The law of armed conflict governs the conduct of states, individuals, and non-state actors during armed conflict and is a dynamic field replete with constantly changing questions and challenges. It is based on treaty law, customary international law, domestic law, and international and domestic jurisprudence, all of which must be woven together along with policy and operational considerations. Studying and applying the law of armed conflict (LOAC) requires a grasp of the fundamental principles of the law and how they interact with each other and with related legal frameworks in a complicated and ever-changing world. Also called international humanitarian law (IHL) or the law of war, LOAC dates back thousands of years and has served as an essential guide for military commanders and lawyers particularly throughout modern history.

In the 1990s, genocide, war crimes, mass atrocities, and international criminal justice became part of the public discourse in the aftermath of the conflicts in the former Yugoslavia, Rwanda, Sierra Leone, and ongoing conflicts in the Democratic Republic of the Congo, Sudan, and elsewhere. The attacks of September 11, 2001 then brought LOAC onto the front page—we have engaged for nearly two decades in an ongoing national and international conversation about detention, the nature of conflicts with terrorist groups, interrogation, targeted killing, asymmetrical warfare, military commissions, and a host of other complex conflict-related topics. Understanding how the law regulates behavior during conflict and in the aftermath of conflict is fundamental to the study of not only LOAC, but also international law, international relations, national security, conflict resolution, post-conflict justice systems, war and conflict, and other related topics.

On the macro level, therefore, the instruction, materials, and discussions in this book prepare you to (1) understand and apply the law applicable in times of conflict; (2) understand the role of international law in conflict, counterterrorism operations, stability operations and other complex situations; (3) analyze the obligations of the United States and other countries when engaged in various types of military operations, including traditional interstate war, asymmetrical warfare, counterterrorism, counterinsurgency, and more; and (4) develop a more nuanced understanding of the current world situation and modern conflicts. The key issues in the law of armed conflict—protection of civilians, distinguishing between combatants and civilians, humane treatment, accountability for atrocities—are not only relevant and important for lawyers, but for policy-makers and ordinary citizens alike. Whether you are—or are on your way to becoming—a lawyer, an advocate,
a military officer, a policymaker, or other public actor, you can and should grapple with the moral issues that arise in conflict, such as targeted killing, torture, human shields, proportionality, and self-defense, and understand how the moral questions relate to the legal paradigms and influence policy.

This book addresses three main components: the fundamental principles and history of the law of armed conflict; the applicable law and sources of that law; and the application, implementation, and enforcement of the law. The information is organized in a functional manner to provide a clear and concise framework for understanding and analyzing the information: why do we have a law of armed conflict; what is armed conflict and when does it occur, who are the relevant persons in armed conflict, and how must states and individuals conduct themselves during armed conflict. Throughout, this structure mirrors the analytical approach that militaries take to the application of the law of armed conflict, often termed the “right kind of conflict, right kind of person” approach. That is, one must first understand what type of conflict is taking place, and then what category of person or persons are involved before analyzing the relevant conduct. After a preliminary section setting forth the why—the historical underpinnings of the law of armed conflict and the justifications and purposes for a law governing what might otherwise appear to be a state of lawlessness and violence, the book tackles the major components of the law: what and when (i.e., what triggers the application of the law and for how long), who (i.e., to whom does the law, or particular provisions, apply in a given circumstance and for what reason), and how (i.e., how are states and individuals obligated to conduct themselves while in armed conflict). The final section then examines enforcement of the law and accountability for violations of the law—the natural next step once students have a foundational understanding of the relevant legal obligations.

Finally, a word about bringing LOAC to life in the classroom. One of the main challenges in teaching the law of armed conflict is conveying a sense of the real world of conflict and on-the-ground issues that arise. Most students studying this subject will not have served in the military and will have little or no experience in conflict or post-conflict environments. It is essential, therefore, to use materials that go beyond treaty law and domestic and international jurisprudence, materials that bring the complex and complicated world of armed conflict to life, such as after-action reports and other operational materials, newspaper articles, movie scenes, biographical accounts of war, and other diverse materials. Alongside these more conventional materials, woven throughout the book you will find short first-person vignettes, real stories written by practitioners with operational experience and expertise in the specific topic. These vignettes pose interesting questions from a wide range of past and present conflict situations and offer an extraordinary opportunity to bring the relevant issues and questions to life for students and faculty alike. In essence, the pages of this book bring military lawyers, commanders, human rights advocates, international officials, and others into the classroom directly to tell their stories and challenge you to seek answers to difficult questions.

LOAC has always been a living, breathing body of law rather than a static set of concepts, repeatedly adapting to changing and uncertain circumstances. The key principles of LOAC—introduced at the start of the book and used as the
foundational analytical structure throughout—are critical to the ability of militaries around the world to carry out effective military operations. Use them as your own tools, whether in the classroom, in a career in operational law or advocacy for international criminal justice, or as an informed citizen of the world.

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