DEVELOPMENTS

Conference Report – 30 Years Additional Protocols to the 1949 Geneva Conventions: Past, Present and Future

18th Conference of the Legal Advisors to the German Army and of the Representatives of the German Red Cross, 7 and 8 March 2008, Bad Mergentheim (Germany)

Konstantin Meljnik and Stefan Weiss[*]

A. Introduction

One of the cornerstones of the law of armed conflicts, known under the term of "international humanitarian law", is the so-called "Geneva Law". Bearing in mind the experiences of the Second World War, Geneva Law was an International Committee of the Red Cross (ICRC) initiative to focus codification on the protection of the individual from the ravages of war. Today it mainly consists of the four Geneva Conventions of 12 August 1949[1] and the two Additional Protocols of 8 June 1977[2]. However, since the end of the 1970s[3], further development of the codified body of international humanitarian law has slowed, not least because the

[*] Research Assistants at the Justus Liebig University Giessen. Email: Konstantin.Meljnik@googlemail.com, Stefan.Weiss@recht.uni-giessen.de.

[1] Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 12 August 1949, 75 UNTS 31; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949, 75 UNTS 85; Convention (III) relative to the Treatment of Prisoners of War, 12 August 1949, 75 UNTS 135; Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, 75 UNTS 287.

[2] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609.

[3] Recently, only the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) of 8 December 2005 has been adopted; see the Notification of the Federal Department of Foreign Affairs of Switzerland dated 4 January 2006, P.242.512.0.

https://doi.org/10.1017/S2071832200000468 Published online by Cambridge University Press

international community, given the number of armed conflicts taking place, has become reluctant to accept further obligations.

As a result, new momentum has only been generated by other areas of public international law which, however, have also influenced the development of international humanitarian law. For instance, in the field of disarmament and arms control law, the 1997 Mine Ban Treaty seeks to alleviate the detrimental effects of specific weapons used in armed conflicts and, hence, at the same time promotes one of the principal targets of international humanitarian law. Beyond that, progress in the field of international criminal law had a catalyzing effect on the development of international humanitarian law.

At the beginning of the 21st century, international humanitarian law faces new challenges, resulting *inter alia* from the introduction of modern, often information technology-based weapon systems and methods of warfare or the emergence of new kinds of asymmetrical conflicts between state actors and non-state trans-national terror organizations operating clandestinely. Thus, a thorough examination of the existing sources of international humanitarian law is still a matter of importance.

It was against this background that this year's Teinach Conference had been held. Organized for the 18th time by the German Red Cross (DRK), the Administration of Justice Department of the Federal Ministry of Defence, and the Institute for International Law of Peace and Armed Conflict, the conference took place between the 30th anniversaries of the signing[4] and the entry into force[5] of the Additional Protocols. Being a historically memorable date for the Geneva Law, the organizers took this opportunity to stimulate a discussion on the review as well as on the perspectives of the Additional Protocols.

B. Day 1

In her introductory presentation, Dr. Heike Spieker, Federal Convention Representative of the German Red Cross, underlined the relevance of the four Geneva Conventions and the two Additional Protocols which she referred to as the "constitution" of international humanitarian law. While the Conventions to date had been ratified by 194 state parties, and thus were backed by virtually the entire

[4] 10 June 2007.

[5] 7 December 2008.

https://doi.org/10.1017/S2071832200000468 Published online by Cambridge University Press

community of states, the Additional Protocols—with 167 and 163 ratifications respectively—came equally close to such universal validity. Aiming to fill existing gaps in the Conventions, with particular regard to the protection of the civilian population and the rules on the conduct of war, the Protocols were of particular importance.

Against this background, *Spieker* stressed that the community of states and the Red Cross had a common responsibility to examine whether the existing body of rules was still suitable to address new challenges or not. Questions currently discussed included the applicability of the Geneva Law on new kinds of conflicts and on combating terrorism, and with it the related distinction between civilians and combatants as well as the choice of the relevant rules applicable to deployments abroad. Although the advancement of the relevant rules should not be *per se* rejected, the given regulatory system had to be respected since it represented a value system comparable to the German constitution.

