

# **The Conduct of Hostilities under the Law of International Armed Conflict**


**YORAM DINSTEIN**

**FOURTH EDITION**



# The Conduct Of Hostilities Under The Law Of International Armed Conflict

**William H. Boothby**



## **The Conduct Of Hostilities Under The Law Of International Armed Conflict:**

*The Conduct of Hostilities under the Law of International Armed Conflict* Yoram Dinstein, 2016-04-04 Written by the leading commentator on the subject this is the seminal textbook on the law of international armed conflict Focusing on recent issues arising in the course of hostilities between States it explores the dividing line between lawful and unlawful combatants the meaning of war crimes and command responsibility the range of prohibited weapons the distinction between combatants and civilians the parameters of targeting and proportionality the loss of protection from attack including direct participation in hostilities and special protection granted pre eminently to the environment and to cultural property In a completely revised and updated text the author expertly covers the key principles and includes important new issues including the use of autonomous weapons and the complexities of urban warfare The subtleties and nuances of the international law of armed conflict are made accessible to the student and practitioner alike whilst retaining the academic rigour of previous editions

*The Conduct of Hostilities under the Law of International Armed Conflict* Yoram Dinstein, 2022-11-17 The only book addressed to both law students and military officers undergoing training in the law of armed conflict *The Conduct of Hostilities Under the Law of International Armed Conflict* Yoram Dinstein, 2004-02-26 A companion volume to the author's textbook *War Aggression and Self Defence* Third Edition Cambridge 2001 this book focuses on issues arising in the course of hostilities between States emphasizing the most recent conflicts in Iraq and Afghanistan Main themes considered are lawful and unlawful combatants war crimes including command responsibility and defenses prohibited weapons the distinction between combatants and civilians legitimate military objectives and the protection of the environment and cultural property Many specific topics that have attracted much interest in recent hostilities are also addressed Also available *War Aggression and Self Defence* 0 521 79344 0 Hardback 110 00 C 0 521 79758 6 Paperback 40 00 D International Law And Armed Conflict, Exploring the Faultlines Michael N. Schmitt, Jelena Pejic, 2007 International law and armed conflict exist in a symbiotic relationship In some cases law shapes conflict proactively by imposing normative limits in advance of the appearance of proscribed conduct Much more commonly armed conflict either reveals lacunae in the law or demonstrates how law designed for yesterday's wars falls short when applied to contemporary conflict When that happens international law reacts by allowing provisions to fall into desuetude embracing new interpretations of existing prescriptions or generating new norms through practice or codification In the 21st Century both international security and armed conflict are the subject of arguably unprecedented sea changes As a result claims that both the *jus ad bellum* and *jus in bello* are unwieldy and ill fitting in the context of modern hostilities have surfaced prominently Whether one agrees with such dire assessments what has become clear is that armed conflict is increasingly exposing faultlines in the law governing the resort to force The intent of this collection of essays in honour of Professor Yoram Dinstein on the occasion of his 70th birthday is to explore such faultlines first by identifying them and then by assessing their consequences In a sense then the essays contributed by the

top minds in the field will serve to assist academics and practitioners to anticipate pressure on the law governing armed conflict and to the extent possible react accordingly Paralleling Professor Dinstein's classic works *War Aggression and Self Defence* and *The Conduct of Hostilities Under the Law of International Armed Conflict* the book addresses both *ius ad bellum* and *ius in bello* topics

**Nuclear Weapons under International Law** Gro Nystuen, Stuart Casey-Maslen, Annie Golden Bersagel, 2014-08-28 Nuclear Weapons under International Law is a comprehensive treatment of nuclear weapons under key international law regimes It critically reviews international law governing nuclear weapons with regard to the inter state use of force international humanitarian law human rights law disarmament law and environmental law and discusses where relevant the International Court of Justice's 1996 Advisory Opinion Unique in its approach it draws upon contributions from expert legal scholars and international law practitioners who have worked with conventional and non conventional arms control and disarmament issues As a result this book embraces academic consideration of legal questions within the context of broader political debates about the status of nuclear weapons under international law

