THE MANUAL OF THE LAW OF ARMED CONFLICT (JOINT SERVICES PUBLICATION 383) – AMENDMENT 7

The text 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 14**

**Page 375**

1. In paragraph 14.1, insert new first sentence “A peace support operation is defined as ‘[a]n operation that impartially makes use of diplomatic, civil and military means, normally in pursuit of United Nations Charter purposes and principles, to restore or maintain peace. Such operations may include conflict prevention, peacemaking, peace enforcement, peacekeeping, peacebuilding and/or humanitarian operation.’[[Insert notation to footnote 1]]”


**Page 376**

4. In paragraph 14.3, line 3, delete footnote annotation 1 and insert annotation 1bis. Amend footnote 1 to read footnote 1bis.

**Page 377**

5. In paragraph 14.8, line 3, after “other international organization”, insert “(e.g. NATO)”.

6. In paragraph 14.8, line 10, “only states” and insert “it is principally states that”. At the end of the paragraph before annotation to footnote 5, add “International tribunals may also have jurisdiction in particular circumstances.”

**Page 379**


8. In footnote 15, line 2, before “arrested”, delete “have”.

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.
Chapter 15

Page 382

9. In paragraph 15.1(b), line 4, after “over”, insert “a”.

10. In paragraph 15.1(b), line 5, at the end of the quotation, insert notational mark “1bis”. At bottom of the page, insert new footnote “1bis. Additional Protocol II 1977(AP II), Art 1(1).”

Page 383

11. In footnote 8, Delete “Additional Protocol II 1977 (AP II)” and insert “AP II”.

Page 384

12. In paragraph 15.2.5, line 6, after “Germany”, delete “; and” and insert “together with”.

Page 385

13. In footnote 19, line 3, after “unless”, insert “an international tribunal such as”.

Page 386

14. In paragraph 15.4, in the quote from Common Article 3(1)(d), line 2, delete “judgement” and insert “judgment”.

15. In footnote 21, delete “Algerian Revolutionary Front (FLN)” and insert “National Liberation Front (FLN)”.

Page 387

16. In paragraph 15.6, delete the heading “Combatants and non-combatants” and insert “The principle of distinction”.

17. In footnote 25, line 1, after “Art 3.”, insert “See also para.5.3.”

18. In paragraph 15.6.2, lines 3 to 4, delete “dissident combatant” and insert “member of dissident armed forces”.

Page 388

19. In paragraph 15.6.4, line 2, delete “a combatant or a civilian” and insert “a direct participant or not”.

forces, States Parties are obliged to raise their recruitment age to a minimum of 16 (Article 3), their conscription age to 18 (Article 2) and “shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities” (Article 1). The Protocol has been signed and ratified by the UK, subject to a Declaration on specific situations where excluding the deployment of members of its armed forces under the age of 18 may not be feasible.”

Page 389

21. In paragraph 15.9, line 2, after “importance” add “so as to amount to military objectives”.

Page 390

22. In paragraph 15.13, delete “or red crescent” and insert “red crescent or red crystal” In footnote 33, add “See also APIII.”

23. In paragraph 15.15, delete “targets” and insert “objectives”.

Page 391

24. In paragraph 15.16.1, lines 4 to 5, delete “are being used for military purposes” and insert “have become military objectives”.

Page 393

25. In paragraph 15.21, line 2, delete “objects such as”.

26. In paragraph 15.22, line 2, before “minimize” insert “avoid or at least”.

27. In paragraph 15.22.1, line 4, delete “15.21” and insert “15.22”.

Page 394

28. In paragraph 15.25.1, line 8, before “minimize” insert “avoid or at least”.

29. In footnote 52, delete text and insert “See paras 15.19 and 15.19.1”.

Page 395

30. In paragraph 15.28, line 1, delete “It” and insert “In particular, it”.

32. In paragraph 15.29.1, line 6, delete “or red crescent” and insert “red crescent or red crystal”.

Page 396

33. In footnote 66, delete “15.30(d)” and insert “15.30(f)”.

Page 404

34. In footnote 103, delete “7.33” and insert “7.31”.

Page 405

35. In paragraph 15.48, after “red crescent,” insert “red crystal,.”

Page 407

36. In paragraph 15.54, line 1, before “red cross”, insert “national”.

Chapter 16

Page 412


Page 413

38. In footnote 16, delete all text after “AP I, Art 82.” and insert “In the UK this is mainly achieved through the service legal branches. The ‘appropriate level’ will depend on the circumstances but will usually include maritime, land and air component commanders and joint task force commanders at the Brigade or equivalent level. See JDP 3-46, Legal Support to Joint Operations.”

