

Contents

<i>Preface</i>	viii
<i>Abbreviations</i>	x
1 The main epochs of modern international humanitarian law and their related legal constructions	1
1.1 Purpose of the chapter	1
1.2 Two phases of development	1
1.3 Classical international humanitarian law, 1864–1949	2
1.4 Modern international humanitarian law (1949–present)	12
1.5 Reasons for the Additional Protocols of 1977	15
1.6 International humanitarian law: a system attributive of powers or a system prohibitive of action?	17
2 International armed conflict and non-international armed conflict	22
2.1 Basic types of armed conflict	22
2.2 Classical laws of war	23
2.3 Reasons for regulating non-international armed conflicts	26
2.4 The general state of international humanitarian law relating to non-international armed conflict	28
2.5 Content of international humanitarian law applicable to non-international armed conflict	33
3 The sources of international humanitarian law and their subject matter specificity	49
3.1 Definition of the term “sources”	49
3.2 The significance of treaties in international humanitarian law	49
3.3 Important treaties of international humanitarian law	54
3.4 The importance of customary international law	65

3.5	The content of customary international law with regard to international humanitarian law	70
4	The main principles of international humanitarian law	75
4.1	The role of general principles in international law	75
4.2	The role of general principles of law in international humanitarian law	76
4.3	Examples of general principles of law in international humanitarian law	78
5	Applicability issues: finding a way out of the quagmire	93
5.1	The problem stated	93
5.2	The material applicability of international armed conflict	94
5.3	The material applicability of non-international armed conflict	104
5.4	Mixed armed conflicts	116
5.5	The way out of the quagmire	120
6	Combatants and civilians: a sometimes difficult divide	124
6.1	General aspects	124
6.2	Who enjoys the privilege/status of the combatant?	126
6.3	The reform through Additional Protocol I	134
6.4	Civilians directly participating in hostilities	142
6.5	International humanitarian law, "War on Terror" and drones	147
7	Targeting: a context-related legal set of rules	156
7.1	The prohibition of attack on civilian objects	156
7.2	Precautions in attack: article 57 of AP I	165
7.3	Proportionality	172
7.4	Excursus: bombardments for humanitarian reasons and article 52, § 2, of AP I	176
8	Implementation of international humanitarian law: the Achilles heel of the system	187
8.1	General features of the implementation system	187
8.2	Prevention	189
8.3	Control	190
8.4	Suppression	194
8.5	Possible reforms	196

9 Conclusion: the challenges ahead	198
<i>Select bibliography</i>	200
<i>Index</i>	203