

NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

4.7 MEANS AND METHODS OF WARFARE

IVTH SEMESTER

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Objective: War is unexpected but unavoidable affairs of human society. Current world affairs are inundated by overabundance of armed conflicts, and many of them marked by methods of warfare displaying a shocking disregard for the established principles and legal obligations under international law. However, international law limits the methods and means used to wage war. There are restrictions on weapons and strategy or tactics on their use and on conduct in hostilities against an enemy in times of armed conflict. These restrictions apply to the type of weapons used and the strategy applied and general conduct of all those engaged in the armed conflict. The key objective of introducing of this paper is a humble approach to disseminate the general information among the students about the challenges that may arise from unlimited used of means and methods of warfare.

Evaluation: The paper will be evaluated in two stages: Project for 30 Marks; and Objective Questions for 20 Marks.

MODULE I

1. War/ Armed Conflict: Definition: International and Non-International Armed Conflicts; Absolute and Limited Warfare; Humanitarian Intervention
2. Sources of Law: Customary International Law; Conventions, Treaties, Protocols & Judicial Decisions
3. Principles of Laws of War (Methods of Warfare):
 - I. Doctrine of Necessity,
 - II. Principle of Distinction (Indiscriminate attacks: Bombardment and Targeting),
 - III. Principle of Proportionality
 - IV. Principle of Unnecessary Suffering
 - V. Military Advantage:
 - i. Military Advantage in Relation to Proportionality
 - ii. Military Advantage in Relation to Military Necessity
 - iii. Military Necessity in Relation to Proportionality
 - VI. Martens Clause – Principle of Humanity
4. Environmental Protection,
5. Protection of Cultural Property

MODULE II

1. Means (Weapons) of Warfare

- I. Cluster Bombs
- II. Landmines
- III. Fragmentation
- IV. Chemical Weapons
- V. Lasers
- VI. Incendiaries
- VII. Riot Control Agents (RCAs)
- VIII. Drones

2. Prohibited and Restricted Weapons:

- I. Poisonous Gases and Liquids
- II. Biological and Bacterial Weapons
- III. Dum-Dum Bullets or Hollowpoint Small Arms Ammunitions
- IV. Glass Projectiles
- V. Chemical Weapons
- VI. Explosive and Flammable Ammunition
- VII. Expanding Bullets & Poisonous Weapons
- VIII. Landmine
- IX. Non-Detectable Fragments
- X. Cluster Bombs
- XI. Incendiary Weapons
- XII. Blinding Laser Weapons
- XIII. Explosive Remnant of War
- XIV. Booby Traps & Manually-Emplaced Munitions

3. New Weapons

MODULE III

Accountability Mechanisms



1. Responsibility: Traditional View and Existing Legal Mechanisms
2. Obligation on States
3. Responsibility of Commanders
4. Responsibility of Subordinates
5. WW II Command Responsibility: Nuremburg and Tokyo Principles, Control Council Law No.10, Yamashita Principles
6. The International Court of Justice
7. Post WW II: Statute of the International Criminal Tribunal for Yugoslavia, 1993 and Statute of the International Criminal Tribunal for Rwanda, 1994
8. The Rome Statute of the International Criminal Court, 1998

9. No First Use Policy
10. Nuclear Non-Proliferation Treaty (NPT)
11. Comprehensive Test Ban Treaty (CTBT)
12. Partial Test Ban Treaty in October 1963