

Integrating the Law into Military Operations and the Key Principles Affecting the Conduct of All Military Operations in Armed Conflicts

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Abstract

Most armed conflicts fought today, are characterized by gross violations of the laws of war. Key principles that affect all military operations are more often not observed. This has led to loss of several lives and properties. Integrating the law into military operations and the key principles affecting the conduct of all military operations in armed conflicts, have remained some of the greatest challenges that confronts international humanitarian law today. Therefore, this paper examines these challenges and its attendant implications on socio-economic and political development of nation states in international political arena. Accordingly, data for this work were mainly gathered from secondary sources of recorded human documents. Its research design was based on ex-post facto analysis. Hence, the gross violations of the international law governing armed conflicts, especially with respect to key principles governing the operational conducts of combatants during armed hostilities, have necessitated loss of lives and destruction of properties. As such, the United Nations, in conjunction with other related international bodies, should come out with more stringent measures to address these anomalies, in such a way that fundamental principles and other rules governing armed conflicts must be observed by all parties involved in any given armed hostilities.

Key words: Armed Conflicts, Military Operations, Ruses of War, Protection etc

Introduction

Every armed conflict is usually guided by certain stipulated rules and regulations. These rules cover both inter and intra state conflicts. Equally, they stretch into the use and non-use of certain weapons, conduct of combatants, treatment of war victims as well as the position of certain objects and persons to be protected and or otherwise during armed hostilities. Humanity's ingenuity in devising methods for killing people has never been matched by the laws measured pace. Williams, (2008: 23), affirms that in part, because one can only speculate about future methods of warfare, there are practical limits on preemptive controls. The Laser Protocol and the various outer space treaties, however, indicate the response time has shortened. In any case, those concerned with controlling means and methods of warfare would do well to study the tools of the trade as they are developed and before they are deployed.

The first principle of war is that the enemy's powers of resistance must be weakened and destroyed. The means that may be employed to inflict injury on him, and which include both force and stratagems, are not, however, unlimited. They are restricted by international conventions and declarations, and also by the customary rules of warfare. Moreover, there are the compelling dictates of humanity, morality, civilization and chivalry, which must not be disregarded (Doyce, 2006:84).

Again, method of warfare is one of two historic phrases of the law of war. Although, neither phrase has an agreed definition, means of warfare traditionally has been understood to refer to the effect of weapons in their use against combatants, while method of warfare refers to the way weapons are used in a broader sense. Thus, means considers the legality of the way in which a projectile or its fragments kill or injure combatants.

An illustration, Protocol I of the United Nations Commission on Conventional Weapons (UNCCW) makes the use of fragments not detectable by X-ray a prohibited means of warfare (Roberts, 2010:34).

In the light of the above realities, integrating the law into military operations and the key principles affecting the conduct of all military operations in armed conflicts, are in fact, major task that should be accomplished in the 21st century global politics. Hence, illegalities and non observance of rules of hostilities among nation states are some necessary challenges that must be addressed in international and non – international armed conflicts.

Purposes of Offense during Armed Hostilities

The main purpose of an offense is to defeat, destroy, or neutralize the enemy force. Additionally, offensive operations are undertaken to secure decisive terrain, to deprive the enemy of resources, to gain information, to deceive and divert the enemy, to hold the enemy in position, to disrupt his attack, and to set up the conditions for future successful operations.

Due to the fact that tactical offensive operations often expose the attacker, they normally require local superior combat power at the point of attack. That and the need to have sufficient force available to exploit success imply accepting risk elsewhere. Commanders build up sufficient combat power in their main effort to overwhelm the enemy at the critical time and place.

Michelle, (2009:14), emphasizes that at the point of their attack, commanders avoid the enemy's main strength, turning him out of his defensive positions, isolating his forces from sources of support, and forcing him to fight in an unintended direction over ground he has not prepared. By attacking this way, the disadvantages of fighting exposed and surprised shift to the defender. One experienced soldier once put it this way, "Hit the other fellow as quick as you can, as hard as you can, where it hurts the most, when he isn't looking."

At times more direct attacks are possible. However, such attacks are nearly always costly in lives and material. Commanders should undertake them only when no other approach will accomplish the mission.

Inflicting physical damage is frequently necessary for offensive success. The tactical offense can achieve large gains by destroying the coherence of the defense, fragmenting and isolating enemy units in the zone of attack, and driving deep to secure decisive objectives. Historically, the most successful offensives have produced more enemy prisoners than casualties, reflecting the significant impact of offensive shock on the enemy's will to resist (Howald, 2009:34).

