal/22096758/Report_Administrative_Detention.pdf

Military briefing : persons with disabilities and armed conflict

Alice Priddy. - Geneva : Geneva Academy of International Humanitarian Law and Human Rights, March 2021. - 17 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Military%20Briefing%20Persons%20with%20Disabilities%20and%20Armed%20Conflict.%20.pdf>

Resurgling violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurgling-violence-May-2021.pdf>

Some critical comments on the approach of the Eritrea-Ethiopia Claims Commission towards the treatment of protected persons in international humanitarian law

Marco Sassòli. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 409-424

The treatment of protected persons under the applicable international law in the findings of the Eritrea-Ethiopia Claims Commission

Silvia Sanna. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 373-408

The war crimes of denying judicial guarantees and the uncertainties surrounding their material elements

Diletta Marchesi. In: Israel law review : a journal of human rights, public and international law, Vol. 54, no. 2, July 2021, p. 174-204

<https://doi.org/10.1017/S0021223721000030> *

IX. Law of occupation

The belligerent occupation of territory

Andrea Gioia. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 425-439

COVID-19 in occupied Gaza : What are the health-related and other obligations of the responsible authorities ? : legal brief

Diakonia Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 December 2020. - 26 p.

<https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/covid-19-in-occupied-gaza-dec-2020.pdf>

Expert Opinion on the Interplay between the Legal Regime Applicable to Belligerent Occupation and the Prohibition of Apartheid under International Law

Miles Jackson. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 March 2021. - p. 33

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/expert-opinion-apartheid-and-occupation.pdf>

Gendering the law of occupation : the case of Cyprus

Fionnuala Ní Aoláin. In: Minnesota journal of international law, Vol. 27, issue 1, 2018, p. 107-141

<https://scholarship.law.umn.edu/mjil/269>

Implementing the obligation to return illicitly exported cultural property to the authorities of an occupied territory : who bears the responsibility ?

Sofia Pouloupoulou. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 167-190

International human rights law beyond state territorial control

Antal Berkes. - Cambridge : Cambridge University Press, 2021. - XXI, 357 p.

The international law of prolonged sieges and blockades : Gaza as a case study

Eyal Benvenisti. In: International law studies, Vol. 97, 2021, p. 969-994

<https://digital-commons.usnwc.edu/ils/vol97/iss1/40/>

Investments under occupation : the application of investment treaties to occupied territory

Tobias Ackermann. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 67-92

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/53778.pdf> *

Investor obligations in occupied territories : a report on the Norwegian government pension fund - global

Essex Business and Human Rights Project ; authored by Dr Chiara Macchi, Dr Tara Van Ho, and Mr Luis Felipe Yanes ; commissioned by Fagforbundet, and Norwegian People's Aid. - Essex : Human Rights Center, 2019. - 39 p.

<http://repository.essex.ac.uk/26657/>

Israel's administrative detention in the Occupied Palestinian Territories : an assessment of the applicable norms of international law and possibilities of enforcement

Peter Langford and Triestino Mariniello with Paolo Lobba. - [Ormskirk, UK] : [Edge Hill University], September 2019. - 179 p.

https://research.edgehill.ac.uk/ws/portalfiles/portal/22096758/Report_Administrative_Detention.pdf

The law of belligerent occupation : disputed territory ; the distinction between invasion and occupation

Terry D. Gill. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 441-447

Military action to recover occupied land : lawful self-defense or prohibited use of force? The 2020 Nagorno-Karabakh conflict revisited

Tom Ruys and Felipe Rodriguez Silvestre. In: International law studies, Volume 97, 2021, p. 665-738

<https://digital-commons.usnwc.edu/ils/vol97/iss1/31/>

Prolonged occupation and exploitation of natural resources : a focus on natural gas off the coast of Northern Cyprus

Emilia Pabian. In: Journal of international humanitarian legal studies, Vol. 12, no. 1, 2021, p. 71-110

<https://doi.org/10.1163/18781527-bja10029> *

Resurging violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurging-violence-May-2021.pdf>

State responsibility attribution for human rights violations during occupation : notions of "effective control" in jurisprudence revisited amidst a multiplication of international courts and tribunals

Maria-Daniella Marouda. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 349-362

Transitional post-occupation obligations under the law of belligerent occupation

Dana Wolf. In: Minnesota journal of international law, Vol. 27, issue 1, 2018, p. 5-65
<https://scholarship.law.umn.edu/mjil/354>

X. Conduct of hostilities

(Distinction, proportionality, precautions, prohibited methods)

"A la paix comme à la guerre ?" : le droit international face aux exécutions extrajudiciaires ciblées

Olivier Corten. - Paris : Pedone, 2021. - 173 p.

Avoiding civilian harm from military cyber operations during armed conflicts

report prepared by Ewan Lawson and Kubo Macák. - Geneva : ICRC, May 2021. - 58 p.
<https://library.icrc.org/library/docs/DOC/icrc-4539-002.pdf>

Civilian casualty mitigation and the rationalization of killing

Brian Smith. In: Journal of military ethics, Vol. 20, no. 1, 2021, p. 47-66
<https://doi.org/10.1080/15027570.2021.1949783>

Civilian protection in armed conflict

Cordula Droege and Helen Durham. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 362-379

Collateral damage in the law of war

Costas Hadjiconstantinou. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 443-449

Les contre-mesures à travers le prisme du principe de proportionnalité : étude en droit de la paix et en droit international humanitaire

Sébastien Rosselet. - Genève : Schulthess, 2020. - X, 426 p.

Developing international guidelines for protecting schools and universities from military use during armed conflict

Steven Haines. In: International law studies, Vol. 97, 2021, p. 573-620
<https://digital-commons.usnwc.edu/ils/vol97/iss1/28/>

Encirclement, deprivation, and humanity : revising the San Remo Manual provisions on blockade

Tom Dannenbaum. In: International law studies, Vol. 97, 2021, p. 307-394
<https://digital-commons.usnwc.edu/ils/vol97/iss1/20/>

Explosive remnants of war

Harry H. G. Post. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 603-641

International humanitarian law and the conduct of hostilities in the case-law of the Eritrea-Ethiopia Claims Commission

Gabriella Venturini. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 345-371

Military briefing : persons with disabilities and armed conflict

Alice Priddy. - Geneva : Geneva Academy of International Humanitarian Law and Human Rights, March 2021. - 17 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Military%20Briefing%20Persons%20with%20Disabilities%20and%20Armed%20Conflict.%20.pdf>

Pathways to accountability for starvation crimes in Yemen

Laura Graham. In: Case Western Reserve Journal of International Law, Vol. 53, issue 1, 2021, p. 401-440

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/14>

The principle of proportionality in maritime armed conflict : a comparative analysis of the law of naval warfare and modern international humanitarian law

David T. Lee. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 119-145

<https://www.swlaw.edu/sites/default/files/2021-03/4.%20Lee%20Macro%20%5B119-145%5D.pdf>

Protecting the global information space in times of armed conflict

Robin Geiss and Henning Lahmann. - Geneva : [Geneva Academy of International Humanitarian Law and Human Rights], February 2021. - 19 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20the%20Global%20information%20space%20in%20times%20of%20armed%20conflict.pdf>

Protection of foreign investments against the effects of hostilities : a framework for assessing compliance with full protection and security

Ira Ryk-Lakhman. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 259-282

Radio silence : autonomous military aircraft and the importance of communication for their use in peace time and in times of armed conflict under international law

Eve Massingham. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 184-208

<https://apijhl.org/article/radio-silence-autonomous-military-aircraft-and-the-importance-of-communication-for-their-use-in-peace-time-and-in-times-of-armed-conflict-under-international-law/>

Resurging violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurging-violence-May-2021.pdf>

Why did starvation not become the paradigmatic war crime in international law?

Nicholas Mulder and Boyd van Dijk. - In: Contingency in international law : on the possibility on different legal histories. - Oxford : Oxford University Press, 2021. - p. 371-388

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

XI. Weapons

Are all soldiers created equal ? : on the equal application of the law to enhanced soldiers

Yahli Shereshevsky. In: Virginia journal of international law, Vol. 61, no. 2, Winter 2021, p. 271-324

https://www.vjil.org/s/612-Shereshevsky_Publications-McCraw-Final-Read.pdf

The automation of authority : discrepancies with jus ad bellum principles

Donovan Phillips. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 159-171

<https://doi.org/10.1093/oso/9780197546048.003.0011> *

Autonomous weapon systems and international humanitarian law : identifying limits and the required type and degree of human-machine interaction

Vincent Boulanin, Laura Bruun and Netta Goussac. - Stockholm : SIPRI, June 2021. - 57 p.

<https://www.sipri.org/publications/2021/other-publications/autonomous-weapon-systems-and-international-humanitarian-law-identifying-limits-and-required-type>

Autonomous weapons and reactive attitudes

Jens David Ohlin. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 189-201

<https://doi.org/10.1093/oso/9780197546048.003.0013> *

The better instincts of humanity : humanitarian arguments in defense of international arms control

Natalia Jevglevskaja and Rain Liivoja. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 103-119

<https://doi.org/10.1093/oso/9780197546048.003.0008> *

Challenges in regulating lethal autonomous weapons under international law

Shane R. Reeves, Ronald T. P. Alcalá and Amy McCarthy. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 101-118

<https://www.swlaw.edu/sites/default/files/2021-03/3.%20Reeves%20%5Bp.%20101-118%5D.pdf>

Clearing the smoke : evaluating the United States policy toward white phosphorus munitions in urban contexts

Gunnar Carroll. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 3-22

<https://doi.org/10.4337/mlwr.2021.01.01> *

Command accountability for AI weapon systems in the law of armed conflict

James Kraska. In: International law studies, Vol. 97, 2021, p. 407-447
<https://digital-commons.usnwc.edu/ils/vol97/iss1/22/>

An equivalent to article 8(2)(b)(xx) ICC statute for non-international armed conflicts ? Is it warranted on the basis of international customary law ?

Barry de Vries. In: International criminal law review, Vol. 21, no. 3, 2021, p. 561-587
<https://doi.org/10.1163/15718123-BJA10071> *

Explosive remnants of war

Harry H. G. Post. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 603-641

The humanitarian imperative for minimally-just AI in weapons

Jason Scholz and Jai Galliot. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 57-72
<https://doi.org/10.1093/oso/9780197546048.003.0005> *

ICRC position on autonomous weapon systems

ICRC. - Geneva : ICRC, May 2021. - 11 p.
<https://library.icrc.org/library/docs/DOC/icrc-4550-002.pdf>

India's anti-satellite test : from the perspective of international space law and the law of armed conflict

Shakeel Ahmad. In: International criminal law review, Vol. 21, no. 2, 2021, p. 342-366
<https://doi.org/10.1163/15718123-bja10046> *

International disarmament and arms control : in the middle of a paradigm shift?

Mirko Sossai. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 310-327

Juridification, politicization, and circumvention of law : (de-)legitimising chemical warfare before and after Ypres, 1899-1925

Miloš Vec. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 221-237

Killer robots : lethal autonomous weapons and international law

Sebastiaan Van Severen and Carl Vander Maelen. - In: Artificial intelligence and the law. - Cambridge ; Antwerp ; Chicago : Intersentia, 2021. - p. 151-172

Legal reviews of war algorithms

Tobias Vestner and Altea Rossi. In: International law studies, Vol. 97, 2021, p. 509-555
<https://digital-commons.usnwc.edu/ils/vol97/iss1/26/>

Lethal autonomous weapons : re-examining the law and ethics of robotic warfare

edited by Jai Galliot, Duncan MacIntosh & Jens David Ohlin. - Oxford : Oxford University Press, 2021. - XI, 302 p.
<https://doi.org/10.1093/oso/9780197546048.001.0001> *

Maintaining command and control (C2) of lethal autonomous weapon systems : legal and policy considerations

John Cherry and Durward E. Johnson. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 1-27
<https://www.swlaw.edu/sites/default/files/2021-03/1.%20Cherry%20%5Bp.1-27%5D.pdf>

Position du CICR sur les systèmes d'armes autonomes

CICR. - Genève : CICR, juillet 2021. - 13 p.

<https://library.icrc.org/library/docs/DOC/icrc-4550-001.pdf>

Programming precision? Requiring robust transparency for AWS

Steven J. Barela and Avery Plaw. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 73-88

<https://doi.org/10.1093/oso/9780197546048.003.0006> *

State responsibility for authorizing private arms exports : expanding the substantive obligation under Common Article One to the four Geneva Conventions

Enrique Martinez. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 206-226

<https://www.swlaw.edu/sites/default/files/2021-03/8.%20Martinez%20%5Bp.206-227%5D%20V2.pdf>

The Treaty on the Prohibition of Nuclear Weapons : legal challenges for military doctrines and deterrence policies

Jonathan L. Black-Branch. - Cambridge : Cambridge University Press, 2021. - XX, 415 p.

Understanding AI and autonomy : problematizing the meaningful human control argument against killer robots

Tim McFarland and Jai Galliot. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 41-56

<https://doi.org/10.1093/oso/9780197546048.003.0004> *

"Zone of non-responsibility" : the Arms Trade Treaty and the licensing of violence

Valentina Azarova. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, 2021, p. 62-86

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0005> *

XII. Implementation

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

The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement

Andrea de Guttry, Harry H. G. Post, Gabriella Venturini, editors. - The Hague : Asser Press, 2021. - XXIX, 753 p.

Allies, partners and proxies : an introduction to support relationships in armed conflict

[ICRC's Support Relationship in Armed Conflicts project]. - Geneva : ICRC, June 2021. - 32 p.

<https://library.icrc.org/library/docs/DOC/icrc-4536-002.pdf>

Analysing non-state armed groups' internal communications : recognising principles of international humanitarian law

Shane van Galen. - [S.l.] : [s.n.], 2021. - 98 p.

<http://urn.fi/URN:NBN:fi-fe2021070140821>

The belligerent occupation of territory

Andrea Gioia. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 425-439

Bringing IHL home : guidelines on the national implementation of international humanitarian law

Advisory service on international humanitarian law (ICRC). - Geneva : ICRC, May 2021. - 51 p.

<https://library.icrc.org/library/docs/DOC/icrc-4532-002.pdf>

Civilian casualty mitigation and the rationalization of killing

Brian Smith. In: Journal of military ethics, Vol. 20, no. 1, 2021, p. 47-66

<https://doi.org/10.1080/15027570.2021.1949783> *

Compensation for victims of chemical warfare in Iraq and Iran through domestic criminal and civil proceedings in the Netherlands

Liesbeth Zegveld. - In: Reparation for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 401-414

The criminalization of war crimes in Italy and the shortcomings of the domestic legal framework

Giulio Bartolini. In: International criminal law review, Vol. 21, issue 4, 2021, p. 679-697

<https://doi.org/10.1163/15718123-bja10069> *

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 1-47

<https://apihl.org/article/deciphering-the-landscape-of-international-humanitarian-law-in-the-asia-pacific/>

Developing international guidelines for protecting schools and universities from military use during armed conflict

Steven Haines. In: International law studies, Vol. 97, 2021, p. 573-620

<https://digital-commons.usnwc.edu/ils/vol97/iss1/28/>

Explosive remnants of war

Harry H. G. Post. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 603-641

The “external element” of the obligation to ensure respect for the Geneva Conventions : a matter of treaty interpretation

Marten Zwanenburg. In: International law studies, Vol. 97, 2021, p. 621-651

<https://digital-commons.usnwc.edu/ils/vol97/iss1/29/>

Fact-finding as diplomacy : the "good offices" of the International Humanitarian Fact-Finding Commission

Thilo Marauhn. - In: 70 Jahre Genfer Konventionen : Stand und Perspektiven des humanitären Völkerrechts. - Berlin : Berliner Wissenschafts-Verlag, 2021. - p. 99-114

Fifth meeting of representatives of national IHL committees of Commonwealth countries report : partnership, persistence and a sense of possibility : national IHL committees and the Commonwealth

co-hosted by the UK Foreign, Commonwealth & Development Office, the British Red Cross and the ICRC with the support of the Commonwealth. - [S.l.] : [s.n.], 2021. - 17 p.

https://library.icrc.org/library/docs/DOC/WEB_032.pdf

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia - People's Army, FARC-EP)

Ezequiel Heffes. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 52 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Case%20Study-Revolutionary%20Armed%20Forces%20of%20Colombia%20%E2%80%93%20People%E2%80%99s%20Army.pdf>

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : the National Movement for the Liberation of Azawad (Mouvement national de libération de l'Azawad, MNLA), Mali

Pascal Bongard. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 47 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Case%20Study%20-%20MNLA.pdf>

Go big or go home? : lessons learned from the Colombian victims' reparation system

Nelson Camilo Sánchez León and Clara Sandoval-Villalba. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 547-570

Gunshot wound reporting legislation in the Asia - Pacific region : a need to ensure better consistency with IHL

Kelisiana Thynne and Sahar Haroon. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 99-134

<https://apijhl.org/article/gunshot-wound-reporting-legislation-in-the-asia-pacific-region-a-need-to-ensure-better-consistency-with-ihl/>

ICRC engagement with non-State armed groups : why, how, for what purpose, and other salient issues : ICRC position paper

ICRC. - [Geneva] : ICRC, March 2021. - 12 p.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2021_03_ENG.pdf

International economic relations and armed conflict

Wolff Heintschel von Heinegg. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 449-467

International humanitarian law and the conduct of hostilities in the case-law of the Eritrea-Ethiopia Claims Commission

Gabriella Venturini. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 345-371

Juridification, politicization, and circumvention of law : (de-)legitimising chemical warfare before and after Ypres, 1899-1925

Miloš Vec. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 221-237

The law of belligerent occupation : disputed territory ; the distinction between invasion and occupation

Terry D. Gill. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 441-447

Legal advisers in the field during armed conflict

Yoram Dinstein. In: International law studies, Vol. 97, 2021, p. 917-936
<https://digital-commons.usnwc.edu/ils/vol97/iss1/36/>

Malaysia and the Rome Statute of the International Criminal Court : a call for ratification

Kelisiana Thynne and Fiona Barnaby. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 65-98
<https://apijhl.org/article/malaysia-and-the-rome-statute-of-the-international-criminal-court-a-call-for-ratification/>

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

Raahat ki Aahat : reparation in post-conflict Nepal

Sarah Fulton and Mandira Sharma. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 710-745

Reflection of the Soviet Union/Russia's participation in the 1949 Geneva Conventions in Soviet and Russian legal systems

V. S. Ivanenko. In: Russian year-book of international law, 2019, p. 169-179

Reparation for gross violations of human rights law and international humanitarian law at the International Court of Justice

Conor McCarthy. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 350-377

Reparation for victims of armed conflict : at the interface of international and national law

Anne Peters. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 265-284

Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making

edited by Carla Ferstman and Mariana Goetz. - Leiden : Brill Nijhoff, 2020. - XX, 770 p.

Reparations for victims of war within the Western Balkans EU accession negotiations : Serbia case study

Milica Kostić and Sandra Orlović. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 606-628

Reparations in Dayton's Bosnia and Herzegovina

Carla Ferstman and Sheri P. Rosenberg. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 571-605

Report: the United Kingdom's practice on the protection of the environment in relation to armed conflict

Conflict and Environment Observatory. - Conflict and Environment Observatory, 2019. - 21 p.

<https://ceobs.org/report-the-united-kingdoms-practice-on-the-protection-of-the-environment-in-relation-to-armed-conflicts/>

The right to reparation for victims of armed conflict : the intertwined development of substantive and procedural aspects

Shuichi Furuya. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 16-91

Securing criminal evidence in armed conflicts abroad

Frederik Harhoff. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 58, no. 1, 2020, p. 2-30

<https://doi.org/10.4337/mlwr.2020.01.01> *

Some critical comments on the approach of the Eritrea-Ethiopia Claims Commission towards the treatment of protected persons in international humanitarian law

Marco Sassòli. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 409-424

Some remarks on the protection of property rights in time of armed conflict

Michael Bothe. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 469-473

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Maria-Daniella Marouda. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 349-362

State responsibility for authorizing private arms exports : expanding the substantive obligation under Common Article One to the four Geneva Conventions

Enrique Martinez. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 206-226

<https://www.swlaw.edu/sites/default/files/2021-03/8.%20Martinez%20%5Bp.206-227%5D%20V2.pdf>

State responsibility for violations of international humanitarian law in the work of the Eritrea-Ethiopia Claims Commission : a reappraisal ten years on

Emanuele Sommario. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 477-494

Transitional justice - Without the transition? : considering a path to reparations for the Syrian people

Sareta Ashraph. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 746-770

The treatment of protected persons under the applicable international law in the findings of the Eritrea-Ethiopia Claims Commission

Silvia Sanna. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 373-408

L'utilisation du droit international humanitaire par les organes chargés de la protection des droits de l'homme

Yulia Dyukova ; préface de Carlo Santulli. - Paris : Pedone, 2021. - 704 p.

XIII. International human rights law

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

"A la paix comme à la guerre ?" : le droit international face aux exécutions extrajudiciaires ciblées

Olivier Corten. - Paris : Pedone, 2021. - 173 p.

Clearing the smoke : evaluating the United States policy toward white phosphorus munitions in urban contexts

Gunnar Carroll. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 3-22

<https://doi.org/10.4337/mlwr.2021.01.01> *

Compensation for victims of chemical warfare in Iraq and Iran through domestic criminal and civil proceedings in the Netherlands

Liesbeth Zegveld. - In: Reparation for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 401-414

COVID-19 in occupied Gaza : What are the health-related and other obligations of the responsible authorities ? : legal brief

Diakonia Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 December 2020. - 26 p.

<https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/covid-19-in-occupied-gaza-dec-2020.pdf>

Effets pour l'individu des régimes de protection de droit international

par Christophe Swinarski. In: Recueil des cours : Académie de droit international de la Haye = Collected courses of the Hague academy of international law, Vol. 391 (2017), 2018, p. 187-369

Go big or go home? : lessons learned from the Colombian victims' reparation system

Nelson Camilo Sánchez León and Clara Sandoval-Villalba. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 547-570

Institutionalized inhumanity : from torture to assassination

Natasa Mavronicola. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 396-412

Internal strife and insurgency

Christian Henderson. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 158-175

International human rights law beyond state territorial control

Antal Berkes. - Cambridge : Cambridge University Press, 2021. - XXI, 357 p.

Israel's administrative detention in the Occupied Palestinian Territories : an assessment of the applicable norms of international law and possibilities of enforcement

Peter Langford and Triestino Mariniello with Paolo Lobba. - [Ormskirk, UK] : [Edge Hill University], September 2019. - 179 p.

https://research.edgehill.ac.uk/ws/portalfiles/portal/22096758/Report_Administrative_Detention.pdf

Killing Qasem Soleimani : international lawyers divided and conquered

Luca Ferro. In: Case Western Reserve Journal of International Law, Vol. 54, issue 1, 2021, p. 163-196

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/8>

Raahat ki Aahat : reparation in post-conflict Nepal

Sarah Fulton and Mandira Sharma. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 710-745

Regulating the use of force by United Nations peace support operations : balancing promises and outcomes

Charuka Ekanayake. - Abingdon : Routledge, 2021. - XXIV, 262 p.

Reparation for gross violations of human rights law and international humanitarian law at the International Court of Justice

Conor McCarthy. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 350-377

Reparation for victims of armed conflict : at the interface of international and national law

Anne Peters. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 265-284

Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making

edited by Carla Ferstman and Mariana Goetz. - Leiden : Brill Nijhoff, 2020. - XX, 770 p.

Reparations for victims of war within the Western Balkans EU accession negotiations : Serbia case study

Milica Kostić and Sandra Orlović. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 606-628

Reparations in Dayton's Bosnia and Herzegovina

Carla Ferstman and Sheri P. Rosenberg. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 571-605

Repenser les principes d'interprétation régissant l'interaction du droit international humanitaire et le droit international des droits de la personne

Víctor Luis Gutiérrez Castillo. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 333-348

Respecting and protecting health care in armed conflicts and in situations not covered by international humanitarian law

Advisory service on IHL. - Geneva : ICRC, April 2021. - 9 p.

https://library.icrc.org/library/docs/DOC/WEB_033.pdf

Resurging violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurging-violence-May-2021.pdf>

State responsibility attribution for human rights violations during occupation : notions of "effective control" in jurisprudence revisited amidst a multiplication of international courts and tribunals

Maria-Daniella Marouda. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 349-362

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Sareta Ashraph. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 746-770

L'utilisation du droit international humanitaire par les organes chargés de la protection des droits de l'homme

Yulia Dyukova ; préface de Carlo Santulli. - Paris : Pedone, 2021. - 704 p.

XIV. International criminal law

Les atteintes à l'environnement

Marina Eudes et Juliette Tricot. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 53-69

A commander's motivations and geographical remoteness under command responsibility : an analysis of controversial issues of the Bemba appeal judgment

Matteo Colorio. In: International criminal law review, Vol. 21, no. 3, 2021, p. 445-475
<https://doi.org/10.1163/15718123-BJA10072> *

Compensation for victims of chemical warfare in Iraq and Iran through domestic criminal and civil proceedings in the Netherlands

Liesbeth Zegveld. - In: Reparation for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 401-414

Crime and omission : command responsibility from Manila to Rome

Raphael Lorenzo Aguilang Pangalangan. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 48-64
<https://apihl.org/article/crime-and-omission-command-responsibility-from-manila-to-rome/>

Criminal prosecution

Fausto Pocar. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 757-772

The criminalization of war crimes in Italy and the shortcomings of the domestic legal framework

Giulio Bartolini. In: International criminal law review, Vol. 21, issue 4, 2021, p. 679-697
<https://doi.org/10.1163/15718123-bja10069> *

An equivalent to article 8(2)(b)(xx) ICC statute for non-international armed conflicts ? Is it warranted on the basis of international customary law ?

Barry de Vries. In: International criminal law review, Vol. 21, no. 3, 2021, p. 561-587
<https://doi.org/10.1163/15718123-BJA10071> *

Heritage destruction in Syria and Northern Iraq : which is the applicable law ?

Francesca Sironi De Gregorio. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 3-44

Internationalisation of armed conflicts due to third State involvement 70 years after the adoption of the Geneva Conventions

Rogier Bartels. - In: 70 Jahre Genfer Konventionen : Stand und Perspektiven des humanitären Völkerrechts. - Berlin : Berliner Wissenschafts-Verlag, 2021. - p. 117-141

Justice for Syrians under the International Criminal Court : applying the Myanmar model of territorial jurisdiction for cross-border crimes

Natasha Chhabra. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 164-183
<https://apihl.org/article/justice-for-syrians-under-the-international-criminal-court-applying-the-myanmar-model-of-territorial-jurisdiction-for-cross-border-crimes/>

Malaysia and the Rome Statute of the International Criminal Court : a call for ratification

Kelisiana Thynne and Fiona Barnaby. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 65-98

<https://apijhl.org/article/malaysia-and-the-rome-statute-of-the-international-criminal-court-a-call-for-ratification/>

Les nouvelles formes de responsabilité individuelle

Muriel Ubéda-Saillard et Blandine Thellier de Poncheville. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 73-91

Pathways to accountability for starvation crimes in Yemen

Laura Graham. In: Case Western Reserve Journal of International Law, Vol. 53, issue 1, 2021, p. 401-440

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/14>

Prosecuting rape as war crime in the Democratic Republic of the Congo : lessons and challenges learned from military tribunals

Ezéchiél Amani Cirimwami and Pacifique Muhindo Magadju. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 44-70

<https://doi.org/10.4337/mlwr.2021.01.03> *

The protection of cultural property in times of armed conflict : the practice of the International Criminal Tribunal for the former Yugoslavia

Hirad Abtahi. - In: Cultural heritage rights. - Abingdon : Routledge, 2021. - p. 375-406

Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making

edited by Carla Ferstman and Mariana Goetz. - Leiden : Brill Nijhoff, 2020. - XX, 770 p.

