



NEWS FLASH N° 14

Upcoming Events

Chile

The deadline for applications for the Society's international conference on **Modern Challenges in the Military Legal Domain**, which will be hosted in **Santiago de Chile (Chile)** from **20 to 23 November 2013**, has been extended to **8 October 2013** and a limited number of places are still available.

For an application form, please visit

http://ismlw.org/conferences/2013_11_20_Chili_ins.pdf

The programme for the conference can be found here:

http://www.ismlw.org/CHILI_EN.htm (English)

http://www.ismlw.org/CHILI_FR.htm (French)

http://www.ismlw.org/CHILI_ES.htm (Spanish)

Journée d'étude: Le secret (professionnel) en milieu militaire / Studiedag : Het (beroeps)geheim in het militaire milieu

Le 22 octobre 2013, le Groupe belge de la Société organise une journée d'étude consacrée au thème du «secret (professionnel) en milieu militaire». Des services de renseignement aux médecins, de nombreux membres de la Défense sont soumis au secret professionnel. Quel est le cadre légal de celui-ci. Ou commence-t-il et où s'arrête la déontologie (celte dernière a-t-elle un cadre légal ?). La journée d'étude aura lieu à l'Ecole Royale Militaire à Bruxelles, (Avenue de la Renaissance 30, entrée par la Rue Hobbema 8).

Vous pouvez consulter le programme ici :

<http://home.scarlet.be/~tsb93638/session/2013-10-22-Prog.pdf>

Vous pouvez trouver le formulaire d'inscription ici:

<http://home.scarlet.be/~tsb93638/session/2013-10-22-Inscr-FR.pdf>

Op 22 oktober 2013 organiseert het Studiecentrum voor Militair Recht en Oorlogsrecht een studiedag rond het thema “Het (beroeps)geheim in het militaire milieu”. Een groot aantal leden van de krijgsmacht is onderworpen aan het beroepsgeheim: de waaier gaat van de leden van de inlichtingendiensten tot de artsen. Welk is het wettelijk kader hiervan? Waar begint en waar eindigt de deontologie? En heeft de deontologie een wettelijk kader?

Deze studiedag gaat door in de in de Conferentiezaal van de Koninklijke Militaire School te Brussel (Avenue de la Renaissance 30, ingang via Rue Hobbema 8).

U kunt het programma vinden op <http://home.scarlet.be/~tsb93638/session/2013-10-22-Prog.pdf> en het inschrijvingsformulier op <http://home.scarlet.be/~tsb93638/session/2013-10-22-Inscr-NL.pdf>

Calls for Papers

Flanders Fields Conference of Military Law and the Law of War / La Conférence des Flanders Fields sur le Droit Militaire et le Droit de la Guerre

(In English)

The *International Society for Military Law and the Law of War* is pleased to announce its call for papers for The Flanders Fields Conference of Military Law and the Law of War which will be held in Ypres (Belgium) from 12 to 15 October 2014. The conference will examine several legal issues of World War I that are still of great importance today.

Legal aspects of chemical weapons. The Society invites academics and practitioners to contribute to one of the themes of the conference by submitting papers on the subject of chemical weapons, with particular focus on the legal aspects associated with such weapons and current challenges in this field.

Selection process. Papers will be selected by a jury of leading experts on international law and/or chemical weapons, designated by the Society. Appropriate consideration will be taken in order to comply with the principles of both impartiality and the separation of duties.

Requirements. All submissions must indicate the author of the work (full name) and contact details (postal and e-mail addresses, phone and fax numbers). Contributions must be submitted in English or in French and must not exceed 35 pages if written with single line spacing or 70 pages if written with double line spacing, including footnotes. Contributions must be sent by postal mail and received no later than **Monday, 28 April 2014**. The postal address for submissions is the following:

INTERNATIONAL SOCIETY FOR MILITARY LAW AND THE LAW OF
WAR/SOCIÉTÉ INTERNATIONALE DE DROIT MILITAIRE ET DE DROIT DE LA
GUERRE

General Secretariat/Secrétariat général
Avenue de la Renaissance 30
1000 BRUSSELS/BRUXELLES
BELGIUM/BELGIQUE

Acknowledgement of submissions. Receipt of all submissions will be acknowledged by e-mail.

