LAW OF ARMED CONFLICT
INTERNATIONAL LAW

A BODY OF PRINCIPLES, CUSTOMS, AND RULES RECOGNIZED AS EFFECTIVELY BINDING OBLIGATIONS BY SOVEREIGN STATES AND SUCH OTHER ENTITIES AS HAVE BEEN GRANTED INTERNATIONAL PERSONALITY

LAW OF ARMED CONFLICT

That part of international law that regulates the conduct of armed hostilities. – Also called the Law of War and International Humanitarian Law
LAWS OF ARMED CONFLICT

- Prehistoric Times
- India
- China
  - Sun-Tzu
- Ancient Greece
- Ancient Rome
- Lieber’s Code (1862)
- Solforino (1864)
WHY LOAC?
LOAC
PURPOSES

• Limit the effects of the conflict
• Protect combatants and non-combatants from unnecessary suffering
• Safeguard fundamental rights of civilians, prisoners of war, wounded, sick and shipwrecked (“victims of war”)
• Prevent the conflict from becoming even worse
• Make it easier to restore peace once the conflict is over
TWO BASIC DIVISIONS OF LOAC

Jus Ad Bellum -
Law Governing The Decision To Go To War

Jus In Bello -
Law Governing The Way War Is Waged
JUS IN BELLO
LAW OF ARMED CONFLICT

Sources

• Customary Law

• Treaty Law
  – Hague Convention (1907)
  – Geneva Conventions (1949)
  – Geneva Protocols
LAW OF ARMED CONFLICT

GENEVA CONVENTIONS OF 1949

• Protection of the Sick and Wounded in the Field
• Protection of the Sick, Wounded & Shipwrecked at Sea
• Protection of Prisoners of War
• Protection of Civilians in Occupied Areas
HAGUE AND GENEVA LAW

• HAGUE CONVENTIONS (1899 & 1907)
  - APPLICATION OF ARMED FORCE
  - USE AND LEGALITY OF WEAPONS
    - "HAGUE REGULATIONS"

• GENEVA CONVENTIONS OF 1949
  - PROTECTION OF *HORS DE COMBAT* AND NON-COMBATANTS
  - MINIMIZE UNNECESSARY SUFFERING
  - PROMOTE RESPECT FOR THE INDIVIDUAL
APPLICATION OF LOAC TO INTERNATIONAL CONFLICTS

• Customary law applies even if war has not been declared
  - Including many LOAC principles

• However, a convention may apply only to conflicts between two or more parties (States) to the convention (e.g., ENMOD Treaty)
WHEN DOES LOAC APPLY?

• Must have an International Armed Conflict
  - Two or more States
WHAT IS NOT AN ARMED CONFLICT?

LOAC “shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflict.”
TARGET: IRAQ
TARGET: TELIBAN
TARGET: AL QAIDA
“The Armed Forces of the United States will comply with the law of war during all armed conflicts, however such conflicts are characterized and, unless otherwise directed by competent authorities, will comply with the principles and spirit of the law of war during all other operations.”

CJCSI 5810.01A
GENEVA CONVENTIONS OF 1949
APPLICATION OF GENEVA CONVENTIONS

• Geneva Conventions apply even if war has not been declared
• However, Geneva Conventions apply only to conflicts between two or more parties to the Conventions (international conflicts)
• Only 2 countries have not ratified the Geneva Conventions
GENEVA CONVENTION

I

WOUNDED AND SICK
PROTECTIVE EMBLEMS

• Medical

• Cultural

• POW Camp

• Internment Camp
GENEVA CONVENTION II
WOUNDED AND SICK AT SEA
GENEVA CONVENTION III

PRISONERS OF WAR
PRISONER OF WAR STATUS

• COMBATANTS:
  - ARMED FORCES
  - MILITIAS OR VOLUNTEERS

• NONCOMBATANTS:
  - WAR CORRESPONDENTS
  - CONTRACTORS & TECH REPS
  - MEDICAL PERSONNEL & CHAPLAINS
CAPTURE AND IMMEDIATE CARE