Spieker pointed out that during the 30th International Conference of the Red Cross the international community had basically affirmed the adequacy of the Additional Protocols. The Teinach Conference thus followed the tradition to benefit from partnerships and synergies between states, the Red Cross and university institutions in order to adequately implement, disseminate and improve international humanitarian law.

The first presentation, "The Principle of Distinction: Combatants and Participation in Hostilities", held by Prof. Dr. Thilo Marauhn, Justus Liebig University Giessen, stressed the particular importance of treaty law as the principal source of international humanitarian law. All efforts of generating new rules of humanitarian law notwithstanding, Marauhn argued that treaty law always reflects an explicit textual consensus of the international community. This, however, was not necessarily true for rules generated by international custom as it was, for instance, gathered by the ICRC's *Study on International Custom in the field of Humanitarian Law*[6].

Additionally, new treaty rules that had been set up outside of the codified regime of international humanitarian law in force today might end up in an erosion of the existing body of humanitarian law. This might soon be observed when

[6] CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME I: RULES, VOLUME II: PRACTICE (International Committee of the Red Cross ed., 2005).

humanitarian law is enforced by rules of the Rome Statute of the International Criminal Court, should those rules only differ marginally from each other.[7]
Marauhn then emphasized the importance of Additional Protocol I rules on combatants. He stated that Art. 43 and 44, which can be traced back to Art. 1 of the Regulations Concerning the Laws and Customs of War on Land and Art. 4A of Geneva Convention III, created a uniform notion of armed forces encompassing both regular and non-regular armed forces. This had finally clarified the classification of members of liberation movements in occupied territories as combatants granting them possible prisoners of war status at the same time, an issue of some controversy during decolonization.

However, the finally codified compromise had not been able to solve this issue for good for an exact differentiation had still been avoided. Thus, the wording of Art. 43 Additional Protocol I proved controversial again during the debate on the "War on Terrorism" and the notion of armed forces. Discussion here focused on the meaning of armed forces for illegal combatants and their status as prisoners of war. Therefore, though not all problems existing under the prior regime could have been dissolved, its range of application had at least been considerably broadened. That was always to be considered when interpreting the rule.

As regards the ICRC's Study, Marauhn stressed its value for the application and development of humanitarian law as such. Nevertheless, he pointed at several critical issues closely connected to the study's approach. One concerned methodological inconsistencies in establishing state practice, as national military field manuals were weighted in an undifferentiated manner within the study.[8] Furthermore, Marauhn criticized Rules 3 to 6 compiling existing custom on the status of combatants. He recognized an excessive interpretation of these rules as regards direct participation in hostilities, and considered this to be problematic as these rules served as an important means of differentiation between civilians and combatants.[9]

---

[7] See Art. 8 para. 2 (b) (i) of the *Rome Statute*: "Intentionally directing attacks against the civilian population as such or against individual civilians *not taking direct part* in hostilities" vs. Art. 51 para. 3 of Additional Protocol II: "Civilians shall enjoy the protection afforded by this section, unless and for such time as they *take a direct part* in hostilities" (emphasis added).

[8] See *International Committee of the Red Cross*, *supra* note 6, Introduction, xxv-li, at xxxii, in particular xxxviii.

[9] See *International Committee of the Red Cross*, *supra* note 6, Rule 6, 19-24, at 22.

This notwithstanding, the Study was still constituting a highly valuable means of interpretation for Art. 43 und 44 of Additional Protocol I. Identifying some most recent challenges for international humanitarian law, Marauhn, first, mentioned the "War on Terrorism" and stated that – at least in this context – there must not be any differentiation between combatants and illegal combatants.

Second, he highlighted that private individuals and private military contractors alike had become increasingly involved in hostilities. Their status as members of the armed forces of a party to a conflict was not always clear, which had made it difficult to assess the application of the framework set out by Art. 43 and 44.

Finally, raising some critical issues closely connected with the deployment of modern unmanned aerial vehicles, Marauhn doubted that when using these it would always be possible to adhere to the principle of distinction. Furthermore, he stated that it was still unclear whether the person in control had to be seen as taking a direct part in hostilities or not.

Summing up, Marauhn argued that the rules laid down in Additional Protocol I concerning the status of combatants had provided useful answers for problems in the past. To resolve future challenges, a careful textual analysis was required. For the codified rules contained a reliable and useful system of concrete universal values in the sense of the Martens Clause.

