

HUMANITARIAN AND SECURITY LAW

A COMPENDIUM OF INTERNATIONAL AND
EUROPEAN INSTRUMENTS

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Jan Wouters and Philip De Man

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PREFACE

This sourcebook *Humanitarian and Security Law: A Compendium of International and European Instruments* is intended as a comprehensive and orderly compilation of the most important legal instruments that pertain to armed conflicts and that are of use and interest to practitioners and researchers working in the areas of international and European humanitarian and security law.

The collection is unique in that it is the first compendium in its field that aims to methodically compile all relevant instruments on humanitarian and security law both at the international and the European level. The need for such a comprehensive approach is growing, given the ever-increasing embedding of traditional segments of the law of armed conflicts (international humanitarian law, *jus ad bellum* and weapon control law) in a broader context that spans the entire cycle from conflict prevention to crisis management and post-conflict reconstruction (including holding perpetrators to account) and the rapid rise of international legal instruments dealing with non-traditional security threats. The inclusion of 'European' instruments is fully justified given the activities of the North Atlantic Treaty Organization (NATO) and the Organization for Security and Cooperation in Europe (OSCE), as well as the progressive development of the European Union's (EU) Common Foreign and Security Policy and its Common Security and Defence Policy.

For this reason, the present sourcebook is organised in different sections. **Section I** contains a succinct presentation of the most fundamental documents of general international law that provide the basic framework for the specific humanitarian and security law instruments in the following sections. **Section II** addresses the following legal facets of armed conflicts, arranged in three main branches: (A) Traditional International Humanitarian Law, (B) Weapon Control and (C) Conflict Prevention and Peacebuilding. Each of these three subsections draws on a wide variety of relevant sources of humanitarian law, ranging from the Geneva Conventions and the Law of the Hague over resolutions of the United Nations Security Council and EU Council guidelines to recent legislative efforts such as the HPCR Manual on Air and Missile Warfare.

Section III focuses on the law of international and transnational crimes, covering all pertinent instruments on genocide, crimes against humanity, war crimes and terrorism, including the statutes of the various *ad hoc* and permanent international criminal tribunals that have become such prominent actors in the fight against impunity. Instruments of security law are collected in **Section IV**, which is the most 'European' in its aim and overall scope: it consists of a carefully selected compilation of documents emanating from the EU, NATO and OSCE. Finally, **Section V** compiles the most relevant excerpts for the purpose of the study of international humanitarian law of key judgments of the International Court of Justice and the *ad hoc* tribunals for the former Yugoslavia and Rwanda. The selected excerpts shed light on the interpretation of some of the legal instruments assembled in the previous sections.

The editors wish to gratefully acknowledge the help of Johan Heymans, whose dedication of time and effort in tracking down the most recent and official versions of the instruments compiled in the present sourcebook is greatly appreciated.

Prof. Dr. Jan Wouters

Philip De Man

Leuven, 12 January 2012

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