Index

9/11
impact of
on combatants, interpretation of 384
on protected persons, status of 390–92
on right to self-defence 105, 112–13
on use of force, legality 1, 74–5, 81, 105, 118
whether events were armed attacks 205–7

Abi-Saab, Georges 472, 479
accountability, of third parties 111
under Geneva Conventions 534–5
under international criminal law 536–7
of international organizations
for human rights violations 530–32
for humanitarian law violations 533–5
peacekeepers 533–4, 539–41
and post conflict justice 529–41
of United Nations 531–3, 536–9

Acquisition of Polish Nationality, Advisory Opinion (1923) 618–19
Act of State doctrine 635–7
Additional Protocols see under Geneva Conventions (1949)
aerial warfare
developments in 336–8, 349–50
regulation 348–54, 371–2
unmanned combat aerial vehicles 336–8

Afghanistan
sanctions 35–6
Soviet intervention 226–7
state representation concerns 279–80
terrorism
Taliban, as combatants 378
whether armed attack 205–7
use of force, as self-defence 105, 112–13

African Union 28
Constitutive Act (2000) 144, 147, 237, 246
Darfur, intervention in 147, 237, 241–2
on humanitarian intervention 237, 241–2, 246
on recruitment of mercenaries 422–3

Agenda for Peace (1992) 27–9
aggression
accountability for 111, 641
meaning 109–10, 197–8, 200–201, 230
war of aggression 641–2
reparations for wars of 641–2
vs. defensive actions 82–3, 114
aircraft
as targets, legality 347–9
war role, development 348–54
Al-Firdus bunker 368–9
Al-Jedda v. UK (2011) 600, 629–34
Al-Jedda II v. UK (2011) 634–7
Al-Saadoon and Mufdi v. UK (2010) 616–17
Al-Skeini v. UK (2006) 602–4, 609, 611, 614–17, 619–21,
624–5, 627–9
Alabama Claims arbitration (1872) 95–6
Algiers Agreement (2000) 643–4
all necessary means,’ interpretation 73, 83–4,
135–6, 150, 163–5, 221–2, 252–3
American Convention on Human Rights (1992) 460
amnesties, prohibition 522–5
Antarctic Treaty (1959) 47
anti-vehicle mines 333–4
apartheid 480–81
Arab League 147
Arab Spring (2011–2012) 118–19, 583
Argentina, invasion of Falkland Islands 81–2,
223, 225, 348
Aristotle 92
armed attack
interpretation of
acts of terrorism 203–10
and aggression, meaning of 197–8,
200–201
judicial interpretation, by ICJ 196–203,
207, 212–13
non-state actors, action by 204–10
offensive vs. defensive actions 429
possibility of armed attack 200–201
UN General Assembly Resolution 3314 on
197–8, 201, 641
use of force in self-defence
armed attack requirement 80–81, 127–8,
159–60, 187–8
imminence of attack criteria 160–62, 192–6
armed conflict, generally see also international armed conflict; non-international/ internal armed conflict; transnational armed conflict
classification and interpretation challenges 256–7, 269–72, 275–9
different categories, need for 272–3
international armed conflict 256, 261–2, 267–8, 272–3
and international personality 275–9
jus ad bellum and jus in bello, role in 266–7
multilateral conflicts 275–6
non-international/ internal armed conflict 256, 261–4, 266–9, 272–3
redefinition 298–300
transnational armed conflict 303–12
war on terror 269–70, 289, 303–4, 307–8
whether generic concept 269–72
and international humanitarian law 256–7, 284–9, 304–8
post conflict justice
broad amnesties, prohibition of 522–5
and human rights law 518–19, 530–32
international criminal law 521–2
and international humanitarian law 519–21, 533–5
and lex pacificatoria 517–25, 541–6
regime overlaps 522–5, 535–40
third party accountability 529–41, 536–7
third party intervention 525–9
trends 517
state responsibility, derogation of 450–53
thresholds
international armed conflict 273–82
internationalized non-international armed conflict 292–302
non-international armed conflict 282–92
parallel/ mixed armed conflicts 302–3
and war crimes
international armed conflict 477–87
non-international armed conflict 487–93
relationship between 471–4
arms control 2, 11–12, 42, 53–7, 339–40 see also disarmament
Articles on Responsibility of States for
atomic bombs 351–2
Atomic Energy Commission 44
Austria v. Italy (1961) 617
Balkan Wars (First, 1912-1913) 349
Bámaca Velásquez case (2000) 461
belligerency, recognition and regulation of 262–4
biological and toxic weapons
Conventions on 49, 51–3, 55, 62
riot control agents 51–2
verification mechanisms 52, 54–5
black market, in weapons and nuclear materials/ technology 43, 59–61
Blair, Tony 194–5, 238
Boer Wars 346
Bosnia 539–40, 557, 576, 581–4
Bowett, Derek 115–16
Brahimi Report (2000) 42, 579, 589, 593–4
Brownlie, Ian 91, 115–16
Burma 154
Cambodia 558, 656
Capstone Doctrine 578–9
Caroline correspondence 95, 177–9, 189–91, 207–9, 211, 214, 227–8
Certain Expenses Advisory Opinion (1962, ICJ) 140–41, 580–81
chaplains, military, status of 379, 387
chemical weapons
Conventions on 36, 41, 47, 51–6, 62, 65, 328
and customary international law 46–7
riot control agents 51–2
white phosphorus 334–6
World War II, use in 351
Chemical Weapons Convention (1993) 36, 41, 47, 62, 65
limitations 52–3
prohibitions under 51–3, 328
verification mechanisms 54–6
children
convention protections 405–8, 410–13
involvement in hostilities 412–13, 492
war crimes against 492
China 76–7, 82, 242
Chowdhuri, Ramendra 552, 555–6
civil war, recognition and regulation 262–4
see also non-international/ internal armed conflict
civilians, protection of 419–20
children 405–8, 410–13
civilian contractors 382–3, 416, 428–30
co-belligerent states, nationals of 394–5
collateral damage 368–71, 382, 484, 492
Convention protections 353–4
definition 348
direct participation in hostilities 357–62, 420
distinction, principle of 320–21, 344, 355–62, 484
in hands of enemy 389–91
identification of civilians 377–8
international organization personnel 417–19
journalists 413–15
liability to attack 382–3
medical personnel 397–8
neutral states, nationals of 394–5
in occupied territories 389–90
human rights 406–7
internment rules 405–6
relief actions 406–7
transfer, evacuation and deportment 407
treatment 404–5
by peacekeepers 417–19, 584–5, 589–90, 592–6
private military company personnel 415–16, 425–8
protected persons
hostile activity, engagement in 391–2
identification 389–92
nationality requirement 390–92
right to knowledge of 396–7
targeting, precautionary measures 369–70
unlawful combatants 357–8, 384, 390–94, 406, 420
women 405–10
wounded, sick or shipwrecked persons 375–6, 389, 393–8, 479–80
Cold War
collective security functions during 7–8
influences of
on disarmament/arms control 42–3
on peacekeeping 572–4
on UN functions and officers 130–35, 572
collateral damage 343, 352, 368–71, 382, 492
collective security
concept development 5–9, 171–3
and disarmament 11–12, 36–8, 46
dispute settlement obligations 9–11
functions 5–7
interpretation challenges 7–8
legal basis 5–7
legal framework 9–12
and right to self-defence 171–4
UN Security Council, role and powers 5–9, 120–22, 171–3
changing emphasis 7–9, 39–40
enforcement powers 84–8, 143–4
colonialism
civilizing mission 550–51
decolonization 552, 564–6
features 547–8
repairs for 648–9
stages 550–52
and trusteeship
administrative prerogative 549, 556–7
duration and termination 550–52
reconciliation between 568–9
self-determination 547, 551–2, 563–9
UN Charter obligations 551–2
combatants
battlefield status
excluded military personnel 379, 387
identification 345–7, 377–8
and irregular armed forces 379–80, 392–5
persons levé en masse 380–81
private military company personnel 416, 425–8
combatant privilege 377–81
direct participation in hostilities 381–5
recognition criteria 385–6
withdrawal from hostilities 382
liability to attack 381–4
missing or dead, right to knowledge of 396–8
peacekeeping vs. peace-enforcement 418–19, 572–5, 577
prisoners of war
captivity, procedures following 399–403
combatant status 384–7
evacuation 400–402
excluded persons 387–8, 393
information exchange 402–3
mercenaries 388
protection, development of 346, 398
punishment 403
repatriation 404
rights of 400–402
spies 387–8
status, determination 384–7
status, loss of 385–6
treatment 399–403, 419–20
unlawful combatants, protection 357–8, 384, 390–94, 406, 420
wounded, sick and shipwrecked combatants
protection 375–6, 388–9, 479–80
treatment 395–8
Commission on the Responsibility Authors of the War and Enforcement (1920) 468–9, 477
compensation see reparations
‘complete dependence test’ 432
Comprehensive Test Ban Treaty (1996) 48, 54
Conference on Disarmament 44–6
certainty-building measures 56–7
conflict prevention 2 see also collective security
coeptive mechanisms 31–8
certainty management and resolution 19–22
definitions 5–6, 8–9
disarmament 36–8
operation/l direct prevention 8–9
powers of recommendation 31–3
preventative deployment 28–31
referrals procedures 19–20
Regional Arrangements/ Initiatives 25–8, 126–7
sanctions 34–6
timing, relevance of 19–22
UN Secretary General, role 22–5
UN Security Council, role 5–9, 120–22, 171–3
changing emphasis in 7–9, 39–40
discretionary powers 6–7, 31–2
limitations 39–40
and unilateral threats 84–8
conflict resolution see peace settlements
Congo, Democratic Republic of cluster munitions, disarmament 65
UN operations in consent challenges 581–2
enforcement actions 133–4
limitations 594–5
and prevention of genocide 597–80, 594–5
and protection of mandate 587–9
and use of force by peacekeepers 587–9
war reparations 643
Conventions see also Treaties
on Biological and Toxic Weapons (1972) 49, 51, 55, 62, 327–8
on Crimes Against Peacekeepers (1994) 484
on the Criminal Accountability of UN Officials and Experts (Draft, 2011) 536–7
on Discrimination Against Women (1979) 407
on the Jurisdictional Immunities of States and their Property (1972) 651–2
on Minority Rights (1994) 505–6
for the Protection of Civilian Populations Against New Engines of War (Draft, 1938) 353–4
on Use of Environmental Modification (1976) 325–6
on the Use of Mercenaries (1989) 422–3
Corfu Channel case (1949, ICJ) 69, 102–3, 135, 230–31, 642
Côte d’Ivoire 251–3, 254, 280–81
Council of Europe 121
on minority rights 505–6
on state immunity 651–2
crimes against humanity 446, 521–2
Croatia 582–4
Cuba 83, 96
cultural property, protection of 649
Customary Humanitarian Law Study
on military vs. civilian distinction 320–21
on use of weapons 322–3, 325–6
on war crimes 486–7
customary international law
and human rights law 236, 463–4, 645–6
and humanitarian intervention 236, 253–4, 463–4
right to self-defence 179–81
use of force, prohibition of 90–91, 113–14
on use of weapons
chemical weapons 46–7
environmental damage 325–6
nuclear weapons 46–7
superfluous injury/unnecessary suffering 322–3
and war crimes 479, 486–90, 493–4
cyber warfare 338–40
Cyprus 82
Darfur see Sudan