Integrating the Law into Military Operations

To spare, as far as possible, buildings dedicated to religion, art or science, and historic monuments, Geneva Protocol I confirms and expands this requirement by stating that no acts of hostility may be directed against such property, which must not be used in support of the military effort. Such property must not be made object of attack. Doing so, is a gross breach of the law, if the property is subject to special protection, extensive destruction is caused and the object is not the immediate proximity of military objectives.

In addition, Boisson et al (1999:193) states that the protection of cultural property is covered by a specific treaty, namely the 1954 Hague Convention on cultural property, which was supplemented with a new protocol which, equally apply to international Armed Conflicts. The two instruments provide for three forms of protection. The most relevant to us is the first; known as general protection and it is on this that we will concentrate.

This form of protection also includes special protection and is now under Protocol II. "Should questions be asked on these two categories, answers could be given as follows":

Special Protection: states can decide to move important cultural objects to shelters, but it may be impossible to move some centers that still contain cultural objects. These permanent or temporary centers must not be used for military purposes and must be situated well away from likely military objective, e.g. an industrial area, a port or an airport. Few states have used the opportunity to provide for this higher level of protection. To date, only the Vatican and fore shelter is designated for movable cultural property, in all Europe, as a result of their registration asking for this condition.

Enhanced Protection: the latest protocol to the cultural property convention {Protocol II} creates an even higher level of protection, known as Enhanced Protection. This is granted to property of obvious importance to our common heritage as human beings. Such property should be entered in an international list maintained by the Committee for the Protection of Cultural Property in the event of Armed Conflicts. In continuation, the law of Armed Conflicts on general protection applies to objects or property of great significance to a nation and its people, such as monuments, archaeological sites, major museums or libraries. Such property must be respected, avoid been damaged and not put at risk by improper military use, for example, by using it to store military or communication equipment or by locating weapons close by. Brown, (2004:36) and Thomason, (2001:106) argued that only if the site is misused or in the case of imperative military necessity should this protection cease. This decision must not be taken lightly and should be made at battalion commander level or higher and clearly marked with sign. The obligations towards cultural property are as follows:

- Soldiers should be explained the meaning of the protective sign.
- Ensure orders which include detail of these sites and their protected status.
- Avoid damaging cultural property, if at all possible.

If the property is misused by opponent and for reasons of military necessity it becomes an object which you have no choice but to target, then use the minimum force necessary to resolve the matter. The use of force should be preceded by a warning giving the opponent a reasonable amount of time to comply. Some people might say 'they have traveled extensively and been involved in many operations but have never seen such signs being used'. This may be true but again, don't ever expect everything to be beautifully marked on the battlefield.

The law gives comprehensive and detailed protection to hospitals, medical units, medical transport and material. They must be respected and protected at all times, whether military or civilian. They must never be attacked. Military medical facilities and transport will be marked with the Red Cross or Red Crescent. A commander, in a tactical situation, may decide not to respect such protection. In such a case, the protection only ceases after a warning has been issued giving the offenders a reasonable amount of time to respond.

On the other hand, Barking and Gladys, (2005:75) affirm that in prisoners of war camp and in order to improve their safety and security, POW Camps should be clearly marked with the protective sign PW or PG (the French prisoners de guerre) Normally, information regarding the location of POW camps is exchanged between the parties, for reasons of safety and security. However, during a conflict, a state may decide to intern certain civilians in internment camps. This usually is the case in occupied territory, but it has also happened with enemy civilians on national territory. For example, the British interned Iraqi civilians during the Gulf war. The internees basically treated as POWs. Internment is a drastic restriction of personal freedom. It is permitted only if security requirements cannot be met by less severe measures.

The Key Principles Affecting the Conduct of All Military Operations

All of the principles of the Law of Armed Conflicts we have covered remain relevant during the conduct of operations. Two principles, however, are of paramount importance. It is vital that you understand and apply them in the planning and conduct of any military operation.

Williamson, (2006:63), affirms that it must be distinguished between combatants and civilians or the civilian population as principle of distinction in law governing Armed Conflicts. Both notions are familiar to combatants. Many of course are attacked unless they are out of action, i.e. hors de combat. Civilians are protected from attack but lose this protection during any period in which they take a direct part in hostilities. The protection of civilians applies to both enemy civilians and one's own civilians.