Announcement of the winner and prize. The winner of the call for papers will be announced during The Flanders Fields Conference of Military Law and the Law of War, specifically on 13 October 2014. He or she will receive a prize of €500. Meritorious contributions will be awarded an Honorable Mention and will be published, together with the winning paper, in a special issue of The Military Law and the Law of War Review.

(En Français)

La Société de Droit Militaire et de Droit de la Guerre a le plaisir de vous annoncer un appel à contributions pour *la Conférence des "Flanders Fields" sur le droit militaire et le droit de la guerre* qui se tiendra à Ypres (Belgique) du 12 au 15 octobre 2014. La conférence se penchera sur plusieurs questions juridiques de la Première Guerre mondiale qui relèvent encore d'une grande importance de nos jours.

Les aspects juridiques des armes chimiques. La Société invite des universitaires et spécialistes à apporter leur contribution à un des thèmes de la conférence par le biais d'articles portant sur la problématique des armes chimiques, en mettant particulièrement l'accent sur les aspects juridiques associés à ces armes et sur les défis actuels rencontrés dans ce domaine.

La procédure de sélection. Les contributions seront choisies par un jury désigné par la Société et se composant d'éminents experts en droit international et/ou en armes chimiques. Des mesures appropriées seront prises afin de pouvoir respecter les principes de l'impartialité et de la séparation des fonctions.

Les conditions requises. Tous les articles introduits mentionneront les nom et prénoms de l'auteur ainsi que ses coordonnées (adresses postale et électronique, les numéros de téléphone et de fax). Les contributions seront soumises en anglais ou en français et ne dépasseront pas les 35 pages tapées en simple interligne ou les 70 pages tapées en double interligne, les notes de bas de page comprises. Les contributions seront envoyées par courrier postal et parviendront à l'adresse mentionnée ci-après au plus tard le **lundi 28 avril 2014** :

INTERNATIONAL SOCIETY FOR MILITARY LAW AND THE LAW OF
WAR/SOCIÉTÉ INTERNATIONALE DE DROIT MILITAIRE ET DE DROIT DE LA
GUERRE

General Secretariat/Secrétariat général

Avenue de la Renaissance 30

1000 BRUSSELS/BRUXELLES

BELGIUM/BELGIQUE

L'accusé de réception des contributions. Nous accuserons réception de toutes les contributions par courriel.

L'annonce du gagnant et la remise du prix. Le nom du gagnant de l'appel à contributions sera annoncé lors de *la conférence*, plus spécifiquement le 13 octobre 2014. Le gagnant se verra décerner un prix d'une valeur de €500. Les contributions méritoires recevront une mention honorable et seront publiées, tout comme l'article du gagnant, dans une édition spéciale de la *Revue de Droit Militaire et de Droit de la Guerre*.

ASIL Lieber Society Richard R. Baxter Military Writing Prize

The American Society of International Law (ASIL) annually recognizes a paper which **significantly enhances the understanding and implementation of the law of war** through the awarding of the Richard R. Baxter Military Writing Prize.

Papers submitted for the 2014 competition may address any aspect of the law of war, including, but not limited to the use of force in international law; the conduct of hostilities during international and non-international armed conflicts; protected persons and protected objects; the law of weapons; rules of engagement; treatment of detainees, to include interrogation procedures; and occupation law. **Papers addressing practical problems confronting members of armed forces are preferred.**

To be eligible to submit a paper, the candidate must be an active member of any nation's regular or reserve armed forces. Submissions must be in English and length may not exceed 35 pages (single spaced) or 70 pages (double spaced), including footnotes. Paper size must be either 8.5 x 11 or A4, with all margins at least one inch and at least 12 point font. Both papers that have been published and those that have not been published will be considered for this prize.