Nigel White and Christian Henderson - 9781849808576
Downloaded from Elgar Online at 01/25/2019 04:33:15AM
via free access
dead persons, right to knowledge of 396–7
Declarations
  on Fact-Finding by the UN in the field of
  maintenance of international peace and
  security (1991) 16, 18–19
Paris Declaration on Marine Law (1856) 95
  on Principles of International Law
  Concerning Friendly Relations among
  States (1970) 230
on the Rights of Indigenous Peoples (2007, UN) 505–6
on the Rights of National Minorities (1992) 505–6
decolonization 552, 564–6
Dinstein, Y. 152, 160
direct participation in hostilities
  by civilians 357–62, 420
  and combatant status 381–4
  connection with armed conflict criteria 361–2
  direct causal link with harm 361–2, 429–30
  by heads of state 360–61
  human shields 362–4
  under international humanitarian law 357–62, 428–30
  and liability to attack 381–4
  military support functions 429–30
  private military companies 428–30
  withdrawal from hostilities 382
dismantlement see also non-proliferation
  and arms control 42, 53–7
  and collective security 46
  and conflict prevention 36–8
  conventional weapons, use restrictions 42, 48–50
  counter-proliferation 43
  de-militarized areas 47
  disarmament, demobilization and
  reintegration regime (DDR) 42, 65–6
  humanitarian policies, conflicts between 41, 65–6
  influences on 42–3, 63
  international treaties on 36–7, 41
  of non-state actors/ terrorists 43, 63
  nuclear disarmament 47–51, 55
  ICI Advisory Opinion on 49, 66, 70–71, 329
  nuclear materials and technology, availability 42–3
  nuclear-weapons-free-zones 48
  of Outer Space 316–17
  objectives 41–4
  Review Conferences 57–8
  small arms proliferation 33, 37
  sources of law 46–9
UN Charter proliferation 11–12, 36–8, 43–7
UN sanctions
  imposition 37–8
  legality 45–6
UN Security Council role 62–4
  verification mechanisms 53–7
  weapons of mass destruction, restrictions on
  biological and chemical weapons 51–3
  nuclear weapons 49–51
  withdrawal clauses 58–9
  displaced persons 515–16 see also refugee
   law
dispute resolution see also peace settlements
dispute vs. situation, meaning 13–14
  regional arrangements and initiatives 25–8,
  126–7
  UN Charter principles and obligations 14–15
  distinction, principle of 320–21, 344–5,
  355–6, 357–62, 484
Distomo case (2011) 651–2
Donald, Dominick 578–9, 584–5
Douhet, Giulio 350–51
Draper, G. 587–9
drones 336–8
Drozd and Janousek v. France and Spain
  (1992) 603, 607
Dunant, Henry 375
Dunlop, Charles 339–40
Dutchbat case (2011) 600–601
East Timor 559, 561, 657
economic sanctions 34–6, 101, 113
  Egypt 112, 114–15, 577
  environmental protection, and use of weapons
  324–6
  Eritrea-Ethiopia Claims Commission 643–4,
  646–8
  espionage 387–8, 391–2
Ethiopia 643–4, 646–8
European Convention on Human Rights
  (1952)
  Article 1, Basic rights 598, 601–9
  Article 2, Right to life 599–600
  Article 5, Right to liberty and security 599,
  629–30, 633
  on derogation of State obligations 450–52
  on extra-territorial application, and foreign
  military operations 599–600
  challenges 601–2
  conflicts with UN Resolutions 629–30
effective control 611–17
and espace juridique thesis 617–19
exceptionality approach 609–11
and instantaneous acts 608–9
judicial interpretation, generally 601–9
judicial interpretation, Strasbourg rulings 625–9
judicial interpretation, under English law 621–9
jurisdiction, interpretation 603–5
and purpose of treaty 617–19
regional applicability 617–19, 627–8
and subsequent practice 619–20
on international humanitarian law 461–2
on third party accountability 532
European Union
collective security enforcement powers 147–8
export controls, and non-proliferation of weapons 59–60
fact-finding missions 16, 18–19, 21, 77
Falkland Islands invasion
defensive counter-attack, legality 81–2, 223, 225, 348
Ferrini v. Germany (2004) 652
Finogenov v. Russia (2011) 462
force see threat of force; use of force forced labour, prohibition 645–6
Franck, Thomas 134, 213–14
Franco-Prussian War (1870-1871) 346
francs-tireurs 345–6
Friendly Relations Declaration (1970) 10
gas, use as weapon 59, 323–4, 327, 351, 484–5
Gasser, Hans-Peter 473–4
gender
 gender-based violence, protections against 408–10
 inclusion, in peace settlements 509–13, 536
 General Belgrano (ship) 348
 Geneva Convention on the Protection of War Victims (1864) 95–6
 Geneva Conventions (1949) 212
 Additional Protocols 284–8, 325–6, 329
 on aerial warfare 352, 354
 on children, protection of 412–13
 on civilian vs. military distinction 320–21, 355–6
 and collateral damage 368–9, 382–3
 on combatant privilege 377–81
 criticisms 356–7
 and customary international law 376
 on direct participation in hostilities 358, 361, 382–4, 429
 on environmental protection 324–5
 on grave breaches 479–81, 519–20
 and human rights/humanitarian rights violations 447
 on human shields 362–3
 on liability to attack 383–4
 on post conflict justice 520–21
 on private military company personnel 415–16, 425–8, 432–3
 on reparations 638
 on superfluous injury/unecessary suffering 322–3
 on targeting principles 354–5, 364–6
 on unlawful combatants 394
 on war crimes 470–71, 479–81, 487–8
 on wounded, sick and shipwrecked combatants 388–9, 395–6, 479–80
 armed conflict thresholds 267–9
 across-border spillovers, interpretation 288–92
 international armed conflict 267–70, 273–5, 293–4, 298–9, 301, 307, 314
 and international criminal law 287–8
 internationalization 293–302
 non-international armed conflict 268–9, 282–90, 293–9, 305, 314, 447
 non-state actors, applicability to 284–8
 transnational armed conflicts 304–5
 on civilians, protection
 civilian contractors 416, 428–30
 eligibility criteria 389–91
 in occupied territories 404–7
 human rights law, applicability to 445–7
 international humanitarian law, applicability to 445–6
 on prisoners of war, protection of 348, 384–8, 399–403
 on private military company personnel, protection of 416, 425–6
 on third party accountability 534–5
 on unlawful combatants, protection of 357–8, 384, 390–94, 406, 420
 on war crimes 470–71
 grave breaches 477–81, 487–8
 prosecution obligations 477–8
 on war reparations 649–50
 weapons, regulation
 and environmental damage 324–6

666 Research handbook on international conflict and security law

Nigel White and Christian Henderson - 9781849808576
Downloaded from Elgar Online at 01/25/2019 04:33:15AM
via free access
and superfluous injury/unnecessary suffering 322–3
on wounded, sick and shipwrecked combatants 375, 388–9, 395–6
Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare (1925) 59, 327, 351, 484–5

genocide
and human rights law 446–7
prevention of, UN peacekeeping vs. peace enforcement role 579–80
and use of force in humanitarian intervention 239–40
in Congo 579–80
in Côte d’Ivoire 251–3
Genocide Convention (1949) 268–9
Gentili, Alberico 93
Georgia 77, 275
Germany 351–2, 640–41
Global Threat Reduction Initiative 60–61
globalization, and collective security 8, 307–8

Gray, Christine 581–2
Grotius, Hugo 93–4
Guyana 78

Hague Conventions
on the Laws and Customs of War on Land (1899) 320, 327, 347, 351–2
on the Pacific Settlement of Disputes (1899) 90, 97, 327
on the Protection of Cultural Property (1954) 649

Hague Declaration on Reparation of Victims of Armed Conflict (2010) 650, 658–9

Hague Peace Conference (1907) 97–8, 351–2, 639, 649–50
Hague Rules for Aerial Warfare (1923) 352–3
Haiti 28, 33, 138