The road to Ongwen : consolidating contradictory child soldiering narratives in international criminal law

Jonathan Kwik. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 135-163

<https://apijhl.org/article/the-road-to-ongwen-consolidating-contradictory-child-soldiering-narratives-in-international-criminal-law/>

Le rôle de la soft law dans l'appréhension des nouvelles formes de criminalité au cours des conflits armés

Elsa Marie. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 7-28

State responsibility attribution for human rights violations during occupation : notions of "effective control" in jurisprudence revisited amidst a multiplication of international courts and tribunals

Maria-Daniella Marouda. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 349-362

The war crimes of denying judicial guarantees and the uncertainties surrounding their material elements

Diletta Marchesi. In: Israel law review : a journal of human rights, public and international law, Vol. 54, no. 2, July 2021, p. 174-204

<https://doi.org/10.1017/S0021223721000030> *

War economies and international law : regulating the economic activities of violent conflict

Mark B. Taylor. - Cambridge : Cambridge University Press, 2021. - XVIII, 310 p.

<https://doi.org/10.1017/9781108652124> *

Why did starvation not become the paradigmatic war crime in international law?

Nicholas Mulder and Boyd van Dijk. - In: Contingency in international law : on the possibility on different legal histories. - Oxford : Oxford University Press, 2021. - p. 371-388

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

XV. Contemporary challenges

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

Autonomous weapon systems and the law of armed conflict : compatibility with international humanitarian law

Tim McFarland. - Cambridge : Cambridge University Press, 2020. - VIII, 186 p.

<https://doi.org/10.1017/9781108584654>

"A la paix comme à la guerre ?" : le droit international face aux exécutions extrajudiciaires ciblées

Olivier Corten. - Paris : Pedone, 2021. - 173 p.

Are all soldiers created equal ? : on the equal application of the law to enhanced soldiers

Yahli Shereshevsky. In: Virginia journal of international law, Vol. 61, no. 2, Winter 2021, p. 271-324

https://www.vjil.org/s/612-Shereshevsky_Publications-McCraw-Final-Read.pdf

Armed conflicts, international law, and global security

Jakob Kellenberger. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 254-272

The automation of authority : discrepancies with jus ad bellum principles

Donovan Phillips. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 159-171

<https://doi.org/10.1093/oso/9780197546048.003.0011> *

Autonomous weapon systems and international humanitarian law : identifying limits and the required type and degree of human-machine interaction

Vincent Boulanin, Laura Bruun and Netta Goussac. - Stockholm : SIPRI, June 2021. - 57 p.

<https://www.sipri.org/publications/2021/other-publications/autonomous-weapon-systems-and-international-humanitarian-law-identifying-limits-and-required-type>

Autonomous weapons and reactive attitudes

Jens David Ohlin. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 189-201

<https://doi.org/10.1093/oso/9780197546048.003.0013> *

Avoiding civilian harm from military cyber operations during armed conflicts

report prepared by Ewan Lawson and Kubo Macák. - Geneva : ICRC, May 2021. - 58 p.

<https://library.icrc.org/library/docs/DOC/icrc-4539-002.pdf>

The better instincts of humanity : humanitarian arguments in defense of international arms control

Natalia Jevglevskaja and Rain Liivoja. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 103-119

<https://doi.org/10.1093/oso/9780197546048.003.0008> *

Challenges in regulating lethal autonomous weapons under international law

Shane R. Reeves, Ronald T. P. Alcalá and Amy McCarthy. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 101-118

<https://www.swlaw.edu/sites/default/files/2021-03/3.%20Reeves%20%5Bp.%20101-118%5D.pdf>

Civilian protection in armed conflict

Cordula Droege and Helen Durham. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 362-379

Differentiating the corporation : accountability and international humanitarian law

David Hughes. In: Michigan journal of international law, Vol. 42, no. 1, 2020, p. 47-104

<https://doi.org/10.36642/mjil.42.1.differentiating> *

Le droit international humanitaire et les cyberopérations pendant les conflits armés : position du CICR : document soumis au Groupe de travail à composition non limitée chargé d'examiner les progrès de l'informatique et des télécommunications dans le contexte de la sécurité internationale ainsi qu'au Groupe d'experts gouvernementaux sur la promotion du comportement responsable des États dans le cyberspace dans le contexte de la sécurité internationale

CICR. - [Genève] : CICR, Novembre 2019. - 11 p.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2019_11_FRE.pdf

The humanitarian imperative for minimally-just AI in weapons

Jason Scholz and Jai Galliot. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 57-72

<https://doi.org/10.1093/oso/9780197546048.003.0005> *

ICRC position on autonomous weapon systems

ICRC. - Geneva : ICRC, May 2021. - 11 p.

<https://library.icrc.org/library/docs/DOC/icrc-4550-002.pdf>

India's anti-satellite test : from the perspective of international space law and the law of armed conflict

Shakeel Ahmad. In: International criminal law review, Vol. 21, no. 2, 2021, p. 342-366

<https://doi.org/10.1163/15718123-bja10046> *

International humanitarian law and cyber operations during armed conflicts : ICRC position : paper submitted to the 'Open-Ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security' and the 'Group of Governmental Experts on Advancing Responsible State Behaviour in Cyberspace in the Context of International Security'

ICRC. - [Geneva] : ICRC, November 2019. - 9 p.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2019_11_ENG.pdf

International humanitarian law and the protection of the civilian population in cyberspace : towards a human dignity-oriented interpretation of the notion of cyber attack under Article 49 of Additional Protocol I

Giacomo Biggio. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 114-140

<https://doi.org/10.4337/mlwr.2021.01.06> *

Israel's perspective on key legal and practical issues concerning the application of international law to cyber operations

Roy Schöndorf. In: International law studies, Vol. 97, 2021, p. 395-406

<https://digital-commons.usnwc.edu/ils/vol97/iss1/21/>

Killer robots : lethal autonomous weapons and international law

Sebastiaan Van Severen and Carl Vander Maelen. - In: Artificial intelligence and the law. - Cambridge ; Antwerp ; Chicago : Intersentia, 2021. - p. 151-172

Legal reviews of war algorithms

Tobias Vestner and Altea Rossi. In: International law studies, Vol. 97, 2021, p. 509-555

<https://digital-commons.usnwc.edu/ils/vol97/iss1/26/>

Lethal autonomous weapons : re-examining the law and ethics of robotic warfare

edited by Jai Galliot, Duncan MacIntosh & Jens David Ohlin. - Oxford : Oxford University Press, 2021. - XI, 302 p.

<https://doi.org/10.1093/oso/9780197546048.001.0001> *

Les nouvelles formes de responsabilité individuelle

Muriel Ubéda-Saillard et Blandine Thellier de Poncheville. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 73-91

Position du CICR sur les systèmes d'armes autonomes

CICR. - Genève : CICR, juillet 2021. - 13 p.

<https://library.icrc.org/library/docs/DOC/icrc-4550-001.pdf>

Programming precision? Requiring robust transparency for AWS

Steven J. Barela and Avery Plaw. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 73-88

<https://doi.org/10.1093/oso/9780197546048.003.0006> *

Protecting societies: anchoring a new protection dimension in international law in times of increased cyber threats

Robin Geiss and Henning Lahmann. - [Geneva] : Geneva Academy of International Humanitarian Law and Human Rights, February 2021. - 17 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20Societies%20-%20Anchoring.pdf>

Protecting the global information space in times of armed conflict

Robin Geiss and Henning Lahmann. - Geneva : [Geneva Academy of International Humanitarian Law and Human Rights], February 2021. - 19 p.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20the%20Global%20information%20space%20in%20times%20of%20armed%20conflict.pdf>

Protection of data in armed conflict

Robin Geiss and Henning Lahmann. In: International law studies, Vol. 97, 2021, p. 556-572

<https://digital-commons.usnwc.edu/ils/vol97/iss1/27/>

Radio silence : autonomous military aircraft and the importance of communication for their use in peace time and in times of armed conflict under international law

Eve Massingham. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 184-208

<https://apjihl.org/article/radio-silence-autonomous-military-aircraft-and-the-importance-of-communication-for-their-use-in-peace-time-and-in-times-of-armed-conflict-under-international-law/>

Responding to hostile cyber operations : the “in-kind” option

Michael N. Schmitt and Durward E. Johnson. In: International law studies, Vol. 97, 2021, p. 96-121

<https://digital-commons.usnwc.edu/ils/vol97/iss1/15/>

Le role de la soft law dans l'appréhension des nouvelles formes de criminalité au cours des conflits armés

Elsa Marie. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 7-28

Syria and the neutrality trap : the dilemmas of delivering humanitarian aid through violent regimes

Carsten Wieland. - London : I.B. Tauris, 2021

Understanding AI and autonomy : problematizing the meaningful human control argument against killer robots

Tim McFarland and Jai Galliot. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 41-56

<https://doi.org/10.1093/oso/9780197546048.003.0004> *

War

Andrew Clapham. - Oxford : Oxford University Press, 2021. - xlix, 571 p.

<https://opil.ouplaw.com/view/10.1093/law/9780198810469.001.0001/law-9780198810469> *

The war on terror and the law of war : shaping international order in the context of irregular violence

Michael Stohl. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 311-325

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The obligation to prevent and avoid destruction of cultural heritage : from Bamiyan to Iraq

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AFRICAN UNION

Manuel de Leuven sur le droit international applicable aux opérations de paix

Terry D. Gill, Dieter Fleck, William H. Boothby et Alfons Vanheusden. - Bruxelles : Bruylant, 2021. - 411 p.

ALGERIA

Contingencies of context : legacies of the Algerian revolution in the 1977 Additional Protocols to the Geneva Conventions

Emma Stone Mackinnon. - In: Contingency in international law: on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 319-337

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

ARGENTINA

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Nelson Camilo Sánchez León and Clara Sandoval-Villalba. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 547-570

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Military action to recover occupied land : lawful self-defense or prohibited use of force? The 2020 Nagorno-Karabakh conflict revisited

Tom Ruys and Felipe Rodriguez Silvestre. In: International law studies, Volume 97, 2021, p. 665-738

<https://digital-commons.usnwc.edu/ils/vol97/iss1/31/>

ASIA

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 1-47

<https://apijhl.org/article/deciphering-the-landscape-of-international-humanitarian-law-in-the-asia-pacific/>

The practice of Asian states implementing the principle for protection of monuments and works of art before World War I

Alice Lopes Fabris. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 267-281

AZERBAIJAN

Military action to recover occupied land : lawful self-defense or prohibited use of force? The 2020 Nagorno-Karabakh conflict revisited

Tom Ruys and Felipe Rodriguez Silvestre. In: International law studies, Volume 97, 2021, p. 665-738

<https://digital-commons.usnwc.edu/ils/vol97/iss1/31/>

BOSNIA AND HERZEGOVINA

Reparations in Dayton's Bosnia and Herzegovina

Carla Ferstman and Sheri P. Rosenberg. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 571-605

CHILE

Go big or go home? : lessons learned from the Colombian victims' reparation system

Nelson Camilo Sánchez León and Clara Sandoval-Villalba. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 547-570

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

CHINA

Chinese perspectives on the ad bellum/in bello relationship and a cultural critique of the ad bellum/in bello separation in international humanitarian law

Zhuo Liang. In: Leiden journal of international law, Vol. 34, no. 2, 2021, p. 291-320

<https://doi.org/10.1017/S0922156521000054> *

Grey zone conflict in the South China Sea and challenges facing the legal framework for the use of force at sea

Trang T. Ngo. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 209-237

<https://apjihl.org/article/grey-zone-conflict-in-the-south-china-sea-and-challenges-facing-the-legal-framework-for-the-use-of-force-at-sea/>

Killer robots : lethal autonomous weapons and international law

Sebastiaan Van Severen and Carl Vander Maelen. - In: Artificial intelligence and the law. - Cambridge ; Antwerp ; Chicago : Intersentia, 2021. - p. 151-172

Narrative contingency and international humanitarian law : crimes against humanity in Cixin Liu's post-humanist universe

Amanda Alexander. - In: Contingency in international law : on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 351-369

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

The practice of Asian states implementing the principle for protection of monuments and works of art before World War I

Alice Lopes Fabris. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 267-281

COLOMBIA

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia - People's Army, FARC-EP)

Ezequiel Heffes. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 52 p.

<https://www.geneva-academy.ch/joomla-tools-files/docman-files/Case%20Study-Revolutionary%20Armed%20Forces%20of%20Colombia%20%E2%80%93%20People%E2%80%99s%20Army.pdf>

Go big or go home? : lessons learned from the Colombian victims' reparation system

Nelson Camilo Sánchez León and Clara Sandoval-Villalba. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 547-570

International legal bases and practice of protection of rights of indigenous and tribal peoples at the time of armed conflict

U. J. Mammadov. In: Russian year-book of international law, 2019, p. 255-271

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

CYPRUS

Gendering the law of occupation : the case of Cyprus

Fionnuala Ní Aoláin. In: Minnesota journal of international law, Vol. 27, issue 1, 2018, p. 107-141

<https://scholarship.law.umn.edu/mjil/269>

Prolonged occupation and exploitation of natural resources : a focus on natural gas off the coast of Northern Cyprus

Emilia Pabian. In: Journal of international humanitarian legal studies, Vol. 12, no. 1, 2021, p. 71-110

<https://doi.org/10.1163/18781527-bja10029> *

DEMOCRATIC REPUBLIC OF THE CONGO

A commander's motivations and geographical remoteness under command responsibility : an analysis of controversial issues of the Bemba appeal judgment

Matteo Colorio. In: International criminal law review, Vol. 21, no. 3, 2021, p. 445-475

<https://doi.org/10.1163/15718123-BJA10072> *

Prosecuting rape as war crime in the Democratic Republic of the Congo : lessons and challenges learned from military tribunals

Ezéchiél Amani Cirimwami and Pacifique Muhindo Magadju. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 44-70

<https://doi.org/10.4337/mlwr.2021.01.03> *

ERITREA

The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement

Andrea de Guttry, Harry H. G. Post, Gabriella Venturini, editors. - The Hague : Asser Press, 2021. - XXIX, 753 p.

The belligerent occupation of territory

Andrea Gioia. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 425-439

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Harry H. G. Post. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 603-641

International economic relations and armed conflict

Wolff Heintschel von Heinegg. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 449-467

International humanitarian law and the conduct of hostilities in the case-law of the Eritrea-Ethiopia Claims Commission

Gabriella Venturini. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 345-371

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Terry D. Gill. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 441-447

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

Some critical comments on the approach of the Eritrea-Ethiopia Claims Commission towards the treatment of protected persons in international humanitarian law

Marco Sassòli. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 409-424

Some remarks on the protection of property rights in time of armed conflict

Michael Bothe. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 469-473

State responsibility for violations of international humanitarian law in the work of the Eritrea-Ethiopia Claims Commission : a reappraisal ten years on

Emanuele Sommario. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 477-494

The treatment of protected persons under the applicable international law in the findings of the Eritrea-Ethiopia Claims Commission

Silvia Sanna. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 373-408

ETHIOPIA**The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement**

Andrea de Guttry, Harry H. G. Post, Gabriella Venturini, editors. - The Hague : Asser Press, 2021. - XXIX, 753 p.

The belligerent occupation of territory

Andrea Gioia. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 425-439

Explosive remnants of war

Harry H. G. Post. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 603-641

International economic relations and armed conflict

Wolff Heintschel von Heinegg. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 449-467

International humanitarian law and the conduct of hostilities in the case-law of the Eritrea-Ethiopia Claims Commission

Gabriella Venturini. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 345-371

The law of belligerent occupation : disputed territory ; the distinction between invasion and occupation

Terry D. Gill. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 441-447

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

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Marco Sassòli. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 409-424

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State responsibility for violations of international humanitarian law in the work of the Eritrea-Ethiopia Claims Commission : a reappraisal ten years on

Emanuele Sommario. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 477-494

The treatment of protected persons under the applicable international law in the findings of the Eritrea-Ethiopia Claims Commission

Silvia Sanna. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 373-408

EUROPEAN UNION

Reparations for victims of war within the Western Balkans EU accession negotiations : Serbia case study

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GAZA

COVID-19 in occupied Gaza : What are the health-related and other obligations of the responsible authorities ? : legal brief

Diakonia Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 December 2020. - 26 p.

<https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/covid-19-in-occupied-gaza-dec-2020.pdf>

The international law of prolonged sieges and blockades : Gaza as a case study

Eyal Benvenisti. In: International law studies, Vol. 97, 2021, p. 969-994

<https://digital-commons.usnwc.edu/ils/vol97/iss1/40/>

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U. J. Mammadov. In: Russian year-book of international law, 2019, p. 255-271

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<https://doi.org/10.1163/15718123-bja10046> *

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Liesbeth Zegveld. - In: Reparation for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 401-414

Killing Qasem Soleimani : international lawyers divided and conquered

Luca Ferro. In: Case Western Reserve Journal of International Law, Vol. 54, issue 1, 2021, p. 163-196
<https://scholarlycommons.law.case.edu/jil/vol53/iss1/8>

IRAQ**Compensation for victims of chemical warfare in Iraq and Iran through domestic criminal and civil proceedings in the Netherlands**

Liesbeth Zegveld. - In: Reparation for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 401-414

Heritage destruction in Syria and Northern Iraq : which is the applicable law ?

Francesca Sironi De Gregorio. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 3-44

The obligation to prevent and avoid destruction of cultural heritage : from Bamiyan to Iraq

Francesco Francioni and Federico Lenzerini. - In: Cultural heritage rights. - Abingdon : Routledge, 2021. - p. 407-419

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Diakonia Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 December 2020. - 26 p.
<https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/covid-19-in-occupied-gaza-dec-2020.pdf>

Easy guide to international humanitarian law : reference for professionals working in the Occupied Palestinian Territory

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 June 2021. - 38 p.
<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/06/Easy-Guide-to-IHL.pdf>

The international law of prolonged sieges and blockades : Gaza as a case study

Eyal Benvenisti. In: International law studies, Vol. 97, 2021, p. 969-994
<https://digital-commons.usnwc.edu/ils/vol97/iss1/40/>

Investor obligations in occupied territories : a report on the Norwegian government pension fund - global

Essex Business and Human Rights Project ; authored by Dr Chiara Macchi, Dr Tara Van Ho, and Mr Luis Felipe Yanes ; commissioned by Fagforbundet, and Norwegian People's Aid. - Essex : Human Rights Center, 2019. - 39 p.
<http://repository.essex.ac.uk/26657/>

Israel's perspective on key legal and practical issues concerning the application of international law to cyber operations

Roy Schöndorf. In: International law studies, Vol. 97, 2021, p. 395-406
<https://digital-commons.usnwc.edu/ils/vol97/iss1/21/>

Israel's administrative detention in the Occupied Palestinian Territories : an assessment of the applicable norms of international law and possibilities of enforcement

Peter Langford and Triestino Mariniello with Paolo Lobba. - [Ormskirk, UK] : [Edge Hill University], September 2019. - 179 p.
https://research.edgehill.ac.uk/ws/portalfiles/portal/22096758/Report_Administrative_Detention.pdf

Resurging violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.
<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurging-violence-May-2021.pdf>

ITALY**The criminalization of war crimes in Italy and the shortcomings of the domestic legal framework**

Giulio Bartolini. In: International criminal law review, Vol. 21, issue 4, 2021, p. 679-697
<https://doi.org/10.1163/15718123-bja10069> *

JAPAN**The practice of Asian states implementing the principle for protection of monuments and works of art before World War I**

Alice Lopes Fabris. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 267-281

KOSOVO**International investment law and the law of armed conflict**

Katia Fach Gómez, Anastosios Gourgourinis, Catharine Titi. In: European yearbook of international economic law, Special issue, 2019, XII, 536 p.

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Applying humanitarian law: a review of the legal status of the Turkey-Kurdistan Workers' Party (PKK) conflict

Deniz Arbet Nejbir. In: Journal of international humanitarian legal studies, Vol, 12, no. 1, 2021, p. 37-70

<https://doi.org/10.1163/18781527-bja10026> *

MALAYSIA

Malaysia and the Rome Statute of the International Criminal Court : a call for ratification

Kelisiana Thynne and Fiona Barnaby. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 65-98

<https://apjihl.org/article/malaysia-and-the-rome-statute-of-the-international-criminal-court-a-call-for-ratification/>

MYANMAR

Justice for Syrians under the International Criminal Court : applying the Myanmar model of territorial jurisdiction for cross-border crimes

Natasha Chabbra. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 164-183

<https://apjihl.org/article/justice-for-syrians-under-the-international-criminal-court-applying-the-myanmar-model-of-territorial-jurisdiction-for-cross-border-crimes/>

NEPAL

Raahat ki Aahat : reparation in post-conflict Nepal

Sarah Fulton and Mandira Sharma. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 710-745

NORWAY

Investor obligations in occupied territories : a report on the Norwegian government pension fund - global

Essex Business and Human Rights Project ; authored by Dr Chiara Macchi, Dr Tara Van Ho, and Mr Luis Felipe Yanes ; commissioned by Fagforbundet, and Norwegian People's Aid. - Essex : Human Rights Center, 2019. - 39 p.

<http://repository.essex.ac.uk/26657/>

PACIFIC

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 1-47

<https://apjihl.org/article/deciphering-the-landscape-of-international-humanitarian-law-in-the-asia-pacific/>

PALESTINE

COVID-19 in occupied Gaza : What are the health-related and other obligations of the responsible authorities ? : legal brief

Diakonia Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 December 2020. - 26 p.

<https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/covid-19-in-occupied-gaza-dec-2020.pdf>

Easy guide to international humanitarian law : reference for professionals working in the Occupied Palestinian Territory

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 June 2021. - 38 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/06/Easy-Guide-to-IHL.pdf>

The international law of prolonged sieges and blockades : Gaza as a case study

Eyal Benvenisti. In: International law studies, Vol. 97, 2021, p. 969-994

<https://digital-commons.usnwc.edu/ils/vol97/iss1/40/>

Investor obligations in occupied territories : a report on the Norwegian government pension fund - global

Essex Business and Human Rights Project ; authored by Dr Chiara Macchi, Dr Tara Van Ho, and Mr Luis Felipe Yanes ; commissioned by Fagforbundet, and Norwegian People's Aid. - Essex : Human Rights Center, 2019. - 39 p.

<http://repository.essex.ac.uk/26657/>

Israel's administrative detention in the Occupied Palestinian Territories : an assessment of the applicable norms of international law and possibilities of enforcement

Peter Langford and Triestino Mariniello with Paolo Lobba. - [Ormskirk, UK] : [Edge Hill University], September 2019. - 179 p.

https://research.edgehill.ac.uk/ws/portalfiles/portal/22096758/Report_Administrative_Detention.pdf

Resurging violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurging-violence-May-2021.pdf>

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Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

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Crime and omission : command responsibility from Manila to Rome

Raphael Lorenzo Aguilang Pangalangan. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 48-64

<https://apjihl.org/article/crime-and-omission-command-responsibility-from-manila-to-rome/>

RUSSIAN FEDERATION

Investments under occupation : the application of investment treaties to occupied territory

Tobias Ackermann. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 67-92

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/53778.pdf> *

The practice of Asian states implementing the principle for protection of monuments and works of art before World War I

Alice Lopes Fabris. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 267-281

Reflection of the Soviet Union/Russia's participation in the 1949 Geneva Conventions in Soviet and Russian legal systems

V. S. Ivanenko. In: Russian year-book of international law, 2019, p. 169-179

SERBIA

Reparations for victims of war within the Western Balkans EU accession negotiations : Serbia case study

Milica Kostić and Sandra Orlović. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 606-628

SIERRA LEONE

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

SURINAME

International legal bases and practice of protection of rights of indigenous and tribal peoples at the time of armed conflict

U. J. Mammadov. In: Russian year-book of international law, 2019, p. 255-271

SYRIA

Heritage destruction in Syria and Northern Iraq : which is the applicable law ?

Francesca Sironi De Gregorio. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 3-44

International disarmament and arms control : in the middle of a paradigm shift?

Mirko Sossai. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 310-327

International law and the protection of cultural property in non-international armed conflict : applicability to non-state armed groups in the Syrian conflict

Allison McClelland. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 61-91

Justice for Syrians under the International Criminal Court : applying the Myanmar model of territorial jurisdiction for cross-border crimes

Natasha Chhabra. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 164-183

<https://apijhl.org/article/justice-for-syrians-under-the-international-criminal-court-applying-the-myanmar-model-of-territorial-jurisdiction-for-cross-border-crimes/>

Syria and the neutrality trap : the dilemmas of delivering humanitarian aid through violent regimes

Carsten Wieland. - London : I.B. Tauris, 2021

Transitional justice - Without the transition? : considering a path to reparations for the Syrian people

Sareta Ashraph. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 746-770

TURKEY**Applying humanitarian law: a review of the legal status of the Turkey-Kurdistan Workers' Party (PKK) conflict**

Deniz Arbet Nejbir. In: Journal of international humanitarian legal studies, Vol, 12, no. 1, 2021, p. 37-70

<https://doi.org/10.1163/18781527-bja10026> *

Prolonged occupation and exploitation of natural resources : a focus on natural gas off the coast of Northern Cyprus

Emilia Pabian. In: Journal of international humanitarian legal studies, Vol. 12, no. 1, 2021, p. 71-110

<https://doi.org/10.1163/18781527-bja10029> *

UNITED KINGDOM**Fifth meeting of representatives of national IHL committees of Commonwealth countries report : partnership, persistence and a sense of possibility : national IHL committees and the Commonwealth**

co-hosted by the UK Foreign, Commonwealth & Development Office, the British Red Cross and the ICRC with the support of the Commonwealth. - [S.l.] : [s.n.], 2021. - 17 p.

https://library.icrc.org/library/docs/DOC/WEB_032.pdf

Report: the United Kingdom's practice on the protection of the environment in relation to armed conflict

Conflict and Environment Observatory. - Conflict and Environment Observatory, 2019. - 21 p.

