

The rules of war: international humanitarian law

Can acts of war ever be justified? Over the centuries people have thought about this and written books about it. Most people agreed that it was all right for your country to fight back if it was attacked. However, there was some disagreement about whether wars should be fought to resolve other types of dispute.

Now, whether a country may actually use force is governed by a part of international law set out in the United Nations Charter of 1945 which binds nations to live together in peace with one another as good neighbours. Countries are not allowed to use force except:

- in self-defence, or
- when authorised to do so by the United Nations Security Council.

The way a war is fought today is governed by international humanitarian law, which provides a set of rules which seek to limit the effects of armed conflict. A major part of international humanitarian law is found in the Geneva Conventions of 1949, supplemented by the Additional Protocols of 1977 relating to the protection of victims of armed conflicts.

International humanitarian law: the essential rules

The essence of international humanitarian law is summarised below. These rules apply to guerrilla fighters as much as to conventional armies:

- The parties to a conflict must at all times distinguish between civilians and soldiers or fighters in order to spare civilians and their property.
- Attacks may only be made against military targets. Civilians and other people who do not or can no longer take part in the fighting (for example prisoners or wounded soldiers) must not be attacked. ‘Terrorist’ attacks directed against civilians are thus clearly illegal.
- Armed forces must also take all possible precautions to ensure that they do not kill civilians by accident.
- Neither the parties to the conflict nor members of their armed forces have an unlimited right to choose methods and means of warfare. It is forbidden to use weapons or methods of warfare that are likely to cause unnecessary suffering.
- The wounded and sick must be collected and cared for, no matter which side they fight for. Medical personnel and medical establishments, transport and equipment must not be attacked. The red cross or red crescent on a white background is the distinctive sign which identifies such persons and objects.
- Captured soldiers or fighters and civilians who find themselves under the authority of their enemies must be treated humanely and protected against all acts of violence or revenge. They are entitled to exchange news with their families and receive help.