

THE CHANGING STRUCTURE OF WAR IN A CYBER-WORLD AND ITS IMPACT ON THE INTERNATIONAL HUMANITARIAN LAW

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Abstracts

War as a social construct of dominating others to achieve ones interest at the expense of other in a competitive global community is an enigma to resolve in the discourse of International Humanitarian Law. Thus, the salience of the transformations of the structure of war in the midst of the current transition of geopolitics from a unipolar world to a seemingly multi-polar world reverberate the debate of international law within the domain of cyber technological weapons, specifically, International Humanitarian Law. This has raised many questions in the application of international humanitarian law in a world where electromagnet weapons, cyber weapons and high-tech defensive system are developed to counter enemy attack. This paper discuss the changing nature of war in a cyber-world bringing to bear its impact on the International Humanitarian Law. The paper posits that with the fast changes in war strategy and cyber oriented weaponry, an improved sophisticated and inclusive laws with a stronger institutional backing must be developed considering the socio-cultural and technological ideas of countries to increase the level of compliance.

Key Words: *International Humanitarian law (IHL), armed conflict, structure of war, law of war. Cyberspace, Cyber technology, Cyber weapons.*

INTRODUCTION

War has always instill fear in men whether the brave or weak men. This fear and out of necessity to win and survived in this competitive struggle of the anarchic world has pushed man to design weapons, strategies, sometimes in the forms of alliance to maintain his dominance and defend his existence. However, throughout history there has always been laws which governs and regulate every battle whether economic, political, religious or ideological battle. As a result, depending on the period these laws have evolved in time of space and

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period of many civilization which had grace the world. From the great Egyptian, Kush, Assyrians, Mesopotamia, Aztec, Hindus Valley, Carthaginian, Greeks, Romans, Byzantines civilization battles to the religious battles of Israelites, the age of Christian crusaders and the Islamic Jihadist from the time of the prophet Muhammad (P.BUH).

The Crusaders and the Turkish Ottoman Empire wars and the subsequence dominance of the Empires which historians have referred to as “gunpowder empire” which included those of the Safavid Empire of Persia, the Mughal Empire in India, the Russian State, Spain and the Spanish New World(Braden, 2014:21-31), the British and French imperial ambitions in Africa. The gun powder technology was the beginning of western power that also ushered in United States of America in the 20th century who later developed highly technological weapons of dominance into the first decade of the 21st century. The 21st century ushered in a new development not only improved nuclear weapons, but also cyber-technological weapons, namely, Laser and hypersonic weapons, unmanned aerial vehicles, directed-energy weapons, lethal autonomous robots, defensive systems, and electromagnetic weapons.

The expansion of states armies and the development of complex coalition and allies circle to wage war against enemy combatant has changed the nature and structure of war where old rules that regulate wars are no more binding. This means that the laws of armed conflicts applications in some instance during war is not applicable during war.

Another fundamental change of war is the rise of actors such as terrorist groups, the employment of proxy forces by world powers and the hiring of mercenaries and private military and security companies in a growing military industrial world worth billions of dollars. Obviously this have enormous impact on the existing International Humanitarian Law (IHL). Although the law has not been perfect and totally applied, accepted and adhered to much to our expectations due to relativity of culture as agued by some scholars, yet in some instances it applications have saved millions of human life(Loc.gov, 2018). As the *Dagombas* will argue *Kpaha chara so dundo ya 'aw* that a “wretched door is better than empty door”¹. This philosophical proverb simple emphasized the fact that the law might not fulfill global community expectations totally, however, its existence is better for humanity. In the words of Louise 1979:

¹ This is a Dagomba philosophy. Dagomba is an ethnic group in the northern region of Ghana, West Africa. The Dagomba call their homeland Dagbon.



The most important principle of law today is commonly observed: nations have not been going to war, unilateral uses of force have been only occasional, brief, limited. Even the uncertain law against intervention, seriously breached in several instances, has undoubtedly deterred intervention in many other instances. Where political law has not deterred action it has often postponed or limited action or determined a choice among alternative actions (Louis, 1979:25-26).