Page 415

39. In paragraph 16.10.2, line 1, after “It”, insert “is”.

Page 416

40. In paragraph 16.11.1, last line, delete “the same” and insert “a similar”.

Page 418

41. In paragraph 16.13.1, delete last sentence and insert “Military commanders must ensure that the unique role of the ICRC is understood and taken into account during military operations”.

Page 419

42. In paragraph 16.17a, line 2, delete “combatants” and insert “personnel”.
43. In footnote 88, add “This would include the red crystal”.


45. In footnote 111, add “This would include the red crystal.”

46. In footnote 121, delete “Army Act (AA) 1955, s 30” and insert “Armed Forces Act 2006, s 4”.

47. Delete text in paragraph 16.29c and insert “improper use of a privileged building for military purposes;”. Retain annotation to footnote 122.

48. In footnote 130, delete “8.114” and insert “8.115”.

49. In footnote 134, add “These Regulations are in the process of being updated. Provision has now been made for a replacement Royal Warrant in Armed Forces Act 2006, s.371A.”

50. In paragraph 16.30.2, line 14, delete “their own service disciplinary code” and insert “the Armed Forces Act 2006”.

51. In paragraph 16.30.3, lines 6-7, delete “except when they are committed within the United Kingdom”. Retain annotation to footnote 139. In footnote 139, delete text and insert “These are now “Schedule 2” offences, see Armed Forces Act 2006, Schedule 2, para 12(aq).”

52. In paragraph 16.31.1, delete all text apart from the final sentence. Insert: “In the United Kingdom, extradition is governed by the Extradition Act 2003. The applicable procedure depends on whether the extradition is governed by the European Arrest Warrant (that is, to Category 1 territories) or by other extradition arrangements between the UK and another state (Category 2 territories).” Delete footnotes 141 and 142.
53. In paragraph 16.33.2, line 1, delete “will have” and insert “has”.

54. In paragraph 16.33, delete text in its entirety and insert “The court has jurisdiction over genocide, war crimes and crimes against humanity. It will also have jurisdiction over the crime of aggression though this cannot be before 2017 at the earliest. [footnote annotation 162]. In footnote 162, after “Art 5” add “and 15bis”.

Page 432

55. In paragraph 16.34, line 1, delete “Article 8” and insert “Article 8(2)”.

56. In footnote 163, line 2, delete “Kingdon” and insert “Kingdom”.

Page 434

57. After the italicised heading to Article 8(2)(e), insert footnote annotation “165 bis”. Insert new footnote “165 bis. See Rome Statute, Art 8(2)(f).”

Page 435

58. In paragraph 16.34, at the end of the paragraph, insert footnote annotation “166bis”. Insert new footnote “166bis At a Review Conference in 2010, amendments, which have not yet been ratified by the United Kingdom, were made to the list of crimes under Art 8(2)(e) to include employing poison or poisoned weapons, employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices, and employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions.”

Page 438

59. In paragraph 16.38, lines 5 to 6, delete “But failure to do so does not of itself give rise to criminal responsibility.”

Page 440

60. In paragraph 16.41.1, lines 6 to 7, delete “Of course, the excuse of mistake may wear thin if raised in case after case, especially” and insert “The defence of mistake will be more difficult to argue”.

Page 444

61. In footnote 213, add “These Regulations are in the process of being updated. Provision has now been made for a replacement Royal Warrant in Armed Forces Act 2006, s.371A.”

Page 445
62. In footnote 215, delete “To the contrary in internal armed conflict, see AP II, Art 6(5).” and insert “In internal armed conflict, AP II, Art 6(5) is not considered to apply to international crimes.”

17 May 2013