Hammerskjold, Dag 577–9, 586–7
Helman, David 567


Hiroshima 351–2, 370
HIV/AIDS, as generic threat to peace 33
hostage situations, use of force in legality 106–7, 112
whether armed attack 203–4, 208
Human Rights Act 1988 (UK)

judicial interpretation, European Court
influences on 625–9

human rights law
applicability beyond armed conflict 445–7, 599
and customary international law 236, 463–4, 645–6
definitions 598
extra-territorial application, during military operations 599–600
and Act of State doctrine 635–6
allocation of responsibilities 600–601
challenges 601–2
conflict of laws 634–7
‘effective control’ 611–17
espace juridique 617–19
under European Convention on Human Rights 601–29
exceptionality approach 609–11
and instantaneous acts 608–9
judicial interpretation, European rulings 625–9
judicial interpretation, generally 601–9
judicial interpretation, under English law 621–9
jurisdiction, conflicts between 629–30
jurisdiction, interpretation 603–5
public policy conflicts 635–7
and purpose of treaty 617–19
regional applicability 617–19, 627–8
and subsequent practice 619–20
UNSC Resolutions 629–33
genocide 446–7
historical development 445–7
and international humanitarian law 256–7, 305–8
customary international law interpretations 463–4
overlaps and conflicts 444–9, 464–6, 599–600
small arms proliferation, influence on 37
and peace, conflicts between goals of 114
post conflict justice
third part accountability 530–32
third party intervention 526–9
transitional justice 518–19
remedies, for violations of 653
right to be heard 505–6
right to democratic governance 33
right to life 461–2, 599–600
rights of children 410–13
rights of refugees 513–17
rights of return 513–17
and self-determination 505–6
state obligations
  challenges 454–5
derogations from 450–53
extra-territorial scope 453–8
during military operations abroad 454–9
  of occupying state 453–9
  and public emergencies 450–53
treaties, jurisdictional scope 446–7
and war crimes, relationship between 473–4
  and war reparations 645–6
human shields 362–4
humanitarian intervention see also
  Responsibility to Protect (R2P)
  and customary international law 236, 253–4
  intervention by invitation 116–17, 150–51, 229
and military necessity 2, 463
UN Security Council powers 148–56
  inter-organisational challenges 150–51
  interpretation challenges 137–8
  Responsibility to Protect (R2P) 2, 117, 153–6
  and unilateral enforcement of collective will 151–3
use of force authorisations 137–8, 533
unilateral right of
  challenges 253–5
  framework 237–40
  and genocide 239–40
  legality 148–9, 152–3
  UK proposal for 238–9
  vs. self-defence 148
use of force in, legality 79–80, 116–17, 150–51, 229
in Darfur 147, 237, 241–2
in Iraq 231–3
in Kosovo 233–7
legal basis 229–31, 527–8, 533–4
  opposition to 229
under UN Charter Article 2(4) 229–31, 234–7
humanity, principle of 344
Hungary 108
IEDs 332–4
Ilașcu v. Moldova and Russia (2004) 612
Implementing the Responsibility to Protect 243
improvised explosive devices 332–4
In Larger Freedom (2005) 161, 196
India 60
indigenous peoples, rights of 505–6, 649
injured and sick combatants
  protection 375–6, 388–9
  treatment 395–8
insurgency, recognition and regulation 262–4
see also non-international/ internal armed conflict
Interim Administration Mission in Kosovo (UNMIK) 538–9, 557, 559–60
internal armed conflict see non-international/ internal armed conflict
international armed conflict
categorisation, reasons for 272–3
  challenges 275–82
  combatant privilege 345–8, 377–81
  conflict status changes 281–2
  cross-border requirement 274–5
  internal conflicts, cross-border spillovers 288–92, 300–301
  internationalization/de-internationalization 281–2, 288–302
  and international personality 275–9
  interpretation 256, 283
  non-state actors, role in 277–9, 449
  reparations rules 638–9, 649–50, 657
  and state responsibility 277–82
status of individual during 377–95
  thresholds 267–70, 273–5, 293–4, 298–9, 301, 307, 314
transnational conflicts, as separate category 303–12
and war crimes 477–87
and wars of national liberation 298–300
International Atomic Energy Agency 36–8, 54–5, 60–61, 63
International Code of Conduct for Private Security Service Providers 424–5
International Commission on Intervention and State Sovereignty 117, 153, 240
International Committee of the Red Cross on cyberwarfare 339–40
  on direct participation in hostilities 358–9, 362–4, 383–4, 429–30
establishment 375
on human rights law, interpretation under international humanitarian law 462–3
on missing or dead persons, right to knowledge of 397
on post conflict justice 520–21
on refugees right of return 515–16
role in development of international humanitarian law 256–7, 283
on unlawful combatants 393
international conflict and security law, general trends 501–3
inclusiveness 505–6, 510–13
international - domestic hybridity 501, 536–7
minorities and indigenous peoples 505–6
post-conflict justice 517–25
state and non-state actors 502–3
war-peace hybridity 501–2
women, role in 510–13
International Court of Justice (ICJ)
Advisory Opinions
on certain expenses (1962) 140–41, 580–81
on reparations for Injuries (1949) 140
‘complete dependence’ test, private military companies 432
Corfu Channel case (UK v. Albania) 69, 102–3, 135, 230–31, 642
on human rights obligations
extra-territorial scope 457–8
and relationship with international humanitarian law 459–61
on humanitarian intervention, legality of use of force 230–31
on international disarmament obligations 47
Nicaragua case (1986)
on dispute settlement obligations 10–11, 47
on humanitarian intervention 231
on intervention by invitation 104–5, 116
on meaning of armed attack 104–5, 196–201, 207
on parallel/mixed armed conflicts 302–3
on private conduct, government authority for 435–6
on proportionality 210–11, 214–15
on reporting requirement 225–7
on right to collective self-defence 69–70, 179–87
on use of force, interpretation 77, 104–5, 116, 165–6
on war reparations 642–3
Oil Platforms case (Iran v. USA, 2003) 104, 181–2, 201–3, 212–13
on private conduct, governmental authority for 433–8

Red Crusader incident (1962) 104–5
on threat of force 69–71
and actual use of force, legality of 85
and self-defence 82, 104
International Covenant on Civil and Political Rights (1966) 446–7, 450–53, 457–8, 531, 646
International Covenant on Economic, Social and Cultural Rights (1996) 454, 531
International Criminal Court (ICC)
post conflict justice 521–2, 536–7
third party accountability 536–7
and war crimes, relationship between 473–4
International Criminal Tribunals
for Rwanda (ICTR) 491, 656
for Yugoslavia (ICTY)
on compensation of victims 655–6
jurisdiction 478–9, 488–9
powers 481–2
on war crimes 478–9, 481–2, 488–90, 495–7
international humanitarian law
application of 256–7
to acts by non-state actors 278–9, 284–8, 449
in armed conflict, generally 444–6
cross-border spillover of internal armed conflicts 290–91, 300–301
and derogation of state responsibility 450–53
in internationalized non-international armed conflicts 292–303
in non-international armed conflict 284–9, 303, 447–9
and state representation 279–80
in transnational armed conflict 303–8
in wars of national liberation 299–300
disarmament principles, conflict between 41, 65–6
gender-based violence 408–10
historical development 444–5
and human rights law
customary international law interpretations 463–4
influence on 256–7, 305–8
overlaps and conflicts 444–9, 464–6, 599–600
simultaneous applicability 459–63
small arms proliferation, influence on 37
individual violation claim forums 444
as lex specialis, challenges of 459–63
occupying powers obligations 406–7
post conflict justice
third party accountability 533–5
third party intervention 526–9
transitional justice 519–22
private military company personnel, protection 415–16
state obligations
derogation from 450–53
extra-territorial scope 453
and targeting rules
and direct participation in hostilities 357–62, 428–30
legality 343–4
military objectives, limitation to 355, 364–8
war crimes, violations as 471–3
International Labour Organization 527
International Law Association
on protection of civilians 533–4
on reparation of victims 650, 658–9
International Law Commission
on responsibility of states for internationally wrongful acts 427, 433–5, 646, 648
international law, generally
development, influences on 258–9
law of war and law of peace, influences on 258–9
law of war crimes, relationship with 469
public policy, conflicts with 635–6
international legal personality
armed conflict, challenges for 275–9
international organizations
accountability
for human rights violations 530–32, 600–601
for international humanitarian law violations 533–5
of peacekeepers 539–41
peace implementation roles 276–8, 500, 526–9, 539–41
international territorial administration
administrative prerogatives
proactive use 557–8
reactive use 556–7
challenges 564–7, 570–71
common features 548–50, 560–62
duration and termination 556–60
influences on 557–8
and local governance 557–60
reconstructive purpose of 558–9
interpretation 547–8, 560–62
legitimacy 570–71
purpose of, trends 560–62
refugee camps 558
and self-determination 547, 560–62
humanization 568–9
as interim/temporary enabling mechanism 564–70
interventionists role 569–70
purpose, changes in 565–7
and state building, purpose of 567–8
and trusteeship, common purpose 548–50
intervention see also humanitarian intervention
by invitation 107–9, 116–17, 119, 150–51, 229
in non-international/internal armed conflict 291–2
non-intervention principle 101
and post conflict justice 525–9
UN Security Council powers 137–8
investigation, UN powers of 15–16
invitation, use of force by
legality 107–9, 116–17
in Kosovo 116, 150–51, 229
as self-defence 107–8, 116, 119
Iran
disarmament and non-proliferation position 38
Oil Platforms case (2003, ICJ) 104, 181–2, 201–3, 212–13
Resolution 1696 (2006) 63, 84
Resolution 1737 (2006) 63–4
threat of force, coercion element 76–8
Iraq
disarmament
obligations 37–8, 164–5
verification mechanisms 55, 62
economic sanctions 34–5
international armed conflict in
conflict status changes 281–2
human rights obligations, extra-territorial scope 455–7
state representation issues 280
invasion of Kuwait
cease-fire resolution 223
human shields 362–3
self defence and proportionality 215–16
UN Security enforcement powers, influence on 135–8
Resolution 661 (1990) 221
Resolution 678 (1990) 83–5, 135–7, 163–5, 216
Resolution 688 (1991) 85
Resolution 1154 (1998) 74, 84
Resolution 1199 (1998) 84
Resolution 1284 (1999) 62
Resolution 1441 (2002) 62, 75, 84, 164–5
Resolution 1483 (2003) 645
threat of force attitudes after 9/11 74–5
and collective security obligations 84–5, 87–8
defensive actions vs. aggression 83
legality of actions 73–5, 82, 87–8
use of force against human rights law, extra-territorial application 599–600
as humanitarian intervention 231–3
legality, international endorsement 117–18
post-authorisation control of action 163–5, 167
Rules of Engagement for, US 592
and self-defence 112–13, 117
war reparations and recovery plans 644–5
irregular armed forces identification 379–80
and unlawful combatants 392–5
Israel
Advisory Opinion on Construction of a Wall in Occupied Palestinian Territory (2004, ICJ) 173–4, 204–5, 454–5, 460–61, 650
hostage situations 106–7, 112, 203–4, 208
human shields 362–3
Iran, threat of force from 76–8
Lebanon, actions against 208–10, 216–18, 223
peacekeepers, consent for 577
Resolution 487 (1981) 191
self-defence 112, 191, 208–9
war of national liberation 298–300
Italian Turkish War (1911) 348
Italy 640–41, 648–9
journalists, protection of 413–15
jurisdiction extra-territorial application of European Convention of Human Rights 599–600
challenges 601–2
effective control 611–17
and espace juridique thesis 617–19
exceptionality approach 609–11
and instantaneous acts 608–9
judicial interpretation, generally 601–9
judicial interpretation, Strasbourg rulings 625–9
judicial interpretation, under English law 621–9
and judicial precedent 628–9
jurisdiction, interpretation 603–5
preparatory work 620
and purpose of treaty 617–19
regional applicability 617–19, 627–8
and subsequent practice 619–20
of International Criminal Tribunals 478–9, 488–9
state immunity, law of 650–52, 658–9
of treaties, interpretation 446–7, 604–5, 610–11, 619–20
of UN Security Council 13–15
jus ad bellum aggression, accountability for 111
concept of ‘war’ in development 264–5
replacement for 265–7
and cyber warfare 340
jus in bello, separation from 264–5
non-state actors, applicability to 118–19
proportionality 211–12, 345
weapons, role in 316–18
jus cogens norms see customary international law
jus in bello concept of ‘war’ in development 264–5
replacement for 265–7
and cyber warfare 340
jus ad bellum, separation from 264–5
proportionality 211–12, 345
reparations rules 638–9, 650–52
targeting rules, development 342–4
weapons, role in definitions 318–19
and environmental protection 324–6
military vs. civilian distinction 320–22
### Research handbook on international conflict and security law