Similarly, it must be distinguished between military objectives and civilian objects. Only military objectives may be attacked. Civilian objects must not be made the objectives of attack unless they have become military objectives.

Acts or threats of violence whose primary purpose is to spread terror among the civilian population are prohibited. As a consequence of the principle of distinction, indiscriminate attacks are prohibited. These are:

- Attacks which are not directed at a specific military objectives
- Attacks that employ a method or means of combat which cannot be direct at a specific military objectives

- Attacks that employ a method or means of combat, the effects of which cannot be limited as required by the law of Armed Conflicts.

Examples of indiscriminate attack are firing artillery or launching a missile in the general direction of the target {e.g. the use of the V2 missile during the second world war} or area bombardment in populated areas rather than the selection of individual clearly separated military objectives located there: This prohibition does not prevent the denial to the enemy of an area of law which is a military objective by, for example, artillery fire.

When military objectives are attacked, civilians and civilian objects must be spared incidental or collateral damage to the maximum extent position to the direct and concrete military advantage you anticipated from your operation. Such use of excessive force quite clearly violates the law of Armed Conflicts and is a war crime. This means that when you plan or carry out operations, you are not allowed to engage in disproportionate attacks even with regard to combatants and military objectives. You have to take into account the likely effect on civilians and their property. If it is apparent that the harm that might be caused to them in attacking a military objective with a particular weapon would be disproportionate in relation to the military advantage anticipated, then either use a different weapon which would not cause disproportionate harm to civilians or their property, or do not carry out the attack (Olagunju, 2004:72).

Clearly, to stay within the law requires good intelligence, planning and clear rules of engagement all three of which are, after all, the product of good training and professionalism in any military force. It also makes evident sense not to waste your own lives, time and ammunition in disproportionate attacks.

Persons and Objects Specifically Protected in all Operations

Medical and religious personnel and their facilities, both civilian and military are covered by special rules. These need to be taken into account in the conduct of operations, and in formulating the military medical plan. Who is protected? Medical and religious personnel, both military and civilian, have protected status and must not be attacked. These persons should display the distinctive emblem of the Red Cross or Red Crescent. If military medical or religious personnel are captured and need to be retained, they are not POW, but receive POW treatment as a minimum. Medical personnel may be armed with light weapons for self-defense and the defense of echoes under the care. What is protected? The law gives comprehensive and detailed protection to all civilian and military hospitals, medical units, medical transports and medical materials. Religious centers and items used for religious worship are also protected. They must be respected at all times and must never be attacked. Military and civilian medical facilities and transport are usually marked with the Red Cross or Red Crescent (or red lion and sun) although for tactical reasons this may not be the case. Civilian hospitals and equipment should always be marked with the distinctive emblem. If the medical or religious facilities or equipment are being used for military purposes, they lose their protection, but only after a warning has been given which gives the offenders a reasonable amount of time in which to respond and after such warning are ignored or remain unheeded. Christopher, (1999:63) and Michael, (1999:45) state that “under no circumstances must medical or religious protection be used to try and shield military objectives from attack” If at all they do not use the distinctive emblem, the personnel, facilities, equipment and so on, of civilian and military medical units are entitled to protection if it is known that is the function they are performing.

Medical units must be sited well away from military objectives. The law, however, does not lay down any specific distances. In the case of military medical units, this is obviously a matter for the commander to decide, taking into account the nature of the unit. However, a medical aid post or field ambulance might have to be sited well forward and will normally be camouflaged just like another tactical unit. A field hospital or permanent military hospital sited in the rear will normally be marked with the red cross or red crescent or red lion and sun and have full protection under the law.

On the other hand, why do we need to have separate sections on women and children? Are they not covered in the section on civilians? Of course, women and children are protected as civilians. They do, however, also have to be considered separately for two reasons by the UN regulation.

First, both categories have special additional protection under the law, and secondly, both play an important role in combat – women legally and children illegally. Let us look at both categories in turn:

Women: Women must be treated with special respect. Any attack on the physical or psychological integrity of women, in particular rape, enforced prostitution or any form of indecent assault of men are of course also prohibited, but such attacks are more prevalent on women. In the event of their detention, families must be kept together. Otherwise women are to be kept separate from men. If a pregnant woman or a mother with a young child is detained on suspicion of an offence, then her case is to be treated with priority. In the case of an offence related to the Armed Conflicts, pregnant women and the mothers of young children can be sentenced to death but the death penalty should not be carried out.