From the above introduction, it is patent that the structure and nature of war has change with the intense geopolitics in a wider context of cyberspace amidst development of highly technological weapons and the changing forces of actors in events of war and peace. It stands to argue that the International Humanitarian Law is bound to be changed either directly or indirectly. Thus, the central purpose of this paper is to discuss the changes of the structure of war and it impact on the International Humanitarian Law. The paper evaluates the theoretical framework and review literature around the subject of enquiry. The paper further elaborates the historical development of international humanitarian law. And follows up with current changes and developments that seem to make application of International Humanitarian Law difficult drawing examples from past and current events. Finally, the paper conclude with looking beyond the challenges of international humanitarian law with a summary of events and recommendations discuss in the paper. The paper uses the term International Humanitarian Law, and the Law of Armed Conflict or War interchangeable as they are also use in most research to mean the same thing.

THEORETICAL FRAME WORK AND LITERATURE REVIEW

The academic discourse of war and law generates a very interesting theories which dates back to ancient times. During the internal armed conflict in Rome in a forceful argument defending the acts of Milo, Cicero pleaded, “... *silent enim leges inter armeda.*” (ICRC, 2018). Allenby recently went further to argue that the idea of law governing war produces three theories. First could be attributed to the realist view that the idea of law governing war is a mistake and therefore must be disregarded since states will do anything to protect their national interest and whatever means used to achieve such target is legitimate and permissible.

Realist assume that in a world of anarchy where every man’s hand is against each other, state are selfish and very inward to protect their national interest. The second group of theorists



argue from the standpoint of the morality of the law of war itself since war is evil, inhumane and savage act. Any form of law to minimize damage in a war is not reasonable and rationally weak. Thus, any form of law to regulate this uncivilized conduct (war) of human beings lack moral and human ethical foundation. For them a bird can never be a butterfly likewise a monkey and a gorilla may claim to be one but a gorilla is gorilla and a monkey is a monkey. This groups are usually regarded as pacifist. The third group argue through three shades, the law of *ad jus bellum* (law of going to just war), and the law of *jus in Bello* (law during war) and the law of *ad post bellum*. The latter is not well developed and not included in most work. Therefore, have no historical and practical trajectory to be discussed. For instance maj keith E puls's (2005) *Law Of War Handbook* (Puls, 2005:11-12) only divided the theories into two and did not include *Jus post bellum*. All these theories developed individually and concurrently.

Jus ad Bellum is the law dealing with conflict management of the laws regarding how states initiate armed conflict? Under what circumstances is the use of military power legally and morally justified?(Loc.gov,2018) This law dates back to 335 B.C. to about 1800 A.D where most instances, determination of a "just cause" was a pre-condition to engage in war. It did not matter how inhumane a war may be, the fact that is justifiable in the face of the world's opinion, this clearly called for military engagement. Aristotle (335 B.C.) wrote that war should only be employed to (1) prevent men becoming enslaved, (2) to establish leadership which is in the interests of the led, (3) or to enable men to become masters of men who naturally deserved to be enslaved. Cicero refined Aristotle's model by stating that "the only excuse for going to war is that we may live in peace unharmed(loc.gov,2018).

The Era of Christian crusade and Islamic jihadist movements cited divine justifications to justify the cause of their war. From the medieval era, to the modern Era saw various modification of this theory and it continues to evolved in the 21st century. The United states invasion of Iraq (2003), Afghanistan (2001) and the intervention of United States and its allies in Libya (2011), Saudi Arabia and Arab allies intervention in Yemen (2015), Bahrain (2011) and the Russia annexation of Crimea (2014) and Russia and France involvement in Syria (2015) are a plethora of instance where countries engage in a conflict by justifying their involvement through United nations mandate or without united nations mandate. This law is normally justified through the United Nations (UN) charter of article 51 the rights to self-defense and "other-defense". Despite the fact that this law is not specific and well certain in



illustrations. The US, unilaterally, justified the war against Iraq based on previous UN votes concerning Iraq and weapons of mass destruction and on grounds of self-defense against terrorism. Opponent of the US-Iraq invasion argue that the war was illegal and a blatant violation of International law since UN Security Council did not give her a mandate through vote with specific to the Iraq invasion. Proponent also rationalized US argument which legitimizes US right to self-defense against external threat.

