Contents

	Acknowledgements	page ix
	Table of cases	X
	Table of treaties	xii
	List of abbreviations	xvi
	List of acoreciations	AVI
	Introduction	1
1.	The general framework	4
	I. The sources	5
	A. Customary international law and treaty law	5
	B. The principal treaties	9
	II. The semantics	12
	III. Inter-State armed conflicts	14
	IV. Military necessity and humanitarian considerations	16
	V. Humanitarian law and human rights	20
	VI. Dissemination	25
2.	Lawful combatancy	27
	I. Combatants and civilians	27
	II. Lawful and unlawful combatants	29
	III. The entitlement to prisoners of war status under customary	
	international law	33
	IV. The legal position under Protocol I of 1977	44
	V. A case study: the war in Afghanistan	47
	VI. Mercenaries	50
	VII. Armed merchant vessels	52
3.	Prohibited weapons	55
	I. Introduction	55
	II. The principle prohibiting unnecessary suffering	57
	III. Explicit prohibitions or restrictions of certain weapons	61
	A. Conventional weapons	63
	(a) Poison	63
	(b) Certain projectiles	63
	(c) Non-detectable fragments	64
	(d) Booby-traps	65
	(e) Landmines	66

		(1	f) Naval mines	69	
		(2	Torpedoes	71	
		(h	n) Incendiaries	71	
		(i	i) Blinding laser weapons	72	
		B. W	Veapons of mass destruction	73	
		(a	a) Chemical weapons	73	
		(b	b) Biological weapons	76	
	IV.	The st	tatus of nuclear weapons	77	
	V.	Devel	opment of new weapons	80	
4.	Leg	itima	te military objectives	82	
	I. The principle of distinction and military objectives				
	II.	The d	efinition of military objectives by nature, location,		
		purpo	se and use	87	
		A. T	he nature of the objective	88	
		B. T	he purpose of the objective	89	
		C. T	he use of the objective	90	
		D. T	he location of the objective	91	
		E. B	ridges	92	
		F. N	Illitary objectives exempt from attack	93	
	III.	Gener	ral problems relating to the scope of military objectives	94	
	IV.	Defen	ded and undefended localities in land warfare	99	
	V.	Specia	al problems relating to sea warfare	102	
		A. A	reas of naval warfare	102	
		B. E	nemy warships	102	
		C. E	nemy merchant vessels	102	
		D. N	leutral merchant vessels	103	
		E. D	estruction of enemy merchant vessels after capture	104	
		F. B	lockade	105	
		G. E	xclusion zones	106	
		Н. В	ombardment of coastal areas	107	
	VI.	Specia	al problems relating to air warfare	108	
		A. N	Military aircraft	108	
		B. C	Civilian aircraft	109	
		C. S	trategic and 'target area' bombing	110	
5.	Pro	tectio	n of civilians and civilian objects from attack	113	
	I	. Def	initions	113	
	II	. Dire	ect attacks against civilians	115	
	III	. Indi	iscriminate attacks	116	
	IV	. The	principle of proportionality	119	
			itimate collateral damage	123	
	VI	. Pred	cautions in attack	125	
	VII	. Ces	sation of protection and 'human shields'	129	
	VIII	. Star	vation of civilians	131	
		A.	General	131	
	5	B.	Siege warfare	133	
		C.	Humanitarian assistance	137	

	Cor	ntents	vii
6.	Measures of special protection		
	I.	Persons entitled to special protection	141
		A. The different categories of beneficiaries	141
		B. Cessation of protection	149
	II.	Cultural property and places of worship	152
		A. Introduction	152
		B. The legal position until 1954	153
		(a) General protection	153
		(b) Regional protection	155
		C. The Cultural Property Convention of 1954	157
		D. Protocol I of 1977	160
		E. The war crimes provisions	163
		F. The 1999 Second Protocol to the Hague Convention	164
	III.	Medical units	166
		A. Medical units on land	166
		B. Hospital ships	168
		C. Medical aircraft	169
	TT 7	D. The cessation of protection	171
1	IV.	Works and installations containing dangerous forces	172
7.	Protection of the environment		
		Introduction	176
	II.	The international legal texts	177
		A. The ENMOD Convention	177
		B. Protocol I of 1977	181
		C. Supplementary texts	185
		(a) The Rome Statute	185
		(b) Protocol III, annexed to the Weapons Convention	186
	~~~	(c) The Chemical Weapons Convention	187
	111.	The dissimilarities between the ENMOD Convention and	1.00
	TTT	Protocol I	189
	1V.	A case study: setting fire to oil wells in the Gulf War	191
	V.	Conclusion	196
8.	Other methods and means of warfare		
	I.	Perfidy and ruses of war	198
		A. The Hague Regulations of 1899/1907	198
		B. Protocol I of 1977	200
		(a) The relevant provisions	200
		(b) Analysis: unlawful acts of perfidy	201
		(c) Legitimate ruses of war	206
	**	C. Other texts relating to perfidy and ruses of war	207
	11.	Espionage	208
		A. The definition of espionage	208
	TTT	B. The penal prosecution of spies	210
	111.	Seizure and destruction of enemy property	213
		A. Pillage  D. Dootwoof was	214
		B. Booty of war	215
		C. Prize and contraband	215
		D. Other destruction and seizure of enemy property	218

## viii Contents

	IV.	Belligerent reprisals	220		
		A. The concept of belligerent reprisals	220		
		B. Prohibitions of specific belligerent reprisals	222		
		C. The taking of hostages	227		
	Wa	r crimes, command responsibility and defences	228		
	I.	The definition of war crimes	228		
	II.	The distinction between war criminals and unlawful			
		combatants	233		
	III.	Command responsibility	237		
	IV.	Admissible and inadmissible defences	243		
		A. Admissible defences	244		
		(a) Mistake of fact	244		
		(b) Mistake of law	244		
		(c) Duress	245		
		(d) Insanity	248		
		(e) Intoxication	249		
		(f) Legitimate defence of oneself and others	249		
		B. Inadmissible defence pleas	250		
		(a) Obedience to national law	250		
		(b) Obedience to superior orders	250		
		(c) Official position and immunities	252		
		C. Mitigation of punishment	253		
	Gei	neral conclusions	255		
	Ind	lex of persons	258		
	Index of subjects				
	21000		263		