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BOOK REVIEWS

INTERNATIONAL LAW — THE CONDUCT OF ARMED CONFLICT AND AIR OPERATIONS. Department of the Air Force. Air Force Pamphlet AFP 110-31 (19 November 1976). Pp. 107. GPO.

This pamphlet represents the first comprehensive Department of the Air Force publication concerning the international law applicable during armed conflict. It is designed to serve as the basis for judge advocate training programs on this complex subject. This reader believes that the end product indicates a much more ambitious effort. It is an extremely careful compilation of the law on armed conflict. The pamphlet is well researched and documented, providing both basic background material and suggested solutions to a variety of legal problems. It is well organized, indexed, and for the most part, concisely written. Those persons particularly interested in this area of international law will find the pamphlet to be a useful reference guide as well.

The origin of the pamphlet lies in the fact that the major codification of the law of armed conflict was undertaken before aerial warfare became a significant factor. Although the 1899 and 1907 Hague Peace Conferences intended air power to be covered by the resulting law, it is necessary to deduce principles applicable to air operations from the general principals developed for land and sea operations. This is not to say that no attempt has been made to comprehensively codify laws specifically applicable to air power, but the 1923 Draft Hague Rules of Aerial Warfare have never been formally adopted by states. The pamphlet takes the direction, then, of setting out the general principles deemed to apply to all environments in which armed conflict may occur, supplementing this development with differences necessary when such law is applied to air operations. This approach is justified by the recognition of different applications in land, air, and sea environments given by the 1949 Geneva Conventions. It also supplies the framework on which the pamphlet's discussion of the law of armed conflict depends.

The pamphlet is divided into 15 chapters which analytically fall into three categories. The first category is mainly definitional, supplying a background of general principles applicable to all environments of armed conflict. It consists of chapters 1, 3, 8, 9, 10, and 15. Chapter 1 defines and explains the concept of the law of armed conflict, including the reasons for its existence,

its importance, its basic principles, and when it applies. This discussion is put into perspective by a concise development of the sources and principles of the international law system. It was refreshing to find a short list of essential terms which is often missing in publications of this technical nature. Such glossaries tend to set the limits of those terms, providing quick understanding of the author's meaning when the reader comes across them.

The remaining chapters in this category provide substantially the same type of background information. Chapter 3 defines, compares, and contrasts the status of combatants, noncombatants, and civilians, including the rights and obligations of each. Chapter 8 defines and explains the international rules of armed conflict regarding perfidy and the use of lawful ruses. This chapter includes a discussion contrasting the lawful use of ruses and the unlawful use of deceit constituting perfidy. Chapter 9 discusses the basic rules of the law of armed conflict which affect independent missions. This development focuses on two major types of independent missions, espionage and sabotage. Chapter 10 discusses the various means used to enforce compliance with the law of armed conflict, providing a development of both primary and secondary measures of enforcement. Finally, chapter 15 examines state obligations to observe and enforce the law, including a discussion of the nature of command responsibility, and also surveys individual criminal responsibility for illegal acts.

The second category of chapters is also definitional in nature, but it supplies a background of principles specifically applicable to the air environment of armed conflict. It consists of chapters 2, 4, 5, 6, and 7. Chapter 2, like chapter 1 in the previous category, lays the broad framework on which an understanding of the principles discussed depends. This chapter surveys a wide variety of general international law topics relevant to the law of armed conflict, including explanations of basic legal concepts relevant to airspace, identification zones, outerspace, access of military aircraft to airspace, and the distinctions of civil aircraft. Chapter 4 covers the law of armed conflict affecting air-to-air and naval combat situations. Chapter 5 develops the law as it relates to aerial bombardment, including an extensive history of the legal rules and principles presently effective and the persons and objects protected. Chapter 6 describes the international law governing conventional, chemical, biological, and nuclear weapons. Finally, chapter 7 discusses the marking of aircraft and the wearing of uniforms by aerial combatants.

The final category of chapters provides a concise, descriptive background and explanation of the relevant Geneva Conventions of 1949. Chapter 11 provides a brief history of the Conventions, a compilation and analysis of provisions common to the several Conventions, and a discussion of the relevance of other international agreements. The remaining chapters detail the several Conventions and the changes or additions to the law they introduced.

It should be noted that this publication concentrates on current law and not possible prospective law. The purpose of the pamphlet is to synthesize the general principles of armed conflict with the differences required for application to aerial warfare. The principal author, Lt. Colonel James R. Miles, USAF, is to be commended for a very successful endeavor. His intent may have been to compile a basic text but his results go beyond that. This publication is a substantial work. Although references to Government policies are made where appropriate, the pamphlet presents a well-balanced view and does not attempt to promulgate official United States policy.

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