The second theory is the *jus in Bello* this refers to the regulation of conduct during War. The second body of law which deals with rules that control conduct during the prosecution of a war to ensure that it is legal and moral(loc.gov,2018). This second category is generally referred to as *International Humanitarian Law, or the Law of Armed Conflict*.

The development of this theory could be traced back to 4th century literature of *Sun Tzu's The Art of War* in Ancient China which set out a number of rules that was supposed to regulate the war at the time. The literature indicates what soldiers were permitted to do during war. The rules covers on how captives and innocent civilians should be treated including women and children. Another literature was the ancient Indians *Codified Book of Manu* around 4th B.C which provided in great detail regulation of war in great detail. The ancient Babylonians in the 7th century were reported to have treated both captured soldiers and civilians with respect in accordance with well-established rules(loc.gov,2018).

Maj Keith E Puls explained that the application of *Jus in Bello* during the early period which was preoccupied with *Jus ad bellum* (Just War) little attention was given to *Jus in Bello* and even when it was applied it came after *a just war* was established. Thus, it served as 'Chivalric Code' which regulated chivalry warfare as rules of fair play and good treatment(Puls, 2005:18).

The development of nation-state in the 17th and 18th century specifically between 1800-1918 was the worst of time as states abandon the moral justification of war and made war as part of national policy. Ironically, it was in this same period between Hague Conferences (1899-1907) which represented the last multilateral law recognizing not only in war as a legitimate device of national policy but also concentrated on avoiding war and minimizing suffering during war. This period saw a shift toward an absolute renunciation of aggressive war (Puls, 2005). From the era of League of Nations, Inter-Wars to the period of Post Wars, the theory



of *Jus in Bello* has shaped and regulated world conflicts to presents. This theory metamorphosed into law of war, law of armed conflict and widely known as *International Humanitarian Law*.

This theory is also built upon three fundamental principles which regulate the conduct of hostilities and clearly define rules during international armed conflict. These principle include principle distinction, proportionality and precaution. These principles sought to balance the right to human dignity, military target and achievement. The principle of distinction is also known as discriminations. It emphasize on the need for the combatant to distinguish themselves from non-combatant both military assets and civilian areas. It does not accept the use of civilian enclaves to target military assets, neither does it allow the use of civilian as human shield to achieve a military target.

The principle of proportionality seeks to enforced combatant to be proportional in their military activities to achieve military target. Thus, it is not appropriate for combatant or country to respond to border incident with nuclear bomb or any weapon of mass destruction. However, the law does not rule out colossal damage to human life and properties as far as the response is legal.

The principle of precaution cautions the use of nuclear and hydrogen weapons and biological weapons to avoid colossal damage to human life. This denies the use of *mala in se*, or evil in themselves like weapons of mass destruction and cluster bombs. Interestingly, the complex nature of a more horizontal world which include cyber and physical space, obviously, affect the nature and how actors engage in conflicts. Therefore, the above principles discussed scope of operation and limitation in the conflict zone are beginning to be narrowed and anachronistic.

HISTORICAL DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

In any period of history there has been complex web of law either directly or indirectly emanating either customarily or treaty in one way or the other to regulate or justify a ‘just war’. It is out of this welter of development from past that shaped international law in the 19th century. It is generally agreed that the 1864 adoption of Geneva Convention sowed the seed that geminated to become the law of armed conflict also known as *International*



Humanitarian Law. It is obvious that no civilization in the course of history whether Africans, European, Chinese or Indians, really, wanted to be witnessing the horrors of war. Although international humanitarian law developed as a European concept, the law of *jus ad bellum* and the *Jus in Bello* did not elude the people of the other parts of the continent. These concept were practically applied much same way in their tradition with a different understanding and philosophical designation. Among the Mole-Dagbon kingdom in Ghana, a group of professionals who were called *Lunsi*² were exclusively protected during war. This was not different from the other laws which were restricted to a specific region and only protect specific personalities of professions. Thus, the need and call for law to regulate the horrific war which was witnessed in the 19th century was not only natural but generally universal.

