International Journal of Innovative Legal & Political Studies 9(3):165-173, July-Sept., 2021

© SEAHI PUBLICATIONS, 2021 www.seahipaj.org ISSN: 2467-8503

"The More Humanized War Became The Less Inhumanity Would Occur" Interpret This In The Context Of How Warfare Has Evolved

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ABSTRACT

The phenomenon of war has proved extraordinarily resilient and multi-faceted. Throughout the centuries since the Renaissance the recurrence of wars has been a challenge to the rationalist spirit that has played so important a part in public life and political theory. The efforts of mankind to bring war under control have had less effect than was hoped. Sometimes, indeed, movements, States, and ideologies seeking to eliminate war can themselves become part of the problem. In so far as major war between the big powers has been avoided since 1945, credit may be due at least in part to nuclear weapons, which have carried military technology to its reduction and absurdum. Yet the story of the various efforts to oppose war or at least control into humanized war is by no means one of complete failure. If they have not eliminated war entirely from the world, and if their effects have sometimes been the opposite of what was intended, they have nevertheless had a real impact. They have contributed to the avoidance of inhumane warfare. They have played some part in shaping popular views of war, effectively restricting the circumstances in which it is accepted as legitimate; and they have stimulated the development of a range of institutions and modes of action which, while not eliminating war completely, have provided useful experience in how it may and how it may not be prevented, limited, and at least partially replaced under humane conditions.

Keywords: War, International Humanitarian Law, ICRC

INTRODUCTION

Modern war is not an expression of innate aggression but an economic and social construction[1]. International Humanitarian law also known as the law of war or the law of armed conflict is a set of rules which seek for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.

The nineteenth century that nations agreed on international rules to avoid needless suffering in wars-rules they bound themselves to observe in a Convention. Since then, the changing character of armed conflict and the destructive potential of modern have made necessary many revisions and extensions of humanitarian law in long and patient negotiations. This Fact Sheet traces the evolution of international humanitarian law and outlines its present- day scope and meaning both for combatants and for civilians caught up in armed conflicts.

First of all, a definition is needed. What is international humanitarian law? This body of law can be defined as the principles and rules which limit the use of violence in times of armed conflict. The aims are: To protect persons who are not, or are no longer, directly engaged in hostilities-the wounded, shipwrecked, prisoners of war and civilians; To limit the effects of violence in fighting to the attainment of the objectives of the conflict.

[1] Groebel J, Hinde RA, editors. *Aggression and war: their biological and social bases.* Cambridge: Cambridge University Press; 1989

The evolution of international law related to the protection of war-victims and to the conduct of war has been strongly affected by the development of human rights legal protection after the Second World War. The adoption of important international instruments in the field of human rights-such as the Universal Declaration of Human Rights (1948), the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights (1966)-contributed to affirm the idea that everyone is entitled to the enjoyment of human rights, whether in time of peace or war.

During wartime or public emergency, however, the enjoyment of certain human rights may be restricted under certain circumstances. Article 4 of the International Covenant on Civil and Political Rights allows States to take measures temporarily derogating from some of their obligations under the Covenant "in time of public emergency which threatens the life of the nation", but only "to the extent strictly required by the exigencies of the situation". Article 15 of the European Convention on human rights contains a similar rule. Annually the Sub- Commission on Prevention of Discrimination and Protection of Minorities carries out a review of states of emergency and respect for human rights during such situations.

However, the need of safeguarding human rights even during wartime has been fully recognized; article 3 of the four Geneva Conventions on humanitarian law of 1949 provides that in times of armed conflict persons protected by the conventions should "in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria".

At the forthcoming 43rd session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (5-30 August 1991) a report of the Secretary-General on education regarding respect for human rights in armed conflicts will be presented under item 4 of the provisional agenda (E/CN.4/Sub.2/1991/5). Two years ago, the Sub-Commission adopted resolution1989/24 on "Human rights in times of armed conflict", deploring the frequent lack of respect during such conflicts of relevant provisions in international humanitarian law and the law of human rights.

At its forty-sixth session the Commission on Human Rights adopted resolution No. 1990/60 recognizing the vital role of the International Committee of the Red Cross in the dissemination of international humanitarian law and calling upon States "to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and international humanitarian law applicable in armed conflicts".

