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SOCIAL SCIENCES

PRESENTATION OF A MONOGRAPH

Boris Krivokapić
RAT I PRAVO: TEORIJA I PRAKSA ORUŽANIH
SUKOBA I MEĐUNARODNO PRAVO
(WAR AND LAW: THEORY AND PRACTICE OF ARMED CONFLICTS
AND INTERNATIONAL LAW)

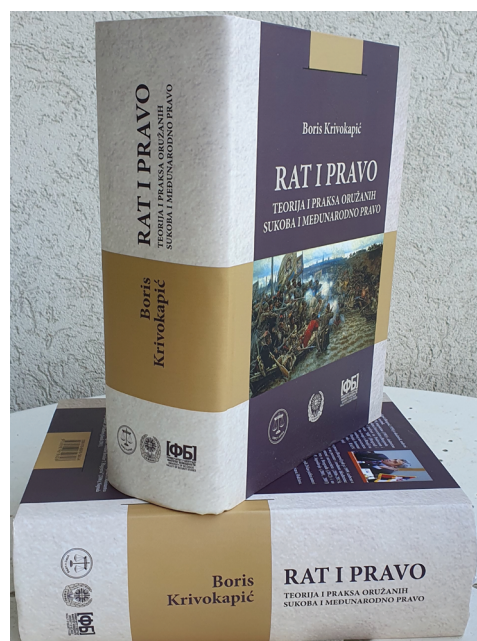
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The monograph „WAR AND LAW – Theory and Practice of Armed Conflicts and International Law,” authored by academician Prof. Dr. Boris Krivokapić, represents an exceptionally valuable scientific and encyclopedic work. The book is the result of many years of research by one of the world’s most eminent scholars and university professors of international law. While there is an abundance of high-quality textbooks and scientific monographs in Serbian and other world languages addressing various aspects of war and humanitarian law, this monograph goes two steps further in its comprehensiveness, offering a complete presentation of the most important issues and solutions in the fields of war and humanitarian law.

Unlike most monographs that examine war and humanitarian law and are limited to presenting international legal regulations (retelling and interpreting the solutions of the most important conventions and customary rules in this area), this book constitutes a kind of expertly crafted encyclopedia. It possesses a legal dimension but also equally thoroughly covers key issues in the theory of international relations, military strategy, security and military



sciences, history, philosophy, and many other scientific fields and disciplines.

In terms of content, the monograph by academician Boris Krivokapić spans 1,549 pages and includes a foreword, ten parts, a list of references, an index of terms, and an index of names.

The first part of the monograph, divided into two chapters, is devoted to war as the

most complex social phenomenon and process. In the first chapter, the author discusses the conceptual definition and classification of wars, different understandings and approaches, with special emphasis on modern wars and alternative perspectives. In the second chapter, the author provides a detailed analysis of types of wars according to spatial dimensions, belligerent parties, motives and goals, and methods of warfare, with a particular focus on special wars and their types, armed intervention, and the war on terrorism.

The second part of the monograph, also in two chapters, focuses on war and humanitarian law (the law of armed conflict and sources of international war and humanitarian law). In the first chapter, the author thoroughly analyzes the relationship between national and international law, national war legislation, and international war and humanitarian law. The second chapter, from an epistemological perspective, examines the sources of international war and humanitarian law, customary legal rules, international treaties, statutes of international criminal tribunals, and the most important concrete international legal sources, starting with the Hague Conventions of 1899 and 1907, the 1949 Geneva Conventions on the protection of war victims and their protocols, up to the 1998 Rome Statute of the International Criminal Court.

The third part, in three chapters, is dedicated to the phenomena of the beginning and effects of war. The first chapter deals with the onset of war—its outbreak, its effects on states and their relationships, and consequences for relations with allies, third (neutral) states, and international organizations. The second chapter covers the so-called territorial effects of war, comprehensively addressing war zones, areas with special status such as demilitarized and neutralized zones, medical zones, safety zones, undefended localities, open cities, and nuclear-free zones. The third chapter is dedicated to the **personal effects** of war, where the author systematically addresses the impact of war on individuals, armed forces, combatants, non-combatants, and other

categories—participants and victims of war and armed conflicts.