Papers must be **received no later than 31 December 2013**. All submissions must contain the author's full name and military rank or rating, current postal and e-mail addresses, and current telephone number. Electronic submissions (in .pdf or .doc format) are preferred and should be sent to Prize Coordinator Chris Jenks at

Cjenks@smu.edu. The winner will receive a certificate confirming that he or she has won the 2014 Lieber Society Prize, \$500.00, and a one-year membership in the ASIL. The winner and any persons receiving Certificates of Merit will be announced at the American Society of International Law Annual Meeting in Washington, DC, 7-12 April 2014.

The ISMLLW on Facebook and LinkedIn

The International Society has now expanded its online presence with the addition of a Facebook page and a LinkedIn company page. These new means of communication will be used in addition to the ones that already exist and will further advertise the Society with a wider audience.

You can visit us online on Facebook at <https://www.facebook.com/ISMLLW>

And you can follow us on LinkedIn here

<http://www.linkedin.com/company/international-society-for-military-law-and-the-law-of-war>

Developments

The Netherlands liable for the death of three Muslim men in Srebrenica

In two judgments of 6 September 2013, the Dutch Supreme Court has confirmed that the State of the Netherlands is liable for the death of three Muslim men in Srebrenica. In 2008, a judgment from the District Court of The Hague held that the State of the Netherlands could not be held responsible since Dutchbat was operating under a peacekeeping mandate of the United Nations. The District Court determined that “the operational command and control over Dutchbat has been transferred to the UN.” But this was appealed and in 2011, the Court of Appeal quashed the judgment, saying that Dutchbat’s actions were indeed attributable to the State of the Netherlands, and that those actions were indeed wrongful. Now the Supreme Court confirmed the Netherlands’ responsibility for their troops, regardless of the UN mandate.

Claimants in these cases were Hasan Nuhanovic and the wife and children of Rizo Mustafic.

Hasan Nuhanovic, an employee of the UN worked as an interpreter for Dutchbat on the compound in Potočari. Shortly after the fall of Srebrenica, on the 13th of July 1995, he had sought refuge in the Dutch compound, together with his father, mother, and minor brother. Mr. Nuhanovic, who possessed a UN id-card, was allowed to stay, along with his father who had assisted Dutchbat in a civil committee during negotiations with Mladic. His minor brother and mother were however asked to

leave, and since his father did not want them to go alone, he accompanied them. Consequently, the three of them were murdered shortly after by troops of the Serbian-Bosnian army (or related paramilitary troops).

Rizo Mustafic was an employee of the Srebrenica city council, who worked as an electrician for Dutchbat in the UN compound. When the enclave fell, he fled to his office together with his family, but both Mr. Mustafic and his wife and children were ordered to leave the compound because they did not appear on the list of UN staff that was permitted to be evacuated with the battalion. Mr. Mustafic was murdered shortly after by troops of the Serbian-Bosnian army (or related paramilitary troops), but his wife and children managed to escape.

Legal questions and reasoning of the Supreme Court

The main legal questions in the case were whether the State of the Netherlands could be liable for Dutchbat's actions even though they were operating under a UN flag, and if so, whether Dutchbat's actions themselves were wrongful.

To the first question concerning the Netherlands' liability, the Dutch Supreme Court ruled that public international law does not only allow for an action to be attributed to the United Nation, but also to the State which has sent the troops. The Supreme Court based its decision for this on Art. 4 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts of 2001, and on Art 6 and 7 of the Draft Articles on the Responsibility of International Organizations of 2011 (DARIO). Dutchbat still acted at least partially as an organ for the sending state, the Netherlands. DARIO Art 48(1) expressly leaves open the possibility of attributing responsibility for the internationally wrongful act to more than one State or Organization. The criterion they used was the one of *effective control*: even during the UN mandate, and despite the fact that the United Nations were in charge of the peacekeeping operation, the Dutch government still maintained effective control over Dutchbat and is therefore also responsible for their actions. It is generally accepted that it is possible that more than one party has effective control.