Henry Dunant memoire in 1959 at the battle of Solferino which he documented in a small hand book in 1962 *A Memory of Solferino*(Dunant, 1986:147) caused uproar and increased the awareness of evil fate of war in Europe. It was this memoir that led to the foundation of the International Committee of the Red Cross (ICRC, Cp.15). As armies became increased, the brutality of war became apparent in the 19th century in large scale as multitudinous of human death were recorded on the battlefield. The horrific nature led to an unexpected development which was a decisive factor in the foundation of the Red Cross and the adoption of the Geneva Convention of 1864. This incident were the precursor to subsequent further conventions on the laws of war(Schindler and Toman, 1998:vii). Further, most importantly, the second half of the 19th century gave rise to a growing conviction among generals, academicians , politicians, humanitarians and philanthropist that there was a great need of ‘restraining the destructive force of war’(Oxford, 1880). This was followed by the 1899 and 1907 Hague Peace Conferences. This conferences for the first time through a compilation of available customarily laws agreed to regulate war. The peace conference emphasized on the minimization of collateral damage and suffering in a war and the necessity to discriminate and distinguish between combatant and non-combatant to minimize casualties and save more human lives. It is important to observe that this was necessary because of the change in war structure at the time.

² These were a group of drummers who served as journalist and documented the history of the war through reporting incidents that transpired. They were adept in memorization and the art was skillfully passed down from one generation to another through meticulous and methodic training from childhood.



Although the principle of distinction had appeared in the Declaration of St. Petersburg of 1868 document to ‘specifically highlight this principle’. It stated that “the only legitimate object which States should endeavor to accomplish during war is to weaken the military forces of the enemy not target civilians. This argued that non-combatant were not supposed to be targeted including the injured and prisoners of war who had seized to participate in the war.

Another principle of engagement which was developed was the means of warfare and the rights of belligerents to adopt such means of injuring the enemy. Article 12 of the Brussels Declaration of 1874; Article 4 of the Oxford Manual 1880; and Article 22 of Hague Regulations of 1899 and 1907 expressly restrained the warring parties to employ armed projectiles or materials of such nature to cause unnecessary sufferings. After the WW1 more laws were codified to refine and update the existing law to keep the League of Nations instruments in shaping the law of armed conflict. Thus, in 1929 the laws were revised and new two laws were additionally adopted. These new instruments period were the Protocols on the Prohibition of Poisonous Gases and of Bacteriological Methods (Geneva Protocol of 1925, No. 13) and the Protocol on Submarine Warfare (London Protocol of 1936, No. 74).

The aftermath of the Second World War witnessed another conference in the 1949 where the International Law Commission of the United Nations, at its first session, selected the topics for codification. Unfortunate, majority of the members of the Commission opposed due to the fact that they feared the public will lose confidence in the effectiveness of the means at the disposal of the United Nations for peace(Paoers, 2018). The 1949 convention framework maintained the existing laws and protected prisoners of war, wounded combatant, civilians and noncombatant. These were regarded as a carbon copy of the old principles. With emergence of new forms of war such as proxy war across former colonies and civil wars fell outside the label conventions of international armed conflict. Thus, in 1977 the laws of armed conflict was classified into two embracing the both international armed conflict and non-armed international conflict, these were Geneva Law and Hague law.

Geneva Law is mainly concerned with the protection of the victims of armed conflicts. It cover non-combatants and those who no longer take part in the hostilities like the injured. Whereas the Hague Law provides limitations or prohibitions of specific means and methods of warfare(Antonie and Quintin, 2011:52). It is worthwhile to mention that the cruelty and



insensitivity of civil wars and proxy wars raised many concern with regards to international human rights violation during armed conflict. The 1968 Tehran international conference under the auspices of UN General Assembly conference, The International Conference on Human Rights in Teheran, in 1968, organized by UN General Assembly provided an incentive, which adopted a resolution on “Human Rights in Armed Conflict” (No. 30). It declared that: The Provisions of the Hague Conventions of 1899 and 1907 were intended to be only the first step in the provision of a code prohibiting or limiting the use of certain methods of warfare and that they were adopted at a time when the present means and methods of warfare did not exist.