In the words of Badmus, (2007:28), women have full combat status in many armed forces throughout the world, in frontline as well as staff or logistic appointments. As combatants they must respect and are protected by exactly the same rules as their male counterparts. If captured, they must be treated with respect and not subjected to any form of violence, including sexual violence or abuse. If moved to a POW camp, they should be held separately from men.

Rape and indecent assault are prohibited and in most cases are forms of torture covered by a provision of the law. Rape, constitutes torture or “inhumane” treatment, is a grave breach of law and can be prosecuted by the courts of any state. Such abuse is all too common in conflict situations. Indeed, in recent conflict, e.g. in the former Yugoslavia, Rwanda, Darfur in Sudan and the most devastating, Liberia systematic and organized rape appears to have become an instrument of military policy. Such conduct debases the profession of arms and, like torture, must be held beneath contempt by all soldiers. If committed, it is a clear indication that discipline has completely broken down and that commanders lack any control over their subordinates.

Children: By children we generally mean people who are not yet 18. In the law of Armed Conflicts, however, different provisions apply to those under 15 years of age and those between 15 and 18. Children are entitled to special respect and must be protected against any form of indecent treatment. Every effort must be made to provide them with the special care and aid they require. A particular tragic aspect of modern conflict is the active participation of children in hostilities; both boys and girls. This would seem to have less to do with cultural traditions and more to do with expediency or the shortage of soldiers. Sometimes, it is simply an excuse for abuse by those in power; in other words getting a child to do an adult’s job. These children soldiers, with little or no training are often fed with diet of alcohol and drugs. Of course, they can constitute formidable and tough foes to deal with. In dealing with them you must, have due regard and some sympathy for their plight.

Peterson, (2009:34), poses that the law prohibits the direct participation in hostilities of children under the age of 15, who must not be recruited to the armed forces. In recruiting those who have reached the age of 15 years but are not yet 18 years old, priority should be given to those who are the oldest.

If children are recruited into the armed forces or take a direct part in hostilities, they must, if captured, be guaranteed treatment and conditions of captivity which take their age into consideration whether or not they are POWs. Certainly in no circumstances should the standard of treatment given to them be lower than that given to POWs. In particular such child soldiers must be held separately from adults, unless in a family unit.

In the case of children aged between 15 and 18, the more their treatment can be similar to that of those under 15, the better. Regarding the death penalty and children; in international armed conflicts persons under 18 where an offence was committed can be sentenced to death, but the sentence must not be carried out. In non-international Armed Conflicts, persons who were under 18 when they committed the offence may not even be sentenced to death.

Method of Warfare Prohibited in all Operations

It is prohibited to set out to starve civilians as a method of warfare; that is the old siege concept. It is also prohibited to direct attacks against, destroy, remove or render useless objects vital to their survival, such as foodstuffs, agricultural areas for the production of food, crops, livestock, drinking water installations and supplies for irrigation work. Morris, (2005:69) and Ericson, (2004:35) emphasize that “this prohibition does not apply to objects that are being used solely by the armed forces or indirect support of military action.” Even then, however, if these attacks would adversely affect the civilian population, and leave it with inadequate food or water, cause starvation or force it to move, then they are prohibited. A scorched-earth policy may be implemented in exceptional cases where it is absolutely necessary to defend national territory against invasion.

Action Allowed in Operations

Ruses of War- this is a customary term that essentially refers to deception. Any good commander will use deceiving the enemy about the military situation to achieve milestone. The strength of your own forces, their location and your intentions and plans, have been customary tools of warfare throughout the ages. Ruses of war are permitted. They comprise acts that are intended to mislead the enemy but do not infringe the law of Armed Conflicts and do not come under the heading of perfidy. Example includes:

- Camouflage and concealment, either natural or in the form of camouflage nets, camouflage paint or smoke to cover movement;
- Feints or deceptive attacks, flanking attacks to catch the opponent of guard;
- The use of dummy weapons, for instance, rubber or wooden mock-ups of tanks or aircrafts to confuse or mislead your opponent as to your actual strength and development;
- Transmission of misleading messages, using the enemy radio frequencies, breaking their passwords and codes,
- Misinformation, disinformation or psychological operations to confuse or to weaken moral, provided the intent is not to spread terror among the civilian population.