Prof. Dr. Michael Bothe, Chairman of the Commission on Humanitarian Law of the German Red Cross, delivered a presentation entitled "The Enforcement of Humanitarian Law – Red Cross, Civil Society, Penal Jurisdiction and Interstate Conflict Resolution". Bothe explained that, different from national law, the international law system lacks an authority with a monopoly on the use of force. As the enforcement of humanitarian law by physical force was not an option at the international level, other ways of law enforcement must be resorted to.

According to Bothe, three different strategies could be identified. One focused on enforcement by prevention, comprising the incorporation of humanitarian law rules by national legislation and the diffusion of relevant expertise by the International Red Cross Movement. Another strategy could be labeled as repressive as it made use of post-World War II developments in international criminal law. In this respect, the duty to national criminal prosecution, according to the universality principle, was of particular importance, the strict prohibition of reprisals in conventional law notwithstanding.

As typical examples for a strategy of diplomatic enforcement of humanitarian law, Bothe mentioned the concept of the protecting power as supervisory body and

inter-mediator having access to prisoners of war. Finally, the principles of state responsibility might serve as a means of enforcement when, for instance, a friendly agreement was reached under the auspices of an investigation commission in a case of an existing liability for damages due to a violation of treaty law.

Bothe then proceeded to the improvements to law enforcement contained in Additional Protocol I, which he rated to be rather marginal given the ambitious goals of the Geneva Diplomatic Conference. Due to the loss of practical relevance of the concept of the protecting power after World War II, it had been agreed on the so-called "Geneva Mandate" to be – in cases of doubt – exercised by the ICRC automatically. This approach, which had laid law enforcement in the hands of an impartial third party, had fallen prey to the deep mistrust between the former superpowers.

Worth highlighting was, according to Bothe, the establishment of the international humanitarian fact-finding commission, which, as a permanent body of the international community, served as an investigator for serious humanitarian law violations offering its investigative capacities to national criminal prosecutors. It was only due to its crucial weakness, the facultative clause establishing its jurisdiction, that as yet no single application for investigation by the Commission had been filed. This ran contrary to the high practical relevance the right to initiative of the ICRC had gained. The appointment of protecting powers had become increasingly obsolete the more the International Red Cross Movement had become the custodian and guardian of conventional law, now being the established "humanitarian superpower".

As a latest development Bothe recognized one he explained to be almost a proliferation of dispute settlement procedures. Thus, the Security Council was increasingly enforcing humanitarian law by setting up ad-hoc tribunals for the prosecution of war crimes. The same was true for the ICJ ruling on questions of humanitarian law in the case of *Congo v. Uganda*[10] and its recent Advisory Opinions on the Legality of the Threat or Use of Nuclear Weapons as well as the Israeli West Bank Barrier. In addition, Bothe referred to arbitral tribunals like the Eritrea-Ethiopia Claims Commission. The recognition of a parallel application of human rights law and humanitarian law offered the opportunity to enforce the latter by making use of individual remedies provided for in international human rights instruments. Considering this, even civil society might support law enforcement by supporting petitioners filing appropriate claims.

---

[10] *Case Concerning Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda), I.C.J. Report 2005, 168.

Dr. Knut Dörmann, Head of the ICRC Legal Division, started his presentation on "Additional Protocol II" with a brief outline of the genesis of the Protocol. At the beginning of the 1970s it had become apparent that given the increasing number of non-international armed conflicts, particularly with regard to national liberation movements in Africa after the end of WW II, Art. 3 of the Fourth Geneva Convention could not sufficiently provide for the protection of the civilian population. However, as attempts to reform the Convention in this respect proved to be unrealizable, the Diplomatic Conference agreed on the adoption of a second Additional Protocol relating to the protection of victims of non-international armed conflicts.

The Protocol provides, *inter alia*, fundamental guarantees for the humane treatment of persons who do not take a direct part or who have ceased to take part in hostilities (Art. 4), or whose liberty has been restricted (Art. 5), judicial guarantees (Art. 6), rules for the treatment of the wounded, sick and shipwrecked (Art. 7-12), as well as provisions for the protection of the civilian population (Art. 13-18). Dörmann pointed out that the legal treatment of non-international armed conflicts under humanitarian law had been highly controversial at that time since many states feared that such inclusion might pave the way for interference in their internal affairs. Due to these objections the scope of the Protocol was eventually reduced from 47 to 28 Articles.