International Human Rights jurisprudence geared toward filling the loopholes in international humanitarian conflicts and raised the degree of violation of law of armed conflict as a crime against not just humanitarian law but a blatant crime against humanity. The issue of unintended aerial bombardment, landmines, genocide, siege, rape, drones attack, plane hijacking, hostages in urban centers and suicide all have contributed geared towards effecting changes in the dynamics of war making it difficult for the enforcement and compliance of the existing law of armed conflict. Thus, the prosecutions of persons suspected to have committed crime against humanity and human rights during an armed conflict became paramount under the International Criminal Court of Justice. This was made possible as a result of the adoption of Rome Statute of International Criminal Court.

International humanitarian law and international human rights joined forces to put pressure on actors to take responsibility of implementing the international humanitarian law either in international armed conflict or non-international armed conflict. This however, draws the difficulty in implementing the laws of armed conflict while reasonably derogating certain human rights for both military target, preventing security threat and balancing human rights at the same time. The uncertainty and unpredictability of state interest and actions and the continued widening of cyberspace and the development of sophistication modern technological weapons couple with changes in military forces and actors such as mercenaries, private military and security companies has transformed the nature and structure of war making it very complex and challenging for the implementation of IHL. The next section draws some of the hotspot in the law of armed conflict in relation to cyber-world current trends in international geopolitics.



NEW MODE OF WAR, CYBERSPACE AND TECHNOLOGIES AND ITS IMPACT ON INTERNATIONAL HUMANITARIAN LAW

The complex nature of war makes it very difficult not only to define but to predict war for it comes with different shades of ideals, shapes and forms with a purpose to triumph over perceived enemy whether directly or indirectly. Thus, if laws were going to regulate such a complex phenomenon like war then definitely changes would be expected in the codification of such laws in time of space, period and degree. Historically, the advancement of any civilizations in military technology, strategy of war and weaponry capability impacts on existing laws which guide, regulate, manage and control rules of engagement in international armed conflict and non-international armed conflict had gone through changes.

The end of the Second World War was followed by aggressive and competitive armed race during the Cold War between United States of America (USA) and Union of Soviet Socialist Russia (USSR). This competitive struggle to dominate was not only limited to ideological but military, social, economic, philosophical and political challenge and dominance. The aftershocks of this competition had a far reaching effect which shaped the international system and international humanitarian law. The competition of US and Russia to advance their weaponry system and military technology in order to hold sway hegemon over other countries culminated in the most advanced weapons ever to have developed in the history of weaponry and military technological history. Unfortunately, some of these sophisticated weapons such unmanned aerial vehicles, directed-energy weapons, lethal autonomous robots, cyber weapon, defensive systems, electromagnetic weapons are not listed in the current international humanitarian law and therefore the law does not directly addressed specific instruction of how to engage them in a war. Thus, generating a wide range of controversies and debate around these new system of technology.

Technological advancement in military activity provide military advantage but at the expense of changing structure of military and culture of war. This new structure of war have tremendous impact on the existing law of war. It also has the potential to reshape and redesign the law of armed conflict to suit contemporary times. In fact some of these weapons' are autonomous and semi-automatic with limited human control over the system. For instance the Israeli Iron Dome Air Defence missile system(Rafael, 2010) and the MBDA Sea Wolf



seaborne air defence missile system(MBDA, 2018) and the S400 and S300 Russian defence system. On March 1, 2018 in a State of Nation's address, Russian president Vladimir Putin announced a new breakthrough of highly sophisticated weapons which include Sarmat new intercontinental ballistic missile (ICBM), the Kinzhal hypersonic missile, the nuclear-powered cruise missile and the drone submarine that can be armed with both conventional and nuclear charges(RNA, 2018). The defensive weapon systems are used against inter alia hostile missiles, guided and unguided, ranging from relatively slow and early identified rockets guided missiles approaching the protected area at three times the speed of sound(RNA, 2018). For example, if hostile supersonic missiles are fired from close range, the reaction time of a missile defence system such as Iron Dome or Sea Wolf, from first identifying the hostile projectile to launching itself, is measured in a few seconds(Researcharchieve, 2018). No human is able and capable to, and indeed attempts to 'use' Iron Dome or Sea Wolf to shoot down the incoming missile in these circumstances: Iron Dome and Sea Wolf react and act automatically, from identifying the hostile missile, tracking and targeting it, and launching and guiding its own missile against the incoming missile(Researcharchieve,2018). Jooste argues that the human being is limited after vetoing a response to enemy approaching missile in a split of a second of which speed is three times faster than sound (ADBMD, 2009) And the human player after tapping the button does not have control and do not do anything(HRW, 2012). The controversy is that these defense system sometimes are put closer to civilian areas for the reason of defending civilian lives. This raises the question of principle of distinction making it difficult for opponent to comply with the rule. In Gaza incursion in the 2014 for instance rockets were short toward the defence system *Iron Dome* which became a military target. In most times it landed towards civilian areas. The fact that this system is not separated from civilians and it used as a combat device no matter the humanitarian intentions, arguably leaves this system without legal backing.