According to Bothe, (1982:41) “all such measures of operational deception, perfectly illustrate the exact difference between rules and perfidy, you are allowed to use nets, foliage, etc to camouflage a gun position in the field; that is a ruse of war”. You are not allowed to use canvas tenting bearing the Red Cross or Red Crescent to camouflage a gun position, implying that it is a medical facility: that as perfidious.

In the conduct of operations, there are times, apart of course from combat – where you might come into contact with your opponent. Here we refer to non-hostile contact or relations which opposing forces might find necessary or of mutual benefit.

Meanwhile, it is within the competence of any officer to arrange a temporary ceasefire for a specific and limited purpose. Obviously any such decision has to be cleared through the chain of command. Temporary cease-fires can be most useful to evacuate or collect casualties from the battlefield, or to allow civilians to be evacuated to a safer location. Cease-fires are limited in time and scope. Absolute good faith is required on both sides. You can contact the enemy by using intermediaries. The law provides for two main options. The first is the use of a protecting power. This is a neutral state designated by a party to the conflict and accepted by its opponent. The protecting power acts as the honest broker between the two sides. It might, for example, visit POW or internment camps to ensure the law is being applied. Bordwell, (1988:37) affirms that “States have in fact rarely used this facility, although, for example, the United Kingdom asked Switzerland to act as its protecting power during the Falklands/Malvinas conflict and Argentina asked the same of Brazil. The second option is to use an impartial humanitarian organization as a substitute for the protecting power”. This is more frequent. For example, the international committee of the Red Cross is often requested to act as an intermediary by the parties to a conflict.

Weapons and the Principles of the Law of Armed Conflict

Civilians must not be the object of attack. Therefore, any weapon or weapons system which does not enable one to distinguish between combatants and civilians and between military objectives and civilian objects must not be used. As regards proportionality, when a military objective is attacked, civilians and civilian objects must be spared from incidental or collateral damage to the maximum extent possible. Such damage must never be excessive in relation to the direct and concrete military advantage one anticipates from ones operations. According to Collage, (2005:24) ‘when an attack is planned, one cannot assess the risk of incidental or collateral damage, unless one is familiar with the weapons or weapons system which will be employed’ an attack that is lawful with one weapon may be unlawful with another weapon. For example, an attack that may be lawful if “smart” bombs such as precision laser-guided munitions are used may be unlawful if “dumb” bombs such as free-fall 1000-pound bombs are used.

In cases of imitations, the weapons and methods of warfare that may be used are limited. Weapons that are of nature to cause combatants unnecessary suffering or superfluous injury (i.e. designed to cause or which may foreseeably cause such effects) are prohibited and should not be issued to armed forces. The use of some weapons is specifically regulated.

The 1868 St Petersburg Declaration Prohibits the use of any projectile weighing less than 400g and which is either explosive or charged with fulminating or inflammable substances. The Declaration states that such projectiles “would uselessly aggravate the suffering of disabled men or render their death inevitable”. It outlaws so called “exploding” bullets which detonate on impact with the human body. This treaty is an early expression of the now customary rule prohibiting the use of weapons causing superfluous injury or unnecessary suffering. Since then, technological development have changed state practices. Exploding bullets weighing less than 400g are regularly used against materials and other hard surface objects. Buscher, (1989:23) argues that the prohibition on the use of bullets which explode upon impact with the human body remains valid.

The object and purpose of the St. Petersburg Declaration and the prohibition on the use of weapons causing injury or suffering beyond what is required to take a soldier out of action are important elements of the law of Armed Conflicts. Again, the Hague Declaration of 1899 banned the use of expanding bullets, which are also commonly known as “dumdum” bullets. These are bullets that expand or flatten easily in the human body, causing massive and often fatal wounds. Examples are bullets with a hard outer covering which does not entirely cover the softer lead or bullets that have inclusions across the tip. Soldiers must be instructed not to modify their ammunition to achieve this effect. Customary law bans the use of poison; the poisoning of arrow tips or spears being good examples, and The Hague Regulations of 1899 and subsequently those of 1907 made the ban a part of treaty law. The use of chemical and bacteriological weapons is prohibited by treaty and customary international law. The ban applies not only to direct use against enemy combatants, but also to the toxic contamination of water supply installations, food stuffs and other similar uses.

The ban also extends to the use of non control agents and toxins in Armed Conflicts as a method of warfare.

