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Development of international law in regulating warfare

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Abstract
The politics of realism has marred the efforts of peace since the dawn of civilisation. Wars in human history have been as much a reality as a quest for peace. Peace has been an ideal which humanity had persistently dreamed to save humanity from the scourge of war. The treaties hitherto have been agreed upon by different nation-states to seek international cooperation and mitigate the effects of cutthroat competition. Conflict is inherent as there is a clash of promoting one's national interest. The article aims to explain that if war is a reality, then what could be its effect on the network of treaties which a nation-state has agreed to build its relations with other countries or as a matter of fact warring countries specifically during the wars. The article also tries to understand that can there be a jurisprudence of war or it is totally outside the ambit of the law? It is an exciting study to deal with the effects of war on treaties concluded during the times of peace and better understanding.

Keywords: war, treaties, conventions

1. Introduction

The checkered history of societies is the history of wars and the quest for peace through various agreements, treaties, and conventions. The clash of civilisations through armed conflict creates an environment of anarchy where all rules and regulations, laws, agreements, treaties, etc., are torn apart or subsided. Part of Bismarck's genius was his perception that Prussian liberals, though sticklers for lawfulness reception, desired a minister, who would rupture the treaties of 1815, destroy the Austrian-led German Confederation, and unify the thirty-nine German states. Karl, a Prussian progressive, candidly admitted this in 1861:' If someday a Prussian minister would step forward and say. I have moved boundary markers, violated international law, and torn up treaties as Count Cavour has done,' gentlemen, I believe that we will not condemn him. [1]

The effect of war on treaties—is significant, and therefore, the codification of jurisprudence has generated a substantial interest within this discourse. The classical international jurists believed that the war ipso facto terminates all the treaties. However, the role of treaties during the war may be reduced but is not unimportant as per the modern international jurists. Each of the viewpoints takes completely different arguments in their favor:

1. Because the war creates complete disorder and lawlessness, the treaties are sure to be revoked without any intentions.
2. The magnitude of the war decides the fate of the treaties; whether or not the treaties would be serving the restricted interest or not.
3. Here within the case of warfare or the treaties completed before the war, the intention of the parties acquires primacy after the creation of the treaties.
4. As there was extensive bloodshed since the beginning of the twentieth century, the efforts were on to negate the utilization of force for subsiding disputes through League of Nation or United Nations.

Despite these rationalisations wherein the thinkers wished to bring the wars or the utilisation of force within the ambit of law, the annulment of treaties may be a day to day affair. We cannot legalise war itself. Therefore the acts committed throughout the war has got to be understood in this context, though traditionally efforts were made to fight wars with some pre-decided rules and regulations. The great wars, as depicted within the epics of Ramayana and Mahabharata conjointly showed many examples wherein each party desecrated the treaties. The desecration was there, although we refer these as the holy war (*dharma-yudhs*).

The various issues have to be kept in mind while discussing the violation of treaties throughout the outbreak of armed conflicts. Since it is an extraordinary scenario, there are practical difficulties in abiding the treaties throughout conflicts. In the international law of today, the outbreak of hostilities between States is not a standard scenario. Thus, the principles and laws regarding its legal consequences cannot be applied within the traditional relations between States, as they do not form a part of the overall rules of jurisprudence.

There are treaties and conventions, e.g., the Geneva Conventions on the law of the seas; wherein there is no violation of the reservation for the causal and the consequential effects of armed conflicts. But there are conventions just like the Vienna Convention on Diplomatic Relations wherein (Art. 44) clearly states "The receiving State should, even in case of armed conflict…. in particular, in case of need, place at their disposal the necessary means of transport for themselves and their property [2]. The Convention on Consular Relations (art. 26) [3] reiterated the Vienna Convention's statement concerning armed conflicts.

2. Diverse Opinions

The different approaches have been evolved to deal with this complicated issue. In 1921 Sir Cecil Hurst observed that

the effect of war upon peace treaties cannot be measured and that there is a gap between theory and practice. The words of the treaties rarely adhere. In the seventh edition of volume II of Oppenheim's international law [3], Hersch Lauterpacht wrote (in 1948): The doctrine held that the upsurge of war ipso facto ends up in cancellation of all the treaties contracted in the past between the belligerents except those especially concluded within the war. A sizable variety of contemporary writers on jurisprudence hold onto the opinion that war by no means annuls each pact. However practically there are cases where the states have declared that all treaties get nullified with the outbreak of war. Thus, the dilemma remains unanswered.