Although Iron Dome was very successfully when Israel used in August 2014 in Gaza in operation. They were able to defend Hamas attack of non-guided rockets, as well as mortars. It is reported that Iron Dome shot down between eighty five to ninety percent of incoming rockets against which it was launched(HRW, 2012). Equally noticeable is in the future despite Iron Dome humanitarian defensive argument the principle of military necessity may apply to specific target be it a military objective or a combatant. AP1 article 52(2) read:

Insofar as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective



contribution to military action and whose total or partial destruction, capture or neutralization in the circumstances ruling at the time, offers a definite military advantage.

Out of this difficult of compliance of the principle of military necessity against discriminating or distinguishing the civilian target of location and military target ignite a debate of recodification of some of this principles to include new technology of military strategy and structure of war.

Another critical area is the use of *Drones*³. The evidence in Yemen, Pakistan and Afghanistan in US war against terrorism has left many innocent civilians dead. According to Schmidt *Self-evidently, it would be unlawful to use an autonomous weapon system to directly attack civilians or civilian object*(Schmitt, 2012). In the context of the principle of distinction it is obvious that military unmanned aerial vehicles military such as drones are not natural human combatant who could distinguished between military arsenal, non-combatant such as children, women and injured soldiers. As a result of pressure of the indiscriminate killing of drones US Armed Forces are designing measures and developing plans to manage the transition from manned combat aircraft to unmanned, remotely controlled unmanned aerial vehicles, and on to largely autonomous air vehicles. This indicate that under the complexities of the theater of war which keeps on widening in the face of terrorism the international humanitarians laws is far from fitting into the changing structure of war.

The new technology requires not just different skills, but fundamental shifts in military culture and organization and the laws and principle of armed conflict that govern it. The reduction of actors to combatant and civilians must be improve to include the weapons of enemies. Instead of distinguishing the civilians and combatant only weapons of enemies must also be distinguished and delineated by international humanitarian law to enable proper regulation of war. Schmitt in discussing this salient issue referred to the targeting of a hostile tank or tanks on the battlefield. My argument is that new offensive and defensive system such as Drones, Russia's S300, S400, Sarmat new intercontinental ballistic missile (ICBM), the Kinzhal hypersonic missile, the nuclear-powered cruise missile and the drone submarine and

³ **Drones** are more formally known as unmanned aerial vehicles (UAV). Essentially, a **drone** is a flying robot. The aircraft may be remotely controlled or can fly autonomously through software-controlled flight plans in their embedded systems working in conjunction with GPS. internetofthingsagenda.techtarget.com/definition/drone.



the Israel-US built Iron Dome respectively are critical to law of armed conflict. It is worthwhile to state that all these military weaponry would fail to comply significantly on the principle of proportionality and accountability in the International Humanitarian Law if the law does not consider them in recodification of the law of war as stipulated in the Geneva Conventions. Although Schmidt agree that “because it is clear that autonomous weapon systems may be used in situations in which they are valuable militarily – that is, militarily necessary”, yet he strongly asked for human participation and to control the robot autonomous weapon system.

Humans must rather take charge of managing the autonomous and automatic weapons system since those machines lack the judgment to decipher themselves, how to apply the principle of proportionality and in judging military necessity. Humans must apply the principle; humans can work with and judge when and how, with what degree of autonomy to apply the robots (Schmitt, 2012). The whole complex structure of war and the difficulty in applying International Humanitarian Law to regulate autonomous and automatic weapons in the form of robots is tacitly and succinctly explain by Sharkey:

A robot does not have agency, moral or otherwise, and consequently cannot be held accountable for its actions. Moreover, if autonomous robots were used in limited circumstances in the belief that they could operate with discrimination, it would be difficult to decide exactly who was accountable for mishaps. Some would say that the commander who gave the order to send the robot on a mission would be responsible (last point of contact). But that would not be fair since it could be the fault of the person who programmed the mission, the manufacturer who made the robot, or the senior staff or policy makers who decided to deploy it. Or it could be claimed that the device was tampered with or damaged (Sharkey, 2014).

