

Contents

Preface	xi
List of Contributors	xiii
Table of Abbreviations	xviii
Table of Treaties and Other International Instruments	xxiii
Table of Judgments	xxxix

PART I GENERAL ISSUES

1. CONCEPT AND SOURCES OF THE INTERNATIONAL LAW OF MILITARY OPERATIONS	3
<i>Terry D. Gill and Dieter Fleck</i>	
2. HISTORY AND DEVELOPMENT OF THE INTERNATIONAL LAW OF MILITARY OPERATIONS	14
<i>William K. Lietzau and Joseph A. Rutigliano Jr</i>	
I. Overview—The Transcendent Nature of Change	14
II. Development of <i>Jus ad Bellum</i> and <i>Jus in Bello</i> —When and How Military Force is Used—and its Impact on the Practice of Operational Law	15
1. <i>Jus ad Bellum</i>	17
2. <i>Jus in Bello</i>	24
III. Development of the Use of Legal Advisors	25
3. HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW: GENERAL ISSUES	35
<i>Jann K. Kleffner</i>	
4. CONCEPTUAL DISTINCTION AND OVERLAPS BETWEEN LAW ENFORCEMENT AND THE CONDUCT OF HOSTILITIES	63
<i>Nils Melzer and Gloria Gaggioli Gasteyger</i>	

PART II MILITARY OPERATIONS WITHIN THE CONTEXT OF THE UN COLLECTIVE SECURITY SYSTEM

5. ENFORCEMENT AND PEACE ENFORCEMENT OPERATIONS	95
5.1 Legal Characterization and Basis for Enforcement Operations and Peace Enforcement Operations under the Charter <i>Terry D. Gill</i>	95
5.2 Status of Forces in Enforcement and Peace Enforcement Operations <i>Dieter Fleck</i>	110
5.3 Legal Parameters for the Use of Force in the Context of the UN Collective Security System <i>Terry D. Gill</i>	128
5.4 Force Application in Enforcement and Peace Enforcement Operations <i>Blaise Cathcart</i>	133
5.5 Applicability and Application of International Humanitarian Law to Enforcement, Peace Enforcement, and Peace Operations <i>Charles H.B. Garraway and Jann K. Kleffner</i>	147
6. PEACE OPERATIONS	153
6.1 Characterization and Legal Basis for Peace Operations <i>Terry D. Gill</i>	153
6.2 Status of Forces in Peace Operations <i>Dieter Fleck</i>	161
6.3 Legal Parameters for the Use of Force within the Context of Peace Operations <i>Terry D. Gill</i>	169
6.4 Application of Force and Rules of Engagement in Peace Operations <i>Patrick C. Cammaert and Ben F. Klappe</i>	170
6.5 Authority, Command, and Control in United Nations-led Peace Operations <i>Patrick C. Cammaert and Ben F. Klappe</i>	181

7. PEACE OPERATIONS CONDUCTED BY
REGIONAL ORGANIZATIONS AND
ARRANGEMENTS 185
Eric P.J. Myjer and Nigel D. White

**PART III MILITARY OPERATIONS WITHIN THE
CONTEXT OF THE RIGHT OF SELF-DEFENCE
AND OTHER POSSIBLE LEGAL BASES FOR THE
USE OF FORCE**

8. LEGAL BASIS OF THE RIGHT OF
SELF-DEFENCE UNDER THE UN
CHARTER AND UNDER CUSTOMARY
INTERNATIONAL LAW 213
Terry D. Gill
9. STATUS OF FORCES IN SELF-DEFENCE
OPERATIONS 225
Dieter Fleck
10. APPLICATION OF FORCE AND RULES
OF ENGAGEMENT IN SELF-DEFENCE
OPERATIONS 228
Blaise Cathcart
11. INTERNATIONAL HUMANITARIAN
LAW IN SELF-DEFENCE OPERATIONS 236
Charles H.B. Garraway and Jann K. Kleffner
12. RESCUE OF NATIONALS 240
Terry D. Gill and Paul A. L. Ducheine
13. HUMANITARIAN INTERVENTION 244
Terry D. Gill
14. MILITARY INTERVENTION WITH THE
CONSENT OR AT THE INVITATION
OF A GOVERNMENT 252
Terry D. Gill