The fourth part of the monograph, divided into five chapters, deals with the laws and customs of war. In the first chapter, the author discusses the prohibition of certain weapons, covering topics such as war means (weapons), international legal regulation of specific types of weapons, the obsolescence of legal solutions, widely used weapons, and weapons of mass destruction such as bacteriological (biological), chemical, nuclear, radiological, geophysical, and other arms. The second chapter tackles theoretical and practical issues regarding the prohibition of certain methods and principles of warfare, ruses of war and perfidy, prohibited methods of warfare, and reprisals. The third chapter focuses on the legal status of property in war, covering both enemy and neutral property. The fourth chapter addresses the concept of military necessity, both in historical context and modern interpretations. The fifth chapter treats, in an original and epistemologically grounded manner, agreements between belligerents during hostilities, interpreting the provisions of military conventions on armistice and capitulation.

The fifth part of the monograph, in four chapters, explores special rules of warfare. In the first chapter, the author scientifically addresses general questions of land warfare, military occupation, the status of certain weapons such as dum-dum bullets, sniper rifles, and mines, and provides a detailed methodological elaboration of procedures concerning the war dead, including military tags, battlefield sanitation, and war cemeteries. The second chapter deals with the rules of naval warfare, focusing on key concepts in naval warfare and international maritime law, specific methods and means of naval combat, treatment of property during naval warfare, neutrality in naval warfare, and procedures regarding the dead at sea. In the third chapter, the author elaborates on rules of aerial warfare, with emphasis on the definition and development of aerial warfare, its legal framework, categorization of concepts, connections between aerial,

land, and naval warfare, aerial bombing and missile strikes, and other characteristic methods of combat. In the fourth chapter, the author provides a scientifically grounded analysis of **space warfare**, including epistemological discussions on space, war operations in space, and conflicts involving extraterrestrial beings.

The **sixth part** of the monograph, divided into three chapters, deals with humanitarian law and the protection of persons in armed conflicts. The first chapter examines human rights, humanitarian law, and human rights in times of armed conflict. The second chapter elaborates on war victims and their protection, with a focus on war victims, wounded and sick combatants, shipwreck survivors, prisoners of war, and civilians. The third chapter, from an epistemological angle, discusses medical services and organizations, highlighting medical services, search and rescue operations, and humanitarian NGOs.

The **seventh part** of the monograph, also divided into three chapters, is dedicated to a scientific analysis of the termination of war and the state of war. In the first chapter, the author focuses on peace treaties, other agreements and declarations, and various other cases involving the end of war or the state of war. The second chapter examines the issue of war damage, reparations, war indemnities, and different methods of compensation.

The **eighth part** of the monograph, structured into three chapters, offers a scientific analysis of non-international armed conflicts (civil wars). In the first chapter, the author discusses the concept of non-international armed conflicts and the distinction between such conflicts and internal disturbances or internal armed clashes. The second chapter addresses the recognition of insurgents and national liberation movements. The third chapter focuses on the application of international humanitarian law to non-international armed conflicts, including its historical treatment, contemporary legal sources, and legal norms regulating internal armed conflicts.

The **ninth part** of the monograph, classified into four chapters, is titled *Operations of*

International Armed Forces. The first chapter deals with national and multinational armed forces, international armed forces, and forces of international organizations (i.e., international armed forces in the narrow sense and UN peacekeeping forces). The second chapter is devoted to violations of international law by international peacekeeping forces, including various forms of breaches, war crimes, crimes against humanity, genocide, and aggression. The third chapter examines issues related to the accountability of international armed forces, with emphasis on fundamental questions, jurisdiction, and responsibility in war. The fourth chapter discusses unresolved issues related to the role of UN peacekeeping missions, failures to undertake timely peace operations, and other open questions, as well as possible solutions to existing problems.

The **tenth part** of the monograph, divided into two chapters, addresses the most significant problems in the field of international law of armed conflicts. The first chapter deals with the problem of consistent compliance with the law of armed conflict. It discusses the peculiarities of major legal sources, the implementation of established legal norms, and the potential for abuse of the law of armed conflict and international law in general. The second chapter addresses the obsolescence and lag of the law of armed conflict behind real-world developments. This final chapter effectively represents a kind of concluding reflection. The author, based on previously analyzed content, critically points out major issues within the international law of armed conflict. He approaches these questions with originality, particularly emphasizing that good legal solutions are not sufficient by themselves. The author argues that problems often arise in the implementation of legal rules, especially when it involves powerful global actors. With strong argumentation, he warns of the potential for abuse of international law, noting that many norms of war and humanitarian law are outdated and lag behind the fast-changing realities of modern conflict. These issues do not stem solely from the emergence of new weapons and methods of warfare

that remain legally unregulated for a time, but also from the appearance of non-state actors in conflicts (such as major terrorist organizations like ISIS), and new domains of warfare such as cyberspace and outer space. On this basis, the author rightly concludes that a constant revision of the law of armed conflict is necessary to keep up with these developments, while also emphasizing the imperative of ensuring consistent respect for existing legal norms and principles by all actors, including the most powerful states.