Three main currents have contributed to the making of international humanitarian law. They are the "law of Geneva", represented by the international Conventions and Protocols established under the aegis of the International Committee of the Red Cross (ICRC) with the protection of the victims of conflict as their central concern; the "law of The Hague", based on the results of the Peace Conferences in the capital of the Netherlands in 1899 and 1907, which dealt principally with the permissible means and methods of war; and the efforts of the United Nations to ensure that human rights are respected in armed conflicts and to limit the use of certain weapons.

Legal restraints on the conduct of war

In most cultures, and in most ages, the organized violence of war has been seen as requiring special justification, its initiation as requiring special authority, and its conduct as having to accord with certain principles and practices. Such ideas can be found, for example, in ancient Rome, when they began as part of the jus sacrum associated with the college of priests, and then became associated more with the idea of natural law: of a ‘law’ which emanated from nature itself, and could be perceived or deduced by man through the use of his reason. They can also be found in the Christian tradition, in the works of such writers as St Augustine (354–430) and St Thomas Aquinas (1226–74). They also had a place in poetry and drama, a good example being Shakespeare’s Henry V, first published in about 1600[2].

[2]Geoffrey Best, *War and Law since 1945*(Oxford, 1994)

The precise content of the broad body of principles, rules, and rituals relating to war has varied greatly over time and across cultures. Yet three broad areas of universal concern can be identified, which overlap and inter relate with each other in many ways:

1. rules regarding who has legitimate authority to wage war;
2. rules relating to the justification for resort to war (jus ad bellum);
3. rules relating to the conduct of war (jus in bello).

From the beginnings of the modern system of sovereign states in the sixteenth and seventeenth centuries, these areas were a major concern of the principal writers about international law, including Francisco de Vitoria (1486–1546), Alberico Gentili (1552–1608), and Hugo Grotius (1583–1645). It is a strange paradox that the first area of international law to be developed was that which concerned war. Part of the reason is that peaceful relations could often be regulated on an ad hoc basis (for example by bilateral treaties on commercial, diplomatic, or other matters)[3] contrast, the wars of the period threw up complex questions of a general character which could not be settled at the time by agreement between adversaries. The following examples are typical: were belligerents entitled to impound the ships and property of non-combatants trading with the enemy? How were prisoners to be treated? Was it legitimate to wage war to bring heathens under Christian rule?

The 'law of nations' that was expounded by pre-nineteenth century writers was not for the most part treaty law. Rather it was based on an idea of jus, of principles underlying law; and it drew on a rich and informal range of sources, including moral philosophy and the history of classical antiquity. Some of it was expounded in terms of natural law, some as divine law (the law of God), and some as law created by human volition.

It was only in 1789 that Jeremy Bentham gave the law of nations its contemporary name, 'international law'; and only in the second half of the nineteenth century did the idea of the multilateral treaty, open to any state to accept, move to the centre stage of international law-making. Once again the law of war had a pioneering part in this process. The 1856 Paris Declaration on Maritime Law, concluded at the end of the Crimean War, laid down general rules on relations between belligerent and neutral shipping in wartime.

Within a year, forty-nine States had become parties. In 1864 the first of what was to be a long stream of Geneva Conventions was concluded, for the 'Amelioration of the Condition of the Wounded in Armies in the Field'. This spelt out the principle that those helping the wounded, on or off the battlefield, were to be recognized as neutral and to be protected from attack. The Red Cross was to be used as a symbol of humanitarian work and to ensure freedom from attack[4].

One of the clearest statements ever of the purposes of the laws of war was in the preamble of the 1868 St Petersburg Declaration, prohibiting explosive bullets. This said that 'the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy'. Here is a clear idea, which also influenced much subsequent law-making, of war as a struggle between states, rather than between peoples; this is true enough in some cases, but by no means fully captures the complexity of civilian involvement in many wars both civil and international.