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibited weapons</td>
<td>46–7</td>
</tr>
<tr>
<td>Regulation</td>
<td>320–26</td>
</tr>
<tr>
<td>Superfluous injury/unnecessary suffering</td>
<td>322–4</td>
</tr>
<tr>
<td>Temporal limitations</td>
<td>324–6</td>
</tr>
<tr>
<td>Jus post bellum <strong>see also</strong> reparations</td>
<td>638–9</td>
</tr>
<tr>
<td>Definition</td>
<td>638</td>
</tr>
<tr>
<td>Disarmament role</td>
<td>42</td>
</tr>
<tr>
<td>Legacy weapons, injury to civilians from</td>
<td>331–2</td>
</tr>
<tr>
<td>Lex pacificatoria</td>
<td>517–25</td>
</tr>
<tr>
<td>Advantages and challenges</td>
<td>543–6</td>
</tr>
<tr>
<td>Post conflict justice</td>
<td></td>
</tr>
<tr>
<td>Broad amnesties, prohibition of</td>
<td>522–5</td>
</tr>
<tr>
<td>Development trends</td>
<td>517</td>
</tr>
<tr>
<td>Human rights law</td>
<td>518–19</td>
</tr>
<tr>
<td>International humanitarian law</td>
<td>519–21</td>
</tr>
<tr>
<td>Punitive reparations</td>
<td>517</td>
</tr>
<tr>
<td>Regime overlaps</td>
<td>522–5, 535–40</td>
</tr>
<tr>
<td>Third party accountability</td>
<td>529–41</td>
</tr>
<tr>
<td>Third party intervention</td>
<td>525–9</td>
</tr>
<tr>
<td>Weapons control</td>
<td>327–8</td>
</tr>
<tr>
<td>Just War Doctrine</td>
<td>89–95</td>
</tr>
<tr>
<td>Justice <strong>see</strong> transitional justice</td>
<td></td>
</tr>
</tbody>
</table>

**Kadi and Al Barakaat v. Council (2008, ECJ)**

35–6

Kampala Review Conference 46

Kassen case (2004) 380

Kellogg-Briand Pact (1928) 90, 98–9, 639–40

Kenya 290–91

KFOR **see** Kosovo

The Koran, on prohibition of weapons 320

Korea 572, 574

Kosovo

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armed conflict, categorisation of</td>
<td>275</td>
</tr>
<tr>
<td>International territorial administration</td>
<td>559–62</td>
</tr>
<tr>
<td>Legality of actions in</td>
<td></td>
</tr>
<tr>
<td>Human rights law, extra-territorial application</td>
<td>600, 633</td>
</tr>
<tr>
<td>Humanitarian intervention</td>
<td>150–51, 233–7</td>
</tr>
<tr>
<td>Intervention by invitation</td>
<td>116, 150–51, 229</td>
</tr>
<tr>
<td>Threat of force</td>
<td>71–2, 85–6</td>
</tr>
<tr>
<td>UN Security Council enforcement</td>
<td></td>
</tr>
<tr>
<td>Competence</td>
<td>149–51</td>
</tr>
<tr>
<td>Use of force</td>
<td>106</td>
</tr>
<tr>
<td>NATO role</td>
<td>145–6, 149–51</td>
</tr>
<tr>
<td>Peacekeeping vs. peace enforcement</td>
<td>583–4</td>
</tr>
<tr>
<td>Resolution 1244 (1999)</td>
<td>72, 235, 528</td>
</tr>
<tr>
<td>UN role in (UNMIK)</td>
<td>538–9, 557, 559–60</td>
</tr>
</tbody>
</table>

Kuwait

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invasion by Iraq</td>
<td></td>
</tr>
<tr>
<td>Cease-fire resolution 222</td>
<td></td>
</tr>
<tr>
<td>Resolution 678 (1990)</td>
<td>83–5, 135–7, 163–5, 216</td>
</tr>
<tr>
<td>Self-defence, and proportionality</td>
<td>215–16</td>
</tr>
<tr>
<td>Threat of force, and legality of actions</td>
<td>73–5, 82, 84–5, 117–18</td>
</tr>
<tr>
<td>UN Security enforcement powers</td>
<td>135–8</td>
</tr>
</tbody>
</table>

**Kuwait Air Corp case (2002)** 636

Landmines 47, 317–18, 321, 328, 333, 341

**The Law of Nations (1758)** 94–5, 175

Law of the Sea 61

League of Arab States 74, 246

League of Nations

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>On aerial warfare</td>
<td>354</td>
</tr>
<tr>
<td>Collective security role</td>
<td>121</td>
</tr>
<tr>
<td>Covenant (1919)</td>
<td>44, 121</td>
</tr>
<tr>
<td>On mandate and trusteeship arrangements</td>
<td>552–3, 560–62</td>
</tr>
<tr>
<td>On prohibition of use of force</td>
<td>67–8, 90, 98</td>
</tr>
<tr>
<td>On reparations</td>
<td>639</td>
</tr>
<tr>
<td>Lebanon 208–10, 216–18, 223</td>
<td></td>
</tr>
<tr>
<td>Legacy weapons</td>
<td>331–2</td>
</tr>
<tr>
<td>Levée en masse</td>
<td>380–81</td>
</tr>
</tbody>
</table>

**Lex pacificatoria** (law of peacemakers)

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Characteristics</td>
<td>504–8</td>
</tr>
<tr>
<td>Jus post bellum, transition from</td>
<td>517–25, 541, 543–6</td>
</tr>
<tr>
<td>And law of war, conflict between</td>
<td>258–9</td>
</tr>
<tr>
<td>And peace settlements</td>
<td></td>
</tr>
<tr>
<td>Characteristics</td>
<td>499, 503–8</td>
</tr>
<tr>
<td>Inclusiveness</td>
<td>510–13</td>
</tr>
<tr>
<td>Right of refugees to return</td>
<td>514–16</td>
</tr>
<tr>
<td>Women, equal participation of</td>
<td>510–13</td>
</tr>
<tr>
<td>And post conflict justice</td>
<td>517, 541–6</td>
</tr>
<tr>
<td>Broad amnesties, prohibition of</td>
<td>522–5</td>
</tr>
<tr>
<td>And human rights law</td>
<td>518–19, 530–32</td>
</tr>
<tr>
<td>And international criminal law</td>
<td>521–2</td>
</tr>
<tr>
<td>And international humanitarian law</td>
<td>519–21, 533–5</td>
</tr>
<tr>
<td>Regime overlaps</td>
<td>522–5, 535–40</td>
</tr>
<tr>
<td>Third party accountability</td>
<td>540–41</td>
</tr>
<tr>
<td>Third party intervention</td>
<td>525–9</td>
</tr>
</tbody>
</table>