- Secure
- Search
- Silence
- Segregate
- Safeguard
- Speed To The Rear
CONDITIONS OF TREATMENT

• On Land
• Not Near Military Objects
• Accommodations Equal To Captors
• Morale Condition
• Labor
• Discipline
GENEVA CONVENTION

III

PRISONERS OF WAR
GENEVA CONVENTION

III

PRISONERS OF WAR
Top U.S. official: Iraq has executed some POWs

Thursday, March 27, 2003 Posted: 6:54 AM EST (1154 GMT)
GENEVA CONVENTION
IV PROTECTION OF CIVILIANS
PROTECTIONS DURING OCCUPATION

• Public Safety
• Respect Family Honor
• Property Rights
• Religious Freedom
• No Forced Info or Oaths
• No Pillaging
• No Collective Punishment
GENEVA CONVENTION IV
PROTECTION OF CIVILIANS
GENEVA CONVENTION
IV PROTECTION OF
CIVILIANS
HAGUE CONVENTIONS

• **Aerial warfare** - There is not a Hague convention, or any other convention, that addresses the entire topic
  

• **Bullets which expand or flatten easily in the human body (1899)** (aka “dum-dum bullets”)

• **Cultural property (1954)**
BASIC PRINCIPLES OF LOAC

- Military Necessity/Objective
- Distinction
- Proportionality
- Humanity (Unnecessary Suffering)
MILITARY OBJECTIVES

Those objectives which by their own nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
LAWFUL TARGETS
LAWFUL TARGETS
LAWFUL TARGETS

BAGHDAD AL SALAM PALACE, IRAQ
COMPLETED EARLY 1999

OCCUPIES 0.5 SQUARE KILOMETERS

[Map of Baghdad Al Salam Palace]

[Image of the palace being bombed]

[Image of the palace on fire]
LAWFUL TARGETS
LAWFUL TARGETS
DISTINCTION

“Distinguish at all times between the civilian population and combatants, and between civilian objects and military objectives. Direct military operations only against military objectives.”

Art 48, GP I
DISTINCTION
“The civilian population . . . Shall not be the object of attack. Acts or threats of violence to spread terror among the civilian population are prohibited.”
Art 51, GP I
PROTECTED PLACES: CIVILIAN OBJECTS

Civilian Housing
CHIEF PROBLEMS IN LOAC

- Few Objects Are Unalterably Civilian In Nature
- Civilian And Military
PROTECTED PROPERTY, BUT...
LOSS OF PROTECTION

• Intentional Use Of Protected Places
• Protected Persons and Objects Near Military Objectives
PLACES:
CHURCHES,
HOSPITALS
PROPORTIONALITY

MILITARY OBJECTIVES

CIVILIAN PERSONNEL & OBJECTS
PROPORTIONALITY

•It is unlawful to conduct “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”
HUMANITY

Prohibits the employment of any kind or degree of force not necessary for the purposes of war, that is, for the partial or complete submission of the enemy with the least possible expenditure of life, time, and physical resources (also referred to as the principle of unnecessary suffering).
HOT TOPIC: LANDMINES
INCENDIARY WEAPONS
HOT TOPIC: CBUs & DEPLETED URANIUM
HOT TOPICS: SMART WEAPONS
HOT TOPICS: SMART WEAPONS
CHEMICAL WEAPONS

• Conventions
• 1925 Geneva Gas Protocol
• 1993 Chemical Weapons Convention
BIOLOGICAL WEAPONS

- 1925 Gas Protocol
- 1972 Biological Weapons Convention
ENVIRONMENTAL WEAPONS

• Destruction of the Environment
• Environmental Alteration as a Weapon
MEANS AND METHODS OF WARFARE

- Treachery And Perfidy
- Starvation
- Assassination
- Reprisals