

International Humanitarian Law and regulations to prevent the deaths and injuries of the civilians during an international armed conflict

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Abstract- Armed forces in any country are expected to use special expertise knowledge and skills to save the dignity of the state and its citizens without being negligent or without having failure and inappropriate commanding orders. Therefore it should have a serious examination on the existing laws and especially on the Geneva Convention -4, Article 3 which has specially focus on the non-combatants in international conflict. Even though there have been practicing numerous types of laws and regulations, it is been noticeable that these are somewhat ineffective in the present war field. This could leads to a zero respect towards the law. Inasmuch the objectives of this paper article efforts to examine the required standard of care by the international authorities, consider on the several articles and currently existing laws and regulations that are specially regard on the protection of unarmed civilians also, to identify the finding loopholes of the existing laws and provide suggestions on the existing laws. This research is a doctrinal type of research which reviews some past literature, analysis of past case studies and books in the area of the international humanitarian law. In the long run, there are millions of innocent civilians have been trapped in many war effecting areas helplessly without ant wrong on their hands. Therefore it is one of a massive and also an important duty to rescue them immediately as soon as possible. The International Humanitarian Law as the supreme law for the international armed conflicts is having that noble duty protect innocent civilians in endanger no matter in any circumstances occurs.

Keywords – International Humanitarian Law, Civilians, litigations, reforms

I.INTRODUCTION

The requirement of protection for children, women and other civilians who are not engage in armed conflicts is a massive onerous action which must do in the field of international humanitarian law. Here for one fact is that these innocent people does not know anything about what military tack ticks are or how the armed forces deals with weapons and their other activities. Specially, the small children and sometimes women are also does not have such experiences to deal with such a situation. Therefor their protection is in a somewhat danger. Then in such situation when the state and the international

community is also unable to protect the innocent civilians then for sure they are helpless. So there must have a more influential mechanism to protect the civilians and to establish the core norm of the IHL.

II. METHODOLOGY

This paper article reviews some past literature, analysis of past case studies and books in the area of international humanitarian law with the main objective of examining the required standard of care by the international authorities , which is one of a main factor of killing innocent civilians who are non-armed, with the consideration of several articles and currently existing laws and regulations that are specially regard on the protection of unarmed civilians also, identify the finding loopholes of the existing laws and provide suggestions on far more progressive academic expressions on this issue, would to protect rights of human mankind and establish, ensure the sovereignty of law among all nations.

III.DISCUSSION

In an ancient treatise called “the art of the war”, written in 500 BC, by the Chinese writer Sun Tsu expressed his purport that, wars must be limited to military urgency, and the prisoners of war, the wounded, the sick, and civilians should be dispensable from a war. Likewise the similar idea can be found in many ancient writings such as code of Manu in 200 BC. these ancient records are testify that the “power” can be obtained under the name of “war” but, then not to destroy the rights of human beings, specially their right to life of the people who are not engage in armed conflicts. This is the core notion which is repeatedly followed and carried out by generation to generation. So same as the ancient era and now, in the modern international humanitarian law (IHL) has been especially look forward in setting the guidelines to be followed during war and armed conflict as a way of protecting the innocent civilians. In a society, primarily the civilians and those are not actively involved in a war including medical personal and organizations providing humanitarian relief services are also covered under IHL, therefor it is an important matter of deal with the protection of these vulnerable group at the war field. However when concern on the latest and past war reports which are calculated the civilian injury and even the

deaths, it is intensively affirmed that, even at least to a great extent humanitarian law has been greatly ineffective. (international humanitarian law 2008) even though it is to be noted that, in the field of IHL the existing statutes, conventions, treaties and other enforceable mechanisms are in somewhat extent effectively contributing its service but still, concern about the enhancing wars in the international arena it is not satisfactory even up to now.

When concern about the modern IHL context the Geneva Convention in 1949 is playing a major role in the international arena, also it is important to understand that the four Geneva conventions and the additional protocols of the Geneva convention are highly effective and have imposed very important rules and regulations to international or internal armed conflicts. Also they have up bring certain important standards to the battle field to follow during the war. The first Geneva convention "for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field" The Second Geneva Convention "for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea" replaced the Hague Convention of 1907. It was the first Geneva Convention on the protection of the victims of maritime warfare and mimicked the structure and provisions of the First Geneva Convention. The Third Geneva Convention "relative to the Treatment of Prisoners of War" replaced the 1929 Geneva Convention that dealt with prisoners of war. The most important convention which is related to this article is the Fourth Geneva Convention "relative to the Protection of Civilian Persons in Time of War". It was the first Geneva Convention not to deal with combatants, rather it had the protection of civilians as its subject matter. The 1899 and 1907 Hague Conventions had already contained some provisions on the protection of civilians and occupied territory. Article 154 specifically provides that the Fourth Geneva Convention is supplementary to these provisions in the Hague Conventions. The article 3 of the fourth Geneva Convention is especially important as it clearly states the provisions that are to guide conflicting parties (states) regarding the treatment of parties (civilians) not directly involved in the conflict. It had become apparent that whenever there was a conflict, it is mostly the innocent civilians that suffered. The civilians are often terrorized and is categorical that persons objection. The treaty is categorical that persons who may not be actively involved in conflicts and hostilities, especially civilians, members of the armed forces who have since retired from active duty and members of the combat (hors de combat) as a result of detention, sickness or wounding are to be accorded special treatment. They are all to be treated humanity without any kind of discrimination on the basis of race, color, sex, religion or even faith. Also the protocol 1 expands the protection for the civilian population as well as military and civilian medical workers in international armed conflicts in addition, Arts.15,79,Arts.76-77 give special protection to women,