Certain Conventional Weapons

The 1980 convention on prohibition or restrictions on the use of certain conventional weapons is deemed to be excessively injurious or to have indiscriminate effects. The convention on certain conventional weapons, often referred to as the CCW, is a corner stone in the regulation of conventional weapons. Busuttill, (1998:43) relates that ‘it governs weapons which may have indiscriminate effects or cause unnecessary injury’. In an attempt to limit the suffering of both civilians and combatants in Armed Conflicts, certain types of weapons are prohibited while others are strictly regulated. It therefore provides commanders and staff with very useful and clear guideline.

Cassese, (1988:51) argues that in the conventional weapons, convention is sometimes referred to as a framework onto which individual protocols on specific weapons can be added as and when required. As at 1 May 2001, there were four protocols to the CCW. Let us now look at the weapons they cover.

General Rules

The rules below apply to all type of mines, booty traps and other devices.

- i. Prohibitions: It is prohibited in all circumstances to direct these weapons against civilians or civilian objects. Their indiscriminate use is prohibited. This refers to placement which:
 - Is not directed at a military objective
 - Uses a means of delivery which cannot be directed at a specific military objective,
 - That cause loss of life, injury or damage to civilian, or damage to civilian property in excess of the military advantage anticipated.

In Castren, (1954:35) it is affirmed that it is prohibited in all circumstances to use any mine, booty trap or other device (such as a nail bomb) which is designed or of a nature to cause unnecessary suffering or superfluous injury. It is prohibited to use mines, booty traps and other devices which explode when a commonly available mine detector is passed over them. The regulations on recording and precautions in use listed below must be followed for mines, booty traps and other devices. All feasible precautions, including advance warning (if the tactical circumstances permit) must be taken to protect civilians from the effects of these weapons. Records such as maps, diagram, aerial photographs, and satellite images must be kept off where these weapons have been laid or dropped. The parties are responsible for all mines, booty traps and other devices that they use. At the end of active hostilities, all such weapons must be cleared or steps taken to ensure clearance. As one can see, the general rules require soldiers, commanders or staff officers, to bear in mind two things when using these weapons:

First, the civilian population must be protected from their effects.

Second, they must be used with a high degree of professionalism, meaning minefields must be marked, and clear records kept at operational and staff levels of where you have actually placed them. Recording locations and posting warning signs will help to limit the effects of mines so that after the conflict they can be quickly found and cleared. Advance warning to civilians, if the circumstances permit, will also help limit casualties (Godson, 2009:19).

The general rules, you might agree, are simple and straightforward. But how often are they obeyed? Look at the problems faced in the aftermath of the conflict in Afghanistan, Angola, Cambodia, the former Yugoslavia and North Africa. In the fog of battle, or with fluid front lines, the rules are often difficult to follow or forgotten and records are not kept or are simply lost. Long after the battle is over, mines remain a threat to us all if they were not used properly in the first place. The general rules here tell us how they should be used. It is the duty of the combatants to obey to them.

Non-Lethal Weapons

The term “non-lethal” weapons are becoming more and more common in military circles. What types of weapons are we referring to? In theory, they are not designed to kill but to incapacitate an opponent for a limited period of time while minimizing fatalities. Commanders and staff officers are expected to be knowledgeable in the use of such weapons, or even be involved in their development such as batons or truncheons, rubber or baton rounds, more futuristic weapons such as acoustic and electro-magnetic pulse weapons. Davis, (1975:20) argues that at first sight, these weapons seem very attractive. Is it not more in keeping with the principle of humane treatment to put someone out of action temporarily than to kill him with conventional weapons? Closer examination reveals, however that the use and development of each proposed “non-lethal” weapons requires serious scouting. Some weapons, such as blinding lasers, incapacitating anti-personnel mines (under the Ottawa Treaty) and riot control agents, have already been prohibited under the law of Armed Conflicts. Commanders and staff officers are expected to ensure that all” non-lethal” weapons comply with the rules of the law. Specifically, they:

- Must not cause unnecessary suffering or superfluous injury;
- Must be capable of being directed against a military objective and must not be used in an indiscriminate manner ;
- Must not cause disproportionate incidental damage.
- Must not be prohibited by other specific legal provisions such as the ban on chemical weapons. It is also important to note that soldiers will need careful training in the use of such.

Operations in Enemy-Controlled Territory

For operations like patrols, raids, higher commanders will need to issue very specific orders tailored to the task. These operations place considerable responsibility on the side of the patrol leaders, junior officers, or non-commissioned officers who are operating independently in a highly dangerous environment. Although, they are on their own, they must act within the law. Dinstein, et al (1996:74), argued that ‘orders’ here might well cover such additional details as:

Action on capture - expected behavior, for example, what to do with documents of military value, duty or not to escape rights if captured; what to say when questioned.