<https://ceobs.org/report-the-united-kingdoms-practice-on-the-protection-of-the-environment-in-relation-to-armed-conflicts/>

UNITED STATES**Civilian casualty mitigation and the rationalization of killing**

Brian Smith. In: Journal of military ethics, Vol. 20, no. 1, 2021, p. 47-66

<https://doi.org/10.1080/15027570.2021.1949783> *

Clearing the smoke : evaluating the United States policy toward white phosphorus munitions in urban contexts

Gunnar Carroll. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 3-22

<https://doi.org/10.4337/mlwr.2021.01.01> *

Command accountability for AI weapon systems in the law of armed conflict

James Kraska. In: International law studies, Vol. 97, 2021, p. 407-447

<https://digital-commons.usnwc.edu/ils/vol97/iss1/22/>

Killer robots : lethal autonomous weapons and international law

Sebastiaan Van Severen and Carl Vander Maelen. - In: Artificial intelligence and the law. - Cambridge ; Antwerp ; Chicago : Intersentia, 2021. - p. 151-172

Killing Qasem Soleimani : international lawyers divided and conquered

Luca Ferro. In: Case Western Reserve Journal of International Law, Vol. 54, issue 1, 2021, p. 163-196

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/8>

Maintaining command and control (C2) of lethal autonomous weapon systems : legal and policy considerations

John Cherry and Durward E. Johnson. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 1-27

<https://www.swlaw.edu/sites/default/files/2021-03/1.%20Cherry%20%5Bp.1-27%5D.pdf>

Programming precision? Requiring robust transparency for AWS

Steven J. Barela and Avery Plaw. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 73-88

<https://doi.org/10.1093/oso/9780197546048.003.0006> *

The war on terror and the law of war : shaping international order in the context of irregular violence

Michael Stohl. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 311-325

VIET NAM**Grey zone conflict in the South China Sea and challenges facing the legal framework for the use of force at sea**

Trang T. Ngo. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 209-237

<https://apijhl.org/article/grey-zone-conflict-in-the-south-china-sea-and-challenges-facing-the-legal-framework-for-the-use-of-force-at-sea/>

YEMEN**Destruction and looting of cultural property in Yemen's civil war : legal implications and methods of prevention**

Julia Emtseva. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 92-110

Pathways to accountability for starvation crimes in Yemen

Laura Graham. In: Case Western Reserve Journal of International Law, Vol. 53, issue 1, 2021, p. 401-440

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/14>

"Zone of non-responsibility" : the Arms Trade Treaty and the licensing of violence

Valentina Azarova. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, 2021, p. 62-86

<https://elibrary.bvw-verlag.de/article/10.35998/huv-2021-0005> *

All with Abstracts

The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement

Andrea de Guttry, Harry H. G. Post, Gabriella Venturini, editors. - The Hague : Asser Press, 2021. - XXIX, 753 p.

This book centres on the war that raged between Eritrea and Ethiopia from 1998 to 2000, a war that caused great loss of life and tremendous devastation. It analyses the war in great detail from an international legal perspective: the nature and the state of the boundary conflict preceding the actual armed conflict, the military actions themselves, the role of the UN peace-keeping mission, the responsibility for the multitude of explosive remnants of the war left behind. Ample attention is paid to the decisions of the Eritrea-Ethiopia Claims Commission and the Eritrea-Ethiopia Boundary Commission. This study is not limited to the war and the period immediately following it, it also examines its more extended aftermath prolonging the analysis as far as the more recent improvement in the relations between Eritrea and Ethiopia, away from a situation of 'no war, no peace' that prevailed after the armed conflict ended. The analysis of the war and its aftermath is not only in terms of international legal issues, it has been placed in a wider than strictly legal perspective. The book is a valuable work for academics and practitioners in international law, human rights and humanitarian law in particular, for political scientists, diplomats, civil servants, historians, and all those others seriously interested in the Horn of Africa.

"A la paix comme à la guerre ?" : le droit international face aux exécutions extrajudiciaires ciblées

Olivier Corten. - Paris : Pedone, 2021. - 173 p.

Cet ouvrage propose une réponse aux arguments juridiques avancés, essentiellement par les administrations étasuniennes depuis 2001, pour justifier des exécutions extrajudiciaires (targeted killings) perpétrées à l'étranger. Exposés dans un premier chapitre, ces arguments tendent à brouiller les catégories et raisonnements juridiques traditionnels, au nom d'une « guerre contre le terrorisme » qui justifierait des exécutions sans jugement, souvent dans le plus grand secret. Des considérations de sécurité auraient ainsi généré une sorte d'état d'urgence permanent, qui permettrait de se comporter « à la paix comme à la guerre ». Dans ce contexte, le débat juridique se déploie sur deux fronts : celui des droits des Etats sur les territoires desquels ces exécutions ont lieu (droits abordés dans les chapitres 2 et 3, consacrés respectivement à la souveraineté de l'Etat et à l'interdiction du recours à la force), et celui des droits des personnes visées par ces exécutions et ceux de leurs proches (chapitres 4 et 5, traitant respectivement du droit des conflits armés et des droits humains).

Allies, partners and proxies : an introduction to support relationships in armed conflict

[ICRC's Support Relationship in Armed Conflicts project]. - Geneva : ICRC, June 2021. - 32 p.

The ICRC defines a support relationship in armed conflict as one in which an actor provides support to a party to armed conflict that increases the latter's capacity to conduct armed conflict. The ICRC believes that support relationships have the potential, exercised or not, to positively influence the protection afforded to those not fighting. The ICRC encourages actors in support relationships to take a broad view of their influence over how conflicts are fought and how their aftermath is managed. Through continued engagement and sharing of experiences with actors in support relationships, the ICRC aims to facilitate an understanding of good practices to reduce the human cost of war. To that end, this document asks decision makers to consider pragmatic ways to mitigate the risk of negative humanitarian consequences and enhance the protection of those not fighting, including through better respect for international humanitarian law. This document provides an overview of such protective framework, based on the full publication that tackles the issue in a comprehensive manner.

<https://library.icrc.org/library/docs/DOC/icrc-4536-002.pdf>

Analysing non-state armed groups' internal communications : recognising principles of international humanitarian law

Shane van Galen. - [S.l.] : [s.n.], 2021. - 98 p.

This thesis seeks to contribute to the operationalisation of IHL education efforts by recognising the existence of a core set of principles that can be discerned from non-state armed groups' internal communications. It is based on the analysis of soft law documents, namely codes of conduct, internal manuals, oaths, international commitments and so on, and comparing them and analysing them in light of the laws

applicable to non-international armed conflict. The principle of distinction, the prohibition of looting, the use of anti-personnel mines, the use of child soldiers, and the humane treatment of prisoners all find widespread support in non-state armed groups internal communications and can therefore undoubtedly be said to belong to customary non-state armed group law. These findings further advance the dissemination of international humanitarian law by specifying which rules that are less known or adhered to by non-state armed groups need to lie at the centre of the International Committee of the Red Cross' dissemination and education efforts.

<http://urn.fi/URN:NBN:fi-fe2021070140821>

The application of international humanitarian law to peacekeepers : the situation in Mali

Thierry Kaiser and Carlijn Ruers. In: *Journal of international peacekeeping*, Vol. 24, no. 1-2, 2020, p. 190-222

Peacekeepers deployed as part of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) are operating in an increasingly hostile environment, requiring them to use force regularly in order to defend civilians, themselves and, more generally, MINUSMA's mandate. Over the last few years, MINUSMA's mandate has been expanded to enable the Mission to address the growing threat posed by hostile armed groups, including terrorist armed groups, and to provide support to counter-terrorist forces. The frequent hostilities, coupled with the Mission's enhanced "robust" mandate and the rising number of demands made on MINUSMA by non-UN forces for operational and logistical support, have raised questions concerning the status and legal protection of MINUSMA's peacekeepers under international humanitarian law, and more broadly the adequacy of the legal framework applicable to modern UN peacekeeping operations deployed in a "no peace to keep" environment. This article argues that a clarification of the application of the legal framework is required in order to afford better protection to Mission personnel and to more accurately capture the situation on the ground.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/54415.pdf> *

Applying humanitarian law: a review of the legal status of the Turkey-Kurdistan Workers' Party (PKK) conflict

Deniz Arbet Nejbir. In: *Journal of international humanitarian legal studies*, Vol, 12, no. 1, 2021, p. 37-70

This article assesses the applicability of the criteria for non-international armed conflict to the situation in South-Eastern Turkey. It demonstrates that the Kurdistan Workers' Party (also known as the PKK), as a party to the conflict, fulfils the three main criteria laid down in conventional international humanitarian law and developed by indicative factors in international jurisprudence for assessing the existence of a non-international armed conflict in the context of Common Article 3 to the 1949 Geneva Conventions: being an organised armed group, having the ability to engage in 'protracted violence', and complying with law of armed conflict. It establishes that the PKK qualifies as an organised armed group under responsible command and has the operational ability, structure and capacity to carry out 'protracted violence', to respect fundamental humanitarian norms of international humanitarian law and to control territory. The article also ascertains that Turkey is clearly bound by the provisions of the four Geneva Conventions of 1949, including Common Article 3, and customary international humanitarian law. Accordingly, it concludes that the conflict between the PKK and the Turkish security forces qualifies as a non-international armed conflict within the meaning of both Common Article 3 and customary international humanitarian law.

<https://doi.org/10.1163/18781527-bja10026>

Are all soldiers created equal ? : on the equal application of the law to enhanced soldiers

Yahli Shereshevsky. In: *Virginia journal of international law*, Vol. 61, no. 2, Winter 2021, p. 271-324

One of the most pressing issues regarding enhanced soldiers is whether the existing legal framework, designed to regulate and safeguard the needs of conventional soldiers, can—and should—be applied differently when the subjects have qualitatively different capabilities than previously understood or considered. In this comprehensive analysis of the treatment of enhanced soldiers, various international law issues are considered, such as the use of weapons in armed conflict, the treatment of detainees, and the prohibition against torture and cruel, inhuman or degrading treatment. This Article argues that, in most cases, enhanced soldiers should not be treated differently than unenhanced soldiers, even if their capabilities are significantly advanced when compared to conventional soldiers.

https://www.vjil.org/s/612-Shereshevsky_Publications-McCraw-Final-Read.pdf

Armed conflicts in outer space : which law applies?

Frans G. von der Dunk. In: International law studies, Vol. 97, 2021, p. 188-231

So far, outer space has merely become involved in terrestrial armed conflicts as part of the supportive infrastructure for military activities. Unfortunately, the risk that this changes is considerably growing, and it can no longer be excluded that (armed) force will become used in outer space, either directed towards Earth or within outer space itself. This raises serious issues in the legal context, where space law so far has been premised on the hope that armed conflicts in outer space could be avoided whereas the law of armed conflict was not required so far to deal with the use of force in outer space. For the same reason, there is hardly any relevant State practice that could provide guidance here. While both legal regimes can loosely claim to constitute *leges speciales* as compared to the *lex generalis* of general public international law, and hence are doctrinally superior to the latter, this does not solve the issue of hierarchy in application as between those two *leges speciales*. The current article presents a comprehensive effort to provide legal tools to determine where the law of outer space would overrule any incompatible law of armed conflict rules and vice versa, principally by constructing a matrix of prioritization. While too many different activities, events, scenarios, and developments could be envisaged for such a matrix to come up with easy and comprehensive answers, it nevertheless purports to provide initial guidance on how to address each particular possible activity, event, scenario, or development.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/17/>

Armed conflicts, international law, and global security

Jakob Kellenberger. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 254-272

This chapter addresses the relationship between armed conflicts, international law, and global security. While today protracted non-international armed conflicts are the prevalent type of armed conflict, international armed conflicts seem likely to again become a major threat to global security in the future. This hypothesis is based, amongst other factors, on recent military confrontations involving a number of States in Syria, the Russian involvement in Crimea, US tensions with Iran and North Korea, and broader regional tensions in the South China Sea. The chapter provides an overview of the interrelation between armed conflicts and other threats to global security before looking at armed conflicts currently raging in various geographical regions of the world. It then considers the adequacy and effectiveness of the existing international regulatory framework governing armed conflicts in light of the broader challenges facing the contemporary world order.

Les atteintes à l'environnement

Marina Eudes et Juliette Tricot. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 53-69

Les atteintes à l'environnement ne sont pas une "nouvelle forme de criminalité" en soi ; il s'agit au contraire d'une pratique ancienne, que ce soit en temps de paix ou de guerre. Ce qui est nouveau, c'est la forte médiatisation des crimes environnementaux contemporains et le fait que le droit s'y intéresse davantage, notamment à travers la notion de "patrimoine commun de l'humanité", c'est-à-dire comme une valeur à protéger en soi, en dehors des atteintes aux droits ou aux intérêts des individus et des Etats. Il s'agit là d'une approche innovante, non utilitariste, qui souhaite privilégier la protection des divers éléments de la nature en général, et pas seulement de ceux exploitables par l'homme. Cette perception demeure toutefois davantage présente dans les milieux écologistes militants que parmi la majorité des juristes praticiens. Dans ce contexte contrasté, comment construire et appliquer la norme pour faire face à la criminalité environnementale ? Ce chapitre s'attache à déterminer si et comment le droit international pénal/droit pénal international est en mesure - aujourd'hui ou demain - d'accueillir cette appréhension nouvelle et d'offrir les réponses attendues, puis à examiner si et dans quelle mesure cela impose à la discipline elle-même de se renouveler à son tour.

The automation of authority : discrepancies with jus ad bellum principles

Donovan Phillips. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 159-171

This chapter considers how the adoption of autonomous weapons systems (AWS) may affect jus ad bellum principles of warfare. In particular, it focuses on the use of AWS in non-international armed conflicts (NIAC). Given the proliferation of NIAC, the development and use of AWS will most likely be attuned to this specific theater of war. As warfare waged by modernized liberal democracies (those most likely to develop and employ AWS at present) increasingly moves toward a model of individualized warfare, how, if at all, will the principles by which we measure the justness of the commencement of such hostilities be affected by the introduction of AWS, and how will such hostilities stack up to current legal agreements surrounding their

more traditional engagement? This chapter claims that such considerations give us reason to question the moral and legal necessity of ad bellum proper authority.

<https://doi.org/10.1093/oso/9780197546048.003.0011> *

Autonomous weapon systems and international humanitarian law : identifying limits and the required type and degree of human-machine interaction

Vincent Boulanin, Laura Bruun and Netta Goussac. - Stockholm : SIPRI, June 2021. - 57 p.

Compliance with international humanitarian law (IHL) is recognized as a critical benchmark for assessing the acceptability of autonomous weapon systems (AWS). However, in certain key respects, how and to what extent existing IHL rules provide limits on the development and use of AWS remains either subject to debate or underexplored. This report aims to help states form and express their views on the legal provisions that already do, or should, govern the development and use of AWS, particularly with respect to the required type and degree of human-machine interaction. It maps (a) what limits IHL already places on the development and use of AWS; (b) what IHL demands from users of AWS to perform and satisfy IHL obligations, whether the obligations are of a state, an individual or both; and (c) threshold questions concerning the type and degree of human-machine interaction required for IHL compliance. In its findings and recommendations, the report does not pre-judge the policy response that should regulate AWS. Instead, it aims to provide an analytical framework for states and experts to assess how the normative and operational framework regulating the development and use of AWS may need to be clarified and developed further.

<https://www.sipri.org/publications/2021/other-publications/autonomous-weapon-systems-and-international-humanitarian-law-identifying-limits-and-required-type>

Autonomous weapons and reactive attitudes

Jens David Ohlin. - In: *Lethal autonomous weapons : re-examining the law and ethics of robotic warfare.* - Oxford : Oxford University Press, 2021. - p. 189-201

The discourse surrounding Autonomous Weapons Systems (AWS) should encourage deeper consideration of how perceptions and reactive attitudes toward AWS could evolve in such a way to no longer reflect their deterministic nature. Human beings, whether enemy combatants or civilians, may respond to AWS not as sophisticated but ultimately deterministic actors, but rather as free agents and thus targets for feelings of gratitude or resentment. The link between behavior interpretation, perceived agency, and emotional attitudes has important implications for the deployment of AWS. This chapter concludes by noting that some resentment to the lethal use of force is inevitable among civilians and combatants and argues that the deployment of an AWS is an unreliable tool for reducing this response.

<https://doi.org/10.1093/oso/9780197546048.003.0013> *

Avoiding civilian harm from military cyber operations during armed conflicts

report prepared by Ewan Lawson and Kubo Macák. - Geneva : ICRC, May 2021. - 58 p.

In today's armed conflicts, cyber operations are increasingly used in support of and alongside kinetic operations. Several States have publicly acknowledged such use, and many more are developing military cyber capabilities as well as doctrines and policies that aim to establish national approaches and principles for the military uses of cyberspace. In parallel, cyber incidents without, or with unclear, links to armed conflicts have resulted in damage and disruption to civilian services. These incidents have included cyber operations against hospitals, water and electrical infrastructure, and nuclear and petrochemical facilities. They offer a chilling warning about the potential humanitarian impact of military cyber operations in contemporary and future armed conflicts. If the risk of civilian harm from military cyber operations is to be reduced, it is necessary to consider how it can be assessed and measured. This report presents the findings from an expert meeting convened by the ICRC in January 2020 to discuss these issues.

<https://library.icrc.org/library/docs/DOC/icrc-4539-002.pdf>

The belligerent occupation of territory

Andrea Gioia. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 425-439

This chapter examines the awards of the Eritrea-Ethiopia Claims Commission in light of the legal debate relating to the continuing validity and viability of the international law of belligerent occupation. The Claims Commission significantly clarified the scope of application of that body of law, which was found to apply to the military occupation of territory that was peacefully administered by the other party prior to the outbreak of armed conflict, irrespective of the question of legal title thereto. Apart from this aspect, however, the Commission's awards made no significant contribution to the law of belligerent occupation and, in most

cases, enunciated and applied rules identical or very similar to those that were applied to situations where no belligerent occupation of territory was found to exist. It is, therefore, not always clear why the Claims Commission found it necessary to refer to the law of belligerent occupation, the core of which relates to the administration of occupied territory, in order attribute violations of international humanitarian law to the parties to the conflict. A fortiori, it is unclear why the Claims Commission felt the need to go beyond the traditional scope of application of the law of belligerent occupation, which relates to territory that is effectively occupied by a party to the conflict, to cover situations where military occupation only lasts for a few days.

The better instincts of humanity : humanitarian arguments in defense of international arms control

Natalia Jevglevskaja and Rain Liivoja. - In: *Lethal autonomous weapons : re-examining the law and ethics of robotic warfare.* - Oxford : Oxford University Press, 2021. - p. 103-119

The history of arms control negotiations offers many examples of weaponry that was regarded ‘inhumane’ by some, while hailed by others as a means to reduce injury or suffering in conflict. The debate about autonomous weapons systems reflects this dynamic, yet also stands out in some respects, notably largely hypothetical nature of concerns raised in regard to these systems as well as ostensible disparities in States’ approaches to conceptualizing autonomy. This chapter considers how misconceptions surrounding autonomous weapons technology impede the progress of the deliberations of the Group of Governmental Experts on Lethal Autonomous Weapons Systems. An obvious tendency to focus on the perceived risks posed by these systems, much more so than potential operational and humanitarian advantages they offer, is likely to jeopardize the prospect of finding a meaningful resolution to the debate.

<https://doi.org/10.1093/oso/9780197546048.003.0008> *

Bringing IHL home : guidelines on the national implementation of international humanitarian law

Advisory service on international humanitarian law (ICRC). - Geneva : ICRC, May 2021. - 51 p.

In December 2019, the 33rd International Conference of the Red Cross and Red Crescent adopted Resolution 1 (33IC/19/R1), entitled *Bringing IHL home: A road map for better national implementation of international humanitarian law*. The resolution is based on the widely shared recognition that better respect for international humanitarian law (IHL) is needed to protect victims of armed conflict, and that implementing IHL at the domestic level is an essential step towards achieving this goal. This document contains guidance for States and National Societies on working together to implement the resolution at the domestic level. It sets out recommended practical measures, in the form of checklists relating to key paragraphs of the resolution. Users of this document are encouraged to select the areas that are most relevant to their context and build upon the recommendations, following the idea that national implementation of IHL is a continuous process and that additional steps are always available, regardless of the current state of implementation.

<https://library.icrc.org/library/docs/DOC/icrc-4532-002.pdf>

Les caractéristiques spéciales du droit international humanitaire en matière de sources

Sophie Rondeau. - [S.l.] : [s.n.], 2021. - XXI, 438 p.

Cette thèse de doctorat a pour but de communiquer les résultats des recherches juridiques menées sur les sources du droit international humanitaire. Si le DIH ne s’affranchit complètement ni du système que forme le droit international public, ni de l’approche traditionnelle des sources telle que consignée dans l’article 38 du Statut de la Cour internationale de justice, il possède des caractéristiques affectant la détermination et le développement de ses règles. Ces caractéristiques marquent généralement un accroissement de la protection de la personne humaine et apportent des ajustements nécessaires à l’approche traditionnelle des sources du droit international appliquée au DIH. Elles se manifestent dans les sources non écrites que sont le droit international coutumier et les principes généraux de droit reconnus, et sont nourries par les sources subsidiaires persuasives que sont les décisions judiciaires de la CIJ et du TPIY, ainsi que certains documents juridiques non contraignants produits par le CICR.

<https://archive-ouverte.unige.ch/unige:153798>

Challenges in regulating lethal autonomous weapons under international law

Shane R. Reeves, Ronald T. P. Alcalá and Amy McCarthy. In: *Southwestern journal of international law*, Vol. 27, no. 1, 2021, p. 101-118

This paper outlines the challenges states face in creating international regulatory schemes for lethal autonomous weapon systems (LAWS). These challenges arise from several sources: difficulty in defining concepts related to LAWS, disagreements over potential substantive restrictions, and the specific nature of the weapons systems themselves, which may influence states' willingness to be bound by international law.

<https://www.swlaw.edu/sites/default/files/2021-03/3.%20Reeves%20%5Bp.%20101-118%5D.pdf>

Chinese perspectives on the ad bellum/in bello relationship and a cultural critique of the ad bellum/in bello separation in international humanitarian law

Zhuo Liang. In: *Leiden journal of international law*, Vol. 34, no. 2, 2021, p. 291-320

The intriguing relationship between jus ad bellum and jus in bello has provoked perennial academic debates. This article examines this issue from Chinese perspectives and offers a cultural critique of the well-entrenched norm of the ad bellum/in bello separation in international humanitarian law. Based on its distinctive traditional perception of the world order and the meaning of war, China embraces a holistic understanding of the ad bellum/in bello relationship. This relationship is construed as essentially harmonized. The cardinal moral principle underpinning it is that a just war should be conducted in a just way. The ad bellum/in bello separation in international humanitarian law has a Western origin, and the rationale behind it intimates Western sensitivity to the European just war tradition in which jus in bello was parasitic on jus ad bellum. It is assumed that jus ad bellum and jus in bello are irreconcilably in conflict once they come into contact with one another. This assumption is followed by a widely-held belief that any attempt to reconnect the two concepts would bring nothing but the subordination of jus in bello to jus ad bellum as experienced in European just war and, consequently, the collapse of the former. Chinese perspectives nevertheless evidence that this conventional line of thinking, hampering scholars from thinking beyond the sealed ad bellum/in bello separation, is not sound. A proposal for a more constructive solution should be taken into consideration.

<https://doi.org/10.1017/S0922156521000054> *

Civilian casualty mitigation and the rationalization of killing

Brian Smith. In: *Journal of military ethics*, Vol. 20, no. 1, 2021, p. 47-66

Of the two purposes of this article, the first is to show that the prohibition against intentionally targeting civilians is poorly suited to the current techno-rational landscape of warfare. Sophisticated targeting procedures, precision strike capability, and automated systems have undermined the role intention plays as a moral basis for international law. With these new tools, and by systematizing and proceduralizing the targeting process, the US military has created an operational environment that rationalizes the killing of noncombatants. In effect, most noncombatants can be killed unintentionally. The second purpose is to understand how this rationalization functions. This article will employ a line of criticism that Hannah Arendt used against the strategists behind the US policy in Vietnam. What she found so troubling about these policymakers was the degree to which they allowed themselves to become mere appendages of the simulations, models, and machines from which targeting decisions are derived.

<https://doi.org/10.1080/15027570.2021.1949783> *

Civilian protection in armed conflict

Cordula Droege and Helen Durham. - In: *The Oxford handbook of the international law of global security.* - Oxford : Oxford University Press, 2021. - p. 362-379

This chapter discusses civilian protection in armed conflicts. Inevitably, all armed conflicts cause suffering for civilians. International humanitarian law (IHL) aims to reduce suffering but as a normative regime it cannot completely address the plight of civilians, which has much broader political, economic, and ideological dimensions. That said, considering that many of the hardships experienced by civilians appear to actually be a direct result of IHL violations, better respect for IHL would indeed lead to better protection for civilians. While contemporary armed conflicts pose a number of challenges to this body of law, the correct application, interpretation, and, where necessary, development of IHL is a valid starting point for increased civilian protection. The chapter offers a brief historical overview of the areas of international law relating to the protection of civilians during times of armed conflict. It then focuses on a number of key challenges facing both the normative regime and the practical application of rules—from denial of civilian status, terrorism, the nature of warfare (asymmetric, urban, and protracted), and the impact of displacement, to new technologies.

Clearing the smoke : evaluating the United States policy toward white phosphorus munitions in urban contexts

Gunnar Carroll. In: *Revue de droit militaire et de droit de la guerre = The military law and law of war review*, Vol. 59, no. 1, 2021, p. 3-22

This article offers that when debates arise over the propriety of using certain weapons systems, an outright or systematic ban of that weapon system should rarely be the outcome. Rather, it is far more appropriate to provide armies with as many tools as possible to bring an armed conflict to a quick and decisive end and to hold those commanders and warfighters accountable to using those tools in accordance with international law, treaties, and norms. To do otherwise would unnecessarily handcuff and endanger those that are doing the fighting. This article presents this argument through the lens of the United States' policy toward using white phosphorus munitions in urban contexts. This article evaluates that policy and concludes that it is both legal and appropriate provided that targeting decisions are made in accordance with traditional law of armed conflict principles and with an eye toward humanitarian imperatives.

<https://doi.org/10.4337/mlwr.2021.01.01> *

Collateral damage in the law of war

Costas Hadjiconstantinou. - In: *Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla.* - Paris : A. Pedone, 2020. - p. 443-449

Deaths of civilians in wartime are not illegal. A rule that wishes to support the principle of distinction between civilians and combatants or between civil objects and military targets should logically outlaw those attacks affecting one or another indiscriminately. However, this prohibition is not absolute. In military terms "collateral damage", including civilian victims, should be expected in war. It remains legally admissible that, in the reality of war, civilians and civilian objects can accidentally be affected by an attack directed against a legitimate target. While the international attack on targets that are not considered legitimate is a war crime, collateral damages are tolerated when the relevant legal criteria are satisfied. The term "collateral damage" is based on two basic principles of international law, analogy and distinction.

Command accountability for AI weapon systems in the law of armed conflict

James Kraska. In: *International law studies*, Vol. 97, 2021, p. 407-447

The use of artificial intelligence (AI) in weapon systems enhances the ability of operational forces to fuse multispectral sensors to understand the warfighting environment, positively identify, track, and select targets, and engage them with the most appropriate effects. The potential for AI to help close the "kill chain" has raised concern that this creates a gap in accountability between the decisions of humans and the acts of machines, with humans no longer accountable for decisions made during armed conflict. This study suggests that there is no gap because the military commander is always directly and individually accountable for the employment of all methods and means of warfare. The commander's military accountability pervades the battlefield. This accountability inures to the force structure, weapon systems and tactics used in war, including the use of AI weapon systems. Military accountability is the foundation of military duty and includes the legal obligation to comply with the law of armed conflict or international humanitarian law. The commander is accountable to superior military and civilian leaders, and is subject to political, institutional, and legal sanctions enforced through military order and discipline, including the Uniform Code of Military Justice. The doctrine of the commander's direct and individual accountability ensures that senior military leaders are answerable to and liable for breaches of law and leadership, including oversight, selection, and employment of autonomous weapon systems.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/22/>

A commander's motivations and geographical remoteness under command responsibility : an analysis of controversial issues of the Bemba appeal judgment

Matteo Colorio. In: *International criminal law review*, Vol. 21, no. 3, 2021, p. 445-475

The Bemba Appeal Judgment undermines confident prospects that the International Criminal Court could make a greater use of charges alleging command responsibility. This judgment introduces serious uncertainties in the law on command responsibility, in particular by reflecting long-lasting disputes concerning this doctrine on the 'all necessary and reasonable measures' element under Article 28 of the Rome Statute. The Bemba Appeal Judgment, indeed, includes a controversial evaluation of the relevance of a commander's motivations in taking measures and of her geographical remoteness from the crime scene. This Article analyses these issues through the lenses of International Humanitarian Law and of fundamental principles of International Criminal Law, in particular the principle of legality and the principle of individual culpability.

