

HUMANIZING THE LAWS OF WAR

Over the past 150 years, the International Committee of the Red Cross (ICRC) has been one of the main drivers of progressive development in international humanitarian law, whilst assuming various roles in the humanization of the laws of war. With select contributions from international experts, this book critically assesses the ICRC's unique influence in international norm creation. It provides a detailed analysis of the workings of the International Red Cross, Red Crescent Movement and ICRC by addressing the milestone achievements as well as the failures, shortcomings and controversies over time. Crucially, the contributions highlight the lessons to be learnt for future challenges in the development of international humanitarian law. This book will be of particular interest to scholars and students of international law, but also to practitioners working in the field of international humanitarian law at both governmental and non-governmental organizations.

ROBIN GEIß is a Professor of International Law and Security at the University of Glasgow. He has previously worked as a Legal Advisor to the International Committee of the Red Cross (ICRC) in Geneva.

ANDREAS ZIMMERMANN is a Professor of International and European Law at the University of Potsdam and Director of the Potsdam Centre of Human Rights. Prior to joining Potsdam University, he was director of the Walther-Schücking-Institute of International Law at the University of Kiel.

STEFANIE HAUMER is a Legal Advisor at the Department of International Law of the German Red Cross. Her main research areas include current issues of Humanitarian Law as well Human Rights Law, International Criminal Law and Disaster Laws.

HUMANIZING THE LAWS OF WAR

The Red Cross and the Development of
International Humanitarian Law

Edited by

ROBIN GEIß

University of Glasgow

ANDREAS ZIMMERMANN

University of Potsdam

STEFANIE HAUMER

German Red Cross



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CONTRIBUTORS

MICHAEL BOTHE

Michael Bothe is Professor Emeritus of Public Law at Johann Wolfgang Goethe University, Frankfurt am Main. He was Chair, Commission for International Humanitarian Law, German Red Cross, and President of the International Humanitarian Fact-Finding Commission. He also was President of the German Society of International Law and of the European Environmental Law Association and served as counsel in various cases before the International Court of Justice and the German Federal Constitutional Court. He is the author of numerous publications on international law and the use of force, international humanitarian law, international, European and comparative environmental law as well as comparative constitutional law, including 'New Rules for Victims of Armed Conflicts, Commentary on the 1977 Protocols Additional to the Geneva Conventions of 1949', 2nd ed., revised reprint Den Hague/Boston/London 2015 (with K. J. Partsch, W. A. Solf); 'The OSCE in the Maintenance of Peace and Security. Conflict Prevention, Crisis Management and Peaceful Settlements of Disputes', Den Haag et al. 1997 (co-editor with Natalino Ronzitti and Allan Rosas); 'The New Chemical Weapons Convention – Implementation and Prospects', Den Haag et al. 1998 (co-editor with Natalino Ronzitti und Allan Rosas); 'Towards a Better Implementation of International Humanitarian Law', Berlin 2001 (ed.).

ROBERT CRYER

Robert Cryer is Professor of International and Criminal Law at Birmingham Law School. Professor Cryer's expertise is in international and criminal law. He has lectured and spoken widely at both national and international level, primarily on international criminal law and public international law more generally. In addition to writing a number of articles and book chapters, he is also the author of 'Prosecuting International Crimes: Selectivity and the International Criminal Law Regime'

(Cambridge: Cambridge University Press, 2005) and co-author (with Hakan Friman, Darryl Robinson and Elizabeth Wilmshurst) of 'An Introduction to International Criminal Law and Procedure' (Cambridge: Cambridge University Press, 2nd ed., 2010) and (with Neil Boister) of 'The Tokyo International Military Tribunal: A Reappraisal' (Oxford: Oxford University Press, 2008). He is co-editor of the *Journal of Conflict and Security Law* and a member of the editorial board of the *Journal of International Criminal Justice*.

ROBIN GEIß

Robin Geiß is Professor of International Law and Security at the University of Glasgow. Previously he was Professor of International and European Law at the University of Potsdam. Prior to that, he had worked as legal advisor to the International Committee of the Red Cross (ICRC) in Geneva. Professor Geiß studied law in Bielefeld, Edinburgh, Kiel (Ph.D., 2003) and at the New York University (LL.M., 2004), and is a qualified German lawyer (admitted in 2007). Robin Geiß is currently the director of the 'Security Governance in Areas of Limited Statehood' project at the Collaborative Research Centre 700 in Berlin, editor of the *Yearbook of International Humanitarian Law*, and Rapporteur of the International Law Association's (ILA) Study Group on 'The Conduct of Hostilities under International Humanitarian Law – Challenges from 21st-Century Warfare'. He was a member of the international group of experts that, under the auspices of the NATO Cooperative Cyber Defence Centre of Excellence in Tallinn, drafted the 'Tallinn-Manual' on international law applicable to cyberwarfare (Cambridge University Press, 2013). He is the author of 'Failed States' (Duncker & Humblot, 2005) and co-author of 'Piracy and Armed Robbery at Sea' (Oxford University Press, 2011) and has published in a wide range of scholarly journals.