**The Concept of Military Objectives in International Law and Targeting Practice** Agnieszka Jachec-Neale, 2014-10-24 The concept that certain objects and persons may be legitimately attacked during armed conflicts has been well recognised and developed through the history of warfare This book explores the relationship between international law and targeting practice in determining whether an object is a lawful military target By examining both the interpretation and its post ratification application this book provides a comprehensive analysis of the definition of military objective adopted in 1977 Additional Protocol I to the four 1949 Geneva Conventions and its use in practice Tackling topical issues such as the targeting of TV and radio stations or cyber targets Agnieszka Jachec Neale analyses the concept of military objective within the context of both modern military doctrine and the major coalition operations which have been undertaken since it was formally defined This monograph will be of great interest to students and scholars of international law and the law of armed conflict as well as security studies and international relations

**International Law in the Transition to Peace** Carina Lamont, 2021-11-14 This book proposes a normative framework specifically designed for the complex and legally uncertain time period between armed conflicts and peace As such it contributes both to the furthering of a *jus post bellum* framework and to enhanced legal clarity in complex and legally uncertain environments This in turn contributes to strengthened protection engagements and thus to improved prospects of enabling sustainable peace and security in both national and international perspectives The book offers a novel but persuasive argument for a legal framework specific for transitional environments Such legal framework it is argued is warranted in order to enable legal clarity to contemporary and outstanding legal issues as well as to furthering peace efforts in complex environments The legal framework suggested proposes a dividing line between applicable legal frameworks that it is submitted enhances both legal clarity on protection engagements and the quest for sustainable peace The framework proposed is founded on a legal analysis of the protective nature and function of law It thus provides a rare but important

perspective on law that is of value in the quest for sustainable peace and security The research draws uniquely on both contemporary legal debates and on peace and conflict research It does so in order to enable legal analysis that is both legally sound as well as appropriate and adequate in today's peace and security realities The book provides a valuable resource for academics researchers and policy makers in the areas of Public International Law International Humanitarian Law International Human Rights Law the law of Peace Operations and Peace and Security Studies

**The Law of Armed Conflict and the Use of Force** Frauke Lachenmann, Rüdiger Wolfrum, 2017 This volume collects articles on the law of armed conflict and the use of force from the Max Planck Encyclopedia of Public International Law to facilitate easy access to content from the leading reference work in international law

*Hague Law Interpreted* Stuart Casey-Maslen, Steven Haines, 2018-11-15 Given the centrality of Hague Law to the lawful prosecution of warfare the relative paucity of dedicated works is surprising The general formulation of Hague Law rules is largely uncontroversial but this clarity stands in stark contrast to their interpretation and practical application How precisely for instance the fundamental rules of distinction and proportionality in attack are to dictate and constrain the planning and practice of warfare continues to be highly uncertain This important new publication fills the gap in the literature Offering a comprehensive assessment of Hague Law it explores questions of definitions and accountability and navigates the substantive rules and their application to different types of warfare

[The Oxford Guide to International Humanitarian Law](#) Ben Saul, Dapo Akande, 2020-05-07 International humanitarian law is the law that governs the conduct of participants during armed conflict This branch of law aims to regulate the means and methods of warfare as well as to provide protections to those who do not or who no longer take part in the hostilities It is one of the oldest branches of international law and one of enduring relevance today The Oxford Guide to International Humanitarian Law provides a practical yet sophisticated overview of this important area of law Written by a stellar line up of contributors drawn from those who not only have extensive practical experience but who are also regarded as leading scholars of the subject the text offers a comprehensive and authoritative exposition of the field The Guide provides professionals and advanced students with information and analysis of sufficient depth to enable them to perform their tasks with understanding and confidence Each chapter illuminates how the law applies in practice but does not shy away from the important conceptual issues that underpin how the law has developed It will serve as a first port of call and a regular reference work for those interested in international humanitarian law

*Bravery or Bravado? The Protection of News Providers in Armed Conflict* Nina Burri, 2015-05-12 During the last decade the image of war correspondents in the news has shifted dramatically Reports are no longer full of cheerleading stories of embedded journalists Instead stories of war reporters being attacked kidnapped or injured prevail Sadly the former heroic witnesses to war have become victims of their own story In this book Nina Burri provides the first comprehensive analysis on how international law protects professional and citizen journalists photographers cameramen and their support staff during times of war Using examples from recent

armed conflicts in Iraq Libya Gaza and Syria Burri explores the means methods and risks of contemporary war coverage and examines the protection of news providers by international humanitarian law international criminal law and human rights law