Liberia 108–9, 119

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colonial reparations</td>
<td>648–9</td>
</tr>
<tr>
<td>Head of state, targeting</td>
<td>360–62</td>
</tr>
<tr>
<td>International armed conflict</td>
<td></td>
</tr>
<tr>
<td>Interpretation difficulties</td>
<td>276–8</td>
</tr>
</tbody>
</table>

---

Nigel White and Christian Henderson - 9781849808576
Downloaded from Elgar Online at 01/25/2019 04:33:15AM via free access
and state representation 281
statements on 248–9
international organizations role in 276–8
Italian Turkish War (1911) 348
Lockerbie hijack 105
post-authorisation control of actions 165–6
Resolution 1970 (2011) 166, 244–5, 247
Resolution 1973 (2011) 165–6, 246–51
and Responsibility to Protect (R2P) 154–5, 244–51
sanctions 34–5
use of force in, legality of 1–2, 106
and humanitarian intervention 154–5, 244–51, 254–5
peacekeeping vs. peace-enforcement 583–4, 593
Lieber Code for Governing Conduct of Union forces (1863) 95
Lockerbie 105
Luther v. Sagor (1921) 635–6
Macedonia, Former Republic of 29–30, 576, 581–3
Machiavelli, Niccolo 93
‘Manchurian crisis’ 260–61
mandate and trusteeship arrangements
administrative prerogative 549, 556–7
classes of mandated territories 552–6, 560–62
features 548–50
League of Nations Covenant on 552–5
and self-determination 545–7, 552–4
trusteeship, duration and termination 552–6
Manila Declaration on the Peaceful Settlement of Disputes (1982) 10
Manu, Law of 320
Marshall Plan 644–5
Massive Ordnance Air Blast (MOAB) 317
media facilities, targeting of 366–7
misinterpretation/dis-reporting by 343
medical personnel protection 397–8, 479–80
status 379, 387
mercenaries 388, 416, 422–3
Milanović, Marco 464
military necessity and humanitarian intervention 2, 463
and public emergency 450–53
and self-preservation 174–5
and state responsibility for human rights 450–53
military objectives
broadcasting facilities 366–7
defining 364–6
dual use objects 367–8
economic targets as 366
targeting limitations 355, 364–8
military support functions, as direct participation in hostilities 429–30
minority peoples, rights of 505–6
Missile Technology Control Regime 59
missing persons, right to knowledge of 396–7
Model Status of Mission Agreements (EU) 537
Montreux Document (2008) 422
MONUC see Congo
A more secure world (2004) 81, 161, 240
Nagasaki 351–2, 370
Namibia 565–6
NATO
collective self-defence obligations 183–5
enforcement powers, compared with UN 144–7, 150–51
international legal personality of 276–8
powers of intervention 526–7
on right of humanitarian intervention 149, 233–4
role in Kosovo 145, 149–51, 233–7
role in Libya 154–5, 276–8
neutrality, law of 259, 262–4
civilians from neutral states, protection of 394–5
and peacekeeping operations 578–80
Nicaragua v. USA (1986, ICJ)
on dispute settlement obligations 10–11, 47
on humanitarian intervention 231
on intervention by invitation 104–5, 116
on meaning of armed attack 104–5, 196–201, 207
on parallel/mixed armed conflicts 302–3
on private conduct, government authority for 435–6
on proportionality 210–11, 214–15
on reporting requirement 225–7
on right to collective self-defence 69–70, 179–87
on use of force, interpretation 77, 104–5, 116, 165–6
on war reparations 642–3
Non-Alignment Movement 229, 236
non-international/ internal armed conflict
challenges 282–4
cross-border spillovers 288–92, 300–301
and foreign intervention 291–2
human rights violations, derogation of state responsibility 450–53
internal nature, relevance of 288–92
and international criminal law 287–8
and international humanitarian law 284–9,
447–9, 519–20
internationalization of 291–302
interpretation 256, 261–4, 266–9, 272–3,
282–4
nexus requirement 291–2
and non-state actors 284–8, 295–8
parallel/mixed armed conflicts 302–3
political context, importance of 283–4
post conflict justice 519–2
recognition and regulation 107–10, 262–4
thresholds 282–92
violence element 285
and war crimes 487–93
non-intervention, principle of 101, 103, 111, 138
non-proliferation, of weapons obligations 37, 42, 49–51
transfer controls 59–61
Non-Proliferation Treaty (1968) 37, 42, 50
chemical and biological weapons 52
non-compliance implications 64–5
nuclear weapons 49–51, 329
Review Conferences 51
non-state actors see also private military companies
in armed conflict 118–19
categorisation 284–8
international humanitarian law, applicability to 278–9, 284–8, 449
legal personality 277–9
in non-international armed conflicts 284–8,
295–8, 300–302, 447–9
changing role of 502–3
disarmament 43, 63
peace settlements, influence on 502–3
in transition state 502–3
use of force by
private military companies 421–2
and right to self-defence 105
terrorism 156–8
whether armed attack 204–10
North Korea 37–8, 62–3, 106, 131–2
North Sea Continental Shelf cases 10–11
nuclear energy, peaceful use of 42
nuclear materials
availability 42–3
transfer controls and agreements 59–60
Nuclear Posture Review (2010) 50
Nuclear Security Summit (2010) 51
Nuclear Suppliers Group 59–60
nuclear weapons
black market 43, 59
disarmament 47–51, 55
nuclear-weapons-free-zones 48
of Outer Space 316–17
ICJ Advisory Opinion on (1996) 49, 66,
international law obligations 46–7, 49–51,
324
and jus ad bellum 316–17
non-proliferation treaty provisions 49–51, 61,
329
nuclear materials/technology, availability 42–3
nuclear testing ban treaties 48, 54
regulation 329–30
for self-defence/self-preservation 176–7
as strategic deterrent 317
verification mechanisms 54–5
and war crimes law 485
nullum crimen sine lege principle 493–4, 496
Nuremberg International Military Tribunal
469–71, 477
occupied territories
civilians, protection in 389–90
human rights 406–7
internment rules 405–6
relief actions 406–7
transfer, evacuation and deportment 407
occupying powers
accountability 533–6
human right obligations 404–9, 454–9
rights of, under international law 454
and war crimes 480–86
territorial administration
common features 547–50
duration and termination 556
and self-determination 556
treaty regulation of 533–4
regime overlaps 535–6
Office of the High Representative (Bosnia)
557
Oil Platforms case (Iran v. USA, 2003, ICJ)
104, 181–2, 201–3, 212–13

On the Law of War and Peace (1625) 94

Oppenheimer v. Cattermole (1976) 636

Orakhelashvili, A. 143, 145, 148

Organization for the Prohibition of Chemical Weapons 36, 52, 54

Organization of American States (OAS) 28

Outer Space Treaty (1967) 47, 316–17

pacifism, Christian principles of 91–3

Pact of Paris (1928) 68, 98–9

Pad v. Turkey (2007) 608

Palestine

Advisory Opinion on Construction of a Wall in Occupied Palestinian Territory (2004, ICJ) 173–4, 204–5, 454–5, 460–61, 650