STEFANIE HAUMER

After having specialized in International Criminal Law, including her work at the International Criminal Tribunal for the Former Yugoslavia, Stefanie Haumer turned to the area of International Humanitarian Law. Since 2009 she works as a legal advisor for the department of International Law and International Institutions at the German Red Cross. Her main research areas are current issues of International Humanitarian Law, including specific weapons, as well as various aspects within the fields of Human Rights Law, International Criminal Law and Disaster Laws.

ROBERT HEINSCH

Robert Heinsch, LL.M., is an Associate Professor of Public International Law at the Grotius Centre for International Legal Studies of Leiden University, and the Director of its regular LL.M. Programme in Public International Law. He is also the Programme Director of the newly established Kalshoven-Gieskes Forum on International Humanitarian Law at Leiden University, and has been appointed as Rapporteur of the ILA study group on the ‘The Conduct of Hostilities under International Humanitarian Law – Challenges from 21st-Century Warfare’. Furthermore, he held the position of Federal Dissemination Officer for International Humanitarian Law in Germany and was Member of the Presidency of the German Red Cross from 2012 to 2014. Previously, he has worked as a Legal Advisor in the International Humanitarian Law Department of the German Red Cross Headquarters in Berlin and as a Legal Officer in the Presidency of the International Criminal Court in The Hague. In addition, he has worked as a Senior Research Fellow at the Chair for International Law and European Law, Cologne University, and as a Visiting Lecturer at Bochum University, respectively. He is associated with the Institute for International Law of Peace and Armed Conflict (IFHV) at Bochum University; Former Managing Editor of the *Yearbook of International Humanitarian Law* (YIHL); Member of the Editorial Board of the *German Journal of Peace and Armed Conflict* (JILPAC); Former Senior Editor of the *Leiden Journal of International Law* (LJIL); Member of the German Working Group for International Criminal Law; Member of the United Nations Association (UNA); Member of the International Law Association (ILA); and Advisor of the International Criminal Court Case Matrix Network (CMN). He holds a Doctor of Juridical Science (Ph.D. in Law) Degree from the University of Cologne, an LL.M. Degree from University College London, and the First and Second German Legal State Examination.

JEAN-MARIE HENCKAERTS

Jean-Marie Henckaerts is a legal advisor in the ICRC Legal Division since 1996. Since 2011 he heads the ICRC’s project to update the commentaries on the Geneva Conventions and their Additional Protocols. The output of this project is published by the ICRC and Cambridge University Press: the updated Commentary on the First Geneva Convention was published in 2016 and on the Second Geneva Convention in 2017. The remaining volumes will be published in subsequent years. Prior to this, he was the head of the project on customary international humanitarian law; he is

a co-author of the ICRC study on the subject. He was a member of the ICRC delegation to the Diplomatic Conference on a Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (The Hague, 1999) and of the Drafting Committee of the 30th International Conference of the Red Cross and Red Crescent (2007). His files in the Legal Division have also covered among others the protection of women, the protection of cultural property and the protection of the natural environment in armed conflict. He holds the degree of Doctor of Juridical Science from The George Washington University Law School (1994) and the degree of Master of Laws from the University of Georgia (1991) both in the United States. He received the degree of Bachelor of Laws from the University of Brussels in 1989. He has published several books and numerous articles on international law, international humanitarian law and human rights law, among others ‘Customary International Humanitarian Law’, 2 volumes, ‘Volume I: Rules’, ‘Volume II: Practice’ (Cambridge University Press, 2005) (with Louise Doswald-Beck) and ‘Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict’, *International Review of the Red Cross*, 87, 857, March 2005.

KATHLEEN LAWAND

Kathleen Lawand is head of the Arms Unit, in the Legal Division of the International Committee of the Red Cross (ICRC). Since joining the ICRC in January 2000, she was posted to India, West Africa, Iraq support, and Afghanistan. From 2008 to 2012, she was head of the Legal Advisors to the ICRC’s Operations. Prior to joining the ICRC, she worked for the Organisation for the Prohibition of Chemical Weapons (OPCW), the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the UN High Commissioner for Refugees (UNHCR). She was called to the Québec Bar in 1990, and in 1995 obtained a Master’s degree (LL.M.) in public international law from the London School of Economics, with distinction.

ISABEL ROBINSON

Isabel Robinson is a legal advisor to the ICRC’s operations in Nigeria. Prior to this, she was working with the ICRC Arms Unit in Geneva. She has been working with the ICRC since 2013 and is the co-author (with Ellen Nohle) of “Proportionality and Precautions in Attack: The Reverberating Effects of Using Explosive Weapons in Populated Areas,” *International Review of the Red Cross*, forthcoming (published online by Cambridge University Press on 27 January 2017).