**Conflict Law** William H. Boothby, 2014-07-08 Topics as diverse as the evolving spectrum of conflict innovations in weaponry automated and autonomous attack the depersonalisation of warfare detention operations the influence of modern media and the application of human rights law to the conduct of hostilities are examined in this book to see to what extent existing legal norms are challenged The book takes each topic in turn explains relevant provisions of contemporary law and analyses exactly where the legal problem lies The analysis then develops the theme examining for example the implications of current rules as to deception operations for certain applications of cyber warfare The text is written in an accessible style and demonstrates the continuing relevance of established rules and the importance of compliance with them Useful for academics military governments ministries of defence ministries of foreign affairs libraries diplomats think tanks policy units NGOs and all others with an interest in law of armed conflict issues such as journalists and students

**Lawfully Using Autonomous Weapon Technologies** Jonathan Kwik, 2024-08-02 This monograph provides a practical and operational perspective to the question of how to lawfully employ autonomous weapon systems AWS from the point of view of the technology s end users field commanders While there is international consensus that targeting rules such as proportionality and precautions must be respected when using AWS there is legal and practical ambiguity as to how to translate this normative commitment into practice How are commanders in the field when guns are already blazing expected to exercise command and control when ordering AWS attacks and ensure that their targeting obligations remain fulfilled The book discusses how commanders can use existing targeting frameworks to ensure that their use of AWS remains in compliance with the rules governing the conduct of hostilities It invites the reader to step into the shoes of the military commander with all the operational pressure and uncertainty inherent to this position and explores amongst others How to maintain control of AWS throughout a targeting cycle How to make informed and reasoned deployment decisions by analysing information related to the technical parameters of the AWS the characteristics of the operational environment and enemy countermeasures Under which circumstances AWS may not be used under targeting rules such as indiscriminate attack proportionality and the duty to cancel suspend What extra precautionary measures unique to AWS technology can and should be employed When it is militarily desirable to employ AWS over other alternatives and Under what circumstances criminal liability may be attributed for AWS related harm It offers both academic and practical outputs new legal and doctrinal insights on the technology that is useful for future legal developments and workable recommendations and efficient flowcharts that can be adopted by commanders military organisations or policymakers to ensure IHL compliant deployment of AWS Dr Jonathan Kwik is a researcher at the T M C Asser Institute in The Hague specialised in artificial intelligence and targeting law and is a member of the Board of Experts of the Asia Pacific Journal of International Humanitarian Law

*Yearbook of International Humanitarian Law, Volume 23 (2020)* Terry D. Gill, Robin Geiß, Heike Krieger, Rebecca Mignot-Mahdavi, 2022-02-02 This volume of the Yearbook of International Humanitarian Law takes a close look at the role of so called expert manuals in the interpretation and development of the international law of armed conflict and connected branches of international law relating to military operations While these manuals can and do play an undoubtedly useful role their proliferation raises a number of questions What degree of authority do they have and how much weight should be given to the views expressed in them What is the methodology they employ and how effective is it in ensuring an as objective and impartial interpretation of the law as possible What is their place in the doctrine of sources While there is already a considerable body of literature addressing these and other relevant questions this volume aims to contribute further to this discussion with contributions by three experts involved in one or more of these manuals in one capacity or another Alongside these three contributions on this year's special theme the second part of the book comprises three chapters that address timely and relevant issues of International Humanitarian Law These range from starvation as a method of warfare to emerging technologies of warfare and also includes reflections on humanitarian assistance Lastly the volume concludes with the Year in Review describing the most important armed conflict related events and legal developments that took place in 2020 The Yearbook of International Humanitarian Law is a leading annual publication devoted to the study of international humanitarian law It provides a truly international forum for high quality peer reviewed academic articles focusing on this crucial branch of international law Distinguished by contemporary relevance the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

**Yearbook of International Humanitarian Law, Volume 22 (2019)** Terry D. Gill, Robin Geiß, Heike Krieger, Christophe Paulussen, 2020-10-28 The main theme of this volume of the Yearbook of International Humanitarian Law is the 70th anniversary of the Geneva Conventions The evolution of these crucial treaties and international humanitarian law more generally comes back in six chapters addressing topics such as sieges compliance indiscriminate attacks and non state armed groups The second part of the book contains a chapter on the acquittal on appeal of Jean Pierre Bemba Gombo by the International Criminal Court on the basis of command responsibility for war crimes as well as an extensive Year in Review describing the most important events and legal developments in the area of international humanitarian law that took place in 2019 The Yearbook of International Humanitarian Law is the world's only annual publication devoted to the study of the laws governing armed conflict It provides a truly international forum for high quality peer reviewed academic articles focusing on this crucial branch of international law Distinguished by contemporary relevance the Yearbook of International Humanitarian Law bridges the gap between theory and practice and serves as a useful reference tool for scholars practitioners military personnel civil servants diplomats human rights workers and students