The law relating to conduct in war was further developed at large international conferences held at The Hague in1899 and 1907. These were especially notable for the conclusion of a Convention on the Laws and Customs of War on Land, covering such matters as treatment of prisoners of war, protection of hospitals, truce negotiations, and the conduct of armies in occupied territories. The 1907 version remains formally in force today.[5]

[3]Peter Brock, *Twentieth-Century Pacifism* (New York, 1970)
[4]Judith Brown, Gandhi: Prisoner of Hope (New Haven and `London, 1989)
[5]Seyom Brown, The Causes and Prevention of War, 2nd edn (New York, 1994)

The First World War cast a shadow over this process of making law on the conduct of war. The many violations of the law had exposed its fragility, and the propaganda war about atrocities had shown how law could in some circumstances exacerbate mutual hostility. More fundamentally, much of the terrible slaughter of the trenches in the war had been technically in accord with the Hague regulations, exposing law as an inadequate means of limiting war. No wonder that, at the end of the war, governments were not interested in further refining the jus in bello, but sought rather to prevent war altogether through the mechanisms of the League of Nations, including disarmament and collective security.

In the inter-war years, there were some other efforts to use international legal agreements to limit the use of force. The 1925 Geneva Protocol prohibiting the use of gas and bacteriological weapons in war may have played some part, along with threats of retaliation in kind, in limiting the resort to these weapons in major international conflicts, including the Second World War; and it has remained in force since. There were many expensive failures. In the 1928 General Treaty for the Renunciation of War as an Instrument of National Policy, otherwise known as the Kellogg–Briand Pact, the major powers of the day stated that they renounced war 'as an instrument of national policy in their relations with one another'. Subsequent experience showed the limited value of this paper promise. In 1939 Germany clearly saw war precisely as an instrument of national policy[6].

In the Second World War, many of the principles of the laws of war were violated, especially by the bombing of cities, the ruthless treatment of many prisoners of war, and the appalling treatment of Jews, Gypsies, and others in many of the Axis occupied territories. The International Military Tribunals held at Nuremberg and Tokyo immediately after the war, and many other courts as well, sought to punish leading Axis figures involved. Allied war practices, though less terrible by far than those of the Axis powers, went largely unexamined[7].

The United Nations Charter, concluded in 1945, sought to prevent war by a multi-faceted approach which included formal legal commitments by States to refrain from the use of force except in cases of individual or collective self-defence, or in actions approved by the Security Council. In practice there has been a tendency for States in the UN era to justify their uses of force by expanding the meaning of self-defence beyond the core idea of defence of national territory from actual attack.

If the use of force was effectively prohibited, there would be no need for the jus in bello. In reality, in the years since the Second World War, there has been a succession of wars, major and minor: in consequence, governments have felt the need to bring law to bear on the changed faces of war. Ten major agreements on the laws of war have been concluded in the UN era. The best known are the four 1949 Geneva Conventions seeking to protect four categories of victims of war who come under the power of the enemy: **wounded and sick on land; wounded, sick, and shipwrecked at sea; prisoners of war; and civilians.**

Virtually all States in the world have acceded to these four conventions: the number of adherents was 185 at 1 January 1995 the same number as the membership of the United Nations, though the two lists are not quite identical. Two Additional Protocols, concluded in 1977, supplemented the terms of the 1949 Conventions: they sought to bring the laws of war to bear more directly on some aspects of guerrilla war, and generally enunciated significant limits on the conduct of war. Other post-1945 agreements have dealt with the prevention of genocide, the protection of cultural property, restrictions on the use of some conventional weapons including mines, and protection of UN peacekeeping forces. Observance of this body of rules in the conflicts of the post-1945 era has been uneven. Often one side was unwilling to

[6]Martin Ceadel, *Thinking About Peace and War*(Oxford, 1987)
[7]Mark W. Janis, An Introduction to International Law (Boston, Mass., 1988)

admit the legitimacy of the adversary's existence or status as a belligerent. Many struggles were at least partly civil wars, about which States have been able to agree far fewer rules than those governing international wars. The distinction between the soldier and the civilian, basic to the modern laws of war, was not nearly as clear in practice as it was in theory. Extreme nationalism and ideological zeal militated against observing rules of moderation[8].

Many violations of basic rules went unpunished. The establishment of an International Criminal Tribunal for the Former Yugoslavia in 1993 exposed some of the difficulties of trying to apply the law supra-nationally. Yet it was also true that many limits were observed. In most wars, military prisoners received reasonable treatment and lived to tell the tale. In the 1982 Falklands War, and the 1991 Gulf War, there was much (though not complete) observance of the rules. On the whole this did not hamper, and may have positively assisted, those who did observe them: evidence that the law is by no means incompatible with the efficient conduct of military operations. What is clear is that narrowly legal efforts to restrict the use of armed force have had only limited impact, and need to be complemented by other approaches.