children and civilian medical personnel and journalists. Arts.17, 81 are given permission to ICRC, national societies or other impartial humanitarian organizations authorized by parties to the conflict to provide assistance. Also the article 35 prohibits "caused superfluous injury or unnecessary suffering" as well as that "caused wider spread, long term and severe damage to the natural environment". In the protocol II specifically prohibits violence to the life, health and physical or mental well-being of people. In particular, it provide that children are to evacuated to safe areas when possible and reunited with their families Also the principles of IHL, has given a wider space to principle of self-defense which is also constitute in the Article 51 of the UN Charter, the principle of proportionality states that, even where there is a clear target on terrorists, it is prohibited to attack if it is a risk to civilians or civilian property, being harmed is larger than the expected military advantage. According to the principle of distinction, the parties to a conflict, must at all-time distinguish between civilians and combatants, and attacks must only be directly on the combatants. The war involving parties must have a clear distinguish between the civilian objects and military objects. Attacks should be strictly forward to the military objects.

When concern on these legal provisions which are deals with the protection of the innocent civilians but, still it can't be said that these provisions or the principles are highly influential when it comes to it practical aspect. Also, it could be agree when it comes to its theoretical scenario that this can be well fitted and fare enough to deal with any war but, unfortunately we need a solution for the practical sense and that's what always happens in this world even just right now as well so, this is the most crucial point of all.

IV.RECOMMENDATIONS

Concern with the recommendations, it is important to understand that previously mentioned documents [Geneva Convention and the additional protocols] are even though they are very important but, still its enforceable mechanism is still not effective. Actually in the practical scenario it is very difficult to find out that even how many civilians or military personals are have been died during the war, it is so difficult to find the exact information in the field of war. But concern reported war deaths of civilians and other war crimes it is understandable that still the war crimes and civil attacks are happening. Therefore first there must have a developed communication media with the military groups, especially nowadays with the terrorist groups such as ISIS, Taliban and many others. Because it can constitute a further more developed strategic plans with these sort of military groups. And also another major fact is that the IHL must applied for in an equal manner to everywhere the problem is that the international community is willing to apply the international law where their own interest is with, other states who may have the less interest they

pay less attention and the neutrality may applied. This imbalance of the attention can lead to a massive conflicts. For an example the western approach more in to deal with the middle-east countries who are blessed with petroleum ant other resources. But in all around the world there are conflicts may occur at least in the domestic level but, at the end same featured people were killed helpless. This is a huge week point that can be seeing in the international enforcement bodies. Also the international community they sometimes contributes unnecessary attention towards some internal wars and make them more worst. Also there must have a very strong judicial frame work that can be deal with these sort of issues very sensitively. It can be seeing that international courts such as ICC provides more effective judgments but, even though that still the same type of crimes are happens also in further more developed manner. It shows that the respect level towards the law, so this is a fact that must questioned. Another progressive solution is that deal with the terrorist groups with the concern of their religious or cultural background, for an example this can be done with the Islamic extremist groups, it is not a peaceful talk which is to stop the war but, it should be directly aimed to survive civilians who are going to be their targets. So the help of the Islamic leaders who are having the great personalities and who have the respect of their people addition to that point it must understand thoroughly, in the history most of the wars happened regarding religion or some sort of ethnicities, for an example the crusade war happened among two religion and it killed thousands of people from both sides. So it can be said that people are more serious with the religion but this is also can be successes in to some extent concern about the latest middle -east crises. Finally the states are having the most influential power which should have to protect their civilians but, in practically the states are unable of protect the civilians during the war period because their all the attention is goes with the war. For an instance the Azard's government in Syria didn't take early measurements to protect civilians before the war get worst so, now it can be seeing the bad repercussions of it. So reinforcement of the state parties is the most influential mechanism what the international community can be done. For that a particular contract should be introduce that the both parties must be responsible regarding the civilians, it must have a binding liability towards them. Then regarding the civilian matters the utmost interference should be obtain by the international authorities , the civilians must get the temporary citizenship by the other countries which are safe enough , the refugees shouldn't be torched physically and specially mentally and chasing out by those countries just like the present USA government does.

V.CONCLUSION

Due to the increases of world war conflicts of all around the world, to mitigate the risk of damage to the civilians population, it is not enough to constitute many Acts,

statues or any other documents which does not have any influential power because, in practically states are very lazy to follow all the laws and rules accordingly. Therefor it is an urgent need to understand about the need of an effective mechanism which can highly influence to decrease the civil injuries. On the other hand the states have their own responsibility to take relevant measurements and the decisions over their states. That is call the state sovereignty which a state must have absolutely. But it doesn't mean that it can go beyond the internationally recognized laws and regulations. This fact must understand by the all nations for the betterment of their own people. Because this world is not useful without its own mankind.

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