The Contemporary Law of Armed Conflict (5th ed)

Reviewed by Jephias Mapuva

Abstract


As the book’s title “The Contemporary Law of Armed Conflict” implies, its coverage broadly hovers around issues of human rights, focusing particularly on those that are violated in situations of war or those which should be upheld by warring factions. In the book, the authors bring to the fore recent developments affecting the law of armed conflict globally. Among these developments are treaties dealing with the use of specialized weapons of war such as lasers and anti-personnel mines, both of which are a threat to humanity. In the interim, the International Court of Justice has been symphonized into the furore of arms of mass destruction by being called upon to render an advisory opinion concerning the use (and abuse) of nuclear weapons by those countries that have them. One of the salient points raised in the book is the vital role played by international tribunals that “help to create a jurisprudence on the criminality of breaches of the law with a process for enforcing that law” (pxvi). The book also clarifies the role of the law as it affects non-international armed conflicts, paying special attention to the manner in which the International Criminal Court advocates for the continued creation of ad hoc tribunals that are usually established in the aftermath of a conflict. The book further makes recommendations on the ways of enforcing the law in conflict zones and legal modalities of bringing the perpetrators to book.

The book is divided into 21 sections, each playing a complementary role towards a holistic, highly informative, educative, and authoritative book on conflict management and resolution from a legal perspective. Some of the important issues raised in the book include “the legality of war and the law of armed conflict” (section 1), which defines “war”, and discussed how war can be criminalized both from the perspectives of Napoleon, the Treaty of Versailles, and the League of Nations. Section 2 explores the sources and history of the law of armed conflicts with emphasis being put on human suffering. Section 3 offers a philosophically-based assessment of the issue by explaining armed conflict from a classical standpoint. Section 6, dealing with “Lawful Combatants”, delves into the contemporary law of armed conflict. Another area of note in the book is the section on “prisoners of war” (section 10). Prisoners of war and their exchange have been an area which has hit international headlines in recent years as a precursor to the peaceful resolution of armed conflicts. Under this section, the authors offer a detailed synopsis of how prisoners of war should be treated according to international law. Also discussed is the establishment of Truth Commissions as an attempt to create national healing between former foes, and the role of civil society more generally. The roles and allegiances of civilian populations are often controversial, and this contentious issue is dealt with at length in sections 14, 15, and 16.

In sections 18, 19, 20, and 21, the authors adopt a thematic approach, focusing on the post-conflict period, which is usually characterized by assessments of war damages, breaches of law, and the role of intervention institutions like the United Nations in sustaining the ceasefire or peace agreement thereof. The last few chapters provide a post-mortem of the effects of armed conflicts, not only on the civilian
population, but on those perceived to have breached certain provisions during the armed conflict, usually the warring factions.

However, what seems to be the most visible weakness of the book is the fact that it draws most of its precedence from the remote past, leaving aside more vivid examples of armed conflicts which readers would be more acquainted with, or with more recent international treaties and protocols that practitioners and casual readers would most likely identify with more than, say the League of Nations or archaic personalities like Napoleon.

Interdisciplinary in nature, the contribution of this book will be especially appreciated by legal practitioners, those aspiring to join the legal profession, students of international and human rights law, scholars and practitioners of public international law, employees of international humanitarian organizations, and all those involved with conflict resolution and management. Written in simple and accessible language, the book nevertheless provides great intellectual authority, and is highly recommended for scholars and practitioners alike.

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