Since the United Nations has immunity for the behavior of troops in peacekeeping operations, the State of the Netherlands was therefore the only party held liable on the grounds of international law.

As to the second question, whether or not those actions were unlawful, the court also answered in the affirmative. Under Bosnian-Herzegovinian national law, Dutchbat did not have a legal basis to deny those persons entry to the compound. The unlawfulness of the behavior also follows from the fact that the State of the Netherlands was deemed to have effective control. It also appeared from the evidence that the Bosnian-Serb army commanded by Mladic did respect Dutchbat's

authority on the compound until they left it, and that their request to evacuate the local personnel with them was respected.

According to the Court, the United Nations might have had the *command and control*, but the *disciplinary powers and criminal jurisdiction* remain with the sending state, in this case the Netherlands. The Supreme Court however also stressed that a retrospective assessment of Dutchbat's conduct should take into account the fact that these decisions were made in a war situation, and under great pressure.

For the original text of the judgments in Dutch (12/03324 and 12/03329), please visit <http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:HR:2013:BZ9228>.

For the full text of the judgments in English, please see <http://www.rechtspraak.nl/Organisatie/HogeRaad/OverDeHogeRaad/publicaties/Documents/12%2003324.pdf> and <http://www.rechtspraak.nl/Organisatie/HogeRaad/OverDeHogeRaad/publicaties/Documents/12%2003329.pdf>

(Laura De Schryver)

The Situation in Syria

Use of chemical weapons

The UN Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic made the report of their findings public on 16 September 2013.¹ In this report the United Nations team declared they have found “clear and convincing evidence that surface-to-surface rockets containing the nerve agent Sarin were used in Ein Tarma, Moadamiyah, and Zamalka, in the Ghouta area of Damascus.” This team of experts was sent to Syria to investigate allegations of chemical weapons use on 21 August 2013 on the edge of the city of Damascus. Their conclusions are based on interviews with survivors and witnesses as well as environmental, chemical and medical samples collected on site in Syria. The report does not, however, make any findings as to who is responsible for the chemical attacks. UN Secretary-General Ban Ki-moon has made it clear the UN team's mission was only to determine whether and to what extent these weapons were used, not by whom.

Although Syria was not a party to the 1993 treaty banning the use of chemical weapons “under any circumstances,” it is generally believed that this ban on chemical weapons is a customary international law norm and is thus binding on every state, notwithstanding Syria's non-ratification of this treaty. In addition, it is

¹ The full report can be found at http://www.un.org/disarmament/content/slideshow/Secretary_General_Report_of_CW_Investigation.pdf

also potentially a violation of the 1925 Geneva Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare to which Syria has been a party since 1968. However there is debate about whether the ban in this Protocol applies to non-international armed conflict. The UN Secretary-General has declared the use of chemical weapons in Syria to be a grave violation of this protocol as well as a war crime (under the 2010 amendment to Article 8 of the Rome Statute). It is important to note that Syria is not a party to the Rome Statute, however it could potentially be prosecuted in the International Criminal Court for violation of this norm if the case is referred to the court by the UN Security Council.

Legal basis for the use of force

Due to the inability to get agreement for a UN Security Council resolution authorizing the use of force in Syria, a number of countries including the US and the UK have discussed engaging in independent military intervention in Syria. The UK government has justified that such action would be legally permissible under the doctrine of humanitarian intervention, based on the use of chemical weapons in Syria. In a legal position guidance document published on 29 August 2013 by the Prime Minister's office,² the UK put forth three conditions that must be met to legally justify humanitarian intervention. The first condition is that evidence generally accepted by the international community shows convincingly that there is "extreme humanitarian distress on a large scale, requiring immediate and urgent relief." The second is that in order to save lives it is clear that there are no feasible alternatives to force. The third is that the proposed force is "necessary and proportionate to the aim of relief of humanitarian need." The UK government argued that all three have been met in this case particularly highlighting that in the absence of "meaningful action" by the Security Council there was no practicable alternative to the use of force in Syria.