From the above it is obvious that the world system of military strategy keeps on changing and structure of war in that regard is dynamic not static. It is apparent that the international humanitarian law must begin to invest in understanding the whole plethora of world weapons system to be able to deal with the fast changing of warfare in international relation and the future of our world.



Cyber-technology have made it easy and simple to target necessary military areas across the global due to development of computer and internet system. Thus, treaty laws of armed conflict is becoming anachronistic with regards to new technological weapon system. A new form of cyber and media war, and the creation of detentions centers such as Guantanamo and the widening of the war theater and its growing space to include urban warfare and cosmopolitan engagement witnessed in Syria, Iraq, Yemen, and terror attack in US, UK, Turkey and France. The digital revolution has widened the cyberspace and the physical space of war. This has necessitated a new form of growing attempt by states and other actors to intensify the development and usage of some unmanned aerial vehicles, directed-energy weapons, lethal autonomous robots, cyber weapon, defensive systems, and electromagnetic weapons in the recent theater of wars in the global community. It therefore behooves the international community to asked critical questions whether the law of war and its principles must be reviewed to suit to changing times as the structure and mode of warfare changes or must stuck to the simplicity of the exiting international law of armed conflict which stipulates and direct rules of engagement. Taken the former and restructuring, redesigning and recodification of the international humanitarian law will be the best interest in protecting human rights, saving more lives and safeguarding the future of the world.

BIBLIOGRAPHIES

Braden R. Allenby. "Are new technologies undermining the laws of war?" *Bulletin of the Atomic Scientists*, Vol. 70(1) 21–31. 2014.

Collin Wills., *Unmanned Combat Air system in the Future Warfare Gaining Control of the Air. 2015*. Palgrave, Macmillan UK, England.

Dietrich, Schindler, and Toman, Jiri., *The Laws of Armed Conflict*, 3 rd. ed., Martinus Nijhoff Publishers, The Netherlands, (1988). p.VII

DUNANT Henry, *A Memory of Solferino*, ICRC, Geneva, 1986, p, 147 <http://www.icrc.org>
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2359949.

<http://researcharchive.vuw.ac.nz/xmlui/bitstream/handle/10063/4414/thesis.pdf?sequence=2>
<https://www.icrc.org/eng/assets/files/publications/icrc-0739-part-i.pdf>.

https://www.loc.gov/rr/frd/Military_Law/pdf/law-war-handbook-2005.pdf.

https://www.loc.gov/rr/frd/Military_Law/pdf/law-war-handbook-2005.pdf

Human Rights Watch Report "Losing Humanity: The Case against Killer Robots" (November 2012) Human Rights Watch



Hun –Yan Liu “Categorization and legality of autonomous and remote weapon systems” ICRCR No 886 (Volume 12, 2012) 628.

MBDA. www.mbda-systems.com/products.

Michael N Schmitt “Autonomous weapon systems: A reply to critics” (2013) Harv Nat’l Sec J 2.

Michael N Schmitt and Jeffrey S Thurner “Out of the Loop: Autonomous weapon Systems and the Law of Armed Conflict” (2012) 4 Harv Nat’l Sec J 213.

Noel E Sharkey “The evitability of autonomous robot warfare” ICRCR No 886 (Volume, 2012)

Noel E Sharkey “The evitability of autonomous robot warfare” ICRCR No 886 (Volume, 2012) 788.

Philippus Jacobus Jooste “Autonomous Weapon Systems In International Humanitarian Law – Simply Just Another Weapon System”.2014. LAWS 533. Research paper

William Boothy “Some legal challenges posed by remote attack” ICRCR No 886 (Volume 12, 2012) 579.

William Boothy. *Conflict Law: The Influence of New Weapons Technology, Human Rights and .Emerging Actors*. 2014 TMC Asser press .Hague