In a monograph published in the year 2000 Anthony Aust [4], referring to Oppenheim (cited above) noted that: as the eruption of hostilities between states becomes an abnormal scenario, there is no application of the overall rules of international law in normal relations between the states. Thus, it requires a separate kind of understanding of international wartime jurisprudence. The doctrinal positions concerning the impact of war on treaties, from definitions of "war" and "treaty," is lying in the relevance of the principle of rebus sic stantibus [5], which implies a basic change in circumstances resulting in the unenforceability of the treaties. Concerning per-World War II developments, Dr. McIntyre's notes that, United States practice had begun to evidence a "general tendency to diminish the effect of war on treaties." (However, on the effect of world war II, Dr. McIntyre concludes that "one cannot with certainty point to a single treaty that the United States may be said to have regarded as terminated by World War II. This extends even to political treaties". He has considered some one hundred seventy treaties effective between the United States and one or more enemy states at the outbreak of World War II. He consulted Judicial decisions also. However, court decisions addressing the effect of World War II on treaty provisions are comparatively few. As a consequence, Dr. Macintyre has created in-depth use of proof of non-judicial origin as in notable statements by officers of the Department of State; actions of Congress in appropriating money or enacting legislation relative to specific treaty obligations; provisions of the postwar peace treaties, and, within the case of multilateral treaties, activities of different party states or of the organizations created by such treaties. To be sure, as the Karnuth case of 1929 [6] relative to the Jay treaty of 1795 (The Treaty of Amity, Commerce, and Navigation, Between His Britannic Majesty and the United States of America), enlightens about Dr. Macintyre's finding on termination of treaties might not prove an infallible guide to every future decision. Even so, cases like Argento v. Horn (241 F. 2nd 258 (1957)) [10], determined after the completion of his manuscript, where suspension of Italy by the extradition treaty of 1868 throughout World War II, continue to support the strength of the proof of Dr. McIntyre's finding. Another conclusion reached by Dr. McIntyre is that whether the intention theory, or the classification theory, or the municipal standard of compatibility with national policy in a time of war is applied, the result will normally be the same when considering the effect of war on a particular treaty [7].

3. Laws of war in the 19th and 20th century

War knows no bounds. It is an area concerning human intellect wherein the efforts are on by the intelligentsia to bring every human activity under the ambit of the law. They are ranging from private life to war. It is a common saying that the war can never decide who is right. It can only determine who is left. As referred earlier, the efforts were on to lay down rules and regulations by the warring parties for fighting a war. The Indian tradition esp. the Rajput tradition are exemplary in this regard that no person should be attacked if he is unarmed, wounded, or helpless. In modern times, the pioneering work was done by Prof. Lieber (1800-1872), a German-born veteran of the Napoleonic Wars, suggested that while treating prisoners of war, irregular guerilla forces and captured enemy property should use a code of law and its usages as a guide which was generally accepted in the 19th century. As the war was a regular activity in all ages, in modern times, more stress was given on codification of law than on customary practices. In this regard, the various conventions came into existence. We may refer to "the code of conduct laid down by red cross Convention (1864) about treating the wounded in armies within the field. (In 1882, USA acceded to it.) The Declaration of St. Petersburg concerning "projectiles… charged with fulminating or inflammable substances [8]. A comprehensive pact covering all the aspects of war and based on the Lieber Code [9], was created in Brussels in 1874 by a delegate of 15 nations, which did not see the light as some European powers moved ahead and developed new weapons to suit the latest wars and thus more specific rules dealing with war were laid down in the 1st Hague Conventions of later (1899) [11], on the initiative of Russia in which adopted a series of treaties coping with the treatment of prisoners of war and military authority over hostile territory, and prohibiting the use of poison gas for 5 years, expanding bullets ("dumdums"), and bombs dropped from balloons.