<https://doi.org/10.1163/15718123-BJA10072> *

Compensation for victims of chemical warfare in Iraq and Iran through domestic criminal and civil proceedings in the Netherlands

Liesbeth Zegveld. - In: *Reparation for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making.* - Leiden : Brill Nijhoff, 2020. - p. 401-414

Although the victims' claims were dismissed in the criminal case against Van Anraat, the case offers interesting reflections about the obstacles faced in obtaining compensation for violations of international humanitarian law in domestic criminal proceedings. The author discusses several aspects of the case: the establishment of the facts, mass nature of the victims' claims, and determination of the damages. Many difficulties faced by the Dutch criminal court in Van Anraat are similar to those faced in international criminal proceedings, as illustrated by the practice of International Criminal Court (ICC). This international court may award reparations for the benefit of victims of the acts of a convicted person. While the procedure for victim's reparations before the ICC cannot be described as a tort action but rather as an action sui generis, the principle of reparations laid down in the ICC Statute has been derived from national criminal law systems. In civil law jurisdictions such as France, Germany, and The Netherlands, victims can join in the criminal proceedings and raise compensation claims for violations of international humanitarian law - the Van Anraat case in The Netherlands is such an example. As the author demonstrates, both national and international criminal courts struggle in securing a fulfilling position for victims of international crimes.

Contingencies of context : legacies of the Algerian revolution in the 1977 Additional Protocols to the Geneva Conventions

Emma Stone Mackinnon. - In: *Contingency in international law: on the possibility of different legal histories.* - Oxford : Oxford University Press, 2021. - p. 319-337

The Algerian War for Independence, among the most prominent and protracted anticolonial struggles of the mid-twentieth century, is more often remembered for its physical battles than for its legal ones. But the struggle was also distinctive for the Algerian resistance's extensive engagement with international law, in which the rebels, so often invoked as advocates of revolutionary violence, advanced arguments for humanitarian protection. Among its more contentious legal claims, the Algerian resistance argued that the conflict was an international one, and therefore covered by the full force of the 1949 Geneva Conventions. This contribution looks at the legacy of the conflict for the adoption of the 1977 Additional Protocols to the Geneva Conventions, and especially of Additional Protocol I, Article I, Paragraph 4 that extended to wars of national liberation the status of international armed conflict. The author reflects on what it meant to make law in the shadow of recent conflicts in the 1970s without treating those conflicts as a fixed background. On the contrary, she argues that the meaning and significance of that recent past was not fixed, and itself a matter of contestation. At stake in the very legal argumentation was not just a matter of how to better apply law to a new situation, but how to make sense of the previous few decades, and in particular how anticolonialism as an historical force should be understood in relation to international humanitarian law.

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

Les contre-mesures à travers le prisme du principe de proportionnalité : étude en droit de la paix et en droit international humanitaire

Sébastien Rosselet. - Genève : Schulthess, 2020. - X, 426 p.

La présente étude aborde la question des contre-mesures à travers la seule condition substantielle de la proportionnalité, en défendant une conception large de ce principe. Au moyen de quatre critères (adéquation, subsidiarité, nécessité, pesée des intérêts), le principe de proportionnalité constitue une grille de lecture permettant d'examiner la licéité d'une contre-mesure. Il établit une rigueur juridique pour l'analyse de cette condition fondamentale sans perdre la malléabilité de cette dernière. L'approche comparative du principe de proportionnalité dans le cadre des contre-mesures en droit de la paix et des représailles de guerre a permis de mettre en lumière l'héritage laissé par les secondes aux premières. Si les difficultés d'apprécier la proportionnalité des représailles se retrouvent dans les contre-mesures en droit de la paix, l'analyse a également démontré la nécessité de basculer d'une justice privée des États à une justice institutionnalisée lorsque les intérêts fondamentaux de la communauté internationale dans son ensemble sont en jeu.

COVID-19 in occupied Gaza : What are the health-related and other obligations of the responsible authorities ? : legal brief

Diakonia Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 December 2020. - 26 p.

The COVID-19 pandemic has given rise to unparalleled challenges across the globe. In the occupied Palestinian territory (oPt), these challenges are compounded by the pre-existing situation of prolonged

occupation. In Gaza, the pandemic also takes place in the context of a 13-year-old blockade imposed by Israel, which has led to a chronic lack of access to essential goods, to the erosion of essential services including health care, water and sanitation, as well as to widespread impoverishment. This land, sea and air blockade exacerbates the vulnerability of Gazans to COVID-19: not only does it undermine the capacity of local authorities to fight against the virus, it also hampers patients' access to adequate health care and dramatically exacerbates the social, economic and other effects of the crisis on the population. This legal brief clarifies the international obligations of the responsible authorities in relation to the COVID-19 pandemic in Gaza, with a particular focus on the obligations of Israel, as the occupying power, and Hamas as the de facto local authority in Gaza. The analysis mostly focuses on health-related obligations, with a shorter treatment of rules pertaining to the protection of livelihoods and education. The brief underlines the importance of not only complying with obligations related to the immediate public health, economic and social crisis created by the COVID-19 pandemic, but also of ending pre-existing violations.

<https://www.diakonia.se/globalassets/documents/ihl/ihl-in-opt/briefs/covid-19-in-occupied-gaza-dec-2020.pdf>

Crime and omission : command responsibility from Manila to Rome

Raphael Lorenzo Aguilin Pangalangan. In: *Asia-Pacific journal of international humanitarian law*, Vol. 1, no. 1, 2020, p. 48-64

Philippine criminal law is commonly associated with positive conduct. The powers that be purport that having never ordered extra-judicial killings, liability cannot be incurred therefor. That view is mistaken. It ignores how both domestic and international law criminalizes actions and omissions alike. This is aptly illustrated through the doctrine of command responsibility: a mode of omission liability echoed throughout International Criminal Law and embedded in the Philippines' domestic history and jurisprudence. The doctrine attaches criminal liability to military commanders, persons effectively acting as military commanders, and "other" superiors for a distinct actus reus: the dereliction of duty the failure to prevent or repress a subordinates' unlawful conduct or submit the matter to the competent authorities. It is thus not the order alone but the failure to order otherwise that may trigger individual criminal liability. By tracing the doctrine's development from Manila to Rome, the paper cures the common misconception of crime and illustrates how omissions have long been punished in Philippine legal order.

<https://apjihl.org/article/crime-and-omission-command-responsibility-from-manila-to-rome/>

Criminal prosecution

Fausto Pocar. - In: *The Oxford handbook of the international law of global security.* - Oxford : Oxford University Press, 2021. - p. 757-772

This chapter focuses on criminal prosecution. Traditionally, in domestic law, criminal prosecution has been regarded as a tool capable of contributing to peaceful and secure governance. Under international law, however, recourse to criminal prosecution as a safeguard for maintaining international peace and security is very recent and still limited, and in many respects disputed. This is the case both when international rules are applied by international jurisdictions and when they are directed at soliciting the exercise of criminal prosecution by domestic courts. The chapter looks at the Rome Statute of the International Criminal Court (ICC Statute), which expressly provides that the jurisdiction of the Court 'shall be limited to the most serious crimes of concern to the international community as a whole', and identifies these crimes as the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. Given that the ICC Statute does not merely codify customary international law, but also partially develops or restricts it, its adoption has produced some degree of fragmentation of international criminal law, which further impacts on the existing international case law.

The criminalization of war crimes in Italy and the shortcomings of the domestic legal framework

Giulio Bartolini. In: *International criminal law review*, Vol. 21, issue 4, 2021, p. 679-697

The Italian domestic legal framework related to war crimes is characterised by several shortcomings. It is still largely centred on the provisions present in the 1941 wartime military criminal code, which have not been subjected to substantial legal restyling, regardless of the explicit and implicit obligations of domestic criminalization inferred from treaties ratified by Italy. Only in 2001–2002, at the time of Italian military operations in Afghanistan, were certain amendments to this code introduced, in order to partly adapt its content to current rules of international humanitarian law and international criminal law. However, such solutions have not brought about effective harmonization and were drafted within an incoherent legal framework, made even more complex by subsequent reforms addressing military missions abroad, thus resulting in the current unsatisfactory scenario which would require substantive reforms.

<https://doi.org/10.1163/15718123-bja10069> *

The cross-fertilisation of international investment law and international humanitarian law : prospects and pitfalls

Teerawat Wongkaew. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 385-409

This chapter examines the possible cross-fertilisation of international investment law (IIL) and international humanitarian law (IHL), applying the scholarship on judicial borrowing. Cross-fertilisation is understood as using IHL concepts and principles as the interpretive reference as opposed to direct application of those in IIL. The core argument is that the use of IHL concepts can facilitate the arbitrator in investment treaty disputes involving situations of armed conflicts. Notwithstanding some limitations and pitfalls of the cross-fertilisation, it offers a sophisticated framework for incorporating IHL into IIL provided that contextual, ideological and institutional similarities and differences between the two regimes are considered. The chapter concludes that the successful cross-fertilisation will bring clarity and precision to the IIA provisions, enhance legitimacy of arbitral awards and foster coherence in the interpretation of international law.

Deciphering the landscape of international humanitarian law in the Asia-Pacific

Suzannah Linton. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 1-47

This article presents some fresh scholarship about and from the Asia-Pacific region on international humanitarian law. The region's plurality leads to a complex and diverse landscape where there is no single 'Asia-Pacific perspective on IHL' but there are instead many approaches and trajectories. This fragmented reality is, however, not a mess of incoherence and contradiction. The author first argues that the norm of humanity in armed conflict, which underpins IHL, has deep roots in the region. This, to some extent, explains why there is no conceptual resistance to IHL, in the way that exists with the human rights doctrine. Second, she shows that there has been meaningful participation of certain States from the region in IHL lawmaking. Thirdly, some Asia-Pacific States are among those actively contributing to the development of new or emerging areas relevant to IHL, such as outer space, cyberspace and the protection of the environment in armed conflict. This leads to the unavoidable issue of contradiction. How is it that in a region where such findings can be made, there are so many armed conflicts with very serious IHL violations emerging? Should we reflect in a more nuanced way on "norm internalization" and "root causes"? These issues will be considered in the second section of the article. This examination leads to a third and final section, a concluding reflection on what all of this reveals about IHL in the Asia-Pacific.

<https://apjihl.org/article/deciphering-the-landscape-of-international-humanitarian-law-in-the-asia-pacific/>

Destruction and looting of cultural property in Yemen's civil war : legal implications and methods of prevention

Julia Emtseva. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 92-110

As the list of victims of the Yemeni internal conflict continues to grow, people in that region are vulnerable not only to annihilation by rebel attacks and Arab Coalition strikes, but also to the deprivation of their cultural identity and history. This article confirms that the official government of Yemen, as well as the Arab Coalition, failed to justify their actions in accordance with the military necessity principle. The looters, namely the Houthis and terrorists, should also bear responsibility for ransacking Yemeni cultural sites. The article will first relate the facts about the destruction of the Yemeni cultural property and then apply these facts to the relevant legal instruments and studies in order to ascertain the liability of those responsible. The same will be done with the crime of looting. The final part will discuss the existing mechanisms of the protection of cultural heritage and who is obliged to safeguard cultural sites and objects both during wartime and peacetime.

Detainee operations in Ukraine : risk or opportunity for international law ?

Cristina Teleki. In: Journal of humanitarian legal studies, Vol. 12, no. 1, 2021, p. 111-140

Detention operations have been a salient feature of the military conflict in Eastern Ukraine. Often referred to as exchanges or swaps of detainees, the operations leading to the simultaneous release and transfer of detainees (SRTD) offer fertile terrain for inquiring about the applicability of international humanitarian law (IHL) and international human rights law (IHRL). This article attempts to fill a gap in the literature on detention operations outside the war on terror framework. It offers a chronological review of the detention operations that have taken place in Ukraine since the beginning of the military conflict. This paper then follows a classical two-step analysis first of IHL, IHRL and domestic law provisions applicable to SRTDs and, second, of the impact of these provisions on the human rights protection of the persons involved. The preliminary conclusions of this analysis indicate that, despite the praise of the international community for the SRTDs in Ukraine, human rights violations have resulted from SRTDs. More specifically, the legal

framework under which SRTDs take place appears to be a ‘cocktail’ of IHL and IHRL provisions. Certainly, SRTDs have attracted international media coverage and support for Ukraine. At the same time, however, the ‘hidden cost’ of these operations begins to be understood as well because the legal status of many participants in the SRTDs appears to worsen, access to justice appears to be hampered and the independence of justice appears to be threatened as a result of these operations.

<https://doi.org/10.1163/18781527-bja10023> *

Developing international guidelines for protecting schools and universities from military use during armed conflict

Steven Haines. In: *International law studies*, Vol. 97, 2021, p. 573-620

One consequence of armed conflict, especially that of a non-international character, is serious damage done to vital societal infrastructure. Education—schools and universities—can be severely disrupted, even subject to attack. Targeting of schools may not invariably be unlawful if educational facilities are being put to military use. Such use may itself not be unlawful but it can result in schools being transformed from civilian objects into military objectives—and subject, therefore, to lawful targeting. This was a problem highlighted by humanitarian NGOs a decade ago and led to the formation, by both NGOs and United Nations agencies, of the Global Coalition to Protect Education from Attack (GCPEA). In considering ways of reducing the vulnerability of schools, universities and the students and staff present within them, GCPEA decided to develop a set of "soft law" guidelines on the military use of education, the aim being to assist with Law of Armed Conflict compliance but also to encourage armed forces and armed non-state actors to act well within the limits of the law. The resulting Guidelines were drafted in 2012-13, published in 2013, began being championed by Norway and Argentina in 2014, and were launched at State level within a Safe Schools Declaration in 2015. They have now been endorsed by 106 States and there is evidence now emerging of their positive influence on behavior in conflict zones. The Guidelines are a good example of a successful "soft law" initiative and this paper provides an account of their development and advocacy.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/28/>

Differentiating the corporation : accountability and international humanitarian law

David Hughes. In: *Michigan journal of international law*, Vol. 42, no. 1, 2020, p. 47-104

This article considers the particularities that affect how accountability is imposed for corporate behavior that implicates IHL. First, it describes the (indirect) doctrinal methods through which accountability for corporate conduct implicating IHL may be pursued. Second, it identifies structural challenges and features of the corporate form that compromise the efficacy of these methods and result in accountability gaps. Third, through a series of case studies—addressing the conduct of Blackwater in Iraq, Facebook in Myanmar, and Airbnb in the West Bank—the article categorizes disparate forms of corporate conduct that implicate IHL in previously unforeseen ways and present unidentified regulatory challenges.

<https://doi.org/10.36642/mjil.42.1.differentiating>

Displacement and dispossession : redefining forced displacement and identifying when forced displacement becomes pillage under international humanitarian law

Kerrin Geoffrey Buck. In: *Journal of international humanitarian action*, Vol. 2, no. 5, 2017, 18 p.

Conflict-induced migration is arguably the most urgent humanitarian challenge today. A growing number of people are forced from their homes each year. The dispossession of civilians by armed parties, furthermore, through forced displacement has become a prevalent phenomenon. This article seeks to provide clarity to civilians, humanitarians, and other stakeholders, attempting to reduce civilian vulnerability to forced displacement through the application of international humanitarian law (IHL). While IHL prohibits forced displacement, pillage, and illegal appropriation, a number of problems arise when we try to implement these laws in practice. Establishing the illegality of an act of forced displacement, for example, may require legal analysis on a case-by-case basis. Furthermore, whether appropriation by force due to military necessity is legal or illegal is unclear due to a divergence between IHL treaty provisions and customary international humanitarian law (CIHL). In addition, when forced displacement becomes illegal, appropriation or pillage is not defined. This paper views these problems from a Humanitarian Protection perspective. The objective of the article is to provide practical criteria for stakeholders aiming to apply the law in protection of civilians and their property.

<https://doi.org/10.1186/s41018-016-0016-6>

Doctors playing gods? The legal challenges in regulating the experimental stage of cybernetic human enhancement

Thibault Moulin. In: Israel law review : a journal of human rights, public and international law, Vol. 54, no. 2, July 2021, p. 236-262

The emergence of new technologies might challenge our assumptions about biomedical research: medical progress may not only cure but enhance human capacities. In particular, the emergence of brain-machine interfaces will admittedly allow disabled people to move or communicate again, but also has various military applications, such as remote control of drones and avatars. Although there is no express legal framework pertaining to the experimental phase of human enhancement techniques, they are actually constrained by international law. According to international humanitarian law, civilians and prisoners of war may be subjected to experiments only when required by their state of health or for medical treatment. According to international human rights law, experimentations are permissible when they meet two conditions: (i) free consent, and (ii) proportionality (that is, the adequacy of risk and benefit). In light of these conditions, this article assesses the situations in which experimentation involving brain-computer interfaces would be lawful. It also gives specific attention to those experimentations carried out on members of the armed forces. In fact, owing to the military hierarchy and the unique nature of its mission (to protect national security at the risk of their own lives), it is necessary to determine how the military may comply with this legal framework.

<https://doi.org/10.1017/S0021223721000054> *

Le droit international humanitaire et les cyberopérations pendant les conflits armés : position du CICR : document soumis au Groupe de travail à composition non limitée chargé d'examiner les progrès de l'informatique et des télécommunications dans le contexte de la sécurité internationale ainsi qu'au Groupe d'experts gouvernementaux sur la promotion du comportement responsable des États dans le cyberspace dans le contexte de la sécurité internationale

CICR. - [Genève] : CICR, Novembre 2019. - 11 p.

Dans ce document de position, le CICR fait part de son point de vue sur les cyberopérations et le droit international humanitaire (DIH). Les cyberopérations pendant les conflits armés sont désormais une réalité. Bien que seuls quelques États aient publiquement reconnu mener de telles opérations, un nombre croissant d'États développent des cybercapacités militaires, et la probabilité de leur emploi à l'avenir est de plus en plus grande. Au cours des dernières années, il a été démontré que les cyberopérations peuvent sérieusement compromettre les infrastructures civiles et causer des souffrances humaines considérables. Ce document de position aborde principalement les thèmes suivants : le coût humain potentiel des cyberopérations, l'application du DIH aux cyberopérations pendant les conflits armés, la protection accordée par le DIH existant, la nécessité de débattre de la manière dont s'applique le DIH, l'attribution des actes dans le cyberspace aux fins de la responsabilité des États.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2019_11_FRE.pdf

Easy guide to international humanitarian law : reference for professionals working in the Occupied Palestinian Territory

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 June 2021. - 38 p.

The aim of this Easy Guide to International Humanitarian Law is to equip professionals working in the occupied Palestinian territory, or on issues relating to the context, with an accessible guide to key concepts in the international legal framework applicable to situations of armed conflicts and occupation. The Easy Guide is a resource for lawyers and legal advisors, policy makers, members of the diplomatic community, members of civil society organizations, humanitarian professionals, development professionals, human rights advocates, journalists and media specialists.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/06/Easy-Guide-to-IHL.pdf>

Effets pour l'individu des régimes de protection de droit international

par Christophe Swinarski. In: Recueil des cours : Académie de droit international de la Haye = Collected courses of the Hague academy of international law, Vol. 391 (2017), 2018, p. 187-369

Dans ce cours, Christophe Swinarski s'attache à dégager les traits saillants des métamorphoses des structures et textures normatives du droit international à la suite de l'impact de l'entrée de l'individu parmi ses auteurs,

ainsi que de la manière dont le système de ce droit a su les y accueillir. En d'autre termes, il prend acte de la façon dont ce corpus iuris a réagi à un changement d'une semblable envergure, en absorbant l'élargissement aussi radical de son champs d'application et les perspectives de son futur.

Encirclement, deprivation, and humanity : revising the San Remo Manual provisions on blockade

Tom Dannenbaum. In: *International law studies*, Vol. 97, 2021, p. 307-394

Among the most pernicious trends in contemporary armed conflict is the return of mass starvation in war, in some cases as its primary source of human suffering. This has prompted a renewed focus on the relevant rules of international humanitarian law (IHL). On some issues, there is relative consensus. On the issue of deprivation by encirclement, however, there is confusion. Some have questioned whether the prohibition on the starvation of civilians as a method of warfare applies to encirclements at all, particularly in the naval context. Others have interpreted the prohibition vanishingly narrowly. In contrast to the more extreme of these positions, the San Remo Manual applies the starvation ban to naval blockades. However, its reframing of the ban introduces gaps and ambiguities that deviate from existing IHL. With the Manual's revision process underway, there is an opportunity to remedy these infirmities. This article charts the historical trajectory of starvation in IHL, exposes the vulnerabilities in the Manual's articulation of the law of blockade, debunks arguments for the permissibility of encirclement starvation, and makes the case for recognizing a categorical prohibition on the starvation of civilians in armed conflict. It maps the path forward for the Manual's revision, proposing changes to the blockade provisions and emphasizing the importance of extending the Manual's starvation rules to other modes of naval warfare. It also spotlights the need for the revision to cover the law of non-international armed conflict at sea and the role of international human rights law in naval warfare.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/20/>

An equivalent to article 8(2)(b)(xx) ICC statute for non-international armed conflicts ? Is it warranted on the basis of international customary law ?

Barry de Vries. In: *International criminal law review*, Vol. 21, no. 3, 2021, p. 561-587

The Rome Statute has often been criticized for not following international customary law, with calls to more closely resemble this being relatively frequent. This is especially the case in the distinction made between international and non-international armed conflicts and the significant fewer war crimes applicable to non-international armed conflicts. One of the most apparent differences is in the lack of a provision criminalizing the employment of weapons that go against the general principles of weapons law in humanitarian law. This article seeks to address this critique by determining whether the lack of this criminalization in non-international armed conflicts is contrary to customary international law and if this divergence should be amended.

<https://doi.org/10.1163/15718123-BJA10071> *

Expert Opinion on the Interplay between the Legal Regime Applicable to Belligerent Occupation and the Prohibition of Apartheid under International Law

Miles Jackson. - Jerusalem : Diakonia International Humanitarian Law Centre, 21 March 2021. - p. 33

This opinion first analyses the constitutive elements of the customary rule prohibiting apartheid that binds states under international law. Then, it addresses the interaction between the legal regime applicable to belligerent occupation and the prohibition of apartheid. Finally, the opinion considers the legal consequences that follow when a state violates the prohibition of apartheid in occupied territory.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/expert-opinion-apartheid-and-occupation.pdf>

Explosive remnants of war

Harry H. G. Post. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 603-641

The 1998–2000 Eritrea-Ethiopia war has produced a considerable increase in Explosive Remnants of War (ERW) in two countries which already had a massive number of landmines, booby traps and other explosive devices from previous conflicts. The magnitude of the problem has thus increased dramatically, to the extent that hundreds of people have been killed and horrendously maimed and that large areas of land have remained wasteland. This chapter focuses on the international legal side of ERW: what rights and duties exist in general international law and international humanitarian law in respect to explosive remnants of

war, relevant for the situation in Eritrea and Ethiopia. During the war neither was a party to the basic international instruments applicable to landmines and other ERW, notably the 1997 Ottawa Convention on the ban of anti-personnel mines did not apply (although both States became a party after the war). In respect to the use of ERW, the Eritrea-Ethiopia Claims Commission (EECC) could only apply the relevant international customary law. In the analysis here, we will follow the efforts of the EECC. The question of responsibility, including in the period after the cessation of hostilities, and in particular responsibility for making the explosive remnants of war harmless, moves the discussion from the *jus in bello* to the *jus post bellum*. The chapter also discusses the state of ERW in Eritrea and Ethiopia as it has developed since 2008. The major weakness remains the lack of mine clearance action. This is more than symbolised by the dramatic failure of both countries to clear mines in their territory before the deadlines set to them under the Ottawa Convention. The result over all is: ever new numbers of innocent victims in both countries also in modern times.

The “external element” of the obligation to ensure respect for the Geneva Conventions : a matter of treaty interpretation

Marten Zwanenburg. In: *International law studies*, Vol. 97, 2021, p. 621-651

In 1949, the drafters of the Geneva Conventions decided to place the obligation for States parties to “respect and ensure respect” for the Conventions upfront. How the obligation to “respect and ensure respect” should be interpreted has been the subject of debate for many years. This debate has focused in particular on the meaning to be attributed to the words “ensure respect.” Some see these words as playing an important role in ensuring compliance with international humanitarian law (IHL). In particular, they argue that the obligation to ensure respect has an external element or dimension which obliges States parties to the Geneva Conventions to take positive steps to ensure compliance with those conventions by other States and even organized armed groups. The answer to the question of whether Article 1 contains an external element is important because if this is the case the potential responsibility of States parties under the Geneva Conventions is greater than if it is not. It is interesting to note that the *travaux préparatoires* of the Geneva Conventions, as well as State practice, play an important part in the argumentation used by both sides of the debate. Yet, those sides draw very different conclusions from the same information. This suggests that it is worthwhile to take a fresh look at the drafting history of common Article 1 and State practice regarding the provision. That is the objective of this article, which will place those two elements in the broader framework of treaty interpretation. Common Article 1 is a treaty provision and establishing its meaning is thus a matter of treaty interpretation. Therefore, the article will focus on applying the rules of treaty interpretation to common Article 1 to determine whether it has an external element.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/29/>

Fact-finding as diplomacy : the "good offices" of the International Humanitarian Fact-Finding Commission

Thilo Marauhn. - In: *70 Jahre Genfer Konventionen : Stand und Perspektiven des humanitären Völkerrechts*. - Berlin : Berliner Wissenschafts-Verlag, 2021. - p. 99-114

On April 23, 2017, a patrol vehicle belonging to the Organization for Security and Co-operation in Europe (OSCE)'s Special Monitoring Mission to Ukraine suffered severe damage as a result of an explosion, killing one member and wounding two others. The International Humanitarian Fact-Finding Commission (IHFFC) was mandated by the OSCE to conduct an independent forensic investigation. This mission, which took place from June 11, 2017, until August 21, 2017, was the first operative mission of the IHFFC since its establishment. This contribution discusses the IHFFC's mandate under international law, and the arising legal and practical difficulties.

Fifth meeting of representatives of national IHL committees of Commonwealth countries report : partnership, persistence and a sense of possibility : national IHL committees and the Commonwealth

co-hosted by the UK Foreign, Commonwealth & Development Office, the British Red Cross and the ICRC with the support of the Commonwealth. - [S.l.] : [s.n.], 2021. - 17 p.