**The International Law of the Sea** Donald R Rothwell, Tim Stephens, 2023-08-10 Praise for the previous

edition A complete overview of the subject which does not intimidate the reader but rather spurs interest and understanding in the subject European Energy and Environmental Law Review the book is scholarly yet accessible and very readable thoroughly recommended Law Institute Journal Description The law of the sea provides for the regulation management and governance of the ocean spaces that cover over two thirds of the Earth's surface This book provides a comprehensive assessment of the foundational principles of the law of the sea a critical overview of the 1982 United Nations Convention on the Law of the Sea and an analysis of subsequent developments including many bilateral regional and global agreements that supplement the Convention The third edition of this acclaimed text has been thoroughly revised and updated and now incorporates a dedicated chapter on natural and artificial islands All of the main areas of the law of the sea are addressed including the foundations and sources of the law the nature and extent of the maritime zones the delimitation of overlapping maritime boundaries the place of archipelagic and other special states in the law of the sea navigational rights and freedoms military activities at sea marine scientific research and marine resource and conservation issues such as fisheries marine environmental protection and dispute settlement The book also takes stock of contemporary oceans governance issues not adequately addressed by the Convention Overarching challenges facing the law of the sea are considered including how new maritime security initiatives can be reconciled with traditional navigational rights and freedoms the need for stronger legal and policy responses to protect the global ocean environment from climate change and ocean acidification and work on a new agreement for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdiction

**Searching for a 'Principle of Humanity' in International Humanitarian Law** Dr Kjetil Mujezinovic Larsen, Camilla Guldahl Cooper, Gro Nystuen, 2013 This book provides an examination of whether there is a legally independent principle of humanity in international humanitarian law *The Use of Armed Force in Occupied Territory* Marco Longobardo, 2018-10-18 This book explores the international law framework governing the use of armed force in occupied territory through a rigorous analysis of the interplay between jus ad bellum international humanitarian law and international human rights law Through an examination of state practice and opinio juris treaty provisions and relevant international and domestic case law this book offers the first comprehensive study on this topic This book will be relevant to scholars practitioners legal advisors and students across a range of sub disciplines of international law as well as in peace and conflict studies international relations and political science This study will influence the way in which States use armed force in occupied territory offering guidance and support in litigations before domestic and international courts and tribunals

**Conduct of Hostilities Under the International Humanitarian Law of Non-international Armed Conflict** Cecilie Hellestveit, 2013 **Drone Wars: Ethical, Legal and Strategic Implications**, 2014-02-15 Lethal drones have been used in the last 12 years by the United States to strike targets and eliminate terrorists in Afghanistan Pakistan Somalia Yemen and a few other countries Details of how armed drones are being used in or outside of declared wars are closely guarded secrets



by all three states known to use them. However, these drones have also been responsible for killing and injuring thousands of civilians, including women and children, besides destroying homes and property. The US and its allies have claimed that the drone strikes have been spectacularly successful in terms of both finding and killing targeted enemies. Drones have been projected as a military necessity, and their market is growing fast, especially for intelligence surveillance and reconnaissance. The use of unmanned drones to target belligerents raises many complex issues. It is of crucial importance that traditional ethical rules and practices are applied, that rules of international law are observed even while engaging with terrorists. There are a few who justify the use of drones, but their argument is somewhat similar to the argument used for dropping atomic bombs over Japan in WWII. Lethal drones are a weapon of rich nations who have used them to attack poor defenceless nations. This book discusses the ethical, legal, and strategic issues relating to the use of drones in armed conflict.

## **The Conduct Of Hostilities Under The Law Of International Armed Conflict** Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has be more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is really remarkable. This extraordinary book, aptly titled "**The Conduct Of Hostilities Under The Law Of International Armed Conflict**," written by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we shall delve to the book is central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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### **The Conduct Of Hostilities Under The Law Of International Armed Conflict Introduction**

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