In general, the relation of war to law is deeply ambiguous. There is hardly a war in modern times that has not been justified, sometimes by both sides, as a necessary response to an allegedly illegal action of the adversary. The part of law that in the end contributed most to limiting the use of force may have been not that which addresses war and peace directly, but rather the large body of agreements on trading, transport, border demarcation, and a host of other matters. This web of treaties, both general and bilateral, has generated ingrained habits of cooperation. The comparative success of Latin American States in avoiding the outbreak of war in that continent for most of this century may be due in part to their strong traditions of interest in international law[9].

How Humanized War Evolved

As French and Austrian armies fought the battle of Solferino in northern Italy in June, 1859, the idea of international action to limit the suffering of the sick and wounded in wars was born in the mind of Henri Dunant, a young Swiss citizen. Dunant found himself, more or less by accident, among thousands of French and Austrian wounded after the battle, and with a few other volunteers did what he could to ease their suffering. Appalled by what he had seen, he then wrote a book **Un souvenir de Solferino**, published in 1862, in which he suggested that national societies should be created to care for the sick and wounded irrespective of their race, nationality or religion. He also proposed that States should make a treaty recognizing the work of these organizations and guaranteeing better treatment for the wounded.

With four friends, Henri Dunant then set up the International Committee for Aid to the Wounded (soon to be renamed the International Committee of the Red Cross). Dunant's ideas met a wide response. In several countries national societies were founded and at a diplomatic conference in Geneva in 1864 the delegates of 16 European nations adopted the Convention for the Amelioration of the Condition of the Wounded in Armies in the Field. This document, the First Geneva Convention, enshrined the principles of universality and tolerance in matters of race, nationality and religion. The emblem, a red cross on a white field, was adopted as the distinguishing mark of military medical personnel. In Islamic countries, the emblem is a red crescent on a white field. Medical staff and installations were from this time on to be considered as neutral. The Convention formally laid the foundations of international humanitarian law.

The Fourth Geneva Convention

Prior to World War II, there was no specific international legal norm that aimed to protect civilians in conflicts. The mass civilian casualties in World War II prompted the international community to adopt the Fourth Geneva Convention on the Protection of Civilians in Time of War in 1949, stretching the

[8] Adam Roberts and Benedict Kingsbury (eds), United Nations, Divided World: The UN's Roles in International Relations, 2nd edn (Oxford, 1993)

[9] Gene Sharp, The Politics of Nonviolent Action (Boston, Mass., 1973)

international humanitarian law protections beyond wounded, sick, shipwrecked and captured combatants. Also known as the "civilians' convention", the Fourth Geneva Convention formally recognized that war conducted as 'total war' no longer primarily armed forces and groups, and established legal protections for any persons (and their property) not covered by the previous three Geneva Conventions.

Additional Protocols to the Geneva Convention adopted in 1977 reinforced these protections for civilians. To date, 196 States have become party to the Fourth Geneva Convention, resulting in near universal agreement on the need to protect civilians in international, as well as non-international, armed conflicts. The consensus on the need to protect civilians in conflicts was re-emphasized by the United Nations' Security Council's 1999 resolution on the protection of civilians in armed conflict, applying the international humanitarian norms of the Geneva Convention to peacekeeping missions.

The International Committee of the Red Cross provides a helpful summary of what the primary forms of protection contained within the Fourth Geneva Convention and its Additional Protocols are: **IHL provides that civilians under the power of enemy forces must be treated humanely in all circumstances, without any adverse distinction. They must be protected against all forms of violence and degrading treatment, including murder and torture. Moreover, in case of prosecution, they are entitled to a fair trial affording all essential judicial guarantees.**