In 1907, The Hague [12], held another convention specifically for coping with the wounded and prisoners of war and containing laws for conduct toward civilians in land warfare. There continued the extension of the earlier ban against bombing from balloons. The usage of these conventions was first practiced when World War I broke out. An Allied commission was appointed to decide whether any enemy soldiers could be tried for violation of the customs and laws of war [13]. The commission's recommendation was that an international court should be established, composed of representatives of the major powers which was later followed in the creation of the Nuremberg Tribunal after World War II, which might apply the principles of The Hague conventions. But the peace commissioners decided that existing military tribunals from the victorious armies would act as the trial courts. Here the German Government objected and insisted that its courts would conduct the trials, and it was duly agreed to by the Allies agreed. the Leipzig court held guilty a group of German soldiers who had mistreated Allied prisoners and given minor sentences. The others tried were Two U-boat officers who were part of (the Llandovery Castle case) [14] the torpedoed a troop ship and the shelling of the survivors. The Court also acquitted five defendants accused of the atrocities against Belgian civilians, outraged the world.

As the world moves forward, the 1st world war did not in

any way, deter or desist the European powers to perpetrate war crimes against each other. The second WW saw the mass destruction of life and property through conventional and non-conventional weapons. Gas chambers were used, biochemicals were used to kill people.

After World War I, the European nations returned to the process of codifying the laws and in 1925 created a treaty prohibiting the use of bacteriological methods of warfare. In 1929, two detailed conventions [15] were ready at Geneva coping with conduct toward the sick and wounded and prisoners of war. These were put to use in World War II.

The end of the 2nd World War resulted from a nuclear holocaust. The industrial powers laid down the rules and regulations for more technological warfare, wherein total prohibition was called for on use of biochemical weapons.

The Conventions are

Convention for the amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

Convention for the amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea

Convention Relative to the Treatment of Prisoners of War.

Convention Relative to the Protection of Civilian Persons in Time of War.

The USA laid down a code of conduct for humanity in all time to come in the form of the United Nations in 1945, which prohibited the use of force barring very few exceptions.

The magnitude of horrific destruction which humanity discovered to its astonishment led to a more comprehensive analysis of how a robust regime of laws could curtail the effects of war. The Genocide Convention was passed in 1948; a resolution against nuclear weapons in 1961; and a resolution on human rights, and in 1968, calling for the protection of civilian populations in time of war. The United Nations advised the International Committee of the Red Cross (ICRC) in the 1970s to create new agreements on rules of war to include colonial and guerrilla wars, and other methods of warfare not covered by earlier conventions. The ICRC brought along a bunch of specialists in 1977 to add two protocols to the more previous Geneva Conventions, to deal with colonial wars of liberation, prisoner-of-war status, and protection of civilians (Protocols Additional to the Geneva Convention of August 12, 1949 and Protection of Victims of International and Non-international Armed Conflicts, June 10, 1977, 1125 U.N.T.S 609). The United States did not ratify the 1977 protocols.

Another conference was held in Geneva in 1980, to consider restrictions on the use of conventional weapons. Three additional protocols were prepared in 1981, included armaments that introduce non detectable fragments into the human body; mines, booby traps and other devices; and incendiary weapons (United Nations Conference on Prohibitions or Restrictions on Use of Certain Conventional Weapons: Final Act, U.N. Doc., A/CONF. 95/15 of October 27, 1980 reprinted in 19 I.L.M. 1523, 1530).

In December 1997, 122 countries signed the Landmine Treaty (the Oslo Treaty), which grew out of the 1980 Geneva Conference, banning the use, sale, and production of antipersonnel mines, which ravaged many parts of Asia and Africa (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, 36 I.L.M. 1507). The treaty came into force on 1 March 1999, although the United States refused to sign because of objections made by the Department of Defense, which was concerned that it would inhibit its ability to retort to rogue nations who refused to confirm or follow the restrictions contained within the written agreement.

Efforts to declare the utilisation of nuclear weapons as a violation of international law were lost, and so crimes have continued for several years. Defenders of such a declaration argue that nuclear weapons by their very nature cause intense and unwanted suffering on civilians are in violation of the 1907 Hague Convention and the 1949 Geneva conventions (Falk, Meyrowitz, and Sanderson). This is seen in the Shimoda case [16] in December 1963, where the Japanese court did reach such a decision in which the Hiroshima and Nagasaki victims sued the Japanese government for damages. (The Japanese government was sued as a representative of the actual perpetrators as they had waived the claims of its citizens against the United States in the peace treaty of 1951.)