human shields 362–3

UN peacekeeping force, consent for 577–8

Panama 108–9

Paris, Roland 567–8

Partial Test Ban Treaty (1963) 48

peace see also lex pacificatoria

conflicts

with human rights 114

with law of war 258–9

international obligations

disarmament 11–12, 36–8, 43–7

not to endanger 9–11

prevention of threats to 5–6

threats to

changing nature 7–8, 31–2

cost of endangerment 15

determination of, UNSC role in 124–8

generic threats 33, 159

intragovernment threats 137–8

refusal to implement UNSC resolutions as

32–3

sanctions, as artificial form of 35

terrorism 33, 159

weapons of mass destruction 33, 37, 45–6

peace-making see also peace settlements

influences on 545–6

law of, development 499, 503

meaning 19–20

and responsibility to protect (R2P) 507

Peace of Westphalia (1648) 94

peace settlements

approaches to

attitude changes 501–2

common themes 500–502

gender inclusion 509–13, 536

hybrid self-determination 504–9

international supervision 507–8

Responsibility to Protect (R2P) 507

international law, influences on

Cold War 499–500, 572

international intervention 500–501

intragovernment conflict trends 500–501

non-state actors, involvement of 502–3

and lex pacificatoria

characteristics 504–8

creation 499, 503

inclusiveness, developments in 510–13

and post conflict justice 517–25, 541–6

refugee rights under 514–17

women, equal participation 510–13

post conflict justice 517

broad amnesties, prohibition 522–5

and human rights law 518–19, 530–32

international criminal law 521–2, 536–7

and international humanitarian law

519–21, 533–5

international organization roles 500, 526–9

punitive reparations 517

regime overlaps 522–5, 535–40

third party accountability 529–41

third party intervention 525–9

trends in

international-domestic hybrids 501, 536–7

reasons for 499–501

war-peace hybrids 501–2

and violence, returns to/changes in nature of

501–2

peacekeeping see also humanitarian intervention

accountability of peacekeepers 533–4, 539–41

attacks against peacekeepers, as criminal acts

278–9, 484

Brahimi Report (2000) 42, 579, 589, 593–4

challenges 572–3, 594–7

civilian protection mandate 592–6

and consent of host state

challenges 578–83

hostility, influence on 581–3

need for 576–8

withdrawal of consent 582–3

functions 573–6, 586

changes in 592–6

and international law, relationship between

573–4

law, importance of 573

legal personality challenges 278–9

neutrality and impartiality, importance

578–80

Nigel White and Christian Henderson - 9781849808576
Downloaded from Elgar Online at 01/25/2019 04:33:15AM
via free access
and post conflict justice 528–9
private military companies’ role 439–41
protection of peacekeepers 417–19
state-building role 575
and Status of Force Agreements (SOFA), of
the UN 536–7, 576–7, 581–3, 653
UN policy on
aggressive focus, emergence of 574–6
Cold War influence on 572–4
development 572–3, 577–8, 596–7
limitations 575–6
police and military functions, relationship
between 575–6
use of force by peacekeepers
concept development 589–90
in defence of mandate 587–90
limitations, reasons for 585–7
personal self-defence 585–7
rules of engagement 587, 590–92
vs. peace-enforcement
Capstone Doctrine 578–9
Certain Expenses Advisory Opinion (1962, ICJ) 140–41, 580–81
debate over 418–19, 572–5, 577–7
hostility, influence of 581–3
operational trends 574–6
protection of civilians mandate 417–19,
584–5, 589–90, 592–6
and UN enforcement powers 574–5
Permanent Court of International Justice 98
Pictet, J. 273–4
Pocket Card 591–2
poison, use as weapon 323–4
precision-guided munitions 317–18
preventative deployment 28–31
principle of subsidiarity 151
prisoners of war
legal status
combatants 384–6
determination of 386–7
excluded persons 387–8, 393, 422
loss of status 385–6
mercenaries 388
private military company personnel 422
spies 387–8
rights of 400–402
treatment of 419–20
 evacuation 400–402
following captivity 399–403
information exchange 402–3
protection, development of 346, 398
punishment 403
repatriation 404
private military companies
as civilian contractors 428–30
codes of conduct for 424–5
complete dependence test 432
cad, responsibility for 431–9
due diligence 438–9
foreign policy implications of use 441–2
governmental authority 433–6
and international humanitarian law
protections under 415–16, 425–31
violations, responsibility for 432–3, 438–9
law, development of 1, 95
legal status
civilians vs. combatants 425–8
direct participation in hostilities 428–30
under international humanitarian law
425–31
under international law 421–2
POW status 422
right to self-defence 421
and use of force 421–2
whether mercenaries 422–3
market regulation of 423–5
role of
criticisms 441–3
development 421, 441–2
peacekeeping 439–41
privateers see private military companies
Proliferation Security Initiative 61
proportionality
and collateral damage 368–71
and distinction, principle of 345
and use of force in self-defence 115, 129,
210–19
and war reparations 645–6
Prosecutor v Tadić (1995, ICTY)
on armed conflict thresholds 268–9, 271,
282–3, 288, 291, 293–5, 323, 391
on private conduct, government authority for
436–7
on UNSC powers 128
on war crimes 488–90, 496–7
protected persons see civilians; prisoners of
war; wounded combatants
Public Committee against Torture in Israel v.
Government of Israel (2007) 273–4,
301–2
public emergencies, and derogation of human
rights obligations 450–53
rebellion, recognition and regulation 107–10, 262–4 see also non-international/ internal armed conflict
Red Crusader incident (1962, ICJ) 104–5
refugee law
hard vs. soft law developments 515–17
internal displacement guidelines 515–16
refugee camps, as burden-sharing 558
refugees right of return 513–17
religious military personnel, status of 379, 387
reparrations and compensation 517
amnesties, broad, prohibition of 522–5
under customary international law 652
Eritrea-Ethiopia Claims Commission 643–4, 646–8
Geneva Conventions on 649, 657
Hague Convention on 649, 657
and human rights law 645–6, 653
ICJ Advisory Opinion on (1949) 140
individual claims for 650–52
influences on 646–8
and international criminal law 654–7
judicial practice regarding 642–4
and jus ad bellum 658–9
and jus in bello 650–52, 658–9
and non-international armed conflict 638–9, 649–50, 657–9
proportionality 645–6
recovery of defeated state 644–5
Resolution 687 (1991) 643–4
state immunity from 650–52
Truth and Reconciliation Commissions 657–8
World War I 639–40
World War II 640–41
Repertoire of the Practice of the UNSC 18–19, 25–6
reprisals 162–3
Resolutions, of UN Security Council
on equal participation of women 510–13
extra-territorial applicability to human rights violations 629–33
non-compliance implications 32–3
Resolution 487 (1981) 191
Resolution 661 (1990) 222
Resolution 678 (1990) 83–5, 135–7, 163–5, 216
Resolution 688 (1991) 85
Resolution 1154 (1998) 74, 84
Resolution 1199 (1998) 84
Resolution 1244 (1999) 72, 235, 528
Resolution 1284 (1999) 62
Resolution 1296 (2000) 592–3
Resolution 1325 (2000) 510–13, 536
Resolution 1368 (2001) 105
Resolution 1373 (2001) 35–6
Resolution 1441 (2002) 62, 75, 84, 164–5
Resolution 1483 (2003) 645
Resolution 1514 (1960) 563
Resolution 1540 (2004) 36–8, 45–6, 64
Resolution 1556 (2004) 241
Resolution 1564 (2004) 241
Resolution 1695 (2006) 38
Resolution 1696 (2006) 63, 84
Resolution 1737 (2006) 63–4
Resolution 1887 (2009) 46, 50–51, 58–9
Resolution 1970 (2011) 166, 244–5, 247
Resolution 1973 (2011) 165–6, 246–51
Resolution 1975 (2011) 252
on restoration of peace requirement 221–4
Responsibility to Protect (R2P)
development 240–43
and humanitarian intervention 240–43, 507
beyond-the-state protection 507–9
in Côte d’Ivoire 251–3, 254
criticisms 244, 247–9, 253–4
in Darfur 241–2
implementation 244–53
in Libya 154–5, 244–51, 254–5
in Syria 254–5
UN Secretary General Reports on 243–4
UN Security Council powers 2, 117, 153–6
right to be heard 505–6
right to democratic governance 33
right to knowledge, of missing/ dead combatants 396–8
right to liberty and security 599, 629–30, 633
right to life 461–2, 599–600
riot control agents 51–2
robots 336–8
Rome Statute of the ICC
on compensation of victims 654–5
on war crimes 477–8, 482–6, 492–3
Roosevelt, Theodore 97, 99
Rules of Engagement, in peacekeeping operations 591–2
Russia 108, 226–7
Rwanda 8

Nigel White and Christian Henderson - 9781849808576
Downloaded from Elgar Online at 01/25/2019 04:33:15AM via free access
gender crimes against women 408
International Criminal Tribunal (ICTR) 491, 656
UN involvement in 20, 576, 584–5