The Fifth Meeting of Representatives of National International Humanitarian Law (IHL) Committees of Commonwealth Countries took place online from 26-30 April 2021. Co-hosted by the UK National Committee on IHL, the British Red Cross and the International Committee of the Red Cross (ICRC) with support from the Commonwealth Secretariat, the meeting followed similar meetings in Swakopmund (2017), Port of Spain (2013), New Delhi (2009) and Nairobi (2005). The aim of the event was to bring together representatives of National IHL Committees of Commonwealth countries to discuss developments and current issues in IHL and in particular, the role that National IHL Committees can play in supporting implementation of IHL.

https://library.icrc.org/library/docs/DOC/WEB_032.pdf

The fog of law in the fog of war : international humanitarian law in war movies

Martyna Falkowska-Clarys and Vaios Koutroulis. - In: Cinematic perspectives on international law. - Manchester : Manchester University Press, 2021. - p. 128-152

Opening with an analysis of a scene from the 2014 film "Good kill", the authors of this contribution note that it presents a view of international humanitarian law as an outdated body of rules, irrelevant to present-day conflicts, notably through a disembodied and demonized portrayal of the enemy that renders useless the principle of distinction. This contribution seeks to determine whether and to what extent this view of IHL finds an on-screen reflection in the representation of rules relating to the conduct of hostilities in war movies and TV series, and more specifically in movies depicting scenes of combat in the field. The material analysed is composed of TV series and narrative movies, including those based on or inspired by actual events.

Fragmented armed groups in international humanitarian law

Marishet M. Hamzah. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, p. 98-111, 2021

It is now uncontroversial that the applicability of international humanitarian law of non-international armed conflicts required an organized armed group and sufficiently intense violence. However, the proliferation of fragmented armed groups with fluid organizational structures has complicated the assessment of these thresholds and the determination of the applicability of IHL in contemporary armed conflicts. This article examines four types of fragmented armed groups to highlight these intricate challenges, namely: coalitions of armed groups, disintegrated armed groups, splinter armed groups, and community-embedded armed groups. The solution offered for the challenges by this article is two-fold. First, the paper points out situations that may or may not require the (re)assessment of the intensity and organization thresholds of non-international armed conflicts. Second, an existing doctrinal framework, the 'support-based approach', is discussed as a potential recourse.

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0007> *

Fresh water in international law

Laurence Boisson De Chazournes. - Oxford : Oxford University Press, 2021. - XIII, 344 p.

This book addresses the diverse ways in which international law governs the uses, management, and protection of fresh water. The international law of fresh water is most comprehensively understood in the light of the different bodies of norms applicable to these varied uses and functions. The regulation of fresh water has primarily developed through the conclusion of treaties concerning international watercourses. Yet a number of other legal regimes also apply to the governance of fresh water. In particular, there has been an increasing recognition of the importance of fresh water to environmental protection. The development of international human rights law and international humanitarian law has also proven crucial for ensuring the sound and equitable management of this resource. In addition, the economic uses of fresh water feature prominently in the law applicable to watercourses, while water itself has become an important element of the trade and investment regimes. These bodies of rules and principles not only surface in an array of dispute settlement mechanisms, but also stimulate wider trends of institutionalization. The book investigates the origin and scope of these bodies of norms as they apply to fresh water, and demonstrates how they connect and adapt to one another, forming an integrated body of international principles. This approach is accompanied by a detailed analysis of the practice of states and of international organizations, taking into account the activities of the many non-state actors involved in the treatment of fresh water.

<https://doi.org/10.1093/oso/9780198863427.001.0001> *

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia - People's Army, FARC-EP)

Ezequiel Heffes. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 52 p.

This case study has been conducted as part of the research project on armed non-state actors' (ANSAs') practice and interpretation of international humanitarian law (IHL), led by the Geneva Academy of IHL and Human Rights and Geneva Call, in collaboration with the American University in Cairo and the Norwegian Refugee Council (NRC). The research project aims to advance understanding of ANSAs' perspectives and behaviour, enhance strategies to promote their compliance with IHL as well as inform future international law-making processes. This case study assesses the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo's (FARC-EP) practice and interpretation in relation to a selection of IHL rules. Compiling and analysing the FARC-EP's views enables an understanding of how this ANSA perceived international law, the norms that enjoyed greater acceptance and those that were disputed. This case study responds to several

inquiries, notably why the FARC-EP chose to express its views through specific commitments and the references contained therein, and how its internal dynamics and policies evolved throughout the conflict.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Case%20Study-Revolutionary%20Armed%20Forces%20of%20Colombia%20%E2%80%93%20People%E2%80%99s%20Army.pdf>

From words to deeds : a research study of armed non-state actors' practice and interpretation of international humanitarian and human rights norms : the National Movement for the Liberation of Azawad (Mouvement national de libération de l'Azawad, MNLA), Mali

Pascal Bongard. - [Geneva] : [Geneva Academy of International Humanitarian Law and Human Rights], March 2021. - 47 p.

This case study has been conducted as part of the research project on armed non-state actors' (ANSAs') practice and interpretation of international humanitarian law (IHL), led by the Geneva Academy of IHL and Human Rights and Geneva Call, in collaboration with the American University in Cairo and the Norwegian Refugee Council (NRC). The research project aims to advance understanding of ANSAs' perspectives and behaviour, enhance strategies to promote their compliance with IHL as well as inform future international law-making processes. The present study focuses on the case of the Mouvement national de libération de l'Azawad (National Movement for the Liberation of Azawad, MNLA), a largely Tuareg ethnic independentist movement that has been engaged in armed conflict against the Malian Government and other ANSAs since 2012. The study found that the MNLA's founding organizational documents and military doctrine reflect key rules of the law of armed conflict, but that it has faced serious compliance issues.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/Case%20Study%20-%20MNLA.pdf>

Gendering the law of occupation : the case of Cyprus

Fionnuala Ní Aoláin. In: Minnesota journal of international law, Vol. 27, issue 1, 2018, p. 107-141

The long-term occupation of Northern Cyprus provides some valuable insights into the gendered dimensions of the law of occupation. Specifically, close analysis of conflict-related patterns of sexual violence, the regulation of family relationships, and the challenge of sexual trafficking allows for a broader reassessment of the extent to which occupation law is 'fit for purpose' specifically as it regulates long-term transformative occupations. The law of occupation, in its original conceptualization, was assumed to have a short-term and utilitarian function, designed for the protection of land and people until the disputed territory was returned to its rightful sovereign. Long-term and belligerent territorial control of occupied territory has meant expanded patterns of exclusions and under-enforcement of law for women, and in particular illustrates the opaque under-regulation of the private sphere under occupation, generally to the detriment of women's protection and entitlements. This article exposes those gendered tensions with a focus on one case-study but with broader reach to multiple sites of occupation.

<https://scholarship.law.umn.edu/mjil/269>

Go big or go home? : lessons learned from the Colombian victims' reparation system

Nelson Camilo Sánchez León and Clara Sandoval-Villalba. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 547-570

In the first section of the chapter, the authors provide a brief overview of the reparation tools available in the country, in which they will include the existing options for accessing reparations, both in transitional and non-transitional mechanisms. This means that in Colombia, there is a plurality of mechanisms to provide reparation to victims of the armed conflict and not exclusively its drp under Law 1448/ 2011 (Victims and Land Restitution Law – here in after Law 1448). This is something to be noted as co-existence of systems to provide reparation tends to be overlooked in specialised literature on the subject and remains a significant aspect of any reparation process. In the second section, the chapter analyses the progress and challenges in providing reparation to victims under Law 1448, with particular emphasis on some particular forms of reparation like compensation, rehabilitation and land restitution. The third section reflects on the system taking into account the theory on reparation but also similar debates in other countries facing similar challenges. Finally, the chapter concludes with some brief conclusions and lessons learned not only about Colombia but the overall challenge of providing reparation to victims in conflict and post-conflict situations.

Grey zone conflict in the South China Sea and challenges facing the legal framework for the use of force at sea

Trang T. Ngo. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 209-237

The pursuit of maritime resources, especially in disputed maritime zones, has encouraged various States to engage in grey zone conflict to assert control over such areas on the one hand, and to obtain marine resources for economic benefit on the other hand. These operations have posed threats to the neighbouring States as well as challenges to international law on the use of force since the force used is often below the threshold of conventional military operations to which the current international law on the use of force applies. This article introduces the concept of grey zone conflict and analyses tactics common to such conflicts in the context of the South China Sea. Based on these, the author revisits the legal framework for the use of force at sea, including the prohibition thereof under the United Nations Charter (UN Charter) and the United Nations Convention on the Law of the Sea (UNCLOS), explores its treatment under International Humanitarian Law (IHL) and International Human Rights Law (focusing on maritime law enforcement) to identify key challenges to international law in addressing this phenomena in the South China Sea, and gives relevant recommendations on the subject.

<https://apjihl.org/article/grey-zone-conflict-in-the-south-china-sea-and-challenges-facing-the-legal-framework-for-the-use-of-force-at-sea/>

Gunshot wound reporting legislation in the Asia - Pacific region : a need to ensure better consistency with IHL

Kelisiana Thynne and Sahar Haroon. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 99-134

This article builds upon a report compiled by the Swiss Institute of Comparative Law entitled, “Legal Opinion on the Obligation of Healthcare Professionals to Report Gunshot Wounds” covering 22 countries. The report drew three main conclusions: (1) that there is a universal obligation of doctor-patient confidentiality; (2) that most countries either incorporate a duty of healthcare professionals to report gunshot wounds or have more general reporting obligations that might include the reporting of gunshot wounds; and (3) that very few States have specific legislation protecting healthcare professionals and access to healthcare. Should mandatory gunshot wound reporting legislation require reporting prior to treatment it could impede access to healthcare for gunshot wound victims and lead to unnecessary suffering or death. This article shows that under IHL information sharing is indeed not prohibited and, in many cases, may be necessary. It argues therefore that while legislation affecting doctor-patient confidentiality is not consistent with medical ethics and arguably contrary to IHL in many cases it would be compatible with IHL to have appropriately nuanced reporting legislation that also protects confidentiality. Furthermore, this article draws some conclusions as to how legislation can operate to not impede access to healthcare. This article considers three States in the Asia Pacific region, Pakistan, Papua New Guinea and the Philippines and assesses how their laws on medical ethics and gunshot wound reporting have been or should be adapted to adequately reflect these IHL principles. Broadly speaking, States should revisit their reporting laws to ensure consistency with IHL, and while such contextualized legislation should be adopted by all States, it should ensure patient confidentiality and afford better clarity to healthcare professionals on when and how they are required to report.

<https://apjihl.org/article/gunshot-wound-reporting-legislation-in-the-asia-pacific-region-a-need-to-ensure-better-consistency-with-ihl/>

Heritage destruction in Syria and Northern Iraq : which is the applicable law ?

Francesca Sironi De Gregorio. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 3-44

This article looks at the legal framework applicable to the direct targeting of cultural heritage sites in Syria and Iraq under a double perspective: the obligations and responsibility of the Syrian Arab Republic, and eventually other foreign States involved in the hostilities; and individual criminal responsibility arising for the perpetrated acts of destruction of cultural heritage. In the view of the author, the legal framework regarding States’ obligations is sufficiently developed, but the possibility for States to waive the obligation prohibiting direct attacks against cultural objects if imperative military necessity requires is potentially detrimental to effective enforcement. Regarding international criminal responsibility, relevant customary international crimes have to be examined in the light of the practice of domestic and international criminal tribunals. The author provides a brief assessment on the applicable Syrian and Iraqi criminal law and discusses the possible ways to prosecute the most responsible under international criminal law.

The humanitarian imperative for minimally-just AI in weapons

Jason Scholz and Jai Gallioth. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 57-72

For the use of force to be lawful and morally just, future autonomous systems must not commit humanitarian errors or acts of fratricide. To achieve this, the authors distinguish a novel preventative form of minimally-just autonomy using artificial intelligence (MinAI) to avert attacks on protected symbols, protected sites, and signals of surrender. MinAI compares favorably with respect to maximally-just forms proposed to date. The authors examine how fears of speculative artificial general intelligence has distracted resources from making current weapons more compliant with international humanitarian law, particularly Additional Protocol 1 of the Geneva Convention and its Article 36.

<https://doi.org/10.1093/oso/9780197546048.003.0005> *

Humanitarian relief in situations of armed conflict

Emanuela-Chiara Gillard and Nathalie Weizmann. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 503-527

The chapter outlines the rules of IHL regulating collective humanitarian relief operations, with a particular focus on how they balance the dictates of belligerents' security interests and civilians' 'human security' needs and entitlements. It then considers one particular way in which a pressing national and international security objective—countering terrorism—interacts with and adversely impacts the capacity of humanitarian actors to operate in a principled manner, and thus impairs the human security of populations in need.

Humanitarian support in a denial of access context : emergent strategies at the interface of humanitarian and sovereign law

Erwin Biersteker, Julie Ferguson, Peter Groenewegen and Kees Boersma. In: Journal of international humanitarian action, Vol. 6, no. 14, 2021, 14 p.

The principles of international humanitarian law (IHL) have evoked considerable debate in the practice of humanitarian support, particularly in terms of emerging tensions with sovereign (national) law. Drawing on organization studies, we examine the emergent strategies aimed at resolving the ambiguous legal context in which humanitarian support operations in a conflict context are embedded. Our analysis of two mission revealed two types of emergent strategies, namely network and negotiation strategies, differentiated by particular contextual dimensions. We extend the humanitarian law debate by showing the strategic interplay between the operational humanitarian context and international humanitarian principles, thereby connecting the fields of international law and organization science.

<https://doi.org/10.1186/s41018-021-00103-w>

ICRC engagement with non-State armed groups : why, how, for what purpose, and other salient issues : ICRC position paper

ICRC. - [Geneva] : ICRC, March 2021. - 12 p.

This position paper introduces the approach taken by the ICRC for humanitarian engagement with non-state armed groups. Humanitarian engagement with armed groups, including non-state armed groups (NSAGs) has long been a defining feature of the ICRC's work. In today's challenging environment the organization must more than ever pursue direct contact and dialogue with armed groups in order to alleviate the suffering of persons affected by armed conflict and other situations of violence. The position paper outlines the main reasons for ICRC engagement with NSAGs, focussing on: the features of today's NSAG environment, the legal basis for the ICRC's engagement, access to civilians, and the acceptance of the ICRC in the NSAG environment, building respect for international humanitarian law, protection dialogue and influencing behaviours, some challenges to current NSAG engagement.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2021_03_ENG.pdf

ICRC position on autonomous weapon systems

ICRC. - Geneva : ICRC, May 2021. - 11 p.

The International Committee of the Red Cross (ICRC) has, since 2015, urged States to establish internationally agreed limits on autonomous weapon systems to ensure civilian protection, compliance with international humanitarian law, and ethical acceptability. With a view to supporting current efforts to establish international limits on autonomous weapon systems that address the risks they raise, ICRC recommends that States adopt new legally binding rules, in this position and background paper.

<https://library.icrc.org/library/docs/DOC/icrc-4550-002.pdf>

Implementing the obligation to return illicitly exported cultural property to the authorities of an occupied territory : who bears the responsibility ?

Sofia Pouloupoulou. In: The Asian yearbook of human rights and humanitarian law, Vol. 5, 2021, p. 167-190

In situations of armed conflict, cultural property is a civilian object entitled to protection under International Humanitarian Law. Nevertheless, cultural property is endangered during military operations through its military use, deliberate destruction, or as collateral damage arising out of the targeting of military objectives in close proximity to it. Outside of the conduct of hostilities, cultural property is further exposed to the risk of looting, pillage and illicit exportation. With the use of examples of cultural property illicitly removed from territories under belligerent occupation, this article aims to identify the scope of the obligation to prevent and prohibit the illicit export of cultural property from occupied territories and, upon failure to do so, the obligation to return it to the aforementioned territories. In addition, it enquires into the treaty-based monitoring system that supervises the implementation of the provisions related to the prevention of exportation and the return of cultural property to the authorities of (formerly) occupied territories.

India's anti-satellite test : from the perspective of international space law and the law of armed conflict

Shakeel Ahmad. In: International criminal law review, Vol. 21, no. 2, 2021, p. 342-366

To enhance their strategic position, some spacefaring States are engaged in exploiting legal lacunae of international space treaties. Consequently, there is an increase of militarization of outer space. As an instance of such activities, an anti-satellite (ASAT) test by India represents a strategic move to enhance its deterrence capability rather than earnestly adhering to international space law. Such actions can potentially increase the element of uncertainty in international law, particularly the international space law. The pursuit of military strategic interests in space has increased the possibility of an arms race in space. This article argues that ASAT tests not only violate certain principles of international law but also undermine the efforts for arms control and disarmament in the outer space. In this regard, an effective role of the international community is required to curb the arms race imperative for a safe and sustainable outer space environment.

<https://doi.org/10.1163/15718123-bja10046> *

Institutionalized inhumanity : from torture to assassination

Natasa Mavronicola. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 396-412

The chapter considers the legal framework on torture and other cruel, inhuman, or degrading treatment or punishment and assassination, broadly conceived. It considers some of the main developments in respect of the law and the deontic humanity that underpins it as well as prominent challenges arising therein, at the heart of which are (national, global, or transnational) security structures, or appeals to security.

Interaction between international humanitarian law and national law in the field of the protection of rights of the most vulnerable population groups

S. Ye. Smirnykh. In: Russian year-book of international law, 2019, p. 287-300

The article addresses contemporary issues of the interaction between international humanitarian law and national law in the field of protecting the rights of the most vulnerable groups of the population. The issues of implementation at the national level of the provisions enshrined in international agreements on the rights of the most vulnerable population groups are examined.

Internal strife and insurgency

Christian Henderson. - In: The Oxford handbook of the international law of global security. - Oxford : Oxford University Press, 2021. - p. 158-175

This chapter discusses internal strife and insurgency. The terms ‘internal strife’ and ‘insurgency’ encompass a range of situations from peaceful and violent protests and demonstrations to rebellions against the governmental forces of a State and a non-State armed group (or between two such groups) or, as is more often the case, may be fuelled by third States or even involve them directly. The chapter then provides a broad yet concise overview of the international legal frameworks that regulate internal strife and insurgency, with particular focus on international human rights law (IHRL) and the applicability of the law of armed conflict, and the ways that these frameworks interact. What is more, from a global security perspective, it is the possibility of outside intervention and the attendant frameworks and rules of international law that are arguably most pertinent and controversial. There have been several recent developments potentially

impacting the international law governing internal strife and insurgency and the chapter explores these and some of the recent situations that illustrate them.

International disarmament and arms control : in the middle of a paradigm shift?

Mirko Sossai. - In: *The Oxford handbook of the international law of global security.* - Oxford : Oxford University Press, 2021. - p. 310-327

This chapter discusses disarmament and arms control, which were envisaged as an integral part of the collective security system set out in the United Nations Charter. International law on disarmament and arms control is in essence treaty law: hence, the chapter identifies the distinctive features of the existing legal framework. The chapter then focuses on current developments in both international politics and military technology and their impact on international security and arms control efforts.

International economic relations and armed conflict

Wolff Heintschel von Heinegg. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 449-467

The law of international armed conflict provides for a variety of principles and rules aimed at the protection of economic interests of both the belligerent States and their respective nationals, including entities. This chapter gives an assessment of the jurisprudence of the Eritrea-Ethiopia Claims Commission (EECC) relevant to international economic relations during the Eritrean-Ethiopian armed conflict with a view to testing the effectiveness of the applicable law. While many of the facts at issue before the EECC were disputed or not absolutely verifiable, the Commission has contributed to some important clarifications. Furthermore, based on the law of armed conflict as generally recognised by the international community, it has also contributed to a clarification of the applicable law and, thus, to its consolidation especially regarding the effects of armed conflict on treaties, the complementarity between international humanitarian law and human rights law during armed conflicts and the protection of private property rights of enemy nationals in enemy territory. The law of neutrality played instead a minor role during the conflict because there had been no extensive interference by neither belligerent with third States, their nationals, or their aviation and navigation.

International human rights law beyond state territorial control

Antal Berkes. - Cambridge : Cambridge University Press, 2021. - XXI, 357 p.

Can international human rights law be applied and enforced in a part of a State's territory outside its effective control? This study provides a step by step analysis to show how it can. International human rights law can normalise an imperfect, defective situation through pragmatic interpretation; it imposes obligations both on the territorial State on account of its sovereign title and residual effectiveness on the one hand, and on any subject of international law exercising territorial control over the area on account of its effective control on the other. By considering effectiveness beyond formal normative sources and titles of the subjects implicated in the territorial situation, international human rights law is interpreted and applied in a manner which renders human rights practical and effective. The book provides a comprehensive analysis of State practice regarding various subjects implicated in the territorial situation, applicable legal sources and major geographic areas.

International humanitarian law and cyber operations during armed conflicts : ICRC position : paper submitted to the 'Open-Ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security' and the 'Group of Governmental Experts on Advancing Responsible State Behaviour in Cyberspace in the Context of International Security'

ICRC. - [Geneva] : ICRC, November 2019. - 9 p.

In this position paper, the ICRC presents its views on cyber operations and international humanitarian law (IHL). The use of cyber operations during armed conflicts is a reality. While only a few States have publicly acknowledged using such operations, an increasing number of States are developing military cyber capabilities, and their use is likely to increase in future. In recent years, cyber operations have shown that they can seriously affect civilian infrastructure and might result in human harm. This position paper focusses on: the potential human cost of cyber operations, the application of IHL to cyber operations during armed conflicts, the protection afforded by existing IHL, the need to discuss how IHL applies and attribution of conduct in cyberspace for the purposes of State responsibility.

https://library.icrc.org/library/docs/DOC/ICRC_POSITION_PAPER_2019_11_ENG.pdf

International humanitarian law and refugee protection

Reuven (Ruvi) Ziegler. - In: *The Oxford handbook of international refugee law.* - Oxford : Oxford University Press, 2021. - p. 221-239

The chapter considers the interrelations between international humanitarian law and international refugee law. It seeks to illustrate that, in displacement contexts, interactions between international humanitarian law and (global and regional) refugee protection regimes, which continue to apply during conflict, are rather challenging given that, whereas international humanitarian law shares international refugee law's concern for vulnerable individuals, its frame of reference (unlike that of international refugee law) is minimization of harm. Given that the regimes have evolved at different times and with their own specific sources, institutions, and ethos, the chapter appraises how 'regime interaction' would (or should) work. It then assesses the scope of application of international humanitarian law norms, looking at the significance of international humanitarian law classification, including who classifies conflicts. The chapter concludes by exploring international humanitarian law displacement-related norms and the extent to which international refugee law interpretations affect them.

<https://opil.ouplaw.com/view/10.1093/law/9780198848639.001.0001/law-9780198848639-chapter-13>

International humanitarian law and the conduct of hostilities in the case-law of the Eritrea-Ethiopia Claims Commission

Gabriella Venturini. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 345-371

The 1998–2000 international armed conflict between Eritrea and Ethiopia was terminated by the Algiers Peace Agreement of 12 December 2000, where the two States entrusted an arbitral commission to decide claims for loss, damage or injury related to the conflict and resulting from violations of international law, notably International Humanitarian Law. This chapter discusses the awards on claims concerning the conduct of hostilities by the two States on the Central, Eastern and Western Fronts rendered by the Eritrea-Ethiopia Claims Commission established by Article 5 of the Algiers Peace Agreement. In implementing its mandate, the Claims Commission applied and interpreted a number of specific rules of International Humanitarian Law concerning means and methods of warfare as well as important principles pertaining to international law on State liability for serious violations. Although some of the approaches and solutions upheld by the Claims Commission are debatable, it is submitted that, on the whole, its case-law on the matter should be considered positively, particularly regarding the determination of the customary status of a number of provisions contained in Protocol I Additional to the Geneva Conventions.

International humanitarian law and the protection of the civilian population in cyberspace : towards a human dignity-oriented interpretation of the notion of cyber attack under Article 49 of Additional Protocol I

Giacomo Biggio. In: *Revue de droit militaire et de droit de la guerre = The military law and law of war review*, Vol. 59, no. 1, 2021, p. 114-140

The use of cyber-technologies in times of armed conflict poses serious interpretive challenges, such as what type of cyber operations amount to an 'attack' for the purposes of Article 49 of Additional Protocol I. The notion of attack is the cornerstone of the law of targeting, a set of rules that includes the principles of distinction, proportionality and precaution, aimed at limiting the amount of violence that belligerents can lawfully employ on the battlefield. The rationale of these rules is that of increasing the protection of the dignity of the civilian population, which constitutes the main objective of modern international humanitarian law (IHL). In light of these considerations, the article argues that the prevailing interpretation of the notion of attack in the cyber context is too restrictive and cannot adequately protect the civilian population from cyber operations taking place in armed conflict. Consequently, it argues for a human-dignity based interpretation of the notion of 'violence' that underlies the notion of attack in the cyber context, going beyond the mere causation of physical violence to include serious psychological violence and serious economic violence as necessary prerequisites to qualify a cyber operation as an 'attack'.

<https://doi.org/10.4337/mlwr.2021.01.06> *

International investment law and the law of armed conflict

Katia Fach Gómez, Anastosios Gourgourinis, Catharine Titi. In: *European yearbook of international economic law*, Special issue, 2019, XII, 536 p.

Assessing the extent to which armed conflict impacts the obligations that states have towards foreign investors and their investments under international investment treaties requires considering a wide range of issues, many of which are systemic in nature. These include substantive and procedural topics, not only

with regard to international investment law, but also concerning the law on the use of force, international humanitarian law and human rights law, the law of treaties, the law of state responsibility and the law of state succession. This volume provides an in-depth assessment of the overlap between international investment law and the law of armed conflict by charting the terrain of the multifaceted and complex relationship between these two fields of public international law, fostering debate and offering novel perspectives on the matter.

International law and the protection of cultural property in non-international armed conflict : applicability to non-state armed groups in the Syrian conflict

Allison McClelland. In: *The Asian yearbook of human rights and humanitarian law*, Vol. 5, 2021, p. 61-91

While the significant damage inflicted on cultural property by States is well-documented, and their international law obligations clear, academic analysis of the intentional and unintentional destruction exacted by a growing multitude, variation and sophistication of non-state armed groups (NSAGs) is lacking. This article will examine whether and to what extent treaty and customary international law rules governing the protection of cultural property in NIAC bind NSAGs, specifically with respect to the activities of two key parties to the Syrian conflict at its 2014 – 2016 height: the Free Syrian Army (FSA) and the Islamic State of Iraq and Syria (ISIS). It will analyse the strengths and weaknesses of the six principal explanations for the binding nature of the rules regulating NIAC on NSAGs. The article will examine the substantive content of each group's treaty and customary international law obligations pertaining to the protection of cultural property, before seeking to assess their relative compliance with them. Finally, it aims to consider challenges to the applicability, substance and implementation of these obligations.

The international law of prolonged sieges and blockades : Gaza as a case study

Eyal Benvenisti. In: *International law studies*, Vol. 97, 2021, p. 969-994

In 2007, after Hamas' takeover of the Gaza Strip, the area was subjected to an Israeli land siege, complemented in 2009 by a sea blockade. Since then, the already-dire living conditions in the Strip have declined consistently and the area's dependence on external aid has grown. This essay examines the duties of a military power in imposing what is effectively a years-long confinement of people and outlines a general argument for expanding the obligations of a party that imposes a prolonged siege or blockade. The author considers these obligations in light of three potentially relevant legal frameworks: the law of occupation; international humanitarian law; and human rights law. In this essay, the author argues that, although Gaza is no longer occupied, Israel, in exercising prolonged siege and blockade, must respect a set of obligations that encompass much more than simply not starving the besieged population or not cutting off their water supply. The essay concludes that the law should be interpreted as demanding that the besieger respect a wider scope of rights – including, among others, the right to enter and exit the besieged area – and, while it may limit such rights, such limitations must be compatible with the requirements of proportionality, taking into account the human toll caused by the extraordinary yet long-term situation.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/40/>

International legal bases and practice of protection of rights of indigenous and tribal peoples at the time of armed conflict

U. J. Mammadov. In: *Russian year-book of international law*, 2019, p. 255-271

This article briefly reviews the history of the concepts of "indigenous" peoples and "tribal peoples" and proceeds to investigate certain issues of protection of indigenous and tribal peoples in armed conflicts in the context of international law and practice of judicial and extra-judicial human rights protection mechanisms. Based on the analysis of specific rules of international humanitarian law, this article concludes that they are not capable, in general, of providing meaningful special protection for indigenous and tribal peoples as especially vulnerable groups in armed conflicts. In view of the above, possibility of protection of indigenous and tribal peoples at the time of armed conflict is considered taking into account the practice of international judicial and non-judicial mechanisms for the protection of human rights.