The Hague and Geneva conventions are not necessarily the source but a mirrored image, of the laws of war. International law evolved from the customs and practices prevailing among civilised nations, and the rules of war as laid down in the conventions are but one expression of this common heritage. The conventions state that each nation is bound by basic rules of warfare, whether or not they are signatories to the treaties and whether or not they attempt to withdraw their ratification [17]. Article sixty-three of the Geneva Convention of 1949 (relating to wounded and sick within the field) allowed any party to denounce the written agreement, but the "denunciation shall affect only in respect of the denouncing Power. It shall in no approach impair the obligations that the Parties to the conflict shall remain bound to fulfill by the principles of the law of nations, as they result from the usages established among civilised peoples, from the laws of humanity and the dictates of the public conscience." The appeals decision in Tadic also recognised that all nations are bound by "Customary Rules of International Human Rights," regardless of the technical application of a particular treaty or protocol and regardless of whether a country adhered to their legal provisions [18].

Those universal principles haven't varied in their basic outlines for thousands of years: no attacking defenseless civilians, no killing prisoners, the wounded should be cared for, and no use of weapons of unnecessary destructiveness.

4. Wars and the United Nations

The League of Nations formed in 1919 after the First World War, and the General Treaty for the Renunciation of War of 1928 signed in Paris, France [19], showed that world powers were searching a means to prevent the carnage of the world. Yet these powers were unable to stop the Second World War and, thus, the United Nations (UN) was put in place after that war in an attempt to prevent international aggression through declarations of war

5. Legitimate use of armed forces

There are two underlying views on the legitimate use of armed force to settle international disputes. The restrictive approach is based on an interpretation of the principles underlying Article 2(4) of the United Nations Charter, which provides:

> *"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or any other manner inconsistent with the Purposes of the United Nations* [20].

Its proponents claim that the section was written with the view of eliminating war. The qualified prohibition analysis is a more realistic view, in light of state activity since the Charter came into force and is based on the plain meaning of section 2(4). Proponents argue that:

The Charter language only prohibits specific results (as in, obtaining territory by force viz Iraq and Kuwait in 1990) and that use of force consistent with U.N. purposes is legal.

The protection of the Charter is provided to law-abiding states, and an international outlaw state has no legal recourse to the use of force against it.

Support is found in the broader meaning of Article fifty-one: *"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security."* There should be an instant report of the measures taken by Members within the exercise of this right of self-protection to the Security Council. It shall not in any way affect the authority and responsibility of the Security Council underneath the present Charter to take any action at any time it deems necessary to keep up or restore international peace and security.

The ICJ in Nicaragua v US [21] found the customary international law in

General Assembly Resolution 2625 (XXV). As already determined, the adoption by States of this text affords an indication of their opinion to customary international law on the question. Alongside bound descriptions which can consult with aggression, this text includes others which refer only to fewer grave forms of the use of force. According to this resolution:

'Every State has the duty to refrain from the threat or use of force to violate the present international boundaries of another State or as a method of determination international disputes, as well as territorial disputes and issues regarding frontiers of States...

States have a requirement to refrain from acts of retaliation involving the utilisation of force...

Every State has the duty to refrain from any strong-arm action that deprives peoples noted within the elaboration of the principle of equal rights and self-determination of that right to self-determination and freedom and independence.

Every State has the duty to refrain from organising or encouraging the organisation of irregular forces or armed bands, including mercenaries, for an incursion into the territory of another State.

Every State has the duty to refrain from organising, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organised activities within its territory directed towards the commission of such acts, once the actions noted within the present paragraph involve a threat or use of force.'

The two views spill over while applying Article 51 to the traditional right of nations in the use of armed force in self-defense.

6. Self-Defense

Article 51 of the Charter allows the right of self-defense, at least until the Security Council has had time to act. This led to a justified uThe most commonly cited exposition of that right (self-defense is "confined to cases in which the necessity of that self- defense is instant, overwhelming, and leaving no choice of means, and no moment for deliberation.") [22] There are considerable complications by mutual defense treaties and the question of their applicability such as the NATO Treaty.

Thus, to force nations to resolve issues without warfare, framers of the United Nations Charter attempted to commit member nations to use war only under limited circumstances, especially for defensive purposes only. When one member is attacked, it means an attack on all the others. An attack on one is an attack on all. The potential for unintended consequences is self-evident.

The Court observes that the global organisation Charter,…… by no means covers the whole area of the regulation of the use of force in international relations. On one essential purpose, this treaty itself refers to pre-existing customary international law. This reference to customary law in the actual text of Article 51, which mentions the 'inherent right' (in the French version the 'Droit naturel') of an individual or collective self-protection, which 'nothing in the present Charter shall impair' and applies in the event of an armed attack. The Court thus finds that Article fifty-one of the Charter is barely meaningful on the premise that there's a 'natural' or 'inherent' right of self-protection, and it is hard to envision however this will be aside from of a customary nature, even if its present content has been confirmed and influenced by the Charter.

