

INTERNATIONAL REVIEW of the Red Cross

Call for Papers

Military Perspectives on IHL

Deadline for Proposals: 30 September 2023

Confirmation of the status of your proposal: 31 October 2023

Deadline for Full Papers: 15 February 2024

International humanitarian law (IHL) – the body of international law that regulates armed conflict – represents a balancing of priorities that have often been seen as in tension: military necessity, on the one hand, and considerations of humanity, on the other. Inherent in this balancing is the idea that military necessity and humanitarian imperatives are equally valid priorities that can be accommodated under the same legal framework to achieve related goals – allowing the military to fight effectively while avoiding needless suffering and destruction.

Accordingly, the negotiation of IHL treaties involves diplomats, representatives of the humanitarian community, and the armed forces working together to find common ground. Without military participation in such negotiation, the resulting law would have difficulty achieving buy-in among those fighting wars. And absent the involvement of the humanitarian community, it is unlikely that IHL would be trusted to reduce armed conflict's brutality. By working together, the armed forces and the humanitarian community have crafted a body of law that effectively balances oft-competing priorities and optimizes military necessity and humanitarian considerations.

But, over the last few decades, this dynamic has been characterized by a growing proliferation of civilian experts who write about IHL in the public sphere – including in the *Review*. At the same time, there has been a decline in participation by members of the armed forces in the public IHL dialogue. As a result, the invaluable input of those with real-world experience in applying and implementing the law has weakened.

In response, the *Review* is launching this call for papers to encourage military practitioners to contribute their practical perspectives on key IHL issues. Therefore, we especially invite those with current or past military experience in the practical application or interpretation of IHL to submit proposals for contributions to the *Review* that deal with the rules governing armed conflict, including the conduct of hostilities.

Our overarching question is simple: What messages from the perspective of those with military experience does the *Review's* global audience of academics and humanitarians need to hear?

Your proposal can address a wide range of topics. We are interested in both reflective and practical (and potentially highly specific) papers.

On the practical side, for example, you might discuss:

1. How do you apply the rules of war in practice in modern armed conflict?

2. What topics deserve further regulation, and what should that regulation look like?
3. How do and should militaries consider and apply human rights law during armed conflict?
4. How do and should militaries review modern and emerging means and methods of warfare in the context of IHL?
5. How can militaries grapple with uncertainty in real-time during armed conflict, while still faithfully applying IHL – including in addressing the threshold of armed conflict and of when IHL applies?
6. To what extent do domestic law and policy influence both the battlefield and compliance with IHL?

On the reflective side, for example, you might explore:

1. What do legal advisors bring to the table in applying and implementing the laws of war?
2. Does IHL shorten or prolong armed conflict? Does IHL encourage or discourage peace?
3. What keeps a military lawyer awake at night?
4. In what format – general guiding principles or specific, restrictive provisions – are laws most useful in regulating armed conflict?
5. Have debates around IHL in fact become less representative of military experience?
6. What is the relationship, at the national level, between the Ministry of Defence and the Ministry of Foreign Affairs, and indeed other Ministries? Is this balance of power appropriate?
7. Why are military actors reluctant to engage with academic in modern debates on the laws of war?
8. As a senior military commander or lawyer, what does it take to successfully exercise thought-leadership on matters of the law of armed conflict, inside and outside the chain of command?
9. Is fighting in accordance with the law of armed conflict a legal, policy or ethical issue?
10. Where does the commander's responsibility for IHL compliance start and end?

Note that these suggestions are not exhaustive and are only meant to stimulate thinking – not to limit you.

Call for proposals

The *Review* calls for proposals about or representing, military perspectives on IHL for publication in Winter 2024. We particularly value proposals with a forward-looking perspective that offer recommendations to address current legal and humanitarian problems, as well as proposals that develop innovative and creative arguments that could impact future legal and policy debates.

Submitting your proposal

We invite interested individuals to submit an abstract of maximum 500 words and a biography of not more than 300 words by 30 September 2023. If invited to submit a paper, the target length is between 8,000 and 10,000 words (including footnotes). However, we are open to proposals for other formats (opinion notes, etc.). Our selection process will prioritize innovative proposals with clear potential to contribute to and advance legal and policy debates in the years ahead.

In the abstract, please include the following:

- title;
- main arguments you intend to develop; and
- an explanation of how your topic innovatively contributes to the existing literature and fits within the *Review's* editorial line (for further reference, please consult our Guidelines for Authors).

Please send these materials in a single Word document to review@icrc.org. Note that, in line with our ongoing commitment to provide space for a diverse array of voices in this field, we encourage submissions by established and emerging voices alike.

You will be notified as to the status of your proposal by 31 October 2023. If invited to submit a full-length article, a draft of your completed article will be due by 15 February 2024.

A jury will review submissions to this edition, the membership of which will be announced in the coming weeks.