

1998

The Handbook of Humanitarian Law in Armed Conflicts

Mark J. Conversino

Follow this and additional works at: <https://digital-commons.usnwc.edu/nwc-review>

Recommended Citation

Conversino, Mark J. (1998) "The Handbook of Humanitarian Law in Armed Conflicts," *Naval War College Review*: Vol. 51 : No. 3 , Article 14.

Available at: <https://digital-commons.usnwc.edu/nwc-review/vol51/iss3/14>

This Book Review is brought to you for free and open access by the Journals at U.S. Naval War College Digital Commons. It has been accepted for inclusion in Naval War College Review by an authorized editor of U.S. Naval War College Digital Commons. For more information, please contact repository.inquiries@usnwc.edu.

The second track is an analysis of CoCom's negotiations. The author uses Graham Allison's models, Irving Janis's "groupthink" theory, Paul K. Davis's and John Arquilla's "limited rationality" hypothesis, and concepts from Roger Fisher's and William Ury's problem-solving dynamics to explain the motivations of the U.S. negotiators that led to the sweeping decontrol decisions. In conclusion, he proposes an alternative model—cybernetics—as more suitable than "political haggling" for determining future technology transfer policies.

Leitner provides convincing evidence of how CoCom's decisions to decontrol various strategic technologies could result in a compromise of U.S. national security. However, his utilization of Allison's and other conceptual models to support his argument that the CoCom negotiations were "sub-optimized" is superficial and unconvincing. He has clumsily peppered his book with names and quotes from renowned group-dynamics theorists, moving with insufficient depth from one to the other in an attempt to justify his position. The result is an incomprehensible leap from analysis to conclusions. Notwithstanding this, Leitner raises some provocative questions. Should government representatives with limited expertise in science and engineering be determining public policy regarding increasingly complex technological matters? Can they fully understand the potential future ramifications of their decisions?

Leitner's book is timely reading for political scientists, students of national security policy, and government policy makers.

Carol J. Figerie
Naval War College

Ullman, Harlan K., and James P. Wade, with L. A. Edney et al. *Shock and Awe: Achieving Rapid Dominance*. Washington, D.C.: National Defense Univ., 1996. 199pp. (Available by request) Sponsored by the National Defense University's Advanced Concepts, Technologies, and Information Strategies directorate, a seven-member study group composed of distinguished scholars and retired general officers has sought to provide the national security community with a radically new military strategy for a rapidly changing world. The result of

their endeavor is *Shock and Awe: Achieving Rapid Dominance*, a futurist-oriented work that seeks "to explore alternative concepts for structuring mission capability packages . . . around which future U.S. military forces might be configured."

At the outset the authors sound a cautionary note. The military and political leadership of the United States, confronting an uncertain world and an era of rapid technological change, must abandon the current military-industrial structure born of World War II and the

Cold War. The authors seek to “replace or complement” the strategy of overwhelming force by exploiting the “revolutionary potential” of existing and emerging technologies for a new doctrine of “rapid dominance.” While, as the authors note, it is not a panacea, the objective of rapid dominance is to “impose [an] overwhelming level of Shock and Awe against an adversary on an immediate or sufficiently timely basis to paralyze its will to carry on.” Ideally, shock and awe would both paralyze and deter an opponent before the bullets fly. If deterrence fails, rapid dominance would “seize control of the environment and paralyze or so overload an adversary’s perceptions . . . that the enemy would be incapable of resistance at tactical and strategic levels.”

Unfortunately, it is the reader who is “shocked.” While the authors are all eminently qualified to expound on military affairs and strategy, the text is rambling, repetitious, and at times incoherent. The authors did not intend this to be a scholarly tome but expected their work to spark thought and debate. Yet a number of egregious errors call its credibility into question. The reader learns, for example, that “Operation Rolling Thunder III,” executed in November and December 1972, brought Hanoi back to the bargaining table, that terrorists bombed the “Kolbah barracks” in Riyadh in June 1996, and that the Israelis struck Syria’s nuclear reactors in 1982.