The new argument is that the Caroline doctrine is obsolete and those nations threatened by terrorists, use of weapons of mass destruction must look towards a more robust policy of preemption [23].

Dr. Barry Schneider of the U.S. Air Force Counter Proliferation Center identifies some of the inherent dangers of the preemption doctrine:

The preemptive attack, as a final resort, in a particularly dangerous and distinctive state of affairs, is sensible. In general, however, preventive counter-proliferation actions should be considered only in the most extreme cases, where all other options appear to be ineffective, and where the conditions favor success [24].

7. Treaty Obligation

Article 52 of the United Nations charter provides, in part, that: Nothing within the... Charter precludes the existence of regional arrangements... for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided [they] are consistent with the Purposes and Principles of the United Nations.

8. Humanitarian Intervention

The humanitarian intervention doctrine dates at least to the middle of the 19th century when French forces landed in Lebanon. This led to the justified use of force in several civil conflicts since that date, though considered by many of the former non-colonial powers as unjustified interference in a nation's internal affairs. The opposition by the People's

Republic of China to NATO's use of force in Kosovo in 1999 may be, at least in part, attributed to that history. We find an excellent example of the use of that doctrine with colonialist overtones in the humanitarian intervention of the United States in Haiti in 1915.

The belief is still disputable, not least because no established standards are governing its application. Mr. Javier Perez de Cuellar (Peru), The Secretary-General of the United Nations, has suggested some guidelines:

First, like all other fundamental principles, protection of human rights cannot be invoked in a particular situation and disregarded in a similar one. To apply it selectively is to debase it. Governments will, and do, expose themselves to charges of deliberate bias; the UN cannot. Second, the base of any international action for protecting human rights is on a decision taken by the Charter of the United Nations. It must not be a single act. Third, and relatively, the consideration of proportionality is of the utmost importance in this respect. Should the scale or manner of international action be out of proportion to the wrong that is reported to have been committed, it is bound to evoke an intense reaction, which in the long run, would jeopardise those very rights [25].

The argument against a right of humanitarian intervention is based primarily on an absolute interpretation of article 2(4) prohibition on the use of force and the fear of abusive invocation of the doctrine. The reality of current state practice, however, has rendered the absolute ban on the Charter meaningless. Hence we see, there exists a compelling need for a contemporary and realistic interpretation of article 2(4) based on state practice that recognises an exception to the Charter prohibition when force is required to prevent mass slaughter [26].

The UN also became a war combatant itself after North Korea invaded South Korea on June 25, 1950 (see Korean War).

The UN Security Council by a 9-0 resolution condemned the North Korean action (with the Soviet Union abstaining) and called upon its member nations to come to the rescue of South Korea. The United States and 15 other countries formed a "UN force" to pursue this action. In a press conference on June 29, 1950, U.S. President Harry S. Truman characterised these hostilities as not being a "war," but a "police action."

The United Nations has issued Security Council Resolutions that declared some wars to be legal actions under international law, like Resolution 678, authorising war with Iraq in 1991.

Thus, the law of war comes from two principal sources:

• Lawmaking treaties (or conventions) —".

• Custom. All the laws of warfare derived or incorporated in such treaties, do not owe the origin to the customary law. However, customary international law is established by the general practice of nations together with their acceptance that this is required by law. Some treaties, notably the UN charter (1945) Article 2, and, other articles in the charter, seek to curtail the right of member states to declare war; like the older Kellogg-Briand Pact of 1928 for those nations who ratified it. The Kellogg-Briand accord was used against those charged at the Nuremberg War Trials in Germany post-World War-ii for waging an aggressive war.

An observation whether there is the use of treaties or customs is seen in the most recent case, when the Indian pilot Wing Commander Abhinandan, was returned safely by Pakistan on 1st March 2019 on the pressure by the world for his release. Here on the question of the application of the Geneva Conventions to a particular conflict, we find guidance in Common Article 2 – which is an article that is present in all the conventions. As per this provision, the Convention *"shall apply to all cases of declared war or to any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them* [27].

9. Violations and Applicability

The laws of war bind parties to the extent that such compliance does not interfere with achieving legitimate military goals.

