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The laws of war : under siege or gaining ground ? / Louise Arbour

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Abstract:	Current criticisms of the laws of war come in the context of significant changes in the conduct of conflict. Most humanitarian law was designed at a time when armed conflict usually meant a declared war between two or more states with identified territories and aimed forces; today, such conflict is the exception, rather than the rule. Today's conflicts are usually internal, and often involve one or more amorphous non-state actors. These changes have provoked a number of intersecting and cross-cutting criticisms, which go both to the scope and the substance of humanitarian law. The common thread of these is that the laws of war, at least as currently constituted, are no longer valid. This lecture attempts to address, very summarily, the core criticisms. They relate, largely, to the definition of armed conflict, the fundamental principles of distinction and proportionality, the issue of lawfare and, to a lesser extent, the notion of reciprocity.
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