Internationalisation of armed conflicts due to third State involvement 70 years after the adoption of the Geneva Conventions

Rogier Bartels. - In: *70 Jahre Genfer Konventionen : Stand und Perspektiven des humanitären Völkerrechts.* - Berlin : Berliner Wissenschafts-Verlag, 2021. - p. 117-141

If the majority of the rules of IHL now also apply in times of non-international armed conflicts, differences remain and it continues to be vital to determine the character of a conflict for the purposes of international criminal law. One particular aspect impacting the classification of conflicts is the involvement of a third State on the side of an armed group fighting a government. This article compares the standards developed by the

ICJ and the ICTY to assess the involvement of a third state. Looking at case law, it argues that the adoption of the ICTY's lower 'overall control' standard, in contrast to the ICJ's original 'effective control' standard, may raise fair trial rights questions.

Investments under occupation : the application of investment treaties to occupied territory

Tobias Ackermann. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 67-92

The occupation and annexation of Crimea have led to several investment claims brought forward by Ukrainian investors against Russia concerning measures taken on the Crimean Peninsula. These cases have, among others, raised the underexplored issue whose, if any, investment treaties apply to occupied territory. In answering this question, the present contribution first assesses the duties of the occupant under the law of occupation vis-à-vis investment treaty obligations of the occupied State. It is argued that although the occupant has to respect these obligations, it is ultimately not subject to investor-State dispute settlement. In contrast, recent decisions in which arbitral tribunals have affirmed their jurisdiction in the Crimean context show that Russia's own investment treaty obligations are applied to the occupied territory. The second section of the contribution critically assesses this interpretation of the common reference to "territory". It finds that the territorial application of these treaties can, without violating other rules of international law, in fact be extended to foreign territory under the State party's effective control. Despite the politically charged implications such an interpretation could mean for the cementation of occupation, the independent legal review of measures taken by occupying States should be welcomed.

<https://library.ext.icrc.org/library/docs/RESTRICTEDACCESS/53778.pdf> *

Investor obligations in occupied territories : a report on the Norwegian government pension fund - global

Essex Business and Human Rights Project ; authored by Dr Chiara Macchi, Dr Tara Van Ho, and Mr Luis Felipe Yanes ; commissioned by Fagforbundet, and Norwegian People's Aid. - Essex : Human Rights Center, 2019. - 39 p.

This Report examines the human rights responsibilities of the Government Pension Fund - Global (Statens Pensjonsfond Utland – "SPU") in regard to its investments in companies operating in the Occupied Palestinian Territories. The Report starts by establishing the basis and the content of institutional investors' responsibility to respect human rights before applying these standards to SPU's investments in businesses operating in Israeli settlements in the Occupied Palestinian Territories. Demonstrating how businesses should undertake human rights due diligence, the Report first considers the adverse impacts Palestinians experience as a result of the settlements. The Report highlights the impact of settlements on Palestinians' rights to life, freedom from torture and cruel, inhuman or degrading treatment or punishment, housing, freedom of movement, education, water and sanitation, and nondiscrimination. It also considers communal harms and international crimes associated with the settlements. The Report then turns to SPU's responsibility.

<http://repository.essex.ac.uk/26657/>

The Islamic law of war and peace and the international legal order : convergence or dissonance?

Sohail H. Hashmi. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 379-394

This chapter explores the different reactions that the rise of international law elicited among Muslim theorists. The author divides the response into three broad categories: the assimilationists, the accommodationists, and the rejectionists. These three categories are ideal types; there are, of course, nuances within each of these general positions, and few writers fit perfectly into one camp or the other. Still, the three groups do represent, according to the author, an accurate expression of the spectrum of Muslim responses to the advent of international law on war and peace. On this spectrum, the clear tendency of Muslim scholarship and state practice is towards the assimilationist and accommodationist positions. In other words, over the past century the broad Muslim consensus on the Islamic laws of war and peace has tended more towards convergence rather than dissonance with international humanitarian law.

Israel’s perspective on key legal and practical issues concerning the application of international law to cyber operations

Roy Schöndorf. In: *International law studies*, Vol. 97, 2021, p. 395-406

The speech given by the Israeli Deputy Attorney General (International Law) at the Naval War College’s event on “Disruptive Technologies and International Law” sets out, for the first time, Israel’s position on the application of international law to cyber operations. Consistent with the position taken by the vast majority of States thus far, Israel considers that international law applies to such operations. The speech stresses that questions pertaining to the identification and application of relevant legal rules remain, given the profound differences between the cyber domain and traditional domains of warfare—land, sea, and air. Therefore, in Israel’s view, a cautious methodological approach is warranted when determining the applicable law. The speech provides Israel’s views on key questions concerning the application in cyberspace of *jus ad bellum*, and relevant concepts of *jus in bello*, particularly those of “attack” and “object.” It also addresses key questions concerning the application of other international legal rules and concepts that are pertinent to cyber operations: sovereignty, non-intervention, due-diligence, attribution and countermeasures.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/21/>

Israel's administrative detention in the Occupied Palestinian Territories : an assessment of the applicable norms of international law and possibilities of enforcement

Peter Langford and Triestino Mariniello with Paolo Lobba. - [Ormskirk, UK] : [Edge Hill University], September 2019. - 179 p.

The Report engages in a critical legal analysis of the Israeli State practice of administrative detention in the Occupied Palestinian Territory (OPT). It commences with an overview of the legal character of Israel’s regime of administrative detention. It then subjects Israel’s use of administrative detention to a two-stage critical analysis. The first stage is based upon the extraterritorial application to the OPT of the norms of international humanitarian law and international human rights law. The second stage considers the potential liability, under the Rome Statute of the International Criminal Court (ICC), for international crimes resulting from the Israeli State practice of administrative detention.

https://research.edgehill.ac.uk/ws/portalfiles/portal/22096758/Report_Administrative_Detention.pdf

Juridification, politicization, and circumvention of law : (de-)legitimising chemical warfare before and after Ypres, 1899-1925

Miloš Vec. - In: *The justification of war and international order : from past to present*. - Oxford : Oxford University Press, 2021. - p. 221-237

After the first German gas attack in 1915 at Ypres a political and legal debate started. The justificatory discourse of chemical warfare took up elements from international treaties and doctrine, discussing the centuries-old use of poisonous weapons which was now being dealt with in the Hague Conventions. Political interests, military necessity, and ethical standards clashed when interpreting the provisions of Article 23 of the ‘Convention with Respect to the Laws and Customs of War on Land’ from 1899, prohibiting ‘(t)o employ poison or poisoned arms’. This chapter discusses the international legal debate around chemical weapons as it relates to politics before, during, and after the First World War. The historical justification of a particular type of weapon and warfare illustrates the conceptualization of international law and politics at that time.

Jus post bellum : the rediscovery, foundations, and the future of the law of transforming war into peace

by Jens Iverson. - Leiden : M. Nijhoff, 2021. - XI, 360 p.

In *Jus Post Bellum*, Jens Iverson provides the Just War foundations of the concept, reveals the function of *jus post bellum*, and integrates the law that governs the transition from armed conflict to peace. This volume traces the history of *jus post bellum* *avant la lettre*, tracing important writings on the transition to peace from Augustine, Aquinas, and Kant to more modern jurists and scholars. It explores definitional aspects of *jus post bellum*, including current its relationship to sister terms and related fields. It also critically evaluates the current state and possibilities for future development of the law and normative principles that apply to the transition to peace. Peacebuilders, scholars, and diplomats will find this book a crucial resource.

Justice for Syrians under the International Criminal Court : applying the Myanmar model of territorial jurisdiction for cross-border crimes

Natasha Chhabra. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 164-183

The ongoing civil war in Syria has come at a great cost to the people of Syria who have been subjected to atrocities and violence. To date, there has been limited recourse for crimes against humanity committed by the Assad regime. This article assesses whether the International Criminal Court Pre-Trial Chamber statement of September 2018 that the Court may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar to Bangladesh has created a precedent for jurisdiction over crimes committed at least partially in the territory of a State party by nationals of a State not party to the Statute. By comparing the legal elements of the crime of deportation as it has affected the Rohingya and Syrian populations, this article suggests that precedence could exist for the International Criminal Court to exercise its jurisdiction over responsible senior officials in Syria.

<https://apjihl.org/article/justice-for-syrians-under-the-international-criminal-court-applying-the-myanmar-model-of-territorial-jurisdiction-for-cross-border-crimes/>

Killer robots : lethal autonomous weapons and international law

Sebastiaan Van Severen and Carl Vander Maelen. - In: Artificial intelligence and the law. - Cambridge ; Antwerp ; Chicago : Intersentia, 2021. - p. 151-172

According to Isaac Asimov's 1942 sci-fi story Runaround, the 'First Law of Robotics' prescribes that 'a robot may not injure a human being or, through inaction, allow a human being to come to harm'. The Second law states that 'a robot must obey the orders given it by human beings except where such orders would conflict with the First Law'. Technology has come a long way since the heyday of sci-fi books and films about robot overlords and robotised weaponry. And while science-fiction literature and Hollywood have surely fuelled the imagination of the general audience, our civilisation is nowhere near robot domination yet. Nevertheless, technological developments in the methods and means of warfare brew at the horizon like an ever more ominous cloud, and the question of whether humanity needs its own Laws of Robotics becomes increasingly prominent. As this book amply shows, the potential of robots and AI in law is tremendous. It certainly seems that in many fields of human activity, this great potential is of a largely beneficial kind. Efficiency, autonomy and an unmatched computational power promise sizeable gains in an array of legal domains. In international law, and more particularly in the realm of the conduct of hostilities, there is not as much space for unbridled optimism. This chapter will attempt to shed some light on important questions of international law when dealing with robots. First, the reader is introduced to the basic concepts of international humanitarian law and several *prima facie* concerns regarding their relationship to LAWs, in particular the principles of distinction and the prohibition of superfluous injury or unnecessary suffering. The authors then explore the legal aspects of LAWs relating to two themes: the authority awarded to machines and automated decision-making processes on wounding and/or killing humans in an armed conflict, as well as the processes and procedural safeguards behind targeting and engagement choices. This is followed by a briefing on current applications of LAWs and their foreseeable developments, with a particular focus on the US and China as the two military actors most advanced in developing such technology.

Killing Qasem Soleimani : international lawyers divided and conquered

Luca Ferro. In: Case Western Reserve Journal of International Law, Vol. 54, issue 1, 2021, p. 163-196

The article is structured in two main parts. First, it sets out the facts surrounding the death of Soleimani as reported by media outlets and widely relied upon by international legal experts. It then delves into the analysis by no less than 15 of them who co-authored 11 legal briefs of varying depth. All such briefs tackle, more or less, the same overarching question: Was the killing of Soleimani by U.S. drone strikes in conformity with the relevant requirements of international law, consisting of the *jus ad bellum* ("JAB"), *jus in bello* ("JIB") and international human rights law ("IHRL")? However, there was little consensus among the experts — if any. The article hopes to better understand why international lawyers disagree so spectacularly by comparing and contrasting the variety of views in the Soleimani-case and stripping down the supporting argumentation to uncover the underlying (theoretical and methodological) approach. The article's second part will tackle that preliminary examination. The root of the problem indeed appears to lie in a different methodological approach to the same issue, which includes relying on different sources and/or interpreting the same sources differently. Add to that the law's supposed indeterminacy, the absence of an authoritative arbiter, and contemporary academic idiosyncrasies, and it becomes clear(er) why each interpretation of international law is seemingly allowed to stand. The article ends with some final reflections. Generally, it hopes to spark a much-needed debate by identifying a worrying trend in international law and taking a swing at offering preliminary explanations, rather than present a definitive solution. After all, if the "invisible college of international lawyers" cannot decide on the disputed legality of a State unapologetically taking out the military brass of its archenemy on the territory of a neutral country, it is difficult to see what remains of

the prohibition on the use of force – the cornerstone of the Charter of the United Nations and international law more broadly.

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/8>

The law of belligerent occupation : disputed territory ; the distinction between invasion and occupation

Terry D. Gill. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 441-447

Professor Gioia's chapter 'The Belligerent Occupation of Territory' provides a clear overview and a carefully constructed analysis of the Commission's treatment of the relevant issues of the law relating to the belligerent occupation of territory by both parties to the Eritrea-Ethiopia conflict. The present chapter provides a commentary on his analysis and will focus on two issues which rightfully received substantial attention in Gioia's chapter: the applicability of the law of occupation to territory to which title is disputed and the distinction between invasion and occupation. This will be followed with a few concluding remarks relating to these issues and the general relevance of the law of belligerent occupation at the present time.

Legal advisers in the field during armed conflict

Yoram Dinstein. In: *International law studies*, Vol. 97, 2021, p. 917-936

Additional Protocol I to the Geneva Conventions of 1949 requires that legal advisers be made available to military commanders, particularly during hostilities. This treaty stipulation was quite innovative in 1977, but it has achieved widespread implementation, even among non-Contracting Parties. It is noteworthy that the United States—which objects to numerous provisions of Additional Protocol I—does not dissent from the article requiring legal advisers. A study of the practice of States, made by the International Committee of the Red Cross, confirms that the norm requiring that legal advisers be made available to advise military commanders in time of armed conflict currently reflects customary international law. This essay examines how the requirement is implemented by States and how States view the specific role of the legal adviser, their relationship to the military commander, their training (as well the commander's training), and responsibility for faulty advice.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/36/>

Legal challenges or "gaps" by countering hybrid warfare : building resilience in jus ante bellum

Morten M. Fogt. In: *Southwestern journal of international law*, Vol. 27, no. 1, 2021, p. 28-100

This article addresses the concept of "hybrid war", the specific treaty limitations and the currently adopted hybrid countermeasures and then goes into a detailed legal analysis of the challenges and "gaps" that emerge. With a focus on NATO, the article proposes a legal tetrachotomy consisting of the jus ante bellum, the traditional divide of the jus ad bellum and jus in bello and, moreover, the jus post bellum.

<https://www.swlaw.edu/sites/default/files/2021-03/2.%20Fogt%20%5B28-100%5D%20V2.pdf>

Legal reviews of war algorithms

Tobias Vestner and Altea Rossi. In: *International law studies*, Vol. 97, 2021, p. 509-555

States and scholars recognize legal reviews of weapons, means or methods of warfare as an essential tool to ensure the legality of military applications of artificial intelligence (AI). Yet, are existing practices fit for this task? This article identifies necessary adaptations to current practices. For AI-enabled systems that are used in relation to targeting, legal reviews need to assess the systems' compliance with additional rules of international law, in particular targeting law under international humanitarian law (IHL). This article discusses the procedural ramifications thereof. The article further finds that AI systems' predictability problem needs to be addressed by the technical process of verification and validation, a process that generally precedes legal reviews. The article argues that ultimately, as the law needs to be translated into technical specifications understandable by the AI system, the technical and legal assessment conflate into one. While this implies several consequences, the article suggests that emerging guidelines on the development and use of AI by states and industry can provide elements for the development of new guidance for the legal assessment of AI-driven systems. The article concludes that legal reviews become even more important for AI technology than for traditional weapons because with increased human reliance on AI, more attention must go to a system's legality.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/26/>

Lethal autonomous weapons : re-examining the law and ethics of robotic warfare
 edited by Jai Galliot, Duncan MacIntosh & Jens David Ohlin. - Oxford : Oxford University Press, 2021. - XI, 302 p.

The question of whether new rules or regulations are required to govern, restrict, or even prohibit the use of autonomous weapon systems has been the subject of debate for the better part of a decade. Despite the claims of advocacy groups, the way ahead remains unclear since the international community has yet to agree on a specific definition of Lethal Autonomous Weapon Systems and the great powers have largely refused to support an effective ban. In this vacuum, the public has been presented with a heavily one-sided view of Killer Robots. This volume presents a more nuanced approach to autonomous weapon systems that recognizes the need to progress beyond a discourse framed by the Terminator and HAL 9000. Re-shaping the discussion around this emerging military innovation requires a new line of thought and a willingness to challenge the orthodoxy. Lethal Autonomous Weapons focuses on exploring the moral and legal issues associated with the design, development and deployment of lethal autonomous weapons. In this volume, we bring together some of the most prominent academics and academic-practitioners in the lethal autonomous weapons space and seek to return some balance to the debate. As part of this effort, we recognize that society needs to invest in hard conversations that tackle the ethics, morality, and law of these new digital technologies and understand the human role in their creation and operation.

<https://doi.org/10.1093/oso/9780197546048.001.0001> *

Maintaining command and control (C2) of lethal autonomous weapon systems : legal and policy considerations

John Cherry and Durward E. Johnson. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 1-27

There exists a tremendous volume of scholarship and debate addressing the law of armed conflict and autonomous weapon systems. Most of the arguments focus on their inherent legality and the adequacy of existing law to regulate these systems. The United States has long maintained that autonomous weapon systems are not prohibited per se by the law of armed conflict. The U.S. considers that such advances in technology can enhance compliance with the law and reduce harm to the civilian population during armed conflict. Weapon systems with advanced levels of autonomy could reduce misidentification of military targets, better detect potential collateral damage, and prove more distinct in target engagement. Additionally, and of particular interest to this Article, the U.S. government and other governments around the world have implemented policies and procedures that regulate the acquisition, development, testing, and employment of autonomous weapon systems to ensure their compliance with the law of armed conflict. This Article is designed to provide a practical approach to the legal debate surrounding lethal autonomous weapon systems and their employment in armed conflict. It suggests that existing U.S. regulations, policies, and processes established for the procurement, development, legal and policy review, and ultimately, use of these weapon systems, ensure compliance with the law of armed conflict. This Article concludes that the existing law of armed conflict, coupled with responsible state policy and practice, provide sufficient command and control, also known as C2, to ensure the legal and responsible use of lethal autonomous weapon systems in armed conflict.

<https://www.swlaw.edu/sites/default/files/2021-03/1.%20Cherry%20%5Bp.1-27%5D.pdf>

Malaysia and the Rome Statute of the International Criminal Court : a call for ratification

Kelisiana Thynne and Fiona Barnaby. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 65-98

Malaysia recently withdrew its accession to the Rome Statute of the International Criminal Court citing constitutional and judicial concerns. This article discusses these concerns and the possible implications of the Rome Statute on Malaysia's implementation of international and domestic criminal justice. Beginning with a brief summary of existing Malaysian law dealing with international crimes and an overview of the main crimes under the Rome Statute, the article analyses the outcome of accession or otherwise on Malaysia. The article considers elements that could already be put in place in Malaysian law while Malaysia again considers whether to embark on the road to eventual accession to the Rome Statute. Several concerns such as the position of the United States and sovereign immunity have consistently been raised as barriers to Malaysia's accession to the Rome Statute. These issues are discussed with reference to different States' approaches to this challenge. Possible options available to Malaysia apart from accession to the Rome Statute are also outlined.

<https://apjihl.org/article/malaysia-and-the-rome-statute-of-the-international-criminal-court-a-call-for-ratification/>

Manuel de Leuven sur le droit international applicable aux opérations de paix

Terry D. Gill, Dieter Fleck, William H. Boothby et Alfons Vanheusden. - Bruxelles : Bruylant, 2021. - 411 p.

Le Manuel de Leuven offre un aperçu complet des règles qui font autorité et qui doivent être respectées lors d'opérations de paix menées sous l'égide des Nations unies, de l'Union européenne, de l'OTAN, de l'Union africaine et d'autres organisations. Le Manuel contient également des commentaires détaillés sur les bonnes pratiques liées aux règles qu'il contient. Le Manuel aborde de nombreux sujets parmi lesquels les droits de l'homme, le droit international humanitaire, les aspects de genre, l'emploi de la force et la détention par les casques bleus, la protection des civils et la pertinence du droit de l'État hôte. Des universitaires de renom, des officiers militaires et des fonctionnaires, ayant une expérience pratique des opérations de paix contemporaines, figurent parmi le groupe international d'experts ayant contribué à l'ouvrage. Ce groupe a également pu compter sur les contributions d'experts des Nations unies, de l'Union africaine, de l'OTAN et du Comité international de la Croix-Rouge, fournies à titre individuel. Ce Manuel est destiné à servir les États et les organisations impliqués dans la planification et la conduite d'opérations de paix, ainsi que les praticiens et le monde académique.

Military action to recover occupied land : lawful self-defense or prohibited use of force? The 2020 Nagorno-Karabakh conflict revisited

Tom Ruys and Felipe Rodriguez Silvestre. In: *International law studies*, Volume 97, 2021, p. 665-738

In September 2020, heavy fighting erupted between Armenia and Azerbaijan in and around Nagorno-Karabakh, a region of Azerbaijan long controlled by Armenia. After two months of military confrontations, a tripartite ceasefire was concluded, drastically altering the pre-existing territorial status quo. The "Second Nagorno-Karabakh War" brings to light a fundamental question for international law on the use of force—and one that has received limited attention in legal doctrine. The question is this: when part of a State's territory is occupied by another State for an extended period of time, can the former still invoke the right of self-defense to justify military action aimed at recovering its land? The present article provides a broad appraisal of this question, examining the arguments for and against. In particular, it examines the conditions of self-defense—and whether occupation might be construed as a "continuing" armed attack. It subsequently addresses the relevance of the principle of the non-use of force to settle territorial disputes as well as the role of armistice and ceasefire agreements, before turning to relevant State practice. Ultimately, the authors agree with the Ethiopia Eritrea Claims Commission that "any exception to the prohibition of the threat or use of force for territory that is allegedly occupied unlawfully would create a large and dangerous hole in a fundamental rule of international law."

<https://digital-commons.usnwc.edu/ils/vol97/iss1/31/>

Military briefing : persons with disabilities and armed conflict

Alice Priddy. - Geneva : Geneva Academy of International Humanitarian Law and Human Rights, March 2021. - 17 p.

Armed conflict has a disproportionate and devastating impact on persons with disabilities. However, little attention is paid by many militaries to the impact of their operations on persons with disabilities. This military briefing is designed to introduce militaries to the topic. It provides a clear and concise overview of what is meant by 'disability' and how armed conflict affects persons with disabilities. It aims to enhance the inclusion of persons with disabilities as a feature of operational planning and conduct. It can be used as a training tool and should be read in conjunction with the more in-depth Academy Briefing Disability and Armed Conflict.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Military%20Briefing%20Persons%20with%20Disabilities%20and%20Armed%20Conflict.%20.pdf>

Monitoring attacks on health care as a basis to facilitate accountability for human rights violations

Benjamin Mason Meier, Hannah Rice and Shashika Bandara. In: *Health and human rights journal*, Vol. 23, issue 1, June 2021, p. 55-70

Violence against health care systems is an assault on health and human rights. Despite the evolution of global standards to protect health workers and ensure the delivery of health care in times of conflict, attacks against health systems have continued throughout the world—violating humanitarian law, undermining human rights, and threatening public health. The persistence of such violence against health care, especially in humanitarian crises related to armed conflict, has prompted global institutions to develop systematic monitoring mechanisms in an effort to alleviate these harms, seeking to protect health workers from being harmed for their healing efforts. This article examines the development and implementation of the World

Health Organization (WHO) Surveillance System of Attacks on Healthcare (SSA) as a systematic mechanism to collect and disseminate data concerning attacks on health care systems. The article concludes that refinements to this monitoring mechanism are needed to strengthen the political prioritization, research methodology, and institutional implementation necessary to ensure accountability for violations of health and human rights.

<https://cdni.sph.harvard.edu/wp-content/uploads/sites/2469/2021/06/Meier.pdf>

Narrative contingency and international humanitarian law : crimes against humanity in Cixin Liu's post-humanist universe

Amanda Alexander. - In: Contingency in international law : on the possibility of different legal histories. - Oxford : Oxford University Press, 2021. - p. 351-369

International humanitarian law (IHL) is the term which names, and also conceptualises, the current regime of the laws of war. Critical international lawyers have acknowledged the importance of narrative as a source of meaning that shapes the interpretation and practice of international law. In their genealogies of the discourses of international law, these lawyers have argued that, although the prevailing narratives make universal claims, they are predominantly Western—arising from Western interests and facilitating Western hegemony. As a result, an important part of the critical approach to international law has involved challenging these dominant narratives with alternative accounts and interpretations of international law. IHL may be contingent on narrative possibilities, but it is hard to see these narratives, hard to change them, and even harder to imagine a different range of aesthetic and ethical possibilities. Cixin Liu's science fiction epic, *Remembrance of Earth's Past*, however, gives an unusual opportunity to explore a vision of what such an alternative international law might look like if it were not based on Western narratives or humanist thinking.

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

Les nouvelles formes de responsabilité individuelle

Muriel Ubéda-Saillard et Blandine Thellier de Poncheville. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 73-91

Les nouvelles formes de responsabilité découlent de modes de criminalités eux-mêmes inédits, qui peuvent être identifiés aux plans objectif ou subjectif : soit ils découlent de la prise en compte d'éléments nouveaux ; soit il s'agit de formes anciennes de criminalités qui sont renouvelées dans leur modalité d'exécution et perçues comme un danger tel pour l'ordre public qu'elles focalisent l'attention des populations et des Etats. Dans les deux cas de figure, on assiste à un élargissement de la responsabilité individuelle qui vise à mieux répondre aux enjeux en présence.

The obligation to prevent and avoid destruction of cultural heritage : from Bamiyan to Iraq

Francesco Francioni and Federico Lenzerini. - In: Cultural heritage rights. - Abingdon : Routledge, 2021. - p. 407-419

Throughout history, destruction and loss of cultural heritage have constantly occurred as a consequence of fanatic iconoclasm or as “collateral” effects of armed conflicts. As early as 391 A.D., the Roman Emperor Theodosius ordered the demolition of the Temple of Serapis in Alexandria to obliterate the last refuge of non-Christians. In 1992, Hindu extremists were intent on the destruction of the sixteenth century Babri Mosque. In more recent times, the Balkan wars have offered us the desolate spectacle of the devastation of Bosnia’s mosques, libraries, and the ancient city of Dubrovnik. Extensive looting and forced transfer of cultural objects have accompanied almost every war, including the recent Iraqi war. Aerial bombardments during the Second World War and in the more than one hundred armed conflicts that have plagued humanity since 1945 have contributed to the destruction and disappearance of much cultural heritage of great importance for the countries of origin and for humanity as a whole.

