

**J. Ondřej, P. Šturma, V. Bílková, D. Jílek et al.:**

***International Humanitarian Law***

**1<sup>st</sup> edition, Prague: C. H. Beck, 2010, 536 p.**

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The presented book is the first edition of this publication, the first Czech-language book dealing with the issue of international humanitarian law to appear on the Czech market. It came out in 2010. To start with, one can only commend the goal of this publication, since it filled in the gap that previously existed in the relevant academic literature with regard to this area of law. And filling in a part that had been missing in Czech international legal literature is by no means the book's only accomplishment; the group of seven contributors that provided material for this publication is a guarantee of a high quality elaboration of this issue. All parts were written by professionals with an academic background as well as by practitioners in this area of law. In addition to the four main authors mentioned above, the following additional authors also contributed to the book: Vladimír Balaš, Jan Hladík and Marek Jukl. The latter two authors work for UNESCO in Paris and for the Czech Red Cross in Prague respectively, whereas the former five contributors teach international law at the law schools of Charles University in Prague and the Paneuropean University in Bratislava. An excellent mix of scholars and practitioners has contributed to fulfilling the goal the authors set for themselves in writing the book.

The book features an analysis of International Humanitarian Law (IHL), the law that governs and seeks to mitigate armed conflict. The traditional law of war regulates war in its true sense as an armed conflict conducted solely between two states. However, the presented book approaches the term of war more broadly and covers both the "Geneva" and "Hague" elements of IHL. The rules and principles of IHL are presented and analysed within the context of their practical application in warfare. The book is primarily dedicated to the law relating to international armed conflict; however, it also includes some issues of the relevant law that are applicable to non-international and "low level" conflicts.

The book is divided into four parts and each part is composed of chapters. At the end of the book, the reader finds an extensive bibliography which can serve to expand his knowledge of this branch of international law.

International humanitarian law is a branch of public international law. This law governs relations between members of the international community. International law is supranational and its fundamental rules are binding for all States. International humanitarian law, also called the law of armed conflict and previously known as the law of war, is a special branch of law governing situations of armed conflict. This branch of law applicable to armed conflicts is composed of international treaties or customary rules which are specially intended to resolve matters of humanitarian concern arising directly from armed conflicts, whether of an international or non-international nature.

Humanitarian law is that considerable portion of international law which is inspired by a concern for humanity and is centred on the protection of the individual during wartime. The key aspect of humanitarian law is that it combines two concepts of different natures – a legal concept and a moral concept. It is obvious that this law is intimately bound with humanity. There is no doubt that humanitarian law is very closely linked to other branches of international law, mainly to the law of human rights. On the other hand, there are some similarities as well as differences between these two branches of international law. Human rights law aims to protect the life, health and dignity of human beings. Although these two branches of international law are different in terms of both their origins and the context to which they apply, the essence and substance of these rules are similar. All of the similarities and differences between these two branches, as well as the relationship between IHL and disarmament, are set out in the first part of the presented book.

During peacetime, states are usually unwilling to make an effort to develop this field of international law. States are nevertheless fully aware of the necessity to undertake important steps leading to the development and promotion of this branch of international law. When states cannot or will not settle their disagreements or differences by means of peaceful discussion, weapons are suddenly made to speak. For such cases the international community has been forced to create the basic system that guarantees at least a fundamental standard of rules which are binding for all States. Existing international treaties codify customary international law. Over the past few decades, international humanitarian law has undergone a progressive development. Nearly all States have ratified or adhered to the Geneva Conventions, the basic documents of international humanitarian law, while a great majority of them are party to the Additional Protocols to such Conventions. Moreover, a large part of the rules of international humanitarian law is presently considered to form a part of customary law. These rules are thus legally binding for all States. The handbook focuses on these historical aspects, and on the development and sources of international humanitarian law, in the second part.

The third part deals in detail with two branches of international humanitarian law. The first of these is the “law of Geneva” or so-called humanitarian law. The law of Geneva provides safeguards to military personnel “hors de combat”, to persons not taking part in hostilities. The second branch, i.e. the “law of The Hague”, known as the law of war, determines the rights and duties of belligerents during the conduct of operations on the one hand, and restricts the choice of means of doing harm on the other hand. This part offers an in-depth view of the means and methods of combat, including the progressive development of the area of the prohibition of various kinds of weapons. In Chapter VIII of the third part, the law of non-international armed conflicts is assessed within the context of the legal basis for such conflicts. It is also evaluated with regard to the progressive development of this area of law, and additionally from a practical point of view.

The fourth part of the handbook is dedicated to one of the most important components of international humanitarian law. It describes and evaluates the national and international measures designed to ensure compliance with existing rules and to provide remedies for violations. Attention is also paid to the legal obligations of states, international organizations and non-state actors and to appropriate measures for implementing existing obligations to prevent any violations and to take effective action when breaches are committed. This part of international humanitarian law has tended to attract greater interest. Such interest was aroused by frequent reports of grave breaches of humanitarian principles and by a complex of national decisions taken in an effort to implement the relevant parts of treaty-based and customary international law. This part deals not just with the issue of implementation but also with the responsibility of states, international organizations and non-state actors, as well as with the consequences resulting from any violation of IHL under the applicable law.

The book provides a complete analysis of the conventional and customary rules of IHL, with a special emphasis on the interpretation and application of the rules in real situations. The book is intended for students, for the practitioner working in the field of IHL, and for anyone else interested in this field. The aim of the book was fulfilled in many ways. Firstly, the book lays out a thoroughly researched and well documented comprehensive presentation of this area of law. Secondly, the co-operation between academic research and practice made it possible to provide a broad-spectrum overview of the issue. Thirdly, the book provides an understanding of IHL to readers who are not fluent in English, and that is linked to the last goal – the dissemination of the rules of international humanitarian law among the population during peacetime.

*Jana Ondrovičová\**

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\* Mgr. Jana Ondrovičová (1984) comes from the Slovak Republic. She completed her master's studies at the Law Faculty of Comenius University in Bratislava in 2007. Since 2008, she has been enrolled in a Ph.D. program at the Law Faculty of Charles University in Prague, Czech Republic. Currently she is in the second year of her doctoral degree studies. Within the Ph.D. program, she focuses mainly on the Law of Armed Conflicts, and on International Humanitarian Law itself. She is a member of the Czech Society of International Law as well as the Slovak Society of International Law.