In addition to the ten substantive parts, the monograph is enriched with three essential appendices for categorization as a scholarly monograph: 1) an index of terms, 2) an index of names, and 3) a bibliography of scientific sources.

What immediately stands out in the structure of this monograph is its exceptional volume. The core text alone—excluding the table of contents, indexes, and the extensive bibliography—contains more than 3.6 million characters and over 125 author's sheets, which is truly impressive. Of course, volume alone is not an indicator of quality. Frequently, extensive works result from overly complex or redundant content. However, this is not the case here. The exceptional length of the monograph reflects the complexity of the subject matter, the vast number of questions examined, and the remarkable volume of material utilized.

In terms of content, the manuscript is truly comprehensive. It thoroughly covers virtually all major and relevant issues in international humanitarian and war law (the law of armed conflict) while also venturing beyond these boundaries in a methodologically sound and engaging manner. The author recognizes the multifaceted nature of war and, while staying rooted in international legal regulation, makes serious efforts to shed light on other dimensions of armed conflict. Consequently, the monograph includes practical case examples, historical reflections that illustrate international relations and legal issues, and a rich collection of statistical and other data.

A careful qualitative analysis of the monograph shows that it is not confined solely to issues of war and humanitarian law, but addresses nearly all related major challenges. A special strength of the work is its epistemological approach to current topics such as cyber warfare, space warfare, private military companies and their personnel, the status of spies, the characteristics of specific weapon types (weapons of mass destruction and conventional arms), operations of international forces, and the enforcement of international law in armed conflict.

These and other scientifically important contemporary topics are approached from multiple angles. The author provides historical backgrounds, scientific explanations of legal implementation, and well-argued critiques of shortcomings and inconsistencies, engaging in scholarly dialogue with various doctrines and international theories. Moreover, the author strives to acquaint the reader with key historical and current issues—ranging from antiquity to present-day dilemmas in international and humanitarian law.

Unlike most books on this topic, this monograph does not merely summarize international legal regulations and interpret the content of major conventions and customary norms. Instead, it serves as an expertly crafted encyclopedia with both legal and interdisciplinary dimensions. It addresses key questions in international relations theory, polemology, military science, history, philosophy, economics, and more.

Especially noteworthy is that many entirely new questions and problems are raised in the monograph. The author offers new analyses, definitions, and classifications, challenges existing interpretations, criticizes numerous legal solutions, and incorporates recent developments, including treaties entered into force after 2017, the most recent statistics, and events such as the testing of anti-satellite weapons by Russia on 15 November 2021. This proves that the monograph is not a revised edition of the author's earlier works but a genuinely original,

extensive, and scholarly encyclopedic achievement.

Another strong point is the author's readiness to offer his own views and constructive criticism, going beyond the presentation of existing regulations and legal doctrine. Professor Krivokapić, known for his encyclopedic knowledge and philosophical insights as well as his clear and engaging writing style, frequently illustrates points with interesting examples from practice, which he does again in this substantial scholarly work. This approach makes the content more accessible and engaging, far from dry or overly technical.

The manuscript also draws from an impressively vast body of literature, primarily in English, which is unavoidable given the breadth of heterogeneous problems addressed. The author draws on sources ranging from religious texts such as the Bible and Quran to the works of ancient philosophers, historians, and military leaders.

Based on all the elements presented, it can be concluded that the monograph *"The Law of War"* by Academician Boris Krivokapić represents an extraordinary scientific achievement—a kind of concise encyclopedia of war and the law of armed conflict and humanitarian law. As such, the monograph deserves a place in the libraries of law faculties and other scientific and educational institutions (military and police academies, faculties of political science, various scientific institutes), as well as in the collections of governments, ministries of defense, justice, foreign affairs, police, general staff, rescue agencies, media organizations, and others.

We are confident that in the years to come, this monograph will not only be a valuable resource for experts and students of all levels—from undergraduate to postdoctoral—but also find its place on the desks of politicians, military officers, diplomats, analysts, journalists, and other professionals. It unquestionably deserves such recognition.