

THE MANUAL OF THE LAW OF ARMED CONFLICT (JOINT SERVICES PUBLICATION 383) – AMENDMENT 6

The text¹ of the Manual of the Law of Armed Conflict should be read in the light of the following amendments:

Insert/delete the following text as indicated.

Chapter 12

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1. In paragraph 12.4, line 3, delete “2000” and insert “2009”.
2. Delete text of footnote 1 and insert “SI 2009/3015.”
3. Delete text of footnote 2 and insert “SI 2009/3015, Sch 3, part I.”
4. In paragraph 12.4.1, delete “remotely piloted vehicles (RPVs)” and insert “pilotless flying machines”.
5. Delete text of footnote 3 and insert “SI 2009/3015, Art 256(1)(b).”
6. In paragraph 12.4.1, lines 4 to 6, delete “The Naval Discipline Act 1957, the Army Act 1955 and the Air Force Act 1955 state that an aircraft is ‘any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon’.” Insert “The Armed Forces Act 2006 states that an aircraft is ‘any machine capable of flight (whether or not propelled by mechanical means), including any description of balloon’.” Retain footnote annotation 4.
7. Delete text of footnote 4 and insert “AFA 2006, s 374.”

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8. In paragraph 12.4.1, lines 6 to 11, delete “The following definition of aircraft in certain annexes to the Convention on International Civil Aviation 1944 (the Chicago Convention), ‘Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface’ excludes hovercraft.” Insert “The following definition of aircraft is adopted in certain annexes to the Convention on International Civil Aviation 1944 (the Chicago Convention): ‘Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface’. This excludes hovercraft.” Retain footnote annotation 5.

¹ All page and paragraph references refer equally to the Binder and OUP versions – pagination is identical. There is, however, some discrepancy in the Appendices.

9. In footnote 5, delete text and insert “J David McClean (ed), *Shawcross and Beaumont Air Law* (2011) IV-1.”
10. In Table 12.1, in the third column, delete the brackets around “flying machines”. In the fourth column, delete “Aeroplane (Self-launching)” and “Motor glider”. Insert “Aeroplane (Self-launching motor glider)”.
11. In paragraph 12.6, after “private service.”, insert footnote annotation 6bis. Delete “(Definition adapted from the San Remo Manual).” Insert new footnote, “6bis Adapted from SRM 13(m).”

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12. In paragraph 12.6.2, line 1, delete “Civil” and insert “During armed conflict, civil”.

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13. In footnote 13, delete “The UK Air Navigation Order, see para 12.4, refers to foreign military aircraft as ‘the naval, military or air force aircraft of any country’. The elements in this definition are useful in identifying such aircraft.” In line 3, delete “Military aircraft in the UK” and insert “UK military aircraft”.
14. In footnote 15, delete text and insert “SI 2009/3015, Art 255(1).”

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15. In footnote 25, add “See also para 12.28 et seq.”

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16. In paragraph 12.17.1, line 4, delete the inverted comma before “states” and insert before “must”.

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17. In footnote 34, delete “para 5.4” and insert “para 5.4.1”.

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18. In paragraph 12.26b, delete “must not be attacked” and insert “must not be made the object of attack”.
19. In paragraph 12.26f, delete “specially” and insert “specifically”.
20. In paragraph 12.26i, after “avoid” insert “or minimise”.

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21. In footnote 50, delete text and insert “See para.12.10.1”.

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22. In footnote 55, delete “Various activities may render enemy civil aircraft military objectives including engaging in acts of war, transporting troops or military cargo, engaging in the enemy’s intelligence gathering system, or refusing to identify itself or divert from its track, see SRM 63” and insert “See also para 12.37”.

23. In paragraph 12.39, line 1, delete “12.29” and insert “12.28”.

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24. In footnote 71, delete text and insert “See Hague Rules 1923, Art 18 and para 6.10.2”.

25. In paragraph 12.52, delete “paragraphs 6.13 and 6.14” and insert “paragraph 6.14”.

26. In footnote 74, delete text and insert “See para 6.15.”

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27. In footnote 78, delete “Art 49(4)” and insert “Art 49(3)”.

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28. In footnote 91, line 1, delete “12.51” and insert “12.67.1”.

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29. In paragraph 12.71, delete “unlawful combatant” and insert “unprivileged belligerent”.

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30. In footnote 101, delete “hold” and insert “be provided with”.

31. In paragraph 12.72.1, line 4, delete “Chapter 8” and insert “paragraph 8.3”.

32. In footnote 104, delete “See, eg, AFA 1955, s 25(1)(c). A person subject, in this instance, to air force law” and insert “See AFA 2006, s 5. A person subject to service law”.

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33. In paragraph 12.76, line 4, delete “paragraph 13.111” and insert “paragraph 13.94”.

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34. Delete footnote 113 in its entirety.

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35. In paragraph 12.98, line 3, delete “paragraph 12.43” and insert “paragraph 12.43.1”.

36. In paragraph 12.98e, delete “naval” and insert “military”.

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37. In footnote 136, delete “,(i)” and insert “and (j)”.

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38. In paragraph 12.106, delete “or red crescent” and insert “, red crescent or red crystal”.

Chapter 13

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39. In paragraph 13.5m, delete “neutral” and insert “neutral state”.

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40. In footnote 32, line 2, delete “para 5.4” and insert “para 5.4.1”.

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41. In paragraph 13.30, line 4, after “military necessity” insert “and carried out wantonly”.

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42. In paragraph 13.32.1, delete all text and insert “In relation to additional precautions regarding attacks on civil aircraft, see paragraphs 12.36 and following in respect of enemy civil aircraft and paragraphs 12.43 and following in respect of neutral civil aircraft.”

43. In paragraph 13.33d, delete “or red crescent” and insert “, red crescent or red crystal”.

44. In footnote 44, add “The UK is not yet a party to the 1954 Convention, see para 5.26.”

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45. In paragraph 13.33.1, lines 4 to 5, delete “or red crescent” and insert “, red crescent or red crystal”.

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46. In paragraph 13.65, insert at the beginning, “Blockade is the blocking of the approach to the enemy coast, or a part of it, for the purpose of preventing ingress and egress of vessels or aircraft of all states.”

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47. Delete paragraph 13.81 and footnote 95 in their entirety.

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48. In paragraph 13.100e, amend to read “vessels charged with religious, non-military scientific or philanthropic missions (vessels collecting scientific data of likely military application are not protected);”.

49. In footnote 118, delete “See also n 103.”

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50. In footnote 122, delete “See also n 108.”

51. In paragraph 13.107, add “Contraband is defined as goods which are ultimately destined for territory under the control of the enemy and which may be susceptible for use in armed conflict.” At end of additional text insert new footnote annotation, 123bis. Insert new footnote, “123bis SRM 148.”

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52. In paragraph 13.117, delete “13.39” and insert “12.28”.

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53. In footnote 135, delete “*Prisoner of War Handling* (JWP 1-10, 2001), Annex 3c” and insert “JDP 1-10 *Captured Persons*”. After “Ch 8” insert “of this Manual”.

54. In paragraph 13.120c, delete “13.41, 13.43, 13.47, or 13.49” and insert “12.37, 12.43.1, 13.41 or 13.47”.

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55. In footnote 142, delete “paragraph 13.128” and insert “para 13.125”.

17 November 2011