

- Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity⁴⁶.

While human rights law and the law of armed conflict, as in this study, are still treated separately, their gradual overlapping over time is no more evident than in UN field operations in situations of armed conflict.

3.2 Law of Armed Conflict

The codification of the law of armed conflict began roughly in the 1860's, and for a long time was seen to run separately but in parallel with human rights law. It was obvious that human rights or humanitarianism provided the fundamental theme or rationale for its development. Just as the different strands of the law of armed conflict expanded and overlapped, so too the whole body of the law of armed conflict has expanded and overlapped with similarly expanding international human rights law. This has particular relevance for UN field operations.

The international law of armed conflict brings together the three streams or categories of normative behaviour for situations of armed hostility. The Law of The Hague is a collection of treaties⁴⁷ regulating the conduct of hostilities. It attempts to strike a balance between military necessity and humane war fighting if that is not too much of an oxymoron. It deals with such issues as the use of chemical weapons, explosive bullets, and other weapons or tactics that cause 'unnecessary' suffering during armed conflict.

The Law of Geneva refers to the rules on the treatment of non combatants. Codified in 1949 in the four Geneva Conventions, they deal with (I) the wounded and sick in the field, (II) the wounded, sick and shipwrecked at sea, (III) prisoners of war, and (IV) civilians in the hands of the enemy. Additional Protocol I of 1977 reaffirms and develops the protection of victims of international armed conflicts while Additional Protocol II of 1977 reaffirms and develops the protection of victims of non-international armed conflicts as already laid down in Art.3 common to the Four Geneva Conventions. Both 1977 Protocols integrate rules of the Hague Law into the Law of Geneva.

⁴⁶ General Assembly res. 3074 (XXVIII), 3 December 1973

⁴⁷ There are roughly 28 treaties regulating the conduct of hostilities (Law of The Hague) including the Hague Conventions per se. They can be roughly divided into 5 categories: General/Land, Sea, Air, Neutrality, and Weapons. For a compilation see, *International Law Concerning the Conduct of Hostilities: Collection of Hague Conventions and Some Other Treaties*, International Committee of the Red Cross, Geneva, 1989, pp. 201.