

# **Research Group on the Law of Armed Conflict and Military Operations (LACMO)**

## **Research Objectives, Activities and Goals 2017-2021**

### **Background**

The Research Programme “Role of Law in Armed Conflict and Peace Operations” (LACPO) was initiated in 2007 as an independent programme within the Amsterdam Center for International Law (ACIL). It was prolonged in 2010 and again in 2013 after two successive favourable external evaluations, in each case for periods of three years. In 2017, a new period commenced in which ACIL decided to no longer position its research inside a programme, but rather to organize its research around a series of projects. This along with other changes led to the necessity of restating and where necessary adapting the LACPO Programme to the new ACIL organizational structure and to new research opportunities. The objectives, structure and activities for the period 2017-2021 are set out below.

### **Structure and Composition**

The Research Group has renamed itself to indicate the wider scope of its focus which has increasingly included a broader spectrum of military operations than peace operations, including military cyber operations. LACMO, short for Law of Armed Conflict and Military Operations, is an autonomous research group within ACIL which is responsible for determining its own research priorities and performance indicators within overall faculty guidelines, conducting its own projects and entering into cooperation with similar research groups and institutions both inside the Netherlands and abroad. As a part of ACIL, its members are members of ACIL and take part in its internal and outreach activities and are included within ACIL for purposes of (external) assessment. However, as an autonomous research group it pursues its own distinct strategy and projects and differs markedly from the rest of ACIL in its composition and structure in a number of respects. Most of its members are not directly employed within the University of Amsterdam and are funded by other sources, in particular the Ministry of Defence, but also other institutions, or are in some cases self-funding. Additional funding of projects includes research grants provided through indirect funding and (partial) funding of specific researchers and research projects within the programme through contract research (TNO, Carnegie Corporation, Ministry of Defence). This includes the PhD candidates who are all externally financed, although their supervision is (partly) conducted from within the Amsterdam Law School.

The research group consists of about 20 persons, some of whom are internationally recognized scholars in the field of public international law, cyber security law, conflict and security law and international humanitarian law. The junior members of the research group are primarily PhD candidates, many of whom are serving officers in the Military Legal Service of the Netherlands armed forces. The research group is under the leadership of Professor Terry Gill who holds the chair of military law at the University of Amsterdam and at the Netherlands Defence Academy. The research group leader is responsible for the overall strategy, development, evaluation and for the general content of the research conducted within the research group. The Deputy Directors of the research group are Prof. Paul Ducheine, professor of The Law of Military Cyber Operations at the University of Amsterdam and of Cyber Operations and Cyber Security at the Netherlands Defence Academy, and Prof. Dr. Eric Myjer, emeritus professor of Conflict and Security Law at Utrecht University. The junior members are largely comprised of staff members of the Netherlands Defence Academy (NLDA) which is an accredited academic institution under Netherlands law, but does not possess the

status of a university entitled to confer doctoral degrees. The NLDA and ACIL have a cooperation agreement since 2006 by which members of the academic staff of the NLDA engaged research in a relevant area of law are members of the LACMO research group and thereby of ACIL. Other persons members of the research group are employed at a variety of other institutions, such as the International Criminal Court, The Kosovo Special Chambers and The Ministry of Foreign Affairs. The personnel is roughly evenly balanced between senior members ( having completed a PhD) and junior members engaged in PhD research.

### **Overall Strategy**

The research is organized around a number of broad themes, each of which contains a number of projects. These are:

- Legal bases for the use of force and military operations: old law and new challenges;
- International humanitarian law and human rights law in contemporary armed conflicts: challenges, dilemmas and prospects;
- The development of international military operational law as a new sub discipline within public international law and its relationship with and contribution to public international law;
- Cyber warfare and cyber security; applying international law to new security challenges from a military perspective
- New technologies and armed conflict: weapons of the future and the law of the past.

The primary aim of the research group and focus of the research programme is to investigate the role of law, in particular public international law, in relation to a wide variety of military operations and security challenges. It is aimed at exploring and explaining the legal bases and regimes which are applicable to such operations in a changing environment and providing legal guidance on how these relate to each other and influence and regulate how military operations are planned and conducted.

The research has two principal aims. Firstly to contribute to the scientific/academic debate relating to the interpretation of those areas of international law, military operational law and related disciplines and their relationship to each other and to developments in military operations and warfare. This involves conducting high quality research in these areas and interacting with peers through scientific publications and participation in academic conferences. Secondly, to provide authoritative legal guidance to policy makers and to the Defence Community on how international law is applicable to military operations of various types. This is done through a variety of publications and other output aimed at these target audiences, such as annotated manuals and legal guidance papers, professional reports and briefings to policy makers.

