

CONTENTS

A Note Regarding Documents	xv
Introduction	xvii
Chapter 1: Resorting to Military Force	3
<i>The Covenant of the League of Nations</i>	3
<i>The Kellogg-Briand Pact</i>	4
<i>Charter of the United Nations</i>	5
Definition of Aggression	9
<i>General Assembly Definition of Aggression</i>	10
<i>Nicaragua v. United States of America</i>	12
<i>Portugal v. Germany (The Naulilaa Case)</i>	23
<i>Portugal v. Germany (The Cysne)</i>	25
Some Other Exceptions to the Prescription Against Use of Force	28
Decolonization	28
<i>Brezhnev and Reagan Doctrines</i>	30
<i>The United States' Perspective</i>	30
Conclusion	32
Chapter 2: Using Force	35
<i>The Declaration of St. Petersburg</i>	35
	ix

<i>The Law of Land Warfare</i>	36
The Duty to Instruct Soldiers in the Law of War	38
<i>Hague Convention (IV) Respecting the Laws and Customs of War on Land</i>	38
<i>Geneva Convention Relative to the Treatment of Prisoners of War (Geneva III)</i>	39
Duty of Notification	40
<i>Hague Convention (III) Relative to the Opening of Hostilities</i>	40
Qualifying Belligerents	41
<i>Hague Convention (IV) Respecting the Laws and Customs of War on Land, Annex to the Convention</i>	41
<i>Protocol I Additional to the Geneva Conventions of 1949</i>	43
<i>Protocol I Additional to the Geneva Conventions of 1949</i>	44
Basic Rules Governing Warfare	47
<i>Hague Convention (IV) Respecting the Laws and Customs of War on Land, Annex to the Convention</i>	47
<i>The Declaration of St. Petersburg</i>	48
<i>Hague Declaration (IV, 3) Concerning Expanding Bullets</i>	49
<i>Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects</i>	49
<i>Protocol on Non-Detectable Fragments (Protocol I)</i>	50
<i>Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II)</i>	50
<i>Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)</i>	54
<i>Hague Convention (VIII) Relative to the Laying of Automatic Submarine Contact Mines</i>	56
<i>Hague Rules of Aërial Warfare</i>	57
Prohibitions on Use of Chemical and Biological Weapons	57
<i>Hague Declaration (IV, 2) Concerning Asphyxiating Gases</i>	57
<i>Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare</i>	57
<i>Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction</i>	58

<i>Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction</i>	60
Prohibition on Use of Nuclear Weapons	66
<i>Declaration on the Prohibition of the Use of Nuclear and Thermo-Nuclear Weapons</i>	66
<i>Non-Use of Force in International Relations and Permanent Prohibition of the Use of Nuclear Weapons</i>	67
“Environmental” Warfare	68
<i>Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques</i>	68
<i>Protocol I Additional to the Geneva Conventions, 1977 Protection of the Environment in Times of Armed Conflict</i>	71
Prescriptions Concerning Civilian and Merchant Sea and Air Vessels	73
<i>Hague Convention (VI) Relative to the Status of Enemy Merchant Ships at the Outbreak of Hostilities</i>	73
<i>Hague Convention (VII) Relative to the Conversion of Merchant Ships into War Ships</i>	75
<i>Hague Convention (XI) on Restrictions with Regard to Right of Capture in Naval War</i>	76
<i>Proces-Verbal Relating to the Rules of Submarine Warfare Set Forth in Part IV of the London Naval Treaty of 1930</i>	77
<i>Hague Rules of Aërial Warfare</i>	78
Protection of Civilians; Rules About Bombardment	80
<i>Hague Convention (IV) Respecting the Laws and Cus- toms of War on Land, Annex to the Convention</i>	81
<i>Hague Convention (IX) Concerning Bombardment by Naval Forces in Time of War</i>	81
<i>Hague Rules of Aërial Warfare</i>	83
Genocide and Protection of Civilians	84
<i>Convention on the Prevention and Punishment of the Crime of Genocide</i>	84
<i>Protocol I Additional to the Geneva Conventions of 1949</i>	87
Prohibitions on Use of Force Against Cultural and Other Protected Property	94
<i>Hague Convention (IV) Respecting the Laws and Cus- toms of War on Land, Annex to the Convention</i>	94

