

Time To Change The Rules Of War
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*War is an ugly business. For thousands of years, this has remained the case. Finally the Geneva Conventions came along in 1948, and the nations of the world joined hands to transform war from **an ugly business into an ugly-business-described-by-solemn-buzzwords-and-unenforceable-guidelines**, which allowed countries taking part in war to disavow the ugliness of the business without actually having to conduct the business in any meaningfully different manner. This is what we call "civilization."*¹

Laws of war: Law concerning acceptable practices while engaged in war, like the Geneva Conventions, is called *jus in bello*; while law concerning allowable justifications for armed force is called *jus ad bellum*. It is crucial and most important to note that these laws are applicable **only to** nations that approve and consent to bind to them, usually in the form of international organizations or diplomacy. The geopolitics of a particular era often dictate which laws are enforced, and by whom².

One of the first things the newly formed U.N. did was sit down in Geneva, Switzerland, and try to find a kinder, gentler way to wage war. In December 1948, the U.N. Convention on the Prevention and Punishment of the Crime of Genocide passed the first article of what would be known as the Geneva Conventions. Genocide was defined as murder "committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group." This convention drew up a list of punishable crimes "genocide; conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; [and] complicity in genocide." Other articles were added and produced the document we know as the Fourth Geneva Convention. The history of the Geneva documents is well worth studying.

Historical context in a capsule:

The **Geneva Conventions** consist of four treaties formulated in Geneva, Switzerland, that set the standards for international law for humanitarian concerns.

As of June 27, 2006, when Nauru adopted the four conventions, they have been ratified by 194 countries.

As per article 49, 50, 129 and 146 of the Geneva Conventions I, II, III and IV, respectively, all signatory states are required to enact sufficient national law to make grave violations of the Geneva Conventions a punishable criminal offence.

The conventions, their agreements and three added protocols are as follows:

First Geneva Convention (1864): Treatment of battlefield casualties and creation of International Red Cross

Second Geneva Convention (1906): Extended the principles from the first convention to apply also to war at sea.

Third Geneva Convention (1929): Treatment of Prisoner of war.

Fourth Geneva Convention (1949): Treatment relating to the protection of civilians during times of war "in the hands" of an enemy and under any occupation by a foreign power.

In addition, there are three additional amendment protocols that have been added to the Geneva Convention:

- Protocol I (1977): Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts. As of August 2, 2006 it had been ratified by 166 countries.
- Protocol II (1977): Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts. As of August 2, 2006 it had been ratified by 162 countries.
- Protocol III (2005): Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem. As of August 2, 2006 it had been ratified by two countries and signed but not yet ratified by an additional 74 countries³

One discovers that each new set of guidelines has attempted to appease groups of violated people as well as trying to *civilize* an otherwise uncivil set of human behaviors.

I do not suggest that I am a legal scholar, nor do I mean to pass myself off as a lawyer of any kind. This piece is about a concept whose time has come and I submit for consideration that immediate action is necessary if the Western world is going to survive. The preceding sections have made a simple observation: war is not human kind's finer displays of behavior. It is both ugly and deadly. War is an equal opportunity killer: good, evil, young, old, male and female all can and do die when in the line of fire.

Although first approached in the late 19th century, the idea that mankind can make an uncivilized set of actions appear to be civilized, it was so-called modern thinkers of the 20th century who attempted to create "**rules of civil behavior during war.**" Does this not sound absurd and downright silly?

I think some observations are in order. These “war rules” as I shall refer to them in the remaining lines, were created by and initially honored by Western countries. The entire idea that one can first create war rules emanates from a value system that honors and values life on this planet. Additionally, the concept that once rules are stated, clarified and agreed to, all participating parties will honorably behave in accordance with them. I submit, this is yet another value found within the culture of western societies. Thus, the world community created war rules based upon western civilization human values and grounded in western rules of self-government. The creators of these laws, those who have had the task of implementing these war rules and the people who attempt to hold violators accountable are primarily from countries whose values and governmental designs support the foundational values western values. It is accurate to indicate that some countries that adhere to different cultural norms have signed these war rules.