With regards to whether the United States may use force in self-defense to prevent chemical weapons from falling into the hands of terrorist groups that might use them against the US or its allies, Professor Michael Schmitt finds this argument un-compelling³. Anticipatory self-defense is only reserved for situations of imminent armed attack, which he argues is not the case in Syria. On the other hand, he acknowledges that if Syrian President Assad were to lose control of the country to the extent that it is probable the weapons would fall to these terrorist groups, limited military operations would be justified against the weapons and the terrorist groups. Despite the unlawfulness of the use of chemical weapons in Syria, Prof. Schmitt points out that international law doesn't generally provide a mechanism by which states can punish other states for violations of international law.

² The UK guidance document is available at <https://www.gov.uk/government/publications/chemical-weapon-use-by-syrian-regime-uk-government-legal-position/chemical-weapon-use-by-syrian-regime-uk-government-legal-position-html-version>

³ Paper available at [http://www.usnwc.edu/Publications/International-Law-Studies-\(1\).aspx](http://www.usnwc.edu/Publications/International-Law-Studies-(1).aspx)

Regarding the use of force under the doctrine of humanitarian intervention, Prof. Schmitt points out that the existence of the right of humanitarian intervention is highly controversial in international law. In addition he suggests that if the right does indeed exist there is a fourth criterion necessary in addition to the three articulated by the UK. Namely, that the intervention by force is likely to significantly mitigate the human suffering to a degree not possible without the use of force. He argues that it will be difficult to fulfill this requirement in Syria if the military involvement is time limited and involves no boots on the ground, as has been suggested by the US government.

Syria and international legal instruments

On 12 September 2013 the Syrian government began the process to formally accede to the 1993 Chemical Weapons Convention. This convention will enter into force for Syria on 14 October of this year--on the 30th day following the date of deposit of the instrument of accession. Previously, Syria was one of only seven nations that had not acceded to the Convention. The country will become the 190th Member State of the Organisation for the Prohibition of Chemical Weapons (OPCW), the treaty's implementing body. This will require Syria to provide a complete inventory of its chemical weapons, production facilities, and other related materials to the OPCW. The OPCW will then send on-site inspectors to verify the accuracy of the country's disclosure and assist the country in securing their weapons and facilities until they can be destroyed.

On the 14 September 2013 the US and Russia also reached an agreement on the elimination of Syrian chemical weapons.⁴ This framework, which has been submitted to the Executive Council of the OPCW, lays down special procedures for the verification and expeditious destruction of the Syrian chemical weapons program. The purpose of this document was to agree on a method and timetable for dismantling of Syria's chemical weapons program in order to expedite the process even before the Convention's official entry into force in Syria. This framework provides for the complete destruction of Syria's chemical weapons by mid-2014, a process which would normally take many years to complete. It is important to note that as this agreement is only between the US and Russia it does not technically have any enforceable legal effect on Syria, since a country cannot be legally bound by an agreement to which it has not formally agreed to be bound. However, it may become binding on Syria to the extent to which it is incorporated into a UN Security Council resolution.

⁴ The text of the agreement, called the Joint National Paper By The Russian Federation And The United States Of America: Framework For Elimination Of Syrian Chemical Weapons, can be found at

http://www.opcw.org/fileadmin/OPCW/EC/M-33/ecm33nat01_e_.pdf

The UN Security Council unanimously passed Resolution 2118 (2013) on Syrian chemical weapons on 27 September 2013.⁵ In a symbolic gesture of support, all fifteen Security Council members also signed on as co-sponsors. The Security Council resolution enshrines the US-Russia-OPCW plan demanding the eradication of Syria's chemical weapons, thus making it legally binding. The resolution calls for consequences if Syria fails to comply with the resolution, but does not actually impose any sanctions automatically. Thus, in the event of Syrian non-compliance the Security Council would need to adopt a second resolution to impose such measures as those under Chapter VII of the UN Charter.⁶

(Nicolette Pavlovics)

Kenya and the ICC

On 10 September 2013, the International Criminal Court trial against Kenya's current Deputy President William Ruto and Joshua Arap Sang, the head of operations at the Kass FM radio station, began in The Hague, Netherlands.