Ever since its adoption it has been brought forward that, compared to Additional Protocol I, essential issues had not or only insufficiently been dealt with. Most notably, critics claimed that provisions on the conduct of war were too rudimentary, the status of combatants had been entirely excluded, and the implementation rules were merely superficial. However, Dörmann stressed that Additional Protocol II should not be assessed on a solitary basis.

Since the creation of the Additional Protocols, both public international law and customary international law had made considerable progress and particularly the ICRC's Study on Customary International Humanitarian Law identified rules applicable to non-international armed conflicts. It had to be considered that, in relation to Common Art. 3, the scope of Art. 1 para. 1 of Additional Protocol II was more restricted as it excluded from the applicability of the Protocol conflicts between non-state factions without the involvement of the government's armed forces and provides that the non-state belligerents must be able to exercise control over a part of the state's territory. For Dörmann, this restriction represented one of today's challenges to the future development of humanitarian law.

With regard to international terrorism, it had to be analyzed whether the fight against terrorism represented an international conflict or not. Additionally, there was a need for action to answer the question whether non-state actors might be granted the same combatant status as Art. 43 and 44 of Additional Protocol I provide for armed forces taking part in international armed conflicts. Dörmann stressed that, as long as non-state actors respected the basic rules of international humanitarian law, the option for exemption from punishment had to be guaranteed.

Furthermore, international humanitarian law partly suffered from a lack of regulatory density. Thus, in the case of arbitrary deprivation of liberty, Additional Protocol II did not provide any procedural rules for persons concerned and offered no definitions for elementary terms such as "civilian" or "direct participation in hostilities". However, the ICRC's Study could facilitate the interpretation of ambiguous terms.

Apart from content-related challenges, the implementation of international humanitarian law gave cause for concern. It could be observed that primarily non-state entities would not abide by the basic principles of the Geneva Law, which, for one thing, could be attributed to a lack of knowledge of the applicable rules, but also to insufficient training and the absence of disciplinary structures. Finally, the origins and objectives of ethical conflicts often ran contrary to the basic rules of international humanitarian law.

C. Day 2

The second day of the conference was opened by Dr. Katharina Ziolkowski, Legal Advisor and Operational Law Instructor, NATO School Oberammergau, who focused on "Computer Warfare and the Additional Protocols to the Geneva Conventions". Ziolkowski departed from the premise that modern wars were primarily characterized by the mode of warfare and the weapons used, with computer-controlled methods of warfare becoming more and more common.

Such "cyber warfare" ranged from the defense of cyber attacks, to computer-based gathering of information and the performance of cyber attacks, while cyber attacks could be understood as the alteration, suppression, or deletion of electronic data. Potential targets of cyber attacks included, *inter alia*, military orders, data bases, or internet communication, as well as the functioning of public infrastructures, such as water and energy supplies, traffic infrastructure, or financial, judicial and administrative institutions.

Although cyber attacks were not per se directed at human beings, they, however, had the potential to indirectly cause severe injuries or even lead to death, if they were, for example, aimed against a nuclear plant's cooling system. Furthermore, the growing dependence of public institutions on IT systems allowed for cyber attacks to sometimes have devastating effects. Thus, the cyber attack directed at Estonia in spring 2007 in parts massively affected banks, public authorities, parliament, police and governmental as well as private institutions for a period of several weeks.

Besides the defense of such attacks, notably the identification of its originators caused difficulties. Worldwide computer networking and cross-border data flow allowed cyber attackers to remain largely anonymous. Additionally, various tools existed that help attackers obscure their IP address and thereby hide their identity, so that, for example, it remained unclear to date who had been responsible for the cyber attack against Estonia.

Ziolkowski further raised the question whether cyber attacks had to be qualified as armed attacks as understood under the Additional Protocols, and asserted that, when evaluating the nature of an activity concerned, not only the methods applied but also the impacts caused had to be examined. Accordingly, a cyber attack would amount to a quasi-armed attack if human beings or valuable tangible assets were affected, whereas in the case of theft or deletion of individual data such classification had to be declined.