However, it has been naïve on the part of western governments to think and then believe that all countries, especially those who operate with quite different cultural mores and values, would honor the rules during time of war. I am no longer stunned by westerners who believe that everyone else in the world believes as we believe; and of course agrees to our definition of honorable behavior. Enough of us have presented the proper information to those living in the West; the evidence is not refutable any longer.

The West is engaging in a process, one that takes time. First, we must be appraised of new information-we discount it initially and even demean the information carriers. Next, as evidence mounts and a willingness to understand that other cultures hold values different from ours, we begin to allow some of the information into our heads. This is followed with a form of inquisitive behavior and finally we not only understand, we grant permission to ourselves to believe it and to act accordingly. This process is critical to understand if we are to survive the coming wars. It is one’s thoughts that create a person’s beliefs. The beliefs dictate actions. Actions of individuals create a society’s behavior and the formulation of policies.

So if you hold that all peoples of the world think and believe basically in the same values, you will act accordingly. You will continue to act in this manner even when provided contradictory data or information. You will continue to resist. Thus, leadership requires clear concise, moral reasoning; well-defined belief system; strength of character to lead people who may not understand what the world is facing today. I mean no criticism of people who may not understand. The truth is, until you are directly involved or indirectly affected by the changing world behavior, one’s focus is upon a daily parade of activities and tasks that must be handled.

I do have upset with people who avoid acquisition of facts and thereby choose to remain ignorant and then act out in a manner that supports our enemies. I also call into question a person’s integrity when one chooses to believe those committed to hurting us while at the same time thinking that our leaders would do anything intentionally to harm us. Any thinking, analytical, caring person is being dishonest with self and others once you know better.

This sets the stage for a request. We are now in the 21st century, the world is no longer the world our forefathers knew, nor is it the same as our past world leaders knew some 60-70 years go. Our ability and capability to wage war has also dramatically changed. Therefore, I request that we re-examine our war rules immediately-the existing ones do us harm. This request requires courage and fortitude of character on the part of all of us. We need to re-examine our beliefs with respect to individuals' behavior during time of war and take the necessary steps to change the war rules. A different kind of cognitive behavior is required and we need proper leadership to guide us. The consequences of failing to do so will be catastrophic to the Western world.

Words have meaning and thus should be chosen with care and intention. Allow me two examples. First, it is crucial that Israel stand accused of "still occupying" Lebanon. Hizzbollah argued and does so today that Israel's control over the Shebaa farms is in violation of Lebanon's sovereign right to this same piece of ground. You see it doesn't matter if Israel, Syria, the UN or anyone else states a different position-it matters only that Hizzbollah claims this to be true. Why is this so important? Words have meaning!

If Israel is an occupier, then the Geneva Convention protection applies to Hizzbollah.

"Article 5 of the Fourth Geneva Convention, on derogations, outlines the exceptions under which persons protected under the convention "shall not be entitled to claim such rights and privileges under the present Convention as would, if exercised in the favor of such individual person, be prejudicial to the security of such State." The test of such derogation is "that an individual protected person is definitely suspected of or engaged in activities hostile to the security of the State . . ." Article 5's paragraph 3 requires that "such persons shall nevertheless be treated with humanity and, in case of trial, shall not be deprived by the rights of fair and regular trial prescribed by the present Convention."

The ICRC *Commentary* on paragraph 3 of Article 5 explains that the requirement of a fair and regular trial will be ensured in occupied territory, by applying the provisions of articles 64 to 75.⁴

Another example of how meaning of words can manipulate the current war rules. Most of us remember the ongoing discussion during the first days of the war as to Hizzbollah's status. Is Hizzbollah a resistance organization or a militia? UN Security Council Resolution 1559 required disarmament of militias inside Lebanon. Yet on the eve of the vote for this resolution the Secretary-General of the Ministry of Foreign Affairs of Lebanon declared: "There are no militias in Lebanon. There is only the national Lebanese resistance, which... exists alongside the Lebanese national forces."⁵

