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International human rights law and the law of armed conflict in the context of counterinsurgency: With a particular focus on targeting and operational detention

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Part C.1. Targeting

Introduction

After having concluded upon the interplay potential of IHRL and LOAC norms governing targeting, it is now time to turn to the interplay appreciation of these norms. The research question to be answered in this part is:

in light of contemporary counterinsurgency doctrine, how do the relevant normative frameworks of IHRL and LOAC governing targeting interrelate and what does this tell us about the permissible scope of conduct in operational practice?

To answer this question, it is, *firstly*, required to examine the substantive content of the valid norms. This provides us with insight on the character of the norms and their compatibility, which is required in order to conclude upon their interplay. Chapters VI and VII examine the norms of IHRL and LOAC respectively. To facilitate this process, several requirements have been identified that will each be further examined.

Chapter VIII eventually deals with the question of interplay. The approach in this chapter is to examine the interplay of IHRL and LOAC in relation to the two contexts in which targeting operations may occur, i.e. *law enforcement* and *hostilities*. To the extent that IHRL and LOAC provide valid and applicable norms for the regulation of deprivations of life for the purposes of law enforcement and hostilities, their total of norms form two distinct normative paradigms. Chapter VIII not only seeks to determine the interplay of IHRL and LOAC within these normative paradigms, but more importantly, the arguments underlying the *interplay between those normative paradigms*. As will be demonstrated, it is the latter interplay that eventually determines whether and according to which modalities the targeting of insurgents must be planned and executed.