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Transformation of modern law of war into documents for practical application / Frédéric de Mulinen

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Abstract:	Transformation of modern law of war into documents for practical application is indispensable. By ensuring appropriate training as well in the civilian as in the military field, the State will reach effective respect for the law of war in case of armed conflict. The author argues that the main problems are raised by the provisions of Additional Protocol I to the Geneva Conventions of 1949 dealing with conduct of and behavior in combat. These provisions modernize in fact also Hague Law, mainly that of 1907. The first issue is that Protocol I required flexibility to meet the needs resulting from experiences and situations across the world, not only Europe. Another issue is that while the first Hague and Geneva Conventions were essentially restricted to the military field, modern law of war addresses more and more also civilian authorities and individuals. This fact imposes the requirement of close cooperation between military and civilian authorities. The author argues that we should search for generally applicable common solutions. General clarifications and additional national clarifications where necessary should lead to documents drafted for practical application. Three typical documents for practical application can be prepared: a handbook presenting the whole law of war, a summary for commanders, and rules for behavior in combat. They must be adapted to their audiences in both their contents and their presentation. [Summary by students at the University of Toronto, Faculty of Law (IHRP)].
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