The protection of civilians extends to those trying to help them, in particular medical units and humanitarian or relief bodies providing essentials such as food, clothing and medical supplies. The warring parties are required to allow access to such organizations. The Fourth Geneva Convention and Additional Protocol I specifically require belligerents to facilitate the work of the ICRC. **While IHL protects all civilians without discrimination, certain groups are singled out for special mention. Women and children, the aged and sick are highly vulnerable during armed conflict. So too are those who flee their homes and become internally displaced or refugees. IHL prohibits forced displacements by intimidation, violence or starvation. Families are often separated in armed conflict.** States must take all appropriate steps to prevent this and take action to re-establish family contact by providing information and facilitating tracing activities[10]

Limits to the Fourth Geneva Convention

The coverage of the Geneva Convention and the two Additional Protocols of 1977 is extensive. However, there are limits to the extent to which they enable the protection of civilians in conflict. Some of these limits are by design, in that the Convention is written to be pragmatic – and as such recognizes that at a time of war, civilians are likely to be harmed. As Jamie A Williamson,[11] the Head of Unit of the International Committee of the Red Cross Unit on Relations with Arms Carriers and Security Forces explains:

> *… under the Convention, a certain level of harm to civilians can be deemed acceptable as long as the belligerents have fully complied with the three key* ***principles regulating the conduct of hostilities, namely 'distinction', 'proportionality', and 'precaution', before and during an attack***[12]*. While a civilian is not to be directly targeted, as long as an attack is not deemed indiscriminate, incidental harm to civilians ('collateral damage') is acceptable if it is not excessive in relation to the anticipated concrete and direct military advantage. Similarly, a building which appears to the general observer to be a civilian object may be a legitimate*

[10] International Committee of the Red Cross, 'Civilians protected under international humanitarian law', 29 October 2010.

[11] Jamie A Williamson, 'Protection of Civilians under International Humanitarian Law' in Wilmot and others, Protection of Civilians (OUP 2016), 164.

[12] Jean-Marie Henckaerts, 'Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict' (2005) 87 IRRC 175,198–200 (Rules 6-24).

military target if it, by its 'nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage'[13]*. As such, even if commanders cause civilian casualties during an attack, they will not necessarily be liable for any wrong doing under IHL if they can show that they took all feasible precautions in the planning and launching of the attack, and exercised constant care to spare the civilian population throughout the hostilities.*

However, the primary shortcoming of the Fourth Geneva Convention in providing protection for civilians in conflicts are not its provisions. If these obligations were correctly applied, harm to civilians during conflicts would be minimized. This unfortunately has not happened consistently: as the International Committee for the Red Cross notes, 'the problem of the past 50 years has been application. Neither States nor non-State armed groups have respected their obligations adequately. Civilians have continued to suffer excessively in almost every armed conflict.

Additional Protocols to 1949 Conventions

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law, which met in Geneva from 1974 to 1977, adopted two Additional Protocols to the 1949 Conventions. **Protocol I deals with the protection of victims of international conflicts. Protocol II concerns the victims of internal armed conflicts,** including those between the armed forces of a government and dissidents or other organized groups which control part of its territory, but does not deal with internal disturbances and tensions in the form of riots, or other isolated and sporadic acts of violence

It has provisions to improve the condition of the wounded, sick and shipwrecked, and provides for the collection and providing of information concerning the missing and dead. In prohibiting the use of methods and means of warfare which may cause superfluous injury, unnecessary suffering and widespread, long-term and severe damage to the environment, Protocol I marks the end of the separation between the "law of Geneva" and the "law of The Hague". Any combatant who falls into the hands of the adversary shall be considered as a prisoner of war, and the measures for the protection of prisoners are described. However, neither spies nor mercenaries have the right to prisoner-of-war status.

Humanizing War

i. The use of Nuclear weapons

In the earliest hours of the United Nations, the focus was on nuclear weapons. The first resolution adopted by the General Assembly, in 1946, provided for the establishment of an Atomic Energy Commission which would have as one of its tasks the formulating of proposals to eliminate nuclear weapons from national arsenals. While the emphasis remained on disarmament, the wartime use of weapons, and the implications of their use for fundamental human rights, including the right to life, began to appear in the agenda of United Nations bodies in the 1960s.

The General Assembly declared in resolution 1653 (XVI) of 1961 that the use of nuclear and thermonuclear weapons is in direct violation of the United Nations Charter, causes "indiscriminate suffering and destruction to mankind and civilization and . . . i s contrary to the rules of international law and to the laws of humanity". Any State using these weapons is to be considered as acting contrary to the laws of humanity and as committing a crime against mankind and civilization.