The evidence used to support the concept of shock and awe is uneven. The authors make a strong case for Germany’s blitzkrieg campaigns as an example of shock and awe, but sadly,

the book’s editors are obviously unfamiliar with that Wehrmacht strategy, consistently spelling the German word as “blitzkreig.” As in blitzkrieg, rapid dominance produces shock and awe through four elements, including “rapidity.” Yet the authors stretch their concept beyond credible limits, endowing the footslogging Roman legions with the ability to produce shock and awe. In an incomprehensible leap of logic, the Nazi Holocaust is classified a “state policy of Shock and Awe.” The authors also tell us that it would be hard to “overstate the importance of information dissemination within Rapid Dominance”; indeed, much of the book is devoted to the critical importance of this strategy of information-based technology. Yet in a warning against “overvisualizing” the concept, the reader is informed that rapid dominance “must still confront the fog of war.” While a prudent statement, it also casts doubt on the feasibility of the entire concept.

Shock and Awe offers a new strategy built from assertion and speculation, admittedly leavened with the authors’ practical experience. Indeed, at the end of the book retired generals Charles Horner and Frederick Franks and retired admiral L. A. “Bud” Edney provide the reader with insightful essays. Still, these brief appendices cannot salvage this work. Likewise, though the central proposition of *Shock and Awe* is valid, the principal authors have unfortunately cloaked some radical ideas in a poorly organized and edited treatise. Military professionals and national policy makers seeking new concepts for the nation’s defense will find them here—but

they will have to look past the text itself for the ideas it promulgates.

MARK J. CONVERSINO
 Major, U.S. Air Force

Fleck, Dieter, ed. *The Handbook of Humanitarian Law in Armed Conflict*. New York: Oxford Univ. Press, 1995. 589pp. \$135

In 1992 the German Bundeswehr issued its law of armed conflict manual, *Humanitarian Law in Armed Conflicts* (Joint Service Regulations 15/2). As an official statement of the legal norms that Germany (a key Nato member and pivotal player in the international arena) believes applicable in armed conflict, the manual necessarily helps refine, clarify, and reinforce the content of humanitarian law. *The Handbook of Humanitarian Law in Armed Conflict* complements this process; it is an unofficial commentary on the manual's provisions by an impressive array of European scholars and practitioners. Under the editorial direction of Dieter Fleck, the German Ministry of Defence's noted international law expert, the group has produced a comprehensive analysis of the subject, one which is easily equal to anything else currently available.

Christopher Greenwood opens the book with a superb chapter discussing the historical development of humanitarian law. Focusing first on the *ius ad bellum* (the law governing the resort to force), Greenwood broadly interprets the UN Charter Article 2(4) limitations on the use of force by restricting them to situations involving enforcement actions under Chapter VII or self/collective-defense under Article

51. He extends the latter right to actions against terrorists when the underlying terrorism would allow a forceful response if committed by a state. Greenwood also contends that self-defense may be undertaken anticipatorily (when the threatening act is imminent but still prospective), reasonably asserting that the real issue is not *whether* it is permitted but rather *at what point in time*. With regard to the controversial issue of humanitarian intervention, he guardedly suggests that the interventions to protect Iraqi civilians may reflect the emergence of a new permissive norm in response to "extreme humanitarian necessity."

Turning to the *ius in bello* (law governing activities during armed conflict), Greenwood argues that differences among Nato allies in the applicability of various treaty regimes, particularly Protocol I Additional to the Geneva Conventions, have been exaggerated. Citing disputes over reprisals and restrictions on striking dams, dikes, and nuclear electrical-generating stations, he suggests that they are in the end "unlikely to present insuperable obstacles for NATO." He also advances the proposition that in the Charter era, the principle of necessity—long a *ius in bello* principle limiting the amount of force used to that necessary to subdue the enemy—has taken on *ius ad bellum* implications. By his interpretation, articles 2(4) and 51 were intended to survive the outbreak of hostilities. Therefore, only that force necessary to defend oneself with sufficient surety is permitted, absent authorization otherwise as part of a Chapter VII enforcement action. This may or