CONTRIBUTORS

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CARSTEN STAHN

Carsten Stahn is Professor of International Criminal Law and Global Justice at Leiden University and Program Director of the Grotius Centre. He has previously served as Legal Officer at the International Criminal Court. He is author of 'The Law and Practice of International Territorial Administration: Versailles to Iraq and Beyond' (Cambridge University Press, 2008/2010). He has published articles on international criminal law and transitional justice in leading international journals (*American Journal of International Law*, *European Journal of International Law*, *Journal of International Criminal Justice*, *Harvard International Law Journal*) and edited several collections of essays in the field ('Peace Diplomacy, Global Justice and International Agency: Rethinking Human Security and Ethics in the Spirit of Dag Hammarskjöld', Cambridge University Press, 2014, 'The International Criminal Court and Complementarity: From Theory to Practice', Cambridge University Press, 2011, 'The Diversification and Fragmentation of International Criminal Law', Martinus Nijhoff, 2012, 'Future Perspectives on International Criminal Justice', T. M. C. Asser Press – Cambridge University Press, 2010). He directs research projects on 'Jus Post Bellum' and 'Post-Conflict Justice and Local Ownership', funded by the Netherlands Organization for Scientific Research (NWO). He is General Editor of the *Leiden Journal of International Law*, Executive Editor of the *Criminal Law Forum*, and Correspondent of the *Netherlands International Law Review*.

ANDREAS ZIMMERMANN

Andreas Zimmermann is Professor at the University of Potsdam and Director of the Potsdam Centre of Human Rights; Doctor of Juridical Science (Heidelberg), LL.M. (Harvard); former Member of the German delegation to the Preparatory Committee and the United Nations Diplomatic Conference on the Establishment of an International Criminal Court; member of the Permanent Court of Arbitration; counsel in various cases before the ICJ; judge ad hoc in various cases before the European Court of Human Rights; arbitrator under the annex to the Vienna Convention on the Law of Treaties; member of the advisory boards on UN issues and on public international law of the German Ministry of Foreign Affairs; member of the advisory committee on international humanitarian law of the German Red Cross, *inter alia* co-editor of 'The Statute of the International Court of Justice – A Commentary' (Oxford University Press, 2006; 2nd ed., 2012) and editor of the 'The 1951 Convention on the Status of Refugees and its 1967 Protocol – A Commentary' (Oxford University Press, 2011).

FOREWORD

It was following the battle of Solferino on 24 June 1859 and upon the initiative of Swiss businessman Henry Dunant that both the International Red Cross and Red Crescent Movement and modern International Humanitarian Law (IHL) came into being. The International Committee of the Red Cross (ICRC), then known as the International Committee for Relief to the Wounded, was founded in Geneva on 17 February 1863. Only a few months later, in December 1863, the ‘Württembergische Sanitätsverein’ was created in Germany, which became the very first National Red Cross Society as a voluntary aid society auxiliary to the public authorities in the humanitarian field to care for the wounded and sick on the battlefield as envisaged by Henry Dunant.

The year 2013 thus marked the celebration of ‘150 years of humanitarian action’ of both the ICRC and the German Red Cross. Several events were hosted inside and outside Germany to celebrate these important anniversaries while critically reviewing the Red Cross’ contribution to certain areas of its operation, such as the development, clarification and implementation of international humanitarian law.

The German Red Cross was honored to partner with the Swiss Embassy in Berlin and the University of Potsdam in organising an expert meeting entitled ‘The International Red Cross and Red Crescent Movement at 150: Developing and Clarifying International Humanitarian Law’ in Berlin on 24 June 2013. The panelists and commentators were invited to assess the impact of the International Red Cross and Red Crescent Movement on international humanitarian law, both with respect to and beyond the development of treaty regimes, as well as its influence on related areas of international law such as international criminal law.

Given the outstanding quality of contributions, the organisers aspired to make them available to a larger audience and are very pleased to now present this edited book with much gratitude to the various authors involved in the project. Its publication is timely as reflections on the development, clarification and implementation of IHL have continued and

progressed in the past years. In particular, the 32nd International Conference of the Red Cross and Red Crescent – bringing together States parties to the Geneva Conventions and the components of the International Red Cross and Red Crescent Movement – has decided to continue a process to strengthen compliance with international humanitarian law in 2015. These efforts serve to demonstrate the endeavour to keep international humanitarian law relevant for today's armed conflicts which are increasingly fought in defiance of its most basic rules amidst a deteriorating regional and global political order.

They also highlight the critical role of the International Red Cross and Red Crescent Movement in the development, clarification and implementation of IHL while illustrating the different, mutually reinforcing mandates, strategies and approaches of the Movement's components with respect to international humanitarian law.

It is in this context that the German Red Cross believes that this publication will contribute to the understanding of how the International Red Cross and Red Crescent Movement has contributed to this process in the past and today. It is my hope and conviction that, despite future challenges, the Movement will continue to make an important contribution to the clarification and development of international humanitarian law, to its adequate application to the realities of modern warfare and, ultimately, to the protection of victims of armed conflict.

Dr. h.c. Rudolf Seiters, President of the German Red Cross