Both are being accused of crimes against humanity committed during the post election violence in Kenya in 2007 and 2008. Mr. Ruto is accused of being criminally responsible as an indirect co-perpetrator pursuant to Article 25(3)(a) of the Rome Statute for murder, deportation or forcible transfer of population, and persecution (Art. 7 (l) a, d, h). Mr. Sang is accused of having otherwise contributed within the meaning of Article 25(3)(d) of the Rome Statute to the commission of murder, deportation or forcible transfer of population, and persecution (Art. 7 (l) a, d, h). After the disputed elections in 2007, violence broke out which killed more than a thousand people, and forced 600, 000 to flee their homes. Both Ruto and Sang pled not guilty.

The hearings in the trial will continue over the whole month of October 2013, and 628 persons are arranged to participate as victims in the case.

Meanwhile, in reaction to these trials, the Kenyan Parliament has voted for withdrawal from the Rome Statute, which founded the International Criminal Court.

⁵ The UN Security Council Resolution can be found at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2118\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2118(2013))

⁶ Additional sources:
<http://www.bbc.co.uk/news/world-middle-east-24308763>
<http://www.un.org/News/Press/docs/2013/sgsm15274.doc.htm>
<http://www.opcw.org/news/article/the-opcw-prepares-for-historic-challenge/>
<http://www.un.org/apps/news/story.asp?NewsID=45856&Cr=syria&Cr1=-.UjgJ3eD2CRI>
<http://www.un.org/News/dh/pdf/english/2013/16092013.pdf>
http://www.un.org/disarmament/content/slideshow/Secretary_General_Report_of_CW_Investigation.pdf

A possible withdrawal will, however, have no legal consequences for any of these ongoing trials, nor for any other proceedings started within a year from the withdrawal--as stated in Art. 127 of the Rome Statute, which says that the withdrawal shall take effect one year after the date of receipt of the written notification addressed to the Secretary-General of the UN, unless that notification specifies a later date. Therefore a Kenyan withdrawal would also not apply to the trial against the current president of Kenya, Uhuru Muigai Kenyatta which is scheduled to begin on 12 November 2013. Kenyatta is being charged with crimes against humanity including murder, deportation or forcible transfer, rape, persecution, and other inhumane acts (Art 7 (l) a,d,g,h,k of the Rome Statute).

The press release can be found here http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/pr939.aspx
Case ICC-01/09-01/11, The Prosecutor v. William Samoei Ruto and Joshua Arap Sang (http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200109/related%20cases/icc01090111/Pages/icc01090111.aspx)
Case ICC-01/09-02/11, The Prosecutor v. Uhuru Muigai Kenyatta (http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200109/related%20cases/icc01090211/Pages/icc01090111.aspx)

(Laura De Schryver)

Charles Taylor Conviction Upheld

On 27 September 2013 the Special Court for Sierra Leone Appeals Chamber unanimously upheld former President of Liberia Charles Taylor's conviction and sentence of 50 years imprisonment. The Trial Chamber found Taylor guilty in April 2012 of 11 counts of aiding and abetting and planning war crimes and crimes against humanity during Sierra Leone's civil war. Both the prosecution and the defense had appealed from the Trial Chamber's judgment.