Operationalising the right of victims of war to reparation

Cristián Correa. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 92-178

There is little value in affirming the existence of the right to victims of armed conflict to reparation if it is not clear how massive numbers of victims could access to reparation. The chapter shows how accessibility is essential for guaranteeing this right, offering concrete proposals. As human rights law is an important tool for determining the existence of this right, experiences implementing massive forms of reparation for victims of human rights violations also serve to determine its operationalization. This requires adapting basic

notions about the right to reparation designed for addressing individual claims to situations where individualized methods for determining rights will result on the exclusion of the vast majority of victims. The chapter examines the experiences of the UN Compensation Commission and the Ethiopia-Eritrea Compensation Commission, as well as of reparations programs implemented in Guatemala, Peru, Sierra Leone, Colombia, and Chile. It analyses how these policies determined the violations to cover, reparation measures, registering victims, and guaranteeing accessibility of vulnerable victims, women and those frequently excluded. These experiences offer criteria for interpreting notions of proportionality, *restitutio in integrum*, compensation, and standards of evidence, as well as the relationship with judicial reparation, reconstruction, and development in post conflict situations.

Pathways to accountability for starvation crimes in Yemen

Laura Graham. In: *Case Western Reserve Journal of International Law*, Vol. 53, issue 1, 2021, p. 401-440

This Note argues that perpetrators who use starvation as a method of warfare in Yemen's Civil War should be held accountable. Two primary pathways to accountability are advanced. First, this Note argues that the U.N. Security Council should authorize an ad-hoc tribunal with a mandate to prosecute individuals responsible for starvation crimes in Yemen. Second, this Note argues that the international community should refer violations of international humanitarian law to the International Court of Justice to bring accountability to State actors that have used starvation as a method of warfare in Yemen. Part I examines the crisis in Yemen, including an exploration of the pre-famine conditions prior to the war in 2015, and the worst periods of food-insecurity throughout the past four years. Part II addresses the legal concept of starvation and analyzes the elements of the crime, requisite *mens rea*, evidentiary standard, and modes of liability for perpetrators. Part III presents the evidence of destruction of objects indispensable to survival and intentional starvation of civilians in Sana'a, Ta'izz, Tihama governate, the Red Sea Coast fishing villages, and the port of Hudaydah. Part IV presents a legal analysis of the crimes committed in Yemen and lays out the options for accountability mechanisms. Finally, the conclusion advocates for garnering political support among members of the U.N. Security Council to authorize an ad-hoc tribunal with a mandate to prosecute perpetrators of starvation crimes in Yemen, as well as an additional pathway at the International Court of Justice to bring accountability to State actors for violations of international humanitarian law.

<https://scholarlycommons.law.case.edu/jil/vol53/iss1/14>

Position du CICR sur les systèmes d'armes autonomes

CICR. - Genève : CICR, juillet 2021. - 13 p.

Le Comité international de la Croix-Rouge (CICR) demande depuis 2015 aux États de s'accorder, au niveau international, sur les limites à imposer aux systèmes d'armes autonomes pour assurer la protection des civils, le respect du droit international humanitaire et l'acceptabilité éthique de ces systèmes. Afin d'appuyer les efforts en cours visant à fixer des limites internationales aux systèmes d'armes autonomes pour parer aux risques qui leur sont associés, le CICR recommande aux États d'adopter de nouvelles règles juridiquement contraignantes dans le présent énoncé de position et document de référence.

<https://library.icrc.org/library/docs/DOC/icrc-4550-001.pdf>

The practice of Asian states implementing the principle for protection of monuments and works of art before World War I

Alice Lopes Fabris. In: *The Asian yearbook of human rights and humanitarian law*, Vol. 5, 2021, p. 267-281

A *jus gentium* principle for the protection of historic monuments and works of art in times of war started to be codified in the nineteenth century, but it was only with the Peace Convention at the Hague in 1899 that an universal forum to discuss humanitarian principles took place. Despite its occidental origin, the principle for the protection of such property was implemented on the Asian continent during pivotal conflicts in the nineteenth and twentieth centuries that marked its history. Thus, a study of the acceptance by the Asian States of this and similar humanitarian principles, since they did not take part in the process of drafting them, is important to understand the amplitude of the consensus. In the present article, the application of the principle for the protection of historic monuments and works of art in times of war in Asian conflicts before the First World War will be discussed. The practice in two conflicts, the First Sino-Japanese War of 1894–1895 and the Russo-Japanese War of 1904–1905, will be analyzed.

The principle of proportionality in maritime armed conflict : a comparative analysis of the law of naval warfare and modern international humanitarian law

David T. Lee. In: Southwestern journal of international law, Vol. 27, no. 1, 2021, p. 119-145

Modern international humanitarian law (IHL) implements the principle of proportionality with an individualized assessment imposing specific requirements to minimize harm to civilians. In contrast, armed conflicts at sea rely on a vessel-based construct of an older body of law composed of longstanding yet potentially antiquated treaties, and its subjective assessment of customary international law molded by State practice. This paper analyzes the development of the principle of proportionality in each body of law, contextually focusing on civilian crew members aboard naval auxiliaries and other ships which have been rendered lawful military objectives.

<https://www.swlaw.edu/sites/default/files/2021-03/4.%20Lee%20Macro%20%5B119-145%5D.pdf>

Programming precision? Requiring robust transparency for AWS

Steven J. Barela and Avery Plaw. - In: Lethal autonomous weapons : re-examining the law and ethics of robotic warfare. - Oxford : Oxford University Press, 2021. - p. 73-88

This chapter argues that any effective response to autonomous weapons systems (AWS) must be underpinned by a comprehensive transparency regime that is fed by robust and reliable reporting mechanisms. Firstly, there is a preexisting transparency gap in the deployment of core weapon systems that would be automated (such as currently remote-operated UCAVs). Second, while the Pentagon has made initial plans for addressing moral, ethical, and legal issues raised against AWS, there remains a need for effective transparency measures. Third, transparency is vital to ensure that AWS are only used with traceable lines of accountability and within established parameters.

<https://doi.org/10.1093/oso/9780197546048.003.0006> *

Prolonged occupation and exploitation of natural resources : a focus on natural gas off the coast of Northern Cyprus

Emilia Pabian. In: Journal of international humanitarian legal studies, Vol. 12, no. 1, 2021, p. 71-110

During recent years, natural gas reserves have been located off the coast of Cyprus and their possible exploitation has drawn the attention of Turkey, which has been in occupation of Northern Cyprus for decades. This contribution explores whether the law of occupation could provide a legal basis for the exploitation by Turkey of Northern Cyprus' natural gas, specifically considering the prolonged nature of the occupation. It argues that Turkey is obliged to comply with the restrictive rules governing the use of natural resources in occupied territories. Furthermore, this contribution discusses the argument that during prolonged occupations an occupying power should be granted more leeway in imposing wider ranging initiatives to prevent the local population's developmental stagnation, including more extensive natural resource exploitation. However, this contribution argues that granting such leeway has the potential to entrench the authority of the occupant into a state of permanency under the guise of legitimacy.

<https://doi.org/10.1163/18781527-bja10029> *

Prosecuting rape as war crime in the Democratic Republic of the Congo : lessons and challenges learned from military tribunals

Ezéchiél Amani Cirimwami and Pacifique Muhindo Magadju. In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 59, no. 1, 2021, p. 44-70

Armed conflicts of the past two decades in the Democratic Republic of the Congo (DRC) have led to the metamorphosis of the concept of 'crime' with the emergence of new forms of sexual violence, particularly the widespread sexual violence used by armed groups as a tactic of war. This article seeks to assess the progress made by the DRC in prosecuting rape as a war crime and the challenges to such prosecutions.

<https://doi.org/10.4337/mlwr.2021.01.03> *

Protecting societies: anchoring a new protection dimension in international law in times of increased cyber threats

Robin Geiss and Henning Lahmann. - [Geneva] : Geneva Academy of International Humanitarian Law and Human Rights, February 2021. - 17 p.

Adversarial military cyber operations carried out during armed conflict can affect the functioning of civilian societies in unprecedented ways, challenging the protected reach of international humanitarian law (IHL). In light of this, the article argues for the recognition of new protection needs to shield critical societal

processes from cyber threats in conflict situations. Recognising this paradigm shift, the article calls for a more comprehensive understanding of what protection of the civilian population in twenty-first century warfare entails. It submits that certain societal processes and functions must be considered assets so essential as to require legal protection under IHL irrespective of possible physical aspects. In order to meaningfully expand IHL's traditionally narrow focus on objects, kinetic warfare, and physical destruction, the article intends to initiate a discussion about adding the protection of essential societal processes as a new protection dimension to the law of armed conflict.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20Societies%20-%20Anchori.pdf>

Protecting the global information space in times of armed conflict

Robin Geiss and Henning Lahmann. - Geneva : [Geneva Academy of International Humanitarian Law and Human Rights], February 2021. - 19 p.

This working paper focuses on the legal implications of digital information warfare in the context of the laws of armed conflict. Based on a number of fictional scenarios, it inquires whether and what legal limits exist in relation to digital information operations during armed conflict and whether the framework of IHL adequately captures the humanitarian protection needs that arise from these types of military conduct. After presenting a few brief scenarios of possible (military) information operations in situations of armed conflict to illustrate what is potentially at stake, the subsequent section defines some of the key concepts concerning the issue at hand. The main part examines whether and to what degree existing rules of IHL put limitations on the conduct of information warfare. A short look at international criminal law and international human rights law follows before the paper concludes with an outlook on potential paths to advance the debate.

<https://www.geneva-academy.ch/joomlatools-files/docman-files/working-papers/Protecting%20the%20Global%20information%20space%20in%20times%20of%20armed%20conflict.pdf>

The protection of cultural property in times of armed conflict : the practice of the International Criminal Tribunal for the former Yugoslavia

Hirad Abtahi. - In: Cultural heritage rights. - Abingdon : Routledge, 2021. - p. 375-406

Destruction constitutes an inherent component of armed conflict. No war has been fought without damaging private or public property at least collaterally. In numerous conflicts, however, belligerents have tried to obtain psychological advantage by directly attacking the enemy's cultural property without the justification of military necessity. Such was the case during the conflict in the former Yugoslavia. In the same way that rape became an instrument to destroy the adversary's identity, cultural aggression, i.e., the destruction and pillage of the adversary's non-renewable cultural resources, became a tool to erase the manifestation of the adversary's identity. Both rape and damage to cultural property represented forms of "ethnic cleansing".

Protection of cultural property under international humanitarian law : emerging trends

Niteesh Kumar Upadhyay and Mahak Rathee. In: Revista de direito internacional, V. 17, n. 3, 2020, p. 389-409

Cultural Properties holds the rich heritage and is a matter of pride for the entire mankind and is considered as property of mankind and does not belong specifically to any religion, group or state. Despite this the cultural property has been attacked and destroyed a lot of times either deliberately or unintentionally during war. The instances of destruction of cultural property has been there in past also and such cases are still increasing. The destruction of cultural property of course creates a sense of divide among people from different communities and nations and not just make chances of compromise between communities and nations impossible but it also lead to long term discrimination and hatred. The legal system related to protection of cultural property is mostly a soft law mechanism in which the implementation body and implementation system is missing and there are many laws which show the importance of cultural property during peacetime and also during war. This paper will discuss in detail about the significance of cultural property, long term effect of destroying of cultural property, Iconoclasm, laws regulating the protection of cultural property during war and peacetime, international criminalization of wrongs against cultural property and suggestions of the authors for protection of cultural property.

<https://doi.org/10.5102/rdi.v17i3.7076>

Protection of data in armed conflict

Robin Geiss and Henning Lahmann. In: International law studies, Vol. 97, 2021, p. 556-572

This article presents a novel way to conceptualize the protection of data in situations of armed conflict. Although the question of the targeting of data through adversarial military cyber operations and its implications for the qualification of such conduct under International Humanitarian Law has been on

scholars' and states' radar for the last few years, there remain a number of misunderstandings as to how to think about the notion of "data." Based on a number of fictional scenarios, the article clarifies the pertinent terminology and makes some expedient distinctions between various types of data. It then analyzes how existing international humanitarian and international human rights law applies to cyber operations whose effects have an impact on data. The authors argue that given the persisting ambiguities of traditional concepts such as "object" and "attack" under international humanitarian law, the targeting of content data continues to fall into a legal grey zone, which potentially has wide-ranging ramifications both for the rights of individual civilians and the functioning of civilian societies during situations of conflict. At the same time, much legal uncertainty surrounds the application of human rights law to these contexts, and existing data protection frameworks explicitly exclude taking effect in relation to issues of security. Acknowledging these gaps, the article attempts to advance the debate by proposing a paradigm shift: Instead of taking existing rules on armed conflict and applying them to "data," we should contemplate applying the principles of data protection, data security, and privacy frameworks to military cyber operations in armed conflict.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/27/>

Protection of foreign investments against the effects of hostilities : a framework for assessing compliance with full protection and security

Ira Ryk-Lakhman. In: European yearbook of international economic law, Special Issue: International investment law and the law of armed conflict, 2019, p. 259-282

In recent years there has been an increase in the number of investor-State arbitrations involving war-torn States. Among other issues, the investors in these claims seek redress for the State's alleged failure to protect against the destruction of property by third parties as required under the 'full protection and security' standard. Although this standard appears in most investment instruments its content and scope is mostly controversial, while its operation against the particular backdrop of armed conflicts and international humanitarian law, is completely neglected. This chapter addresses both points of controversy. It is argued that, 'full protection and security' imposes a relative due diligence obligation that accounts for the particular circumstances of the host State in the assessment of compliance with the obligation. The law of armed conflict, in turn, also imposes a relative due diligence obligation to take 'feasible' precautions in favour of foreign investments against the effects of attacks. Assessment of compliance with this obligation turns on an available means analysis. Both assessments of the applicable due diligence standards may however result in contradictory results. To ascertain whether a State failed to protect an investment against attacks, it is important to consider the relationship between investment law and the law of armed conflict, since in practical terms of State responsibility, only the rule that prevails in a norm conflict may be breached and invoke international responsibility.

Raahat ki Aahat : reparation in post-conflict Nepal

Sarah Fulton and Mandira Sharma. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 710-745

This chapter charts the difficult road to justice for the victims in more than a decade since hostilities ended. It summarises the successes and failures of the government's Interim Relief Programme, providing cash and other benefits to some – but not all – victims. It outlines the failure of the normal justice system to deal with crimes from the conflict and explores how – in a context where grave human rights violations have historically been addressed by ineffective commissions of inquiry and the payment of ex gratia compensation – there has been a significant focus on ensuring transitional justice measures, including a Truth and Reconciliation Commission ("trc"), are not designed to entrench impunity. In the meantime, progress on reparation has been sidelined and victims of the conflict – including those who are among the poorest and most marginalised people in Nepal – are often struggling to survive.

Radio silence : autonomous military aircraft and the importance of communication for their use in peace time and in times of armed conflict under international law

Eve Massingham. In: Asia-Pacific journal of international humanitarian law, Vol. 1, no. 1, 2020, p. 184-208

Aerial systems with autonomous functionality are not new. However, their prevalence, sizes, manoeuvrability and the altitudes at which they fly today have not been fully contemplated by the international legal frameworks for aircraft developed in the 20th century. States are increasingly deploying these craft to undertake a range of tasks, and while these activities were once somewhat separated from the civilian airspace, this is no longer always the case. While most international civil aviation rules do not apply to military aircraft, military aircraft are not entirely exempt from compliance with key rules necessary to ensure the safety of civil aviation. This paper looks at how autonomous military aircraft are impacted by laws

to protect international civil aviation, and indeed, civilians, and in particular identifies some of the communication requirements for the safe and lawful use of autonomous military aircraft alongside civil aviation, both in peace time and in times of armed conflict.

<https://apjihl.org/article/radio-silence-autonomous-military-aircraft-and-the-importance-of-communication-for-their-use-in-peace-time-and-in-times-of-armed-conflict-under-international-law/>

Reflection of the Soviet Union/Russia's participation in the 1949 Geneva Conventions in Soviet and Russian legal systems

V. S. Ivanenko. In: Russian year-book of international law, 2019, p. 169-179

The article is devoted to the process of reflection of the USSR / Russia participation in the Geneva Conventions of 1949, in the Soviet and Russian doctrine and practice. The reasons for suspicion and distrust of the Geneva Conventions observed in the academic works of Soviet scientists of the 1940s-1950s are analyzed. The author focuses on the evolution of approaches to the Geneva Conventions and International Humanitarian Law in Soviet doctrine and legislation in the 1950s to the 1980s and in the Russian doctrine, legislation and law enforcement practice during late XXth - early XXIst centuries. The evolution of the relationship between the USSR / Russia and the ICRC is also analyzed.

Regulating the use of force by United Nations peace support operations : balancing promises and outcomes

Charuka Ekanayake. - Abingdon : Routledge, 2021. - XXIV, 262 p.

This Book attempts to deduce regulatory standards that can close the gaps between the Promises made and the Outcomes secured by the United Nations in relation to its use of force. It explores two broad questions in this regard: why the contemporary legal framework relevant to the regulation of force during Armed Conflict cannot close the gaps between the said Promises and Outcomes and how the 'Unified Use of Force Rule' formulated herein, achieves this. This is the first book to coherently analyse the moral as well as legal aspects relevant to UN use of force. UN peace operations are rapidly changing. Deployed peacekeepers are now required to use force in pursuance of numerous objectives such as self-defence, protecting civilians, and carrying out targeted offensive operations. As a result, questions about when, where, and how to use force have now become central to peacekeeping. While UN peace operations have managed to avoid catastrophes of the magnitude of Rwanda and Srebrenica for over two decades, crucial gaps still exist between what the UN promises on the use of force front, and what it achieves. Current conflict zones such as the Central African Republic, Eastern Congo, and Mali stand testament to this. This book searches for answers to these issues and identifies how an innovative mix of the relevant legal and moral rules can produce regulatory standards that can allow the UN to keep their promises. The discussion covers analytical ground that must be traversed 'behind the scenes' of UN deployment, well before the first troops set foot on a battlefield. The analysis ultimately produces a 'Unified Use of Force Rule', that can either be completely or partially used as a model set of Rules of Engagement by UN forces.

Reparation for gross violations of human rights law and international humanitarian law at the International Court of Justice

Conor McCarthy. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 350-377

In the context of human rights and humanitarian law violations, assessing grave harm, resulting from a wide range of military and administrative actions, and occurring over a period spanning many months or years, is a task fraught with difficulty. The Court's determination on the merits that the obligation to make reparation has arisen is therefore only the first stage in seeking compliance with, and enforcement of, that obligation, whether judicially or through negotiated settlement. This study examines a range of important substantive and procedural issues of reparation arising in this context.

Reparation for victims of armed conflict : at the interface of international and national law

Anne Peters. - In: Reparation for victims of armed conflict. - Cambridge : Cambridge University Press, 2021. - p. 265-284

The conclusion pulls together findings of the three main chapters whose authors have approached the question of reparation in a complementary fashion. The interaction between different subfields of international law, namely international humanitarian law, human rights law, international criminal law, and the law of State responsibility has given rise to a legal evolution towards the recognition of victims and of their rights. The two factors most strongly impacting on the practice and arguably also on the international law of reparation are, first, international human rights law as developed by the regional human rights courts

and, second, the post-conflict domestic law and policies of countries emerging from totalitarianism and civil strife. Ultimately, adequate reparation seems to come out of a combination of litigation, legislation, and peace agreements. The chapter also places the issue of reparations in the broader context of what has been called the ‘humanisation’ of the international legal order and the current backlash against it. It concludes that the real problem of reparation for the victims of armed conflict is no longer denial in doctrine and theory but rather implementation.

Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making

edited by **Carla Ferstman and Mariana Goetz**. - Leiden : Brill Nijhoff, 2020. - XX, 770 p.

Reparations for Victims of Genocide, War Crimes and Crimes Against Humanity: Systems in Place and Systems in the Making provides a rich tapestry of practice in the complex and evolving field of reparations, which cuts across law, politics, psychology and victimology, among other disciplines. Ferstman and Goetz bring their long experiences with international organizations and civil society groups to bear. This second edition, which comes a decade after the first, contains updated information and many new chapters and reflections from key experts. It considers the challenges for victims to pursue reparations, looking from multiple angles at the Holocaust restitution movement and more recent cases in Europe, Asia, Africa, and the Americas. It also highlights the evolving practice of international courts and tribunals.

Reparations for victims of war within the Western Balkans EU accession negotiations : Serbia case study

Milica Kostić and Sandra Orlović. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 606-628

This chapter has the purpose of analysing the EU accession criteria for the Western Balkans on addressing the legacy of the conflicts and, in particular, those criteria that address or affect victims’ right to reparations, as defined by the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The chapter will focus in particular on the example of Serbian accession negotiations. In the first part a brief explanation of the background of the Yugoslav conflicts and their aftermath is presented. The second part analyses national legal instruments available for victims to seek reparations, in particular, compensation for the violations suffered. The third part provides an overview of how victims’ right to reparations has been addressed within the Serbian EU accession process.

Reparations in Dayton's Bosnia and Herzegovina

Carla Ferstman and Sheri P. Rosenberg. - In: Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making. - Leiden : Brill Nijhoff, 2020. - p. 571-605

The Dayton institutions played important roles in the intermediate post-war context in securing rights to the disenfranchised, in particular the Human Rights Chamber and the Commission for Real Property Claims of Refugees and Displaced Persons. However, each suffered from limitations owing to the political and legal contexts in which they operated. These two institutions will be considered from a number of perspectives. Firstly the authors will consider the extent to which these institutions contributed to the vindication of victims’ rights and afforded adequate and effective remedies and reparation. Secondly, the authors will analyse the procedural innovations employed by these institutions to deal with the massive influx of claims and will identify lessons learned for possible future application. Lastly, it will be considered whether and to what extent the institutions, as quasi-international bodies with sui generis status and limited mandates fostered adequate and appropriate domestic responses to victimisation.

Repenser les principes d'interprétation régissant l'interaction du droit international humanitaire et le droit international des droits de la personne

Víctor Luis Gutiérrez Castillo. - In: Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla. - Paris : A. Pedone, 2020. - p. 333-348

Le présent chapitre s'attache à examiner, dans un premier temps, la théorie de la complémentarité afin de vérifier si elle peut adéquatement régir la relation entre le droit international humanitaire (DIH) et le droit international des droits de la personne (DIDP). Par la suite, une analyse est faite du principe de la *lex specialis*, servant fréquemment de référence en ce qui concerne l'interaction entre les deux régimes juridiques. L'auteur établit notamment un aperçu général de la *lex specialis* en droit international et examine

l'application qui a été faite de ce principe par certains organes décisionnels. Finalement, il vérifie, grâce à la doctrine, si ce principe est adapté afin de régir la relation entre le DIH et le DIDP.

Report: the United Kingdom's practice on the protection of the environment in relation to armed conflict

Conflict and Environment Observatory. - Conflict and Environment Observatory, 2019. - 21 p.

This report outlines the UK's practice on the protection of the environment in relation to armed conflicts, or PERAC. Underpinning our analysis are the 28 draft principles on this topic that have recently been adopted on first reading by the UN's International Law Commission (ILC). The report's aim is threefold: firstly, to identify the UK's position regarding each draft principle; secondly, to trace potential discrepancies between the UK's positions and the draft principles; and thirdly, to provide recommendations that will enhance environmental protection throughout the conflict cycle. The report follows the temporal approach that is utilised by the ILC, considering practice before, during, and after armed conflicts, and in situations of occupation.

<https://ceobs.org/report-the-united-kingdoms-practice-on-the-protection-of-the-environment-in-relation-to-armed-conflicts/>

Respecting and protecting health care in armed conflicts and in situations not covered by international humanitarian law

Advisory service on IHL. - Geneva : ICRC, April 2021. - 9 p.

This ICRC publication gives an overview of the protection granted by international humanitarian law (IHL) and human rights law to the wounded and sick, to health care personnel, health-care facilities and medical transports. It also includes a description of the necessary domestic normative and practical measures to implement to ensure compliance with the law.

https://library.icrc.org/library/docs/DOC/WEB_033.pdf

Responding to hostile cyber operations : the “in-kind” option

Michael N. Schmitt and Durward E. Johnson. In: International law studies, Vol. 97, 2021, p. 96-121

Facing hostile cyber operations, States are crafting responsive strategies, tactics and rules of engagement. One of the major challenges in doing so is that key aspects of the international law governing cyber responses are vague, unsettled or complex. Not surprisingly, therefore, international law is markedly absent from strategies and operational concepts. Rather, they tend to take on a practical “tit-for-tat” feel as policymakers logically view “in-kind” responses as “fair play.” For them, responding in-kind surely must be lawful notwithstanding any challenges in discerning the precise legal character of the initial hostile cyber operation. Testing that sense, this article examines the legal context surrounding in-kind responses to cyber operations conducted by, or otherwise attributable, to a State. It concludes that while in-kind responses often do minimize the risk of a response being unlawful, international law does not always permit States to respond in-kind. To tease loose the nuance, the article considers types of hostile cyber operations with respect to “in-kind” responses—armed attacks, uses of force not rising to the level of an armed attack, other internationally wrongful acts and lawful acts. The objective is greater contextual precision in evaluating in-kind cyber responses and, thereby, a lessening of the legal risk States face when engaging in them.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/15/>

Resurging violence and hostilities in Israel-Palestine : an overview of applicable rules of international law

Diakonia International Humanitarian Law Centre. - Jerusalem : Diakonia International Humanitarian Law Centre, 18 May 2021. - 22 p.

This brief provides an overview of rules of international law binding upon actors involved in the escalating tension and resulting violence that has recently erupted in the Palestinian-Israeli context. The brief clarifies relevant legal obligations of the parties involved, as well as those of other actors with influence in the context.

<https://apidiakoniase.cdn.triggerfish.cloud/uploads/sites/2/2021/05/legal-brief-resurging-violence-May-2021.pdf>

Revisiting Security Council action on terrorism : new threats; (a lot of) new law; same old problems ?

David McKeever. In: *Leiden journal of international law*, Vol. 34, no. 2, June 2021, p. 441-470

The devastating events of 9/11 triggered the adoption of Resolution 1373 (2001) by the UN Security Council, a contentious development which was much debated and was widely seen as presaging a new type of activity by the Security Council – legislating for all UN member states. And yet, in the counter-terrorism sphere at least, the Council's legislative activity in the years following 9/11 was relatively modest. Both quantitatively and qualitatively, that activity has been far exceeded by the Council's response to the emergence of ISIL in 2014. This more recent activity is of interest beyond the confines of counter-terrorism, but has received far less scrutiny to date. This article will remedy this gap, revisiting, in light of the recent activity, the relative merits and disadvantages of making counter-terrorism law through Security Council resolutions. It makes two main contentions. The first is that – due to some factors which were anticipated in the early 2000s and many which were not – Security Council resolutions on terrorism constitute a distinctive category of international law-making and pose serious challenges for the application of organizing principles and processes of general international law. The second is that, for these reasons as well as doubts as to the necessity and efficacy of recent action, making counter-terrorism law through Security Council resolutions should be the exception rather than the norm.

<https://doi.org/10.1017/S0922156521000066> *

The right to reparation for victims of armed conflict : the intertwined development of substantive and procedural aspects

Shuichi Furuya. - In: *Reparation for victims of armed conflict*. - Cambridge : Cambridge University Press, 2021. - p. 16-91

The shift to a more victim-oriented understanding of the right to reparation has been developing in tandem with the successive creation of international criminal judiciaries, as well as ad hoc reparation mechanisms, established since the early 1990s, in parallel with the drafting of relevant UN instruments. However, the abstract question about the existence of such a right is not particularly helpful because the individual substantive right and procedural right are closely intertwined. The concrete content of the right to reparation has to be defined under specific historical circumstances, taking into account the specific challenges of concrete post-conflict constellations. The substance of a right to reparation only can and should be defined as the result of an adequate procedure established under such circumstances. Accordingly, this chapter, based on the analyses of various reparation mechanisms so far established, contributes to identify and elaborate the detailed elements of the right to reparation, including the basic shared principles and methods through which a mechanism could effectively process individual claims. This also clarifies the shifting purpose of reparation not only to deliver remedial justice to victims, but also to realise restorative justice which emphasises reconciliation in States and local communities at the post-conflict stage.

