

Ethics, Human Rights, and the Law of Armed Conflict

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Abstract :

Occasionally, there is a view echoed by some 'operators,' the 'real soldiers,' that the Law of Armed Conflict (LOAC) does not lend itself to effective application in operations. They view the law devoid of any value in itself. As a result, they act in a manner consistent with the minimal letter of the law, but eschew its spirit. By doing so, their actions might meet the legal requirements to avoid prosecution, but do not fully respect the intent of the law and the values that it encompasses. Sometimes, a given situation does not meet even the minimal requirements. Examples from the last few decades abound, and do not need retelling here. This article will counter that the LOAC is not a 'stand-alone benchmark' requiring a minimal 'pass or fail grade,' but rather, it is a wider set of law that incorporates the values of professional soldiers and of society-at-large. I will demonstrate this in three parts. First, I will show the link between the LOAC, professionalism, and ethical obligations. Then, I will demonstrate how this translates into firm obligations for service members to conform to legal norms that are applicable at all times, such as international human rights. Finally, I will conclude with a demonstration of the application of ethical values and principles in operations through the prism of the law.

Key Word :

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