For example, they are obligated to take efforts to avoid damaging civilians and their individual property. However, they are innocent of a war crime if a bomb mistakenly hits a residential area.

Similarly, combatants that use civilians guilty of violations of laws of war or property as shields or camouflage are and are responsible for damage to those that should be protected.

Well-known examples of such laws are the prohibition on attacking doctors or ambulances displaying a Red Cross, a Red Crescent or other emblem related to the International Red Cross and Red Crescent Movement (this sometimes leads to confusion when the British military is involved, where individual regiments use the English flag, which is also a red cross).

10. Remedies for Violations

During the conflict, punishment for violating the laws of war may consist of a specific, deliberate, and limited violation of the laws of war in reprisal.

Soldiers who broke specific provisions of the laws of war lost the protections and status afforded as prisoners of war but after facing a "competent tribunal" (Geneva Convention III, Art 5).

At that time, they become an unlawful combatant however they need to be still *"treated with humanity and, in case of trial, shall not be deprived of the rights of fair and regular trial,"* as they come under GC IV Art 5.

For example, India returned 96,000 prisoners of war in 1972, under the Shimla Agreement.

In 1976, foreign troopers who fought for The National Liberation Front of Angola (FNLA) were captured by The People's Movement for the Liberation of Angola (MPLA) when the civil war broke out during Angola's independence from Portugal in 1975. Later when "a regularly constituted court" found them guilty of being mercenaries, three Britons and an American were shot by a firing squad on July 10, 1976. Imprisonment for terms of sixteen to thirty years given to nine others.

Spies and terrorists could also be subject to civilian law or military court for his or her acts and in practice are tortured and executed. The laws of war do not approve or condemn such actions.

However, nations that have signed the UN Convention against Torture have committed themselves not to use torture on anyone for any reason.

Soldiers of countries that have not signed the Fourth Geneva Convention are outside its scope, whether they are spies or terrorists. (Article 4: "Nationals of a State that are not bound by the Convention are not protected by it."). (Article 2, of both Conventions: "[The High Contracting Parties], shall

furthermore be bound by the Convention about [a Power which is not a contracting party] if the latter accepts and applies the provisions thereof." note: emphasis added).

If somebody is (or is suspected to be) a national or soldier of a nation that has signed or abides by the Fourth convention (see Art.2 and Art.4citations above), or is (or is suspected to be) a "prisoner of war" (POW) per the definitions of such "protected persons" within the Third convention (see Art.4 and Art.5), the subsequent applies:' A POW who breaks specific provisions of the laws of war may be penalized, to the same extent the tribunal would penalize its own soldiers for the same offense(and usually a disciplinary, not judicial, punishment if its soldiers usually wouldn't be brought to trial for a particular offense) and the penalty should not be based on rank or gender, nor with corporal punishment, collective punishments for individual acts, lack of daylight, or torture/cruelty (Geneva Convention IV, Art. 82 through Art. 88).'

When the conflict ends, persons who have committed or ordered any breach or atrocities of the laws of war, can be held accountable for war crimes individually through a process of law. Nations that signed the Geneva Conventions are required to search, try, punish, anyone who has committed or ordered certain "grave breaches" of the laws of war.

11. Conclusion

Though peace is lovable to all, and treaties and conventions are a means to achieve this end, but the saying of Adolf Hitler still finds attraction in human mind wherein he used to say:" War is as dear to a man as maternity to a woman." War and peace are the two sides of the international coin wherein the various nation-states resolve their conflicts through these means. To have peace, one should always ready for war. The wars in modern times are changing their color and shape. Now the wars are fought through proxies by interstate actors in the name of terrorism, civil uprising, guerilla warfare, imposing martial law and carrying out a coup in other countries.

Thus, the complexity of warfare demands that there has to be a powerful mechanism in the international arena to deal with such insurgencies or uprisings. International law is undoubtedly developing and trying to address these complex situations where there is a threat of weapons of mass destruction, which are continually threatening human existence. The case of North Korea, Iran, ISIS is before us, where a country like the United States of America is trying to contain the development of nuclear warfare by these countries within the Charter of the United Nations and conventions or even outside of it.

The given article has dealt in length with the regime of International Law through the codification of treaties, to mitigate the effect of wars in all shapes and colors. Protection of the civilians against all kinds of atrocities seen during the first and second world wars.

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