The road to Ongwen : consolidating contradictory child soldiering narratives in international criminal law

Jonathan Kwik. In: *Asia-Pacific journal of international humanitarian law*, Vol. 1, no. 1, 2020, p. 135-163

The trial of Dominic Ongwen, an ex-child soldier turned perpetrator, has attracted debate concerning the position of international criminal law (ICL) on perpetrators of war crimes with a complex background of childhood victimization. From some perspectives, such persons are accountable adults responsible for unspeakable crimes, while from others, the lack of regard for their oppressive and corrupting upbringing in a violent armed group does a disservice to their victim status. This article explores the development of the narrative in ICL on three key subjects related to the Ongwen discussion: (1) the traditional prosecutorial focus on adults vis-à-vis children; (2) to what extent children's agency is recognized; and (3) the long-term effects of child soldiering. Several potential inconsistencies are identified with respect to each subject. While it is found that most inconsistencies have formed as a result of positive intentions, they could nevertheless negatively impact future ex-child soldier perpetrator cases if left unaddressed. The article subsequently discusses the ramifications of each diverging narrative and whether they can be consolidated. It is demonstrated how most contradictions are theoretically reconcilable but that ICL must make deliberate efforts to do so, in order to guarantee the adoption of a consistent and congruent narrative moving forward.

<https://apjihl.org/article/the-road-to-ongwen-consolidating-contradictory-child-soldiering-narratives-in-international-criminal-law/>

Le role de la soft law dans l'appréhension des nouvelles formes de criminalité au cours des conflits armés

Elsa Marie. - In: Les nouvelles formes de criminalité internationale : dialogue entre pénalistes et internationalistes. - Paris : A. Pedone, 2021. - p. 7-28

Les nouvelles formes de criminalité au sein des conflits armés mettent au défi les normes et catégories juridiques préexistantes. Face aux prétendues rigidités et carences du droit des conflits armés et des droits pénaux, un certain type de normes de soft law – non contraignantes et d'origine privée – se sont développées pour appréhender ces nouveaux phénomènes de criminalités. Or, l'étude de ces dispositions met en exergue l'apport limité de ces normes tant pour la qualification pénale de ces nouveaux méthodes et moyens de guerre que pour la poursuite pénale de leurs auteurs. Ce constat explique sans doute en partie leur utilisation limitée par le juge pénal et devrait conduire à renouveler la confiance accordée au droit des conflits armés et aux droits pénaux qui s'avèrent, malgré leurs lacunes, permettre de trouver l'équilibre entre l'interprétation du droit pour appréhender de nouveaux phénomènes et prévisibilité et rigidité nécessaire au respect du principe de légalité.

Securing criminal evidence in armed conflicts abroad

Frederik Harhoff. - In: Revue de droit militaire et de droit de la guerre = The military law and law of war review, Vol. 58, no. 1, 2020, p. 2-30

This article concerns an issue that has become increasingly relevant for international coalition forces participating in joint military operations abroad, viz. the duty to collect, document, record and secure evidence of serious violations of international humanitarian law (IHL) and international human rights committed in armed conflicts. The point, simple as it seems, is that respect for justice and international humanitarian law requires that perpetrators of war crimes etc. be brought to justice. Yet prosecution and trial of these crimes cannot succeed without material proof and information that meet the standards for admission into evidence in criminal trials. However, judicial experience from international criminal trials suggests that much of the evidence produced in Court fails to meet this standard – and is therefore dismissed. The article highlights the need to secure evidence of these crimes and proposes five simple basic recommendations for military personnel who come across evidence of serious violations of international humanitarian law in armed conflicts: (1) be familiar with the elements of genocide, crimes against humanity, war crimes and aggression; (2) know the rules of the game regarding collection of evidence, including the duty to respect local norms and authorities and to follow any international rules or agreements, and the duty to comply with obligations to seek authorization for investigation from domestic authorities; (3) be careful in your registration and handling of evidence material; (4) be careful not to hurt yourself or others when you search for evidence; and (5) stay critical and impartial to all material and information you receive from others.

<https://doi.org/10.4337/mlwr.2020.01.01> *

Some critical comments on the approach of the Eritrea-Ethiopia Claims Commission towards the treatment of protected persons in international humanitarian law

Marco Sassòli. - In: The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement. - The Hague : Asser Press, 2021. - p. 409-424

The Eritrea-Ethiopia Claims Commission did an admirable job of interpreting, applying and clarifying International Humanitarian Law (IHL) on the protection of persons. However, some of its legal findings may be criticised, which include: the repatriation of prisoners of war, which was considered as subject to reciprocity considerations; the Commission holding admissible the denial of civilians' right to return to their home countries and even their internment, merely because they were of military age; the conclusion that IHL of military occupation is inapplicable to the invasion phase; and, the impression given that isolated IHL violations do not give rise to State responsibility or that a State only has a due diligence obligation to hinder its soldiers from committing rape. In addition to criticism of the foregoing findings, this contribution finally questions the International Committee of the Red Cross's (ICRC) rejection of the requests of both parties, to submit to the Commission reports each received from the ICRC—on its visits to persons deprived of their liberty.

Some remarks on the protection of property rights in time of armed conflict

Michael Bothe. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 469-473

According to the EECC, the right to property is not unlimited in times of peace, and even less so in times of armed conflict, when private property is better protected than public property. On the basis of Article 27 ff, and in particular 35 ff, of the IV Geneva Convention, the EECC held that expropriation or seizure of private enemy property for public purposes is lawful, but full compensation has to be paid. However, the parties to the conflict between Eritrea and Ethiopia rarely seized or froze property of the other party's nationals, instead they took other measures, including taxation and measures of administrative control, which made it impossible or at least very difficult for the persons affected to keep or use their property. The EECC has tried to draw a specific borderline between a 'taking' of property, which, without a payment of compensation, is unlawful, and a lawful regulation of the use of property for times of war, on the basis of the rule of reasonableness or prohibition of arbitrariness.

State responsibility attribution for human rights violations during occupation : notions of "effective control" in jurisprudence revisited amidst a multiplication of international courts and tribunals

Maria-Daniella Marouda. - In: *Enjeux et perspectives : droit international, droit de la mer, droits de l'homme : mélanges en l'honneur de la professeure Haritini Dipla : liber amicorum Haritini Dipla.* - Paris : A. Pedone, 2020. - p. 349-362

This chapter seeks to formulate a paradigm of the importance of a pluralist approach in international law, as the one purported by Haritini Dipla in her book *La responsabilité d'Etat pour violation des droits de l'homme*, while addressing the risk of fragmentation or possible concessions in the recognizing of illegal situations, focusing on the protection of individuals. The author explores where priority lies between effectiveness and legality.

State responsibility for authorizing private arms exports : expanding the substantive obligation under Common Article One to the four Geneva Conventions

Enrique Martinez. In: *Southwestern journal of international law*, Vol. 27, no. 1, 2021, p. 206-226

Most States are not willing to ratify a treaty obligating them to investigate the commission of war crimes before authorizing arms deals. The only feasible alternative is to advocate for a more expansive definition of existing international treaties that will obligate States to investigate war crimes and cease the private export of arms. The article proceeds to analyze the UK Court of Appeals' Campaign Against Arms Trade (CAAT) judgment, which it describes as a major step towards expanding current treaty obligations to address this issue.

<https://www.swlaw.edu/sites/default/files/2021-03/8.%20Martinez%20%5Bp.206-227%5D%20V2.pdf>

State responsibility for violations of international humanitarian law in the work of the Eritrea-Ethiopia Claims Commission : a reappraisal ten years on

Emanuele Sommario. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 477-494

Following the breakout of the armed conflict between Ethiopia and Eritrea in May 1998, the two governments 'permanently terminate[d] military hostilities between themselves' pursuant to an agreement signed in Algiers on 12 December 2000. Article 5 of the Agreement provided for the establishment of a Claims Commission which was asked to 'decide through binding arbitration all claims for loss, damage or injury by one Government against the other' related to the armed conflict and resulting from 'violations of international humanitarian law, including the 1949 Geneva Conventions, or other violations of international law.' The present chapter discusses the standards the Commission has developed for determining State liability for violations of International Humanitarian Law that occurred during the war. It is submitted that said standards are not entirely in line neither with the mandate the Commission was given nor with the relevant rules of International Humanitarian Law. The chapter will try to provide possible explanations for this inconsistency and will reflect on the possible impact of the Commission's determinations on proceedings aimed at ascertaining the individual criminal responsibility for war crimes committed during the conflict.

“Super-robust” peacekeeping mandates in non-international armed conflicts under international law

Marco Longobardo. In: Spanish yearbook of international law, Vol. 24, 2020, p. 42–72

Since 2013, the United Nations Security Council has tasked some peacekeeping forces with combat operations against armed groups in the context of non-international armed conflicts. In the framework of their mandates, peacekeepers' main responsibilities are to protect civilians and support the local central government in regaining full control over its territory, while launching offensive military operations against armed groups that go well beyond self-defence or the defence of civilians. Due to their offensive features, these mandates are called here “super-robust mandates” in order to emphasize the increased armed force that they can employ in comparison to traditional robust mandates. These super-robust mandates raise several concerns regarding their compatibility with the principles at the basis of peacekeeping operations and their effectiveness. After briefly outlining the evolution of peacekeeping, this article explores the compatibility of super-robust mandates with the principles of peacekeeping, their characterization as forcible interventions of the Security Council in non-international armed conflicts, and their suitability to reach a just and stable post-conflict arrangement. This article relies on case studies involving the practice of missions currently deployed in the Democratic Republic of Congo, in Mali, in Central African Republic, and in South Sudan.

<https://doi.org/10.17103/sybil.24.3>

Syria and the neutrality trap : the dilemmas of delivering humanitarian aid through violent regimes

Carsten Wieland. - London : I.B. Tauris, 2021

This book discusses the dilemmas of how to respond to a complex crisis while adhering to international law and practice. The author, a scholar and senior diplomat involved in the UN peace talks in Geneva, draws from first-hand diplomatic, practitioner, and UN sources. He sheds light on the UN's credibility crisis and the wider implications for the development of international humanitarian and human rights law. Was it both legally correct and morally justifiable to deliver the big bulk of aid through Damascus while destruction and suffering was mostly caused by the regime itself? Should the UN have severed its cooperation? Why was it so difficult to deliver cross-border aid? The book is a meticulous account of current international practice, tackling the painful lessons learnt and providing recommendations for future challenges where politics fails, and humanitarians fill the moral void.

Thresholds in flux — the standard for ascertaining the requirement of organization for armed groups under international humanitarian law

Yutaka Arai-Takahashi. In: Journal of conflict and security law, Vol. 26, no. 1, 2021, p. 79-115

The requirement of organization is supposed to be of special importance in international humanitarian law (IHL). In the situation of international armed conflict (IAC), this requirement is implicit as part of the collective conditions to be fulfilled by irregular/independent armed groups to enable their members to claim the prisoners of war status under Article 4 A(2) of the Third Geneva Convention. In a non-international armed conflict (NIAC), the eponymous requirement serves, alongside the requirement of intensity of violence, as the threshold condition for ascertaining the onset of a NIAC. While the requirement of organization has not caused much of disputes in IACs, the international criminal tribunals have shown a willingness to examine scrupulously if armed groups in NIACs are sufficiently organized. Still, this article argues that there is need for a nuanced assessment of the organizational level of an armed group in some specific phases of the ongoing armed conflict whose legal character switches (from an NIAC to an IAC, vice-versa, and from a NIAC to a law-enforcement model). It explores what rationales and argumentative model may be adduced to explain such varying standards for organization in different contexts.

<https://doi.org/10.1093/jcsl/kraa024>

Towards enhanced protection of the marine environment and vulnerable populations in relation to armed conflicts

Kimberley J. Graham, Elizabeth B. Hessami and Masa Nagai. In: Humanitäres Völkerrecht = Journal of international law of peace and armed conflict, Bd. 4, H. 1-2, p. 35-49, 2021

To reach the United Nations' Sustainable Development Goals, enhancing the protection of the natural environment is indispensable. This paper explores how the International Law Commission's Draft Principles on the Protection of the Environment in Relation to Armed Conflicts might enhance the protection of the environment. It will focus on the protection of marine life and the marine environment, and two vulnerable groups specifically affected by their environments: indigenous people and displaced persons. The Draft Principles reinforce general obligations to protect and preserve the environment and address important gaps in international legal regimes, thus providing a holistic foundation for future enhancement of environmental

protection. However, it is proposed that further integration with existing legal regimes, additional criteria for protected zones, and guarantees for equal participation are needed to enhance the protection of the marine environment and vulnerable populations in relation to armed conflicts.

<https://elibrary.bwv-verlag.de/article/10.35998/huv-2021-0003>

Transformative disarmament : crafting a roadmap for peace

Louise Arimatsu. In: *International law studies*, Vol. 97, 2021, p. 833-915

Notwithstanding their absence in the formal structures of power, women have engaged actively with disarmament for over a century. Their activism has been rich and complex. It is, however, not a history that is generally familiar to those outside the world of feminist activism and scholarship. This article tells the story of feminist activism and scholarship and how women have sought to overcome exclusion, marginalization, and silencing in both policy and law in pursuit of what the author describes as a transformative disarmament agenda. It is concerned not only with women's political activism and the struggle for equal participation in disarmament circles, but also demonstrates the ways in which feminist thinkers have worked to reposition and reframe the disarmament discourse and challenge mainstream thinking on and around weapons and disarmament by probing established assumptions and generating critical analyses in order to provide new solutions to old problems.

<https://digital-commons.usnwc.edu/ils/vol97/iss1/35/>

Transitional justice - Without the transition? : considering a path to reparations for the Syrian people

Sareta Ashraph. - In: *Reparations for victims of genocide, war crimes and crimes against humanity : systems in place and systems in the making.* - Leiden : Brill Nijhoff, 2020. - p. 746-770

As Syrians and the wider international community reckon with a post-conflict Syria, and one still likely to be under the control of President Assad, murmurs about the need to consider a panoply of transitional justice measures, including reparations, are becoming louder. This chapter looks at the potential value of reparations to the Syrian people and the challenges to effecting them. It examines how a future reparations programme could be designed and implemented, and explores the significance of a gender-sensitive approach that must be taken when it comes to material and symbolic reparations for the Syrian people. In so doing, the chapter argues for the importance of expanding notions of justice for Syria beyond the important focus on criminal accountability to include other transitional measures, including reparations.

Transitional post-occupation obligations under the law of belligerent occupation

Dana Wolf. In: *Minnesota journal of international law*, Vol. 27, issue 1, 2018, p. 5-65

Today's armed conflicts present far more varied and complex circumstances of occupation, extending beyond the traditional model of interstate war on which the law of belligerent occupation was originally based. As a result, confusion abounds regarding when the duties and obligations of an occupier are triggered, while scholarly debate revolves around the meaning of the law of belligerent occupation and its alleged inadequacies in the transition from occupied to post-occupied territory. The unfortunate consequence is that civilian populations often face serious humanitarian risk at the conclusion of a belligerent occupation. Various proposals attempt to remedy this gap by addressing whether international law imposes continuing duties upon a former occupier with respect to a previously occupied territory and the civilian population. Focusing on the law of belligerent occupation, this article argues that, as a legal matter, the law of belligerent occupation does not create an ongoing regime of post-occupation duties for the former occupier. However, the law of belligerent occupation offers possibilities to address the problem of civilian protection through an expanded understanding of coordinated transition from the former occupier to the returning sovereign. To fill the legal vacuum, this article proposes that some form of limited transitional post-occupation obligations should be triggered under certain circumstances when the end of occupation is approaching and identifiable gaps exist in essential governance and civilian protection.

<https://scholarship.law.umn.edu/mjil/354>

The treatment of protected persons under the applicable international law in the findings of the Eritrea-Ethiopia Claims Commission

Silvia Sanna. - In: *The 1998-2000 Eritrea-Ethiopia war and its aftermath in international legal perspective : from 2000 Algiers Agreements to the 2018 Peace Agreement.* - The Hague : Asser Press, 2021. - p. 373-408

The present chapter will examine the main findings of the Eritrea-Ethiopia Claims Commission with regard to the treatment of protected persons during the 1998–2000 conflict. The chapter will highlight the Commission’s contribution to the recognition and reinforcement of the customary nature of the relevant international norms, as well as the determination of the contents of the belligerents’ obligations. After addressing some preliminary questions concerning the nature of the applicable law, the temporal jurisdiction of the EECC and some evidentiary issues, including the standards of proof applied in the case of rape and in evaluating the unhealthy conditions and the minimum standards of medical care in prisoners of war camps, the work will deal with substantive law aspects concerning the treatment of two main categories of protected persons under international humanitarian law: prisoners of war and civilians. The last part of the chapter is devoted to the analysis of the Commission’s findings about the treatment of diplomatic personnel.

The Treaty on the Prohibition of Nuclear Weapons : legal challenges for military doctrines and deterrence policies

Jonathan L. Black-Branch. - Cambridge : Cambridge University Press, 2021. - XX, 415 p.

The Treaty on the Prohibition of Nuclear Weapons (2017) sets out to challenge deterrence policies and military defence doctrines, taking a humanitarian approach intended to disrupt the nuclear status quo. States with nuclear weapons oppose its very existence, neither participating in its development nor adopting its final text. Civil society groups seem determined, however, to stigmatize and delegitimize nuclear weapons towards their abolition. This book analyzes how the Treaty influences the international security architecture, examining legal, institutional and diplomatic implications of the Treaty and exploring its real and potential impact for both states acceding to the Treaty and those opposing it. It concludes with practical recommendations for international lawyers and policymakers regarding non-proliferation and disarmament matters, ultimately noting that nuclear weapons threaten peace, and everyone should have the right to nuclear peace and freedom from nuclear fear.

Understanding AI and autonomy : problematizing the meaningful human control argument against killer robots

Tim McFarland and Jai Galliot. - In: *Lethal autonomous weapons : re-examining the law and ethics of robotic warfare.* - Oxford : Oxford University Press, 2021. - p. 41-56

Overall, this chapter analyzes, problematizes, and explores the nebulous concept of Meaningful Human Control, and in doing so demonstrates that it relies on the mistaken premise that the development of autonomous capabilities in weapons systems constitutes a lack of human control that somehow presents an insurmountable challenge to existing International Humanitarian Law.

<https://doi.org/10.1093/oso/9780197546048.003.0004> *

Unveiling Common Article 3 to the Geneva Conventions : contingency, necessity, and possibility in international humanitarian law

Bianca Maganza. - In: *Contingency in international law: on the possibility of different legal histories.* - Oxford : Oxford University Press, 2021. - p. 338-350

With the inclusion of Common Article 3 (CA3) in the Geneva Conventions of 1949 (GCs), situations of non-international armed conflict (NIAC) came to be regulated via treaty law for the first time. The narrative surrounding the adoption of the provision and its interpretation is generally informed by ideas of linearity and progress: CA3 has been defined in various instances as the most basic and fundamental rule in international humanitarian law (IHL), and its ground-breaking role for the development of the discipline has been highlighted on several occasions. While acknowledging the role of disciplinary pillar that CA3 plays in the field of IHL, this chapter addresses the provision from a different perspective, assessing the role contingency played in its negotiation, adoption, and interpretation—in particular as regards the choice of including CA3 in the GCs, the terminology that is used in the provision, and the way in which the latter has been (and is currently) interpreted. An analysis of the past contingencies that shaped (hi)story of CA3, leading to the contingency of the contemporary understanding of the provision, is important to realise that the concept of NIAC is far from being fixed and can, on the contrary, be contested.

<https://doi.org/10.1093/oso/9780192898036.001.0001> *

L'utilisation du droit international humanitaire par les organes chargés de la protection des droits de l'homme

Yulia Dyukova ; préface de Carlo Santulli. - Paris : Pedone, 2021. - 704 p.

Le droit international des droits de l'homme et le droit international humanitaire sont deux branches du droit international public qui partagent l'objectif de protection des individus. Cependant, issus de processus historiques et politiques différents, ces deux régimes juridiques ne se fondent pas sur les mêmes principes et leurs systèmes institutionnels sont fort distincts. Cette recherche se propose d'étudier comment les organes chargés de surveiller la mise en œuvre de principaux instruments régionaux et universels relatifs aux droits de l'homme utilisent le droit international humanitaire. Notre attention se portera sur la contribution que ces organes sont susceptibles d'apporter à la mise en œuvre du droit international humanitaire mais aussi et surtout sur l'impact que la prise en compte de ce dernier peut avoir sur la protection des droits de l'homme. Les questions qui se posent devant nous sont celles de savoir à quel point le recours au droit international humanitaire par les organes chargés de la protection des droits de l'homme est possible, utile et propice à atteindre l'objet et le but d'instruments dont ils sont mandatés de surveiller l'application. Force est de constater que le rôle du droit international humanitaire dans leur travail ne peut qu'être très limité à moins qu'ils trahissent leur mandat et se transforment en juges du droit des conflits armés.

War

Andrew Clapham. - Oxford : Oxford University Press, 2021. - xlix, 571 p.

How relevant is the concept of war today? This book examines how notions about war continue to influence how we conceive rights and obligations in national and international law. It also considers the role international law plays in limiting what is forbidden and legitimated in times of war or armed conflict. The book highlights how, even though war has been outlawed and should be finished as an institution, states nevertheless continue to claim that they can wage necessary wars of self-defence, engage in lawful killings in war, imprison law-of-war detainees, and attack objects which are said to be part of a war-sustaining economy. The book includes an overall account of the contemporary laws of war and delves into whether states should be able to continue to claim so-called 'belligerent rights' over their enemies and those accused of breaching expectations of neutrality. A central claim in the book is as follows: while there is general agreement that war has been abolished as a legal institution for settling disputes, the time has come to admit that the belligerent rights that once accompanied states at war are no longer available. The conclusion is that claiming to be in a war or an armed conflict does not grant anyone a licence to kill people, destroy things, and acquire other people's property or territory.

<https://opil.ouplaw.com/view/10.1093/law/9780198810469.001.0001/law-9780198810469> *

The war crimes of denying judicial guarantees and the uncertainties surrounding their material elements

Diletta Marchesi. In: *Israel law review : a journal of human rights, public and international law*, Vol. 54, no. 2, July 2021, p. 174–204

In July 2020 the International Criminal Court opened the trial in the Al Hassan case. For the first time in the history of international criminal justice a defendant is being tried with the charge of the war crime of sentencing or execution without due process in the context of a non-international armed conflict. Together with its equivalent in international armed conflicts – the war crime of denying a fair trial – this offence falls within the category of the war crimes of denying judicial guarantees. Although there are differences in their constitutive elements, both offences prohibit states and armed non-state actors from depriving prisoners of war and civilians of certain minimum judicial guarantees. The provisions that regulate these two crimes, however, present interpretative and practical issues which, so far, have not received sufficient consideration. Most notably, the material elements of the offences raise a range of interpretative doubts and are of cumbersome application. The objectives of the article are (i) to identify the issues posed by the material elements of the war crimes of denying judicial guarantees, (ii) to warn of the pitfalls hidden by the interpretation of the offences, and (iii) to trigger the debate on the issues that the crimes raise.

<https://doi.org/10.1017/S0021223721000030> *

War economies and international law : regulating the economic activities of violent conflict

Mark B. Taylor. - Cambridge : Cambridge University Press, 2021. - XVIII, 310 p.

What rules apply when US troops occupy Syrian oil fields? Who is responsible when multinational companies use minerals extracted by child labourers in war zones? This book examines how international law regulates the war economies that are at the heart of strategic competition between great powers and help sustain the irregular warfare in today's war zones. Drawing on advances in our understanding of the social

and economic dynamics in war zones, this book identifies predation, a combination of violence and economic opportunity, as the core pathology of war economies. The author presents a framework for understanding the regulation of war economies based on the history of international law and existing norms of international humanitarian law, international criminal law, international human rights law, and the law of international peace and security. War Economies and International Law concludes that the pathologies of predation in war demand answers based on an international regulatory strategy.

<https://doi.org/10.1017/9781108652124> *

The war on terror and the law of war : shaping international order in the context of irregular violence

Michael Stohl. - In: The justification of war and international order : from past to present. - Oxford : Oxford University Press, 2021. - p. 311-325

After 11 September 2001 it was routinely declared that 9/11 'changed everything' and that what had changed was immutable. Michael Stohl focuses on US-American justifications of the 'war on terror': He explores how 9/11 altered the constructions of the threat of terrorism and how these constructions in turn affected arguments and justification for the use of force in the context of counter-terrorism. The creation of the 'war on terror' was a core component of the construction of new national security threats. This was accompanied by the securitization of counter-terrorism. Increased fear of further attacks reinforced the persistence of a Westphalian interstate system and the central role of sovereignty claims within the global governance regime. This altered the balance within most democratic national states between law enforcement approaches for domestic threats and alliance-based or unilateral armed responses for international threats. The chapter explores how this has further altered arguments for and justifications of the use of force at home and abroad.

Why did starvation not become the paradigmatic war crime in international law?

Nicholas Mulder and Boyd van Dijk. - In: Contingency in international law : on the possibility on different legal histories. - Oxford : Oxford University Press, 2021. - p. 371-388

As remarkable as it may seem, in the early twentieth century starvation was simply not legible as an act that might fit in the category of war crimes or crimes against humanity. Although abuses against civilians directly committed by regular soldiers such as murder and torture were widely recognised as crimes, the starvation of civilians only came to be identified as such in 1977 with the Additional Protocols to the 1949 Geneva Conventions. International criminal liability for the use of starvation is an even more recent phenomenon, passed as part of the 2010 Kampala Amendments to the ICC's Rome Charter. What explains this extremely late emergence of starvation as a form of international injustice? Why was it not contested more successfully in previous days? Was this a matter of oversight, or had attempts to outlaw starvation strategies in wartime been deliberately undermined? This chapter argues that the late ban on wartime starvation can be best explained by the central role it plays in the use of blockage strategies in and around wartime. The legalised construction of blockage explains why international law has found it so incredibly difficult to contain the deadly effects of the starvation that this policy often causes.

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"Zone of non-responsibility" : the Arms Trade Treaty and the licensing of violence

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The ongoing conflict in Yemen is a site of humanitarian catastrophe, unimaginable atrocity, and human suffering. Since the Saudi-led coalition entered the conflict in March 2015, several months after the entry into force of the Arms Trade Treaty (ATT), the Yemen conflict has been fueled by ongoing arms supplies by Western states and corporations. The scale and significance of these arms supply relationships has been the subject of unprecedented, concerted efforts by a legal platform of non-governmental organizations and legal advocates to mobilize the ATT in its broader environment of cognate international and domestic laws, to challenge these arms transfers before the domestic courts of arms-supplying states. In the absence of international oversight mechanisms, the ATT casts national authorities, licensing bodies, and domestic courts in a principal governing role in relation to the global arms trade. Drawing on the transnational legal work to contest and resist arms supply relationships conditioning the violence in Yemen, this essay examines the interpretative and paralegal practices of domestic authorities, constituted by and generative of (inter)national arms control law.

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