The Humanitarian Law of Armed Conflict

Editor's Note: The materials which follow are based upon papers and comments delivered before the Section of International Law at the Annual Meeting of the American Bar Association in Atlanta, Georgia, in August, 1976.

Major General Harold R. Vague, The Judge Advocate General, United States Air Force: We have a distinguished panel to discuss the protection of civilians in armed conflict. It is not a new issue. We can trace it back to at least 1625 and we will try to build this afternoon's program around the handout you have before you now concerning the burning of Norfolk. Certainly, the bombardment of Norfolk created controversy in our own War of Independence, or, as one of our panel members might say, the War of Colonial Rebellion. We can say that the humanitarian aspect of the law is a common objective among all civilized people. Among civilized people certain conduct is reprehensible, or as Sir David might say, simply offends our sense of decency and fair play. Killing of POWs, is an example of this. I think the Mai Lai massacre, assuming the prosecution's presentation of the case to be accurate, is another example of the type of conduct that would be considered reprehensible.

If I were a civilian I would be most interested in any laws, international or otherwise, that pertained to my safety and were designed for my protection. But you might have a logical question, "Why is the military interested in International Law concerning the protection of civilians?" There are three good reasons: First, the purpose of war is to apply maximum force to the enemy and reduce his ability to apply force to you. It is simply an uneconomical expenditure of resources, time, and people to waste them on innocent civilians. Second, the rules protecting civilians enhance military discipline. As I keep reminding Chief Judge Fletcher, the only reason that we have insistence upon discipline

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