

**Louis-Philippe F. Rouillard:**

### **Precise of the Laws of Armed Conflicts**

(review by Eszter Kirs<sup>1</sup>)

The author is a retired captain of the Canadian army and currently a PhD-student at the Pázmány Péter Catholic University in Budapest. Earlier he was a lecturer at the Royal Military College of Canada and served also as a civil-military relations officer in Bosnia-Herzegovina. This book was written by him first with the aim to instruct the officers of the Canadian Forces at the Royal Military College. It was published by the iUniverse, Inc. in 2004 in Lincoln, Nebraska.

Although it was later developed to a high scientific level, the book did not lose its practical approach, as it was originally written to military officers. It can be recognised on the personal address of the readers according to its main aim to draw attention to the necessity of respect towards International Humanitarian Law. It is a huge responsibility to clarify all the significant legal rules applicable in armed conflicts to those persons who will enforce them in reality. The author fulfilled this task to a large extent, both in methodological and in legal vocational point of view.

Louis-Philippe F. Rouillard created an easily understandable line of thoughts in his work. He introduced the Geneva and Hague Law in a clear systematic order beginning with the overview of the historical development of Laws of Armed Conflicts from the ancient times to the appearance of a stronger and global norm-system in the 19<sup>th</sup> century by the 1<sup>st</sup> Geneva Convention in 1864. Then he followed the further improvement of this field of law till recent times dealing with the relevant international treaties such as the 1868 St. Petersburg Declaration, the 1899-1907 Hague Conventions and the 1949 Geneva Conventions with its 1977 Additional Protocols. He did not only introduce the legal rules included in these documents, but devoted a chapter also to the legal nature of them and to the issue of the humanitarian legal norms of a *jus cogens* character.

In a significant part of the book the most important norms are discussed which protect the civilian population and property affected by armed conflicts in the field, at the sea and in the air. The cross-references in the text among the legal rules are easy to follow and ensure a

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compound overview of the system of these rules. Beyond outlining the legal rules and main principles in a theoretical way, the author refers continuously to examples of practice as well, that inspire the reader to recognise the inevitable necessity of these rules' enforcement. The book describes also the most actual steps in the development of International Humanitarian Law. For example, it mentions also the Third Additional Protocol to the Geneva Conventions about the recognition of an additional emblem alongside the red cross and red crescent, known as the red crystal which can be used free from any religious, political or other connotation. When the book was born it was just a plan, but now the idea is already brought about as the Additional Protocol was adopted in Geneva, on 8<sup>th</sup> December 2005.

The author shows his very critical point of view, for instance, regarding to the issue of use of nuclear weapons, the practice of the United States related to prisoner of war status regarding to the Al Queda and Taliban fighters detained in Guantanamo Bay and the problematic notion of "unlawful combatant". He discusses the statements of the United States also regarding to the right to anticipatory self-defence. In this respect he refers to the Caroline incident of 1837 and introduces its consequences in a deeply detailed way outlining numerous aspects of this legal and political problem. At the same time, he criticises also the recent political strategies and steps taken by the Bush Administration of the United States.

The topic of criminal jurisdiction in cases of war crimes is outlined by the author from the point of view of both the Canadian legal practice with numerous cases and international criminal jurisdiction. Louis-Philippe F. Rouillard devoted less words to the International Criminal Court but much more to the existence of *ad hoc* tribunals of an international character referring to the International Criminal Tribunal for the former Yugoslavia and for Rwanda, the Special Court for Sierra Leone, and dealing with the Iraqi Special Tribunal in a more detailed way.

Concluding my opinion about this book, I can say that it is an extremely valuable mean of dissemination of the knowledge on International Humanitarian Law in an appropriate way, and as such it is able to serve also the aim of Laws of Armed Conflicts, which is "*not to outlaw war but to regulate the conduct of hostilities and limit inflicted suffering as well as creating favorable conditions for a return to a durable peace.*"<sup>2</sup>

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<sup>2</sup> Louis-Philippe F. Rouillard: *Precise of the Laws of Armed Conflicts*. IUniverse, Lincoln, Nebraska, 2004. Page 5