St Augustine of Hippo 91–2
St Petersburg Declaration (1868) 322, 327, 340
St Thomas Aquinas 92
San Andreas Accords (1996) 527
San Francisco Peace Treaty (1951) 641
sanctions
economic sanctions 34–6, 101, 113
UN sanctions
imposition 37–8
legality 45–6
self-defence
individual and collective rights 181–2, 227–8
acts of terrorism 105, 112–13, 156–9, 205–7
anticipatory self-defence 188–91
duration 219–24
nature 182–5
peacekeepers 585–7
pre-emptive self-defence 191–6
regulation 185–7
reporting requirement 224–7
unilateral right to
Caroline correspondence on 95, 177–9, 189–91, 207–9, 211, 214, 227–8
historical development 174–9
inherent and customary right 179–81
non-forcible measures 173–4
self-preservation and necessity 174–9
‘until clauses’ 170, 219–24
use of force, legality of 1, 80–83, 100, 104, 115–17, 160, 193
armed attack requirement 80–81, 127–8, 159–60, 187–8
imminence of attack criteria 160–62, 192–6
intervention by invitation 107–8, 116, 119
by peacekeepers 585–7
pre-emptive self-defence 80–81, 85, 115, 159–62, 191–6
proportionality 115, 129, 210–19
reprisals 162–3
and terrorism 105, 112–13, 156–9, 205–7
self-determination, law of
hybrid self-determination 504–9
features of 505–6
peace settlement process, role in 504
Resolution 1514 (1960, UNSC) 563
and territorial trusteeship/administration arrangements 547, 560–62
automatic right to 562–4
challenges 564–7
colonial territories 547, 551–2, 563–9
humanization in 568–9
as interim/temporary enabling mechanism 564–70
interventionists, role in 569–70
mandated territories 545–7, 552–4
termination arrangements 562–4
Serbia, NATO use of force against collateral damage 370
human rights law, extra-territorial application 457
legality 106, 116–17
peacekeeping vs. peace enforcement 582–3
proportionality 370
serious violations, meaning 109–10
sexual violence, protections against 408–10
shipwrecked combatants, protection of 375–6, 388–9
sick and injured combatants
protection 375–6, 388–9
treatment 395–8
Sierra Leone
hostage situations, use of force in 106–7
Special Court 492–3, 656, 658
Simpson, Brian 563–4
situation, meaning 13–14
Six Day War (1967) 112
soldiers see combatants
Solomou v. Turkey (2008) 615–16
Somalia 290–91, 575–6, 580
South East Asia Collective Defence Treaty (1954) 184
South Vietnam 116
South West Africa 565–6
sovereignty
Act of State doctrine 635–7
and responsibility to protect (R2P) 507–9
and self-determination 506–8, 547, 560–62
and state immunity, law of 650–52, 658–9
and territorial trusteeship/administration arrangements 547, 560–62
Spanish Civil War 351
spies, status of 387–8, 391–2
state immunity, from war reparations 650–52, 658–9
state responsibility, legal principles of see also
  Responsibility to Protect (R2P)
  derogation of 450–53
  in international armed conflict 277–82
  for internationally wrongful acts 427, 433–5, 646, 648
private military companies 431–8
Status of Force Agreements (SOFA), of the
  UN 536–7, 576–7, 581–3, 653
subsidiarity, principle of 151
Sudan
  humanitarian intervention 147, 237, 241–2
  peacekeeping vs. peace enforcement 584
  sanctions, role of 35
  UN role in 154, 241, 572–3, 578–9, 584, 591–2
Suez Crisis (1956) 114–15, 577
Suriname 78
Syria 254–5
Taiwan 76–7, 82
Taliban, identification as combatants 378
Targeted Killings case (2007) 273–4, 301–2, 462
targeting, law relating to
  aerial warfare 347–52, 371–2
  applicable objects 348–56
  applicable persons 345–8
  atomic bombs 351–2
  authorised Target Sets 373–4
  broadcasting facilities 366–7
  campaign details, publication of 372–3
  challenges 356–71
  civilian heads of state 360–62
  collateral damage 343, 352, 368–71, 484
  combatants, identification of 345–7, 377–8
  deliberate vs. dynamic targeting 372–3
  direct participation in hostilities
    by civilians 357–62, 420
    connection with armed conflict, need for 361–2
    direct causal link with harm 361–2, 429–30
    withdrawal from hostilities 382
  distinction, principle of 320–21, 344, 355–6, 484
  dual use objects 367–8
  economic targets 366
  historical development 342–56
  human rights law, extra-territorial application 458
human shields 362–4
land warfare 352
maritime warfare 352
military objectives, limitation to 355, 364–8
principle of humanity vs. law of armed conflict 343–4
and proportionality 345, 368–71, 369–71
public opinion, influences on 343
rules, generally 354–6
targeting processes, modern 371–4, 458
territorial administration see international territorial administration
terrorism see also 9/11
acts of
  and derogation of human rights obligations 450–53
  as generic threat to peace 33, 159
  as public emergency 450–53
  whether armed attack 203–10
  by civilians, and protected status 391–2
  and disarmament 43, 63
  financing of, UN Resolution on 35–6
  nuclear materials/weapons, availability 43
  preventative enforcement mechanisms 35–6
  and right to self-defence 105, 112–13, 156–9, 205–7
war on terror
  targeted killings, legality 309–12
  US policy development 307–8
  whether armed conflict 269–70, 289, 303–4
Thirty Years War 93–4
threat of force
  to avert humanitarian catastrophe 79–80
  changing attitudes towards 67–8, 87–8
  coercion element 76–7
  credibility 77–8, 86
  definition 76–8, 86
  legality of actions 1, 67–9
  counter-threats vs. aggression 82–3, 114
  defensive counter-threats 80–83, 87–8
  ICJ rulings on 10–11, 47, 69–71, 87
  pre-emptive attacks 80–81, 85, 159–62, 191–6
  subjectivity vs. objectivity 77–8
under UN Charter
  collective security obligations 84–8
  institutional threats of force 83–4
  lawful threats 83–7
  prohibitions 67–8, 76
  unilateral threats 84–8
Threshold Ban Treaty (1974) 48
Timor-Leste 559, 561, 656–8
Tokyo International Military Tribunal 471, 477
toxic weapons see biological and toxic weapons; chemical weapons
transitional justice, law of development 517–18
and human rights law 518–19
and international criminal law/justice 521–2
and international humanitarian law 519–21
regime overlaps 522–5, 535–40
and third party accountability 537–40
transnational armed conflicts
legal interpretation 303–4
recognition costs 308–9
as separate category 304–12
targeted killings, legality 309–12, 462
Treaties
Bangkok (1995) 48
on Conventional Armed Forces in Europe (1990) 42, 48–9
on Friendship and Cooperation between Italy and Libya (2008) 648–9
on Joint Defense and Economic Cooperation (1950, Arab League) 147
Pelindaba (1996) 48
Rarotonga (1985) 48
Semipalatinsk (2006) 48
Tlatelolco (1967) 48
Versailles (1919) 98, 468, 639–40
trusteeship, over foreign territories 570–71
administrative prerogative 549, 556–7
challenges 564–7, 570–71
common purposes 548–50
duration and termination
under colonialism 547, 551–2, 563–6
dual track approach 558–9
under mandate and trusteeship
arrangements 547, 552–6
legitimacy 570–71
meaning 547
and self-determination 547, 560–64
challenges 564–7
humanization 568–9
as interim/temporary enabling mechanism 564–70
interventionists’ role 569–70
of Non-Self-Governing and Trust territories 556–7
and state building, purpose of 567–8
Truth and Reconciliation Commissions 657–8
Tsagourias, Nicholas 139, 577, 585, 589–90
Turkey 76, 82
Uganda
hostage situations 106–7, 203–4
UN involvement in 20
UN Charter
Article 1, Prevention of threats to peace 5–6
Article 2, Purposes and principles 9–11, 67–71, 77, 79
Article 2(4) Use of force, prohibition
basis for 89–91
challenges of 114–17
Cold War influences on interpretation 130–35, 572
criticism of 113–14, 134–5
and customary international law 90–91, 113–14
force other than armed force 101
hostage situations, applicability to 106–7, 112
and humanitarian intervention 229–31, 234–7
impact 113–18
interpretation debates 105, 113–17, 130–35
intervention by invitation 107–9, 116–17, 119
and Just War Doctrine 89–95
meaning 99–113
minimal force, meaning 102–7
and rebellion 109–10
scope 99–101, 113–14, 638–9
self-defence 100, 104, 111–13, 115–16
serious violations and aggression 110–14
successes of 117–18
territorial integrity and independence 100, 134–5
terrorism, applicability to 105
Article 2(7) Intervention, prohibition of 137–8, 574
Article 24, Security Council powers 171
Article 26, Member State armament obligations 11–12, 45, 62
Article 27, Member State voting 129
Article 33, Member State dispute resolution obligations 6, 9–11, 13–19, 14, 525–6
Article 34, UNSC investigation powers 15–16
Article 35, Dispute referral procedures 18–19
Article 36, UNSC dispute resolution powers 13–14, 16–17, 26
Article 37, Terms of settlement 13–14, 16–18, 26
Article 39, UNSC recommendation powers 16, 31–4, 45, 125, 526, 645
Article 40, Provisional enforcement measures 526, 590
Article 41, Enforcement measures, non-forcible 34–5, 45, 125
Article 42, Enforcement measures, forcible 125, 129, 140–41, 526, 574, 590
Article 43, Member State enforcement obligations 125–6, 130, 139–40
Article 47, Military Staff Committees 141
Article 48, Member State direct actions 140
Article 51, Right of self-defence 100, 107–8, 111–13, 115–17
and armed attack 80–81, 127–8, 159–62, 187–8
collective self-defence 171–2, 182–4, 227–8
and customary law 179–81
and imminent threat of attack 195–6
implied purpose 170–71
and meaning of ‘war’ 266–7
and peacekeepers, personal self-defence of 589–90
reporting requirement 170, 224–7
until clause 219–24
Article 52, Regional Arrangements 26, 126–7
Article 53, Regional Arrangements 127, 140, 575
Article 73, Non-self-governing territories 551–2
Article 98, Secretary General’s powers 23
Article 99, Secretary General’s powers 23
Article 103, Conflict of laws 146
diplomatic powers of UNSC 12–19
dispute resolution procedures 16–17, 29
investigations 15–16
jurisdiction 13–15
terms of settlement 17–18
disarmament obligations 11–12, 36–8, 43–6
preventive deployment 29–31
purpose 122–3
on reparations 641–2
on third party intervention 525–9
UN Department of Peacekeeping Operations, Rules of Engagement 590–92
UN Disarmament Commission 44
UN General Assembly
Resolution 3314 197–8, 201, 641
role of 132–3, 168–9
Uniting for Peace resolution 132–3, 151
UN, generally
accountability 531–3, 536–9
establishment 122–3
purpose and functions 122–3
and right of self-defence 589–90
UN Human Rights Committee 601
UN Military Staff Committee 126, 130–31
UN Panel of Government Experts on Verification 53–4
UN Register of Conventional Arms 59–60
UN Secretary General, role of 22–5, 40
UN Security Council see also Resolutions coercive prevention mechanisms 34–6
disarmament 11–12, 36–8
powers of recommendation 31–3
Cold War influences on 130–35, 572
complaints against 62
diplomatic powers
adjustment procedures 16–17, 29
discretionary powers 6–7, 31–2
dispute settlement 14–17
investigations 15–16, 18–19, 21–2
jurisdiction 13–15
terms of settlement 17–18
timing of involvement 19–22
enforcement powers
‘all necessary means,’ interpretation 73, 83–4, 135–6, 150, 163–5, 221–2, 252–3
armed attack requirement 80–81, 127–8, 159–62, 187–8
authorisation of use of force 137–42
‘autonomy thesis’ 143
challenges to 142–67
and collective security 143–4
exclusive responsibility, interpretation 144–7, 149–51
humanitarian intervention, challenges 142–56, 527–8
implied powers 138–42
and international law norms 129–30
interpretation challenges 126–8, 137–42
limitations 128–35
Members States obligations under 125–6
NATO powers, compared with 144–7, 150–51
non-forcible measures 125
post-authorisation control of actions 163–7
post-Cold War developments 135–42
pre-emptive attacks, legality of 80–81, 85, 159–62