PART IV CAPITA SELECTA OF INTERNATIONAL MILITARY OPERATIONAL LAW

15. COMMAND AND CONTROL IN MILITARY OPERATIONS <i>Blaise Cathcart</i>	259
16. TARGETING IN OPERATIONAL LAW <i>Michael N. Schmitt</i>	269
17. TARGETED KILLINGS IN OPERATIONAL LAW PERSPECTIVE <i>Nils Melzer</i>	307
18. WEAPONS UNDER THE LAW OF MILITARY OPERATIONS <i>William H. Boothby</i>	332
18.1 The Conventional and Customary Principles of Weapons Law Applying in Armed Conflict	333
18.2 Rules Applying in Situations Other than Armed Conflict	352
19. AIR LAW AND MILITARY OPERATIONS <i>Michael N. Schmitt</i>	354
20. THE LAW OF MILITARY OPERATIONS AT SEA <i>Wolff Heintschel von Heinegg</i>	375
20.1 The Area of Naval Operations and Navigational Rights	376 386
20.2 Warships and Other Platforms	396
20.3 General Principles of the Law of Naval Warfare	403
20.4 Specially Protected Enemy Vessels and Aircraft	407
20.5 Legitimate Military Targets at Sea	409
20.6 Methods and Means of Naval Warfare	418
20.7 Economic Warfare at Sea	
21. MARITIME INTERCEPTION/ INTERDICTION OPERATIONS <i>Wolff Heintschel von Heinegg and Martin D. Fink</i>	422

22. LEGAL DIMENSIONS OF SPECIAL OPERATIONS AND INFORMATION OPERATIONS	444
<i>Blaise Cathcart</i>	
22.1 Legal Dimensions of Special Operations	444
22.2 Legal Dimensions of Information Operations	449
A. Basic Overview and Terminology of IO	449
B. Conclusion	454
23. MILITARY CYBER OPERATIONS	456
<i>Paul A.L. Ducheine</i>	
24. FORCE PROTECTION, UNIT SELF-DEFENCE, AND PERSONAL SELF-DEFENCE: THEIR RELATIONSHIP TO RULES OF ENGAGEMENT	476
<i>Hans F.R. Boddens Hosang</i>	
25. THE MAINTENANCE OF LAW AND ORDER IN MILITARY OPERATIONS	502
<i>Timothy McCormack and Bruce M. Oswald</i>	
26. OPERATIONAL DETENTION AND THE TREATMENT OF DETAINEES	518
<i>Jann K. Kleffner</i>	
27. CIVIL-MILITARY COOPERATION AND HUMANITARIAN ASSISTANCE	533
<i>Ben F. Klappe</i>	
28. PRIVATE CONTRACTORS AND SECURITY COMPANIES	541
<i>Terry D. Gill and Dieter Fleck</i>	
29. THE PROSECUTION OF INTERNATIONAL CRIMES IN RELATION TO THE CONDUCT OF MILITARY OPERATIONS	546
<i>William J. Fenrick</i>	

30. INTERNATIONAL RESPONSIBILITY AND MILITARY OPERATIONS	559
<i>Boris Kondoch and Marten Zwanenburg</i>	
 PART V SYNTHESIS AND CONCLUSION	
31. THE ROLE OF THE MILITARY LEGAL ADVISOR	581
<i>A.P.V. Rogers[†] and Darren Stewart</i>	
I. Commentary	581
II. Some Practical Experience	599
1. The Pre-Deployment Phase	602
2. Deployment	604
3. Post-Deployment	608
32. INTERNATIONAL LAW FOR MILITARY OPERATIONS: CONCLUSIONS AND PERSPECTIVES	610
<i>Dieter Fleck and Terry D. Gill</i>	
The Manual on International Law of Military Operations	619
Glossary of Terms	673
Index	687