Part III.
The Right to Life in Situations of Armed Conflict
CHAPTER 7

The Right to Life and the Relationship between Human Rights and Humanitarian Law

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I. INTRODUCTION

The trend towards fragmentation and compartmentalization of particular sectoral and functional fields of international law is but a reflection of the diversification of globalized society; such fields of law have become purportedly self-contained, whether in substantive, procedural or institutional terms, which raises the problem of fragmentation of international law. A major debate today revolves therefore around whether one can still refer to a comprehensive and uniform system of general international law in the face of the development of various subsets of norms. In his feasibility study for the International Law Commission, Gerhard Hafner had referred rather ominously to the “Risks Ensuing from Fragmentation of International Law”, which, in his view, threatened the stability and coherence of International Law.1

On the contrary, certain writers on the topic I am addressing, namely the relationship between human rights and international humanitarian law, particularly those coming from a military background, may be tempted to sub-

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