Action if compromised - let use an example, you command a reconnaissance patrol and despite your best efforts to avoid detection, the enemy discovers you. A fight ensues. You kill three of the enemy and capture one who has a minor bullet wound in the arm. What do you do now? Let’s take same patrol, but this time you have been discovered by three passing farmers. You capture them, what do you do with them? These are all operational dilemmas that any junior commander might face. In both cases, the patrol has obviously been discovered; the sound of shooting may have alerted others. Will the commander abort or cancel his mission, change positions or just lie low and continue later? These are purely tactical decisions. What about the legal aspects? Here the law does give guidance. In relation to wounded soldiers, it states that in unusual conditions of combat which prevent evacuation, they should be released and all feasible precautions taken to ensure their safety. Regarding civilians, we know fully well that they are protected by the law.

What are a commander's options in such circumstances? To kill the soldier and civilians with the patrol is obviously impractical. They could, however, be left where they were, and perhaps loosely tied up to give the patrol enough time to make a clean break.

As for the wounded soldier, if the patrol decides to abort its mission, it might well have the ability to move to a rendezvous position and be picked up by helicopter. In that case, it could take the enemy soldier along, having attended to any wounds. Distance and the severity of the wound will be a determining factor. A more likely scenario is that the soldier will be left behind. The patrol should bear in mind the law and do everything it feasibly can to ensure the wounded enemy's safety. It can arrange a drop in or close to a village or it can leave behind first aid material. Again, commanders are required to balance pure military necessity that is, accomplishing the mission or returning the patrol safely to base, against concern for humanity and correct treatment of wounded combatants.

On general logistics and rear concerns, we will examine the application of the law of Armed Conflicts. By "logistics" we mean all military activity aimed at combat support. By "rear areas" we mean activities that take place in area where there is normally no fighting. Nevertheless, we know in modern conflicts military medical bases, maintenance and supplies depot, and so on, can very often be directly affected by the hostilities. A feature of rear area problems is the close cooperation required between military civilian and police authorities. Durand, (1984:15) says that all armed forces need smoothly operating supply chains, planned evacuation channels that deal with the wounded and captured, and well run rear area facilities such as hospitals and POW camps. The forward commanders need ammunitions, food and fuel, they and their soldiers need to know that the wounded will be rigidly and efficiently evacuated. Similarly, enemy wounded and captured must be moved back quickly, away from the front.

The law says that any military operation requires a transportation policy and plan. Without one, there will be utter confusion and forward fighting units will not receive vital supplies. The plan must pinpoint the routes to be used for re-supply and evacuation. It must include details on the specific use of your means of transport and who is in charge of them. The law prompts staff planners to keep military, medical and civilian transportation routes separate whenever the tactical situation permits, and from the practical point of view, too, it is more efficient to keep these routes separate. A re-supply route blocked by fleeing refugees is not ideal. Another situation to avoid is medical transport moving to the rear being blocked and delayed by supplies moving forward. The European Commission, (1995:22) maintains that by separating these various re-supply and evacuation routes or chains, we not only improve military efficiency, we also provide a degree of protection to those granted it under the law, such as POWs, the sick and wounded civilian. Common sense and the law therefore come together in suggesting logical courses open to logistical staff.

As far as your opponents are concerned, there is no reason why, for example, you should not notify them of the routes you will be using exclusively for medical or POW evacuation, or that you have dedicated for civilian use. It is in their interest to abide by the law as well. It would be extremely difficult for a medical convoy killing their own wounded soldiers. When separate routes are not available, and this is more likely to be the case than not, then the only option is to separate military routes from those used only for evacuation in time and space. According to Eyffinger, (1999:19) "certainly they should never be used for both purposes same time. Using protected persons for the specific purpose of striding military activity, for example, is a breach of the law. If you have organized a medical convoy, for example, you can notify your opponent that route x will be used between 0900 hours and 1200 hours for the evacuation of sick and wounded". You could reach joint agreement on an invited cease-fire to allow refugees to move along a safe corridor.

Limits on Methods of Warfare and Weapons

Besides the general limitations, there are limitations specific to the various methods of armed conflict available to belligerents. Morgan, (2005:39) asserts that many of those limitations are implicated by specialized treaties, for example, an attempt to flood an enemy by melting the Antarctic icecap would almost certainly violate the Antarctic Treaty as well as the Environmental Modification Treat, but there is also a considerable body of limiting law reflected in general conventions devoted to control of warfare in its various spheres. The following discussion, while limited, is designed to introduce the student to the specialized applications of land, sea, and air war, and their concomitant strictures.