The legal orientation of the research naturally implies an emphasis on traditional legal methodology in identifying, assessing and applying the *lex lata* in relation to different types of military operations and developments. It involves a significant degree of intradisciplinary research in how various (sub)-disciplines within the law interact and relate to each other as well as a certain degree of interdisciplinary research on how other disciplines relate to the law, such as for example, military strategy, new and emerging technologies and their impact upon the law and how policy and ethical considerations relate to the application of the law.

The program has both a national and international orientation and is institutionally linked with research conducted through the Interdisciplinary Platform for Research in International Humanitarian Law and International Criminal Law coordinated through the T.M.C. Asser Institute in The Hague and with the Research of the Department of War Studies at the Netherlands Defence Academy, which brings together researchers from different fields, such as Military Strategy and Operations, Military History and International Relations alongside law. Nationally, the program maintains strong links with the armed forces, in particular with the legal service of the armed forces and with various governmental departments engaged in policy making, such as the Legal Directorates of the Ministries of Defence and Foreign Affairs. Internationally, the program has strong links and cooperation with a variety of other research centres and institutions, such as the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE), the International Society for Military Law & the Law of War, the International Committee of the Red Cross (ICRC), etc., as well as with a significant number of universities and defence colleges in various countries.

The cooperation with other universities and defence colleges is organized around a newly established research consortium operating under the name of 'LACMO Research Network'. The research network is based upon a framework agreement for organizing joint projects, conducting cooperative research, joint supervision of PhD projects and exchange of personnel. As of October 2018 it comprised some 20 research groups from as many universities and military staff colleges and academies in Europe, North America and Asia and the Pacific. A launch conference was held in September 2018 to mark the official inauguration of the network and more joint projects are planned for the coming years.

### **Past and Future Targets**

In the initial year – year and a half of the present period, a number of major projects from the previous period were completed and disseminated. These included the *Tallinn Manual 2.0 on the Application of International Law to Cyber Operations* which was undertaken at the invitation of the NATO Cooperative Cyber Defence Centre of Excellence ( Tallinn) and published by Cambridge University Press in 2017, the *Leuven Manual on the Application of International Law to Peace Operations*, prepared under the sponsorship of the International Society for Military Law and the Law of War (Brussels) and published by Cambridge University Press in 2018 and the Final Report of the Study Group on The Conduct of Hostilities in the 21<sup>st</sup> Century of the International Law Association (London), published online in 2017 and in print in 2018. All three of these completed projects involved the work of a team of international experts over a period of several years, including members of the LACMO program and the publications were disseminated in a series of launch conferences internationally ( UN Headquarters New York, NATO Headquarters Brussels, Ministry of Foreign Affairs, The Hague, ILA Conference Johannesburg etc.).

Current projects include a total of ten PhD projects in various stages of completion which are undertaken under the supervision of Professors Gill, Ducheine and Myjer. Approximately half of these are scheduled for completion and public defence in the course of 2019 and 2020, while the remainder are due for completion at a later date ( 2021-2022). These PhD projects cover a wide spectrum of topics related to all the abovementioned research themes.

Other projects include a book project linked to a series of workshops on cutting edge issues within the law of armed conflict. These workshops will be conducted over period of three years at different institutions within the framework of the LACMO Research Network and result in a book publication in 2021-22. Another planned project is a book project on the contemporary *ius ad bellum* to be conducted by two senior members of the program and published in 2020-21. In addition, journal

articles and book chapters are published on an ongoing basis by members of the program alongside their other activities.

### **Performance Indicators**

The generally recognized performance indicators for academic research in the discipline of law are applied to research output within the LACMO program. These include peer reviewed articles in journals, contributions to book projects on specialized topics within the field of research subject to peer review and published by leading publishers, books subject to the same criteria, professional publications aimed at policy makers , including reports and policy advice, key note and invited contributions at conferences and other marks of recognition and outreach activities such as membership of editorial boards and academic societies, blog posts, press interviews and so forth.

As an autonomous research unit within ACIL, LACMO sets its own performance and quality standards which differ in some respects from those in force for the rest of ACIL. The primary differences lie in the degree of specialization in the type of publications. LACMO is by its nature a specialized research group and is more oriented towards applied research than ACIL because of the need to provide research output relevant to the defence community. In addition, since only the program director is directly employed by the University of Amsterdam and many of the other researchers produce research in their own time alongside full time employment elsewhere, it is not appropriate or realistic to apply the same output norms as apply in the rest of ACIL.

Notwithstanding this, LACMO has consistently performed according to the standards in force for legal research throughout the Netherlands and meets and in some cases surpasses relevant norms for research quality, societal relevance and viability. In the last external assessment of research within the Amsterdam Law faculty ( February 2017) , the review committee characterized the research within LACMO as “astoundingly dynamic in its research agenda showing it is possible to have close links with the practical world and produce academic work of the highest standing”