Nigel White and Christian Henderson - 9781849808576
Downloaded from Elgar Online at 01/25/2019 04:33:15AM
via free access
primary responsibility, exclusivity 141, 144–5, 150–51
primary responsibility, failure to act 132–3
purpose of 123–4
regional arrangements 25–8, 126–7
and reprisals 162–3
and responsibility to protect (R2P) 2, 117, 153–6, 507
scope of 124–8
secondary responsibility, invocation of 149–51
'subsequent practice,' relevance 140–42
threat of force, 83–4
unilateral enforcement of collective will 151–3
veto, influence of 131, 135
reform of 168–9
restrictions on 31–2, 39–40
role of
collective security obligations 5–9, 120–21, 171–3
disarmament/arms control 64–7
maintenance of international peace and security 123–4
Regional Arrangements and Initiatives 25–8, 126–7
threats to peace, determination 124–8
UN Transitional Assistance Group (UNTAG) 565–6
UNAMID see Sudan
United Kingdom
decolonialization practices 552
human rights law, extra-territorial applicability 599–600, 621–9
and Act of State doctrine 635–6
conflicts of law and public policy 634–7
criticisms 455–7
European Court of Human Rights rulings, impact of 625–9
judicial rulings on 600–601, 603–4, 609–11, 614–17, 619–29
statutory interpretation approach 621–9
National Security Strategy (2010) 239
on pre-emptive self-defence, in Iraq 84–5, 87–8, 194–5
on use of force in humanitarian assistance 238–9, 245
on use of weapons, and superfluous injury/unnecessary suffering 322–3
United States
actions in Cuba
whether defensive or aggressive 83
actions in Iraq
civilian contractors role 441–2
legality of threats against 84–5, 87–8
actions in Panama
by invitation, legality 108–9
colonialism
decolonization practices 552
use of force, justification for 96–7
Global Threat Reduction Initiative 60–61
human rights obligations, extra-territorial application 455–7
on humanitarian assistance framework 239–40
international peace movement, role in development 97–9
National Security Strategy 159–60, 239–40, 242
on Responsibility to Protect (R2P) 242
war on terror, policy development 307–8
weapons strategy and policy 317
nuclear weapons 50–51
Uniting for Peace resolution 132–3, 151, 577–9
unmanned combat aerial vehicles 336–8
UNMIK 538–9, 557, 559–60
UNPREDEP 29–31
UNPROPFOR 29–30, 576, 581–3
use of force
de minimis use 102–7, 274
force other than armed force 101
under international law 89, 118–19
measures not involving 45–6
against peaceful protesters 118–19
by peacekeepers
in defence of mandate 587–90
personal self-defence 585–7
rules of engagement 587, 590–592
by private military companies 421–2
prohibition of
under customary international law 90–91, 113–14
historical basis 89–90
and Just War Doctrine 89–95
League of Nations on 67–8, 90, 98
under UN Charter 67, 89–91
and self-defence, legality of 1, 80–83, 100, 104, 115–17
armed attack requirement 80–81, 127–8, 159–62, 187–8
imminence of attack criteria 160–62, 192–6
intervention by invitation 107–8, 116, 119, 527–8
by peacekeepers 585–7
pre-emptive self-defence 80–81, 85, 115, 159–62, 191–6
proportionality 115, 129, 210–19
reprisals 162–3
terrorism, relevance to 105, 112–13, 156–9
under UN Charter Article 2(4) 67, 89–91, 638–9
applicability to terrorism 105
force other than armed force 101
hostage situations, legality in 106–7, 112
interpretation challenges 114–17, 128–30
intervention by invitation 107–9, 116–17, 119, 527–8
minimal force 102–7
and rebellion 109–10
scope of prohibition 99–101, 113–14
self-defence 100, 104, 111–13, 115–16
serious violations and aggression 110–14
territorial integrity and independence 100, 134–5

Varnava v. Turkey (2009) 461–2
Vattel, Emmerich de 94–5, 175
t veto, influences of 131, 135
Vietnam 116, 224–5

Waldheim, Kurt 107, 587
Waldock, Humphrey 175–6
war see also armed conflict

collateral damage 343, 352, 368–71, 484
interpretation
challenges 256–7, 260–61
as inter-state conflict 256, 261–2
and non-state actors 256, 261–2
as subjective legal concept 259–61
war of aggression 641–2
justification for
Alabama Claims arbitration (1872) 95–6
Christian views on 91–4
Just War Doctrine 89–95
legal rules, development of 94–8
Machiavellian views on 93
objective tests 93–4
philosophy of 91–2
State leaders, right to wage war 93–5
law of
civil war, rebellion and belligerency 262–4
classification 256–7
conceptual evolution 264–7
criticism of 496–7

and international humanitarian law 256–7
jus ad bellum and jus in bello, role in 264–7
and law of peace, conflict between 258–9
and neutrality 259, 262–4
recognition 260–61
and war crimes 471–4, 497–8
methods of, historical development 345–7
and principle of humanity, balance between 344

war crimes
apartheid, inclusion of 480–81
challenges 496–8
collateral damage 484, 492
in context 474–6
conventional weapons, relevance to 484–5
customary law treatment 479, 486–90, 493–4
definitions 467, 477, 480–81
domestic prosecutions 493–5
Elements of Crimes 484
enforcement 493–6, 497–8
exclusions 484–6
under Geneva Convention and Protocols 477–81
grave breaches provisions 477–81
historical development 467–71, 493
and human rights law 473–4
under ICTR 491
under ICTY 478–9, 481–2, 488–90, 495–7
under international criminal law 473–4
under international humanitarian law 471–3
and law of armed conflict, generally 471–4, 477–8, 497–8
limitations of 478–9, 484–6, 497–8
in non-international armed conflicts 487–93
nuclear weapons, relevance to 485
nullum crimen sine lege principle 493–4, 496
in occupied territories 480–86
prosecution obligations 478–9
under Rome Statute of ICC 477, 482–6
Special Court for Sierra Leone 492–3
superfluous injury/unnecessary suffering 485
treaty provisions 477–86, 491–3
and wounded, sick and medical personnel 479–80
war indemnities 639 see also reparations
war on terror
combatants, interpretation 384
US policy development 307–8
whether armed conflict 269–70, 289, 303–4, 307–8
war victims see civilians; reparations and compensation; wounded combatants
Warsaw Pact (1955) 184

weapons see also disarmament; nuclear weapons; weapons of mass destruction anti-materiel use 324

anti-vehicle mines 333–4

biological and toxic weapons
Conventions on 49, 51–3, 55, 62
riot control agents 51–2
verification mechanisms 52, 54–5

chemical weapons
Conventions on 36, 41, 47, 51–3, 54–6, 62, 65, 328
and customary international law 46–7
riot control agents 51–2
verification mechanisms 54–6
white phosphorus 334–6

World War II, use in 351
classification 47
conventional weapons
non-transference obligations 49–50
treaty provisions regulating 321–2
use restrictions 42, 48–9
war crimes, relevance to 484–5
and customary international law 46–7, 322–3, 325–6
cyber warfare 338–40
drones and robots 336–8
and environmental protection 324–6
improvised explosive devices 332–4
incendiary weapons 324
under jus ad bellum 316–18, 340
under jus in bello
definitions 318–19
distinction, principle of 320–22
prohibited weapons 46–7, 322–4
regulation 320–26, 340–41
use of, prohibited outcomes 322–6
under jus post bello 327–8, 331–2
landmines 47, 317–18, 321, 328, 333, 341
legacy weapons 331–2
‘means and methods of warfare’ 318–19
non-proliferation 52, 64–5, 329
obligations 37, 42, 49–51
transfer controls 59–61
poison 323–4
precision-guided munitions 317–18
regulation
challenges 315
historical development 320, 327–8, 340–41
role in war, generally 315–18
small arms proliferation, influences of 33, 37
smart weapons 317–18
and superfluous injury/unnecessary suffering 322–4, 485
and technological developments 315
white phosphorus 334–6

weapons of mass destruction
biological and chemical weapons 51–6, 328
definition 47
disarmament, UN Security Council role in 63, 67
and non-state actors, availability to 42–3, 63
nuclear weapons 329–30
black market 43, 59
nuclear-weapons-free-zones 48
Resolution 1540 (2004) 36–8, 45–6, 64
Review Conferences 57–8
as threat of force 78, 83
as threat to peace 33, 37, 45–6
verification mechanisms 54–5
withdrawal clauses 58–9

White, Nigel 131–2
white phosphorus 334–6
Wilmshurst, Elizabeth 111–12
withdrawal clauses 58–9
W.M. v. Denmark (1992) 606
women
convention protections 405–10
equal participation 510–13, 536
World War I
aerial warfare developments 349–50
international law development, influences on 97–8, 376, 468–9
reparations 639–40
World War II
aerial warfare developments 350–52, 371
international law development, influences on 68–9, 398, 469–71
post conflict justice 517
reparations 640–41, 644–5
wounded combatants
protection 375–6, 388–9, 479–80
treatment 395–8

X v. UK (1979) 613
Yugoslavia
   International Criminal Tribunal (ICTY)
      on compensation of victims 655–6
      jurisdiction 478–9, 488–9
      powers 481–2
      on war crimes 478–9, 481–2, 488–90, 495–7
   NATO threat of force against
      collateral damage 370
      extra-territoriality of human rights law
      601–2
      as humanitarian intervention 233–7
      legality 85–8, 106, 601–2

Prosecutor v Tadić (1995, ICTY)
   on armed conflict thresholds 268–9, 271, 282–3, 288, 291, 293–5, 323, 391
   on private conduct, government authority for 436–7
   on UNSC powers 128
   on war crimes 488–90, 496–7
   UN involvement in 20, 600

Zangger Committee 59
zeppelins 349–50
Zimbabwe 28