A core issue in any regime which seeks to regulate armed conflict is the regulation or elimination of certain types of weapons. In general, regulated weapons fall into two categories; conventional weapons and weapons of mass destruction. Conventional weapons include devices which may appear to the non-specialist to be highly unconventional, such as laser or sonic weapons. They may more easily be defined by what they are not; that is, the weapons of mass destruction which the world attempted to ban following World War Two including gas and biological weapons, and the more problematical category of nuclear weapons.

Limits on Places of Warfare

In addition to the means and methods of limitations of weapons of warfare, there are treaty and other restrictions limiting where hostilities can be conducted. In addition to the implied restrictions in the Antarctic there are treaties preventing use of weapons in outer space and the use of environmental modification techniques over broad areas. The former has become "hot news" since the United States denounced the Anti-Ballistic Missile Treaty.

Outer Space

According to the United States Department of Defense, there is probably no other field of human endeavor that produced so much international law in such a short period. Within twenty years after the first Sputnik launch in 1957, international diplomatic conferences produced four major widely-accepted multilateral space law treaties. Taken together, these treaties provide the foundations of existing space law.

- The Treaty on Principles Governing the Activities of States in the Exploration and Use Of Outer Space, including the Moon and Other Celestial Bodies (the Outer Space Treaty, 1967) (German language version)
- The Agreement on the Rescue of Astronauts, Return of Astronauts, and the Return of Objects Launched into Outer Space (the Rescue and Return Agreement, 1968) (German language version)
- The Convention on International Liability for Damages Caused by Space Objects (the Liability Convention, 1972) (German language version)
- The Convention on the Registration of Objects Launched into Outer Space (the Registration Convention, 1975) (German language version)

It should however be noted that there is another treaty called the Moon Agreement of 1979 which the United States has never signed and which has attracted only 9 parties, among whom only France is active in space operations. In addition, several provisions of the 1980 Environmental Modification Convention apply to space activity. These agreements are not directly relevant to information operations, however, and they will not be discussed further here.

The four major space treaties together establish the following principles that are directly relevant to information operations. These principles have been so widely accepted that they are generally regarded as constituting binding customary international law, even for non-parties to these agreements.

- Space is free for exploration and use by all nations. It is not subject to national appropriation by claim of sovereignty, use, occupation, or any other means.
 - Activities in space shall be conducted with due regard for the interests of other states.
- States that launch space objects are liable for any damage they may do in space, in the air, or on the surface of the Earth. Different standards of liability are established for damage done to other items in space, for which a "fault" standard applies, and damage done on the surface of the Earth and to aircraft in flight, for which absolute liability applies.
- Space activities are subject to general principles of international law, including the UN Charter.

Among these treaties, the Anti-Ballistic Missile Treaty represents a significant limitation on the pursuit of war in outer space. The current conflict regarding modification is more one of diplomacy than of law. As it is currently written, however, the Treaty does prohibit extensive deployment of a system which could extend warfare past the limits of the earth. Other treaties, however, impact that argument. For further discussion see the Federation of American Scientists and the Center for Defense Information.

Conclusion

Integrating the law into military operations and the key principles affecting the conduct of all military operations in armed conflicts are very fundamental in contemporary armed hostilities. Hence, the international humanitarian law seems to be effective in some respects but it is seemingly weak when it comes to regulating the operational conduct of combatants during armed conflicts. Rules of war are not observed. Some key principles governing the conduct of combatants are often violated with impunity. Examples of these violations can be found in the Liberian Civil war, Darfur in Sudan, Sierra Leone, Congo Democratic Republic, Kosovo, Iran / Iraq war, Israeli Palestine crises, Nigerian Biafran civil war, to mention but a few (Adeyemi, 2009:29).

Unfortunately, the United Nations and other international bodies like the African Union, European Union, the North Atlantic Treaty Organization, the Arab League, the Economic Community of West African States to mention but a few, have not really risen to address these challenges. Force must be merged with force, so that action would repair action. Constant violations of these laws always lead to incessant loss of lives and properties across the globe. These immeasurably, are dangerous signals to the socio-economic and political development of contemporary nation states that operate on the center stage of world politics.

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