Ziolkowski emphasized that despite the lack of express regulation of cyber attacks, the Additional Protocols showed a remarkable degree of progressiveness and could be applied to circumstances which had not been considered by the Diplomatic Conference when preparing the Protocols in 1977. As an example, she referred to Art. 38 and 39 of Additional Protocol I and to Art. 12 of Additional Protocol II, the purpose of which is to prohibit the misuse of a group's identity and consequently comprised the concealment of one's electronic identity. Moreover, cyber attacks were also subject to the prohibition of perfidy as contained in Art. 37 of Additional Protocol I and, according to Art. 48 of Additional Protocol I and Art. 13 of Additional Protocol II, should not be directed against the civilian population, but only against military objectives.

In this context, the problem was discussed whether the internet constituted a military target. Ziolkowski noted that it had to be examined in each particular case whether a data transmission served a military purpose, which could, *inter alia*, be the case if the opposing party's telecommunication were channeled via internet. Given the degree of reliance of civil and public institutions on international IT systems, Ziolkowski concluded that computer controlled methods of warfare were becoming more and more important in armed conflicts.

Contrary to conventional strategies of warfare, cyber warfare had the advantage of being territorially independent and economically more efficient, with only few individuals needed for the performance of an attack. However, the observation of the Protocols revealed that their inherent protective purpose was timeless and, despite several questions remaining yet unanswered, the Protocols still mattered, even in the age of computer warfare.

Following Ziolkowski's presentation, Dr. Stefan Weber, Head of Division 4 at the Center for Internal Command of the German Armed Forces, elaborated on "Review of Weapons under Additional Protocol I and non-lethal weapons" and argued that no explicit definition of non-lethal weapons (NLW) existed in international humanitarian law. Having said that, Weber sketched out the basic components of the term he claimed to be understood broadly.

One characteristic of NLW was that they were not necessarily used with the purpose to kill, but rather to stop or hinder a person from moving, to provoke disorientation, or to dissipate crowds. Though killing was not intended in the first place, a target might still suffer serious injuries or even die upon application. As NLW were not employed as a method of warfare only, but also used in peace or police missions, there was a high risk that both violators and innocent bystanders were hit.

NLW were thus designed to fill the gap between firearm and baton, and there was a great variety of NLW which might affect either the body, the mind or the senses of a target. Weapons affecting the body embraced rubber and other pressure projectiles, capture nets, sticky foam encapsulating the corpus, and tasers, while teargas, acoustic weapons, and flash bangs aimed at a person's senses. Simultaneous impacts on multiple senses were intended by NLW that affect a target's mind, and even moral influencing experiments based on the use of radiation and waves were reported. Finally, anti-materiel weapons included microorganisms that degrade metals, plastics, fuels, and coats of paint, while microwaves might be used for electromagnetic disturbances in order to deny enemy radio communication.

While, according to conventional law, NLW were not banned completely, there existed some restrictions which needed to be carefully observed. Rules related to certain categories of weapons were contained in the 1886 St. Petersburg

Declaration,[11] the 1972 Biological Weapons Convention,[12] the 1980 Convention on Certain Conventional Weapons[13] as amended in 2001,[14] and the 1993 Chemical Weapons Convention.[15] Additional restrictions flowed from general clauses as formulated in Art. 23 of the 1907 Regulations Concerning the Laws and Customs of War on Land[16] and Art. 35 of Additional Protocol I.

Regarding the introduction of a new weapon, the duty to determine whether its employment would be prohibited by the Protocol or by any other rule of applicable international law contained in Art. 36 Additional Protocol I would have to be observed. This duty had been, however, relatively unknown for a long time, and compliance with it had been consistently neglected, before a change had been brought about as a result of the ICRC sponsored SIrUS Project studies.[17] These had shed some light on the terminology used in Art. 35 para. 2 of Additional Protocol I by developing objective criteria for the manifestation of "superfluous injury" and "unnecessary suffering", which were based on medical experiences made with patterns of injuries in the field. These so-called "SIrUS criteria" were designed to assist states in setting up enhanced and standardized national mechanisms for the study provided for in Art. 36 of Additional Protocol I.