This resolution was reaffirmed in 1978, 1979 and 1981. The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water entered into force in 1963. Although not concluded under the aegis of the United Nations, the Treaty was approved by the General Assembly. The Parties to the Treaty state that they seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and that they desire to put an end to the contamination of the environment by radioactive substances.

[13] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating the Protection of Victims of International Armed Conflicts (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, Article 52 (Additional Protocol I)

ii. Protection of women and children

The Declaration on the Protection of Women and Children in Emergency and Armed Conflict was proclaimed by the General Assembly in 1974. The Declaration states that all forms of repression and cruel and inhuman treatment of women and children including imprisonment, torture, shooting, mass arrests, collective punishment and destruction of dwellings and forcible eviction-committed by belligerents in the course of military operations or in occupied territories are to be considered criminal.

iii. Freedom fighters

The legal status of combatants struggling against colonial and racist regimes for the right to self determination was defined by the General Assembly in 1973. The principles agreed were as follows: Such struggles are legitimate and in full accord with the principles of international law. Attempts to suppress struggles against colonial and racist regimes are incompatible with the UN Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples as well as with the Principles of International Law concerning Friendly Co-operation among States.

Captured combatants are to be accorded the status of prisoners of war under the Third Geneva Convention. The use of mercenaries against national liberation movements is a criminal act. Violation of the legal status of combatants entails full responsibility in accordance with the norms of international law.

iv. Weapons: prohibitions and restrictions

Since the St. Petersburg Declaration of 1868, repeated attempts have been made in international negotiations to prohibit or restrict the use of weapons which cause unnecessary suffering to combatants or which endanger civilian populations affected by armed conflict.

v. Chemical and bacteriological weapons

On many occasions, the General Assembly has recommended that States which have not yet acceded to the 1925 Protocol on the prohibition in war of asphyxiating and poisonous gases and bacteriological methods of warfare should do so. The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction was commended by the Assembly in 1972, was opened for signature in 1972, and entered into force in 1975.

States which are Parties to the Convention undertake never to develop, produce, stockpile, acquire or retain "microbial or other biological agents or toxins . . . that have no justification for prophylactic, protective or other peaceful purposes" or "weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict". The Convention also provides for the destruction or conversion to peaceful purposes of such agents and weapons. The conclusion of a convention prohibiting the development, production and stockpiling of all chemical weapons and their destruction, the Assembly decided in 1978, was one of the most urgent tasks of the international community.

vi. Conventional weapons

The United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects was the outcome of a conference held in Geneva in 1979 and 1980. The holding of the Conference had been recommended by the Diplomatic Conference which approved in 1977 the Additional Protocols to the 1949 Geneva Conventions. Three Protocols accompany the Convention. The first prohibits the use of weapons which injure by fragments not detectable by X-rays. The second seeks to prohibit or restrict the use of mines, booby-traps and devices which are actuated by remote or time controls. The third Protocol restricts the use of incendiary weapons.

CONCLUSION

In wars political leaders may deliberately “rework historical memories” to engender or strengthen this identity in the competition for power and resources. For example, in the conflict in Matebeland in post-independence Zimbabwe, Ndebele identity was used to advance political objectives. Other well known

examples include the Nazis in Germany, the Hutus in Rwanda and, today, the emphasis on Muslim consciousness by the Taliban and others.

Armed conflict-internal and international is the cruelest reality of the twentieth century. In spite of all the efforts that have been made to put peaceful negotiation on a permanent basis in the place of the resort to arms, the toll of human suffering, death and destruction, which wars inevitably bring, continues to grow. The prevention of armed conflict is, and must remain, the first purpose of international cooperation. The second is to preserve humanity in the face of the reality of war which is the intention of international humanitarian law. In a little more than 100 years, an impressive body of international humanitarian treaty law has been established. There are today clear limits to the types of action that will be tolerated in armed conflict. However, treaties and conventions even when solemnly ratified cannot save lives, prevent ill-treatment, or protect the property of innocent people unless the will exists to apply these agreements in all conditions. Nor will they be effective unless everyone directly involved, combatants and civilians alike realizes that the basic issue is one of respecting fundamental human rights.

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