<i>Hague Convention (IX) Concerning Bombardment by Naval Forces in Time of War</i>	94
<i>Hague Rules of Aërial Warfare 1922/23</i>	95
<i>Convention for the Protection of Cultural Property in the Event of Armed Conflict</i>	97
<i>Protocol I Additional to the Geneva Conventions of 1949</i>	105
<i>Text of Vietnam Rules of Engagement</i>	106
<i>Rules of Engagement</i>	128
Cessation of Hostilities	130
<i>Hague Convention (IV) Respecting the Laws and Customs of War on Land, Annex to the Convention</i>	130
 Chapter 3: Neutrality	 133
<i>Hague Convention (V) Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land</i>	134
<i>Rights and Duties of Neutral Powers in Naval War</i>	137
<i>Convention on Contact Mines 1907</i>	141
<i>Hague Rules of Aërial Warfare</i>	141
<i>Maritime Neutrality (Inter-American)</i>	143
 Chapter 4: Prisoners of War	 149
<i>Hague Convention (IV) Respecting the Laws and Customs of War on Land, Annex to the Convention</i>	150
<i>Geneva Convention (II) for the Amelioration of the Con- dition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea</i>	153
<i>Geneva Convention (I) for the Amelioration of the Condi- tion of the Wounded and Sick in Armed Forces in the Field</i>	168
<i>Geneva Convention (III) Relative to the Treatment of Prisoners of War</i>	179
United States of America v. Manuel Antonio Noriega	220
 Chapter 5: Belligerent Occupation	 231
<i>Hague Convention (IV) Respecting the Laws and Customs of War on Land, Annex to the Convention</i>	232

<i>Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War</i>	233
Al Affo and the Association for Civil Rights in Israel v. Commander of the Israel Defense Forces in the West Bank	283
Chapter 6: Terrorism	293
<i>Aviation: Offences and Certain Other Acts Committed on Board Aircraft</i>	294
<i>Suppression of Unlawful Seizure of Aircraft (Hijacking)</i>	294
<i>Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation</i>	296
International Terrorism	299
<i>Prevention and Punishment of Crimes Against Interna- tionally Protected Persons, Including Diplomatic Agents</i>	299
<i>International Convention Against the Taking of Hostages</i>	300
<i>Resolution Adopted by the United Nations General As- sembly to Prevent International Terrorism</i>	303
<i>Resolution Adopted by the United Nations Security Council Condemning Hostage-Taking and Abduction</i>	304
<i>Texts of the Statements Adopted by Leaders of Seven In- dustrial Democracies [At the Tokyo Summit Meeting, Concerning Terrorism]</i>	304
<i>Convention on the Marking of Plastic Explosives for the Purpose of Detection</i>	306
Tel-Oren v. Libyan Arab Republic	310
<i>Diplomatic Security and Antiterrorism Act of 1986</i>	315
Chapter 7: War Crimes	317
<i>Agreement By the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Gov- ernment of the French Republic and the Government of the Union of Soviet Socialist Republics for the Prosecu- tion and Punishment of the Major War Criminals of the European Axis</i>	318
Judicial Decisions	323

<i>International Military Tribunal (Nuremberg), Judgment and Sentences—October 1, 1946</i>	323
<i>International Military Tribunal (Nuremberg), Judgment and Sentences—September 30, 1946</i>	333
<i>Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and Judgment of the Tribunal</i>	335
<i>International Military Tribunal for the Far East</i>	337
<i>Judgment of the International Military Tribunal for the Far East: Findings on Counts of the Indictment</i>	337
<i>Yamashita v. Styer</i>	343
<i>Trial of Lieutenant General Kurt Maelzer</i>	351
<i>The Attorney-General of the Government of Israel v. Eichmann</i>	352
<i>The Law of Land Warfare</i>	356
<i>United States v. Staff Sergeant Walter Griffen</i>	357
<i>United States v. William L. Calley, Jr.</i>	362
<i>Draft Articles on State Responsibility</i>	371
<i>Article 19</i>	371
<i>The Commission of Inquiry into the Events at the Refugee Camps in Beirut</i>	373
<i>Prosecution and Punishment</i>	385
<i>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)</i>	385
<i>Investigation of Alleged War Crimes in the Former Yugoslavia</i>	386
<i>Interim Report of the Commission of Experts</i>	387
<i>Statute of the International Tribunal</i>	393
Chart of Multilateral Treaties	406
Index	433