The Defense argued that the Trial Chamber had erred in applying a "knowledge" rather than a "purposeful" *mens rea* standard for aiding and abetting. However, the Appeals Chamber disagreed with this argument, holding that under customary international law individual criminal responsibility can be established by knowingly participating in the commission of a crime. The court also rejected the Defense argument that Mr. Taylor could not be guilty of aiding and abetting because he had not assisted the individual soldiers who had committed the crimes. The Appeals Chamber affirmed the Trial Chamber's holding that aiding and abetting the planning, preparation and execution of the operational strategy does amount to aiding and abetting of the underlying crimes.

The Appeals Chamber also rejected the Prosecution's argument that the evidence supported a conviction for ordering and instigating in addition to aiding and abetting. However, the justices did clarify that aiding and abetting liability does not necessarily warrant a lesser sentence, as a sentence "must be based on the convicted person's actual conduct and the totality of the gravity of that conduct."

Lastly, the Appeals Chamber found the 50-year sentence to be fair and reasonable in light of the totality of the circumstances. This decision concludes the appellate proceedings against Mr. Taylor and marks the final judgment in this case.

Read the story on the UN News Centre website here

<http://www.un.org/apps/news/story.asp?NewsID=46031&Cr=Sierra+Leone&Cr1=-.UkdLf-D2CRI>

Read the SCSL press release here

<http://www.sc-sl.org/LinkClick.aspx?fileticket=gEJ2L+5%2frBo=&tabid=53>

The full text of the appeals judgment is available here

<http://www.sc-sl.org/LinkClick.aspx?fileticket=t14fjFP4j8=&tabid=53>

(Nicolette Pavlovics)

Report on "Challenges in the Implementation of IHL" workshop

The International Society's workshop on **Challenges in the Implementation of International Humanitarian Law** took place in Brussels on 23 September 2013. With three renowned speakers (Prof. Dr. Michael Bothe (Professor emeritus of public law, Goethe University Frankfurt), Mr. S. Kolanowski (Senior Legal Advisor, ICRC Brussels Delegation to the EU and NATO) and Lt. Col. Van Gyseghem (Legal Advisor at the Directorate General Legal Support and Mediation, Ministry of Defense Belgium)) and the participation of a well informed and dedicated audience, the debate held at the workshop gave valuable information to use in the upcoming questionnaire for the Society's 20th Congress in 2015.

Some of the key topics discussed at this workshop were the need for cooperation from States for implementation mechanisms to be effective, the need for a meeting of States or a conference of parties in which progress is to be discussed, the issue of lack of education on IHL matters, the ICRC/Swiss initiative on compliance with IHL and the call for a greater involvement of non-state actors in IHL.

A more detailed report of this workshop will be published on the Society's website in the near future and in a subsequent installment of the News Flash.

(Laura De Schryver & Nicolette Pavlovics)

Publications of interest / Publications intéressantes

Books

CROWE, J. and WESTON-SCHEUBER, K., *Principles of International Humanitarian Law*, Cheltenham, Elgar, 2013, 198p.

GARCIA Y PABLO PAREJA, C., *Seguridad, Inc : Las Empresas Militares y de Seguridad Privadas en las Relaciones Internacionales Contemporáneas*, Barcelona, Institut Català Internacional per la Pau, 2013, 249p.

MULLER, A., *The Relationship Between Economic, Social and Cultural Rights and International Humanitarian Law: an Analysis of Health-related Issues in Non International Armed Conflicts*, Leiden, Nijhoff, 2013, 335p.

Miscellaneous

PAUST, J., *US Use of Limited Force in Syria Can Be Lawful Under the UN Charter*, JURIST - Forum, September 10, 2013, <http://jurist.org/forum/2013/09/jordan-paust-force-syria.php>

SCHMITT, M. N., *The Syrian Intervention: Assessing the Possible International Law Justifications*, *International Law Studies*, vol. 89, 2013, pp. 744-756.
Available at [http://www.usnwc.edu/Publications/International-Law-Studies-\(1\).aspx](http://www.usnwc.edu/Publications/International-Law-Studies-(1).aspx)

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