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978-1-107-02184-6 - Searching for a 'Principle of Humanity' in International Humanitarian Law

Edited by Kjetil Mujezinović Larsen, Camilla Guldahl Cooper and Gro Nystuen

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SEARCHING FOR A 'PRINCIPLE OF HUMANITY' IN INTERNATIONAL HUMANITARIAN LAW

The legal norms of international humanitarian law (IHL) are the product of a compromise between humanitarian considerations and the demands of military necessity. In *Searching for a 'Principle of Humanity' in International Humanitarian Law*, international legal scholars consider whether humanitarian considerations have an independent legal impact on IHL beyond the formation of these norms. They ask whether a 'principle of humanity' can be said to have legal force in its own right. Moreover, the book investigates whether regional or national differences are emerging regarding the import and emphasis placed on humanitarian considerations. For instance, do states which are not directly affected by armed conflict attach a greater weight to humanitarian considerations when interpreting and applying IHL than those states which are more directly involved in armed conflicts? Specifically, this book examines whether a particular 'Nordic perspective' can be identified, owing to those states' unique perspective on international conflicts since the Second World War.

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ABBREVIATIONS

AP	Additional Protocol
CCW	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons
CRC	Convention on the Rights of the Child
CRC-OPAC	Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
CWC	Convention on the Prohibitions of the Development, Production, Stockpiling and Use of Chemical Weapons
DPH	direct participation in hostilities
DRC	Democratic Republic of the Congo
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
GC	Geneva Convention
HRC	Human Rights Committee
HRL	human rights law
IAC	international armed conflict
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Covenant on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
IHL	international humanitarian law
IHRL	international human rights law
ILC	International Law Commission
ISAF	International Security Assistance Force
LOAC	law of armed conflict
MRM	monitoring and reporting mechanism
NIAC	non-international armed conflict
OHCHR	Office of the High Commissioner for Human Rights

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OUP	Operation Unified Protector
PCIJ	Permanent Court of International Justice
POW	prisoner of war
RCA	riot control agent
ROE	Rules of Engagement
TCN	troop contributing nation
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNSC	UN Security Council