One Hundred years of War and Peace since World War I: A Juridical Trajectory

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Abstract

Despite war being an apocalyptic event, civilization is left with no other option but to experience the same till date and, often than not, with impunity. International Law, as a subject in itself, initiated its ordeal with law of the war along with law of the sea. During 1914-19, adverse impact of the World War I on global civilization prompted international community to work out an institutional mechanism under the auspices of the League of Nations. After its failure through outbreak of the World War II, the United Nations Organization replaced the League with assurance of durable peace and human security through its Charter, 1945.

Thereafter, in last seventy years, the world experienced war with mushrooming effect here and there in ever-increasing intensity and frequency to leave UN administration helpless due to its state-dependent forces driven by whim and fancy of its members. War being reduced to a condemned term, relatively trendy substitute- armed conflict- was introduced to hoodwink the law and legal consequence. Also, armed conflict with taxonomy of its own- international armed conflict, non-international armed conflict, internationalized non-international armed conflict, and the like- spread vicious roots in the soil of otherwise civilized world worse than ever before.

The author hereby strives to explore contemporary armed conflict in its nitty-gritty and thereby arrives at findings with jurisprudent reasoning of his own whether and how far these two relevant areas of law, e.g. legality of war and humanitarian law (in technical sense of these terms) succeed to put restraint on belligerent state party, if not, then where lies its fault lines in given corpus of otherwise impressive regime under the auspices of International Committee of the Red Cross, Geneva (ICRC), International Criminal Court, the Hague (ICC), etc. to identify core crises from within.

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