What's interesting about the preceding is that many, including myself, argue that the Third Geneva Convention to the Treatment of Prisoners of War clearly regards

"organized resistance movements" as "militias" It considers that such movements are included in the category of militias or volunteer corps. ⁶

Suffice it to say that the other war imbedded now within every conflict of international importance consists of words. It is critical to note that recently, since at least the year 2000, the West's enemies seek to use and I suggest abuse and confuse public opinion around the world by misrepresenting the original language of the war rules and/or by misrepresenting the word semantics of these same documents. Furthermore, those who seek to use "our system against us" are the very ones who do not believe in the sovereignty of people or western countries. They believe in Sharia Law and expect us to abide by it as well. As recently as two days ago, September 3, 2006, certain leaders in the world of Islam threatened Israel, the West and the entire West to convert to Islam or die. If you discount these words or even the messenger, you have placed yourself in stage one of the process I mentioned earlier in this piece.

Please note how our enemy exploits our strengths and weaknesses. They know that our strength is our democratic value system. They also know that our greatest weakness is our interpretation and current implementation of these same values as applied to policies. They use the Western war rules to get us to change our defenses, offenses and strategies. They do this, smiling to themselves I am sure, as they prepare for the next barrage of war acts and "war word" acts-you see, they don't BELIEVE in secular law, therefore, they are not beholden to any of the international laws-period! This allows them to use civilian shields, this permits them to imbed within our civilian populations and this allows them to fire at will into civilian populations. The intention is to murder and maim everyone. This allows them to defy every single UN resolution and it is the reason while the greatest terrorist theocracy is about to have the ultimate weapon. Never, in the history of this planet, has such a situation presented itself.

I request several things immediately be implemented. **First**, countries like Israel, USA, Spain, and Great Britain (Western countries that have been directly attacked by fascist Islamic militias, resistance groups or armies) should have a meeting to determine which of the war rules they will temporarily suspend if and when attacked again. **Second**, reconsider the definition of hate speech and/or incitement speech so that pre-emptive action can be taken. **Third**, form a new coalition, along the lines of NATO but with simpler language and very direct rules of engagement. Stand united at a major press conference and indicate enough is enough. State that you believe in western values, you are no longer going to be blackmailed inside each respective country and that you are putting on warning insurgent groups. **Fourth**, agree to hold any sovereign country responsible for terrorist militias, groups etc that attack any of the aligned western countries.

Fifth, identify those services and products that are produced or managed by this new coalition and place immediate sanctions upon those countries calling for our demise. **Sixth**, within each of the coalition countries gather the top 20 (each country decides how many) business leaders and indicate that the business world is being asked to generate a

plan to isolate terrorist countries without diminishing our respective economies. Once each country creates a plan, hold an international meeting of all these representatives and recreate business rules to support the West's economy. Invite India and China as well as Russia to provide counsel to the suggested plan. **Seventh**, tell the major energy companies they have 5-10 years (they decide) to develop and implement energy sources other than oil from the Middle East. Provide financial incentives to each participating government's companies as well as to Middle East countries who support us. **Eighth**, begin drafting a new war rules code written by our coalition of countries willing to standup for what we believe and for what we value.

To continue to repeat the same behavior day after day and to expect different results is not only the definition of insanity, it is the road to our demise.

End Notes

1. <http://www.rotten.com/library/history/war-crimes/geneva-conventions>
2. http://en.wikipedia.org/wiki/Laws_of_war
3. Morris, GS Don, "Understanding The Fourth Geneva Convention", posted www.PRIMERct.org
4. <http://www.hrw.org/reports/1997/israelwo/Israelwo-04.htm>
5. Art 4. A(1): "Members of the armed forces of a Party to the conflict, as well as members of militias or volunteer corps forming part of such armed forces. Art 4.A (2): "Members of other militias and members of other volunteer corps, including those of organized resistance movements...."
6. Third Geneva convention-treatment of prisoners