In cases of weapons inflicting, by their very nature, damages exceeding these criteria, their military benefits should be balanced against these damages and, if necessary, alternatives ought to be checked. However, the respective audit was not monitored by an autonomous authority, and the responsibility of its performance was rather resting with the states themselves. Therefore, as many states feared

---

[11] Declaration Renouncing the Use, in Time of War, of Explosive Projectiles under 400 Grammes Weight [St. Petersburg Declaration], 29 November 1868, 1 AJIL Supplement 95-96 (1907).

[12] Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972, 1015 U.N.T.S. 163.

[13] Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurous or to Have Indiscriminate Effects, 10 October 1980, 1342 UNTS 137.

[14] Amendment of Article 1 of the CCW Convention, adopted at the Second Review Conference of the States Parties to the CCW Convention, 21 December 2001, Doc. CCW/CONF.II/2.

[15] Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, 13 January 1993, 1974 UNTS 45.

[16] Convention (IV) Respecting the Laws and Customs of War on Land, 18 October 1907, and its Annex: Regulations concerning the Laws and Customs of War on Land, 2 AJIL Supplement 90-117 (1908).

[17] The acronym SIrUS stands for "Superfluous Injuries and Unnecessary Suffering".

espionage in defense industry matters, there were worries about the degree of compliance with that duty. In any event, it was the SIrUS project that had helped to make the rules laid down in Art. 36 of Additional Protocol I to be generally known today.

Under the heading "International Humanitarian Law, Terrorism and New Mindsets – The Protocol Question", Harvey Rishikof, Professor of Law and National Security Studies at the National War College in Washington, looked at recent developments of international humanitarian law from an US perspective. Rishikof observed that US foreign policy had taken a remarkable turn. While in the past the United States used to be one of the driving forces behind the development and promotion of public international law, in recent years the will to join international development processes had become more and more reluctant.

Most recently, the US refusal to ratify the Kyoto Protocol and the Rome Statute of the International Criminal Court gave rise to worldwide discussions. With regard to the respect for international humanitarian law it had to be noted that until the present day the United States refused to ratify the Additional Protocols, so that binding obligations only resulted from the four Geneva Conventions as well as from other relevant agreements such as the Hague Convention for the Protection of Cultural Property In the Event of Armed Conflict.

At present, especially the determination of the status of combatants and the related question of direct participation in hostilities poses problems, which, however, had to be resolved on a case-by-case basis. Rishikof underlined that all military measures had to follow the rule of proportionality and the rule of military necessity, for example regarding attacks against military objects shielded by civilians or in the case of so-called "targeted killings".

In the context of "War on Terrorism", particularly the "privatization of the battlefield" posed new challenges. Private military contractors who were increasingly being employed by the United States gave rise to the question of identifying which duties existed for those private entities and which legal means could be adopted in case of misbehavior. Legal instruments applicable in this regard included the US Military Extraterritorial Jurisdiction Act and the War Crimes Act of 1996. Beyond that, the determination of the legal status of illegal combatants caused difficulties. In this respect, Rishikof referred to the Military Commissions Act of 2006 which could be understood as a reaction to the decision of the Supreme Court of the United States in the matter of *Hamdan v. Rumsfeld*.[18]

[18] 548 U.S. 557 (2006).

D. Conclusion

Emphasizing that during the past 30 years the Additional Protocols had considerably expanded the scope of protection of international humanitarian law, however, both the presentations and discussions were far from delivering nicely wrapped birthday presents. New kinds of conflicts, steadily evolving methods of warfare, international terrorism and non-state actors involved in hostilities only represent a selection of the variety of legal questions currently discussed by politicians, practitioners and academics alike. Even though the Additional Protocols cannot provide definite answers to all questions ahead, they constitute an elementary and reliable set of codified rules which have found widespread acceptance in the international legal society. Additional instruments such as the ICRC's Customary Law Study as well as new emerging treaty law concerning, on the one hand, specific weapon systems and, on the other, rules of international criminal law functioning as a catalyst for humanitarian law rules provide valuable sources in a world that faces new emerging political difficulties in finding solutions between political blocks which were already believed to have been overcome for years. Therefore, this somewhat sectoral approach which can currently be identified in international humanitarian law may serve as a promising means to further develop the system which is needed to find answers for the challenges ahead.