

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

Post-Graduate Diploma in International Humanitarian Law (Batch 2020 – 2021)

Take Home – Annual Examination (June, 2021)

**Paper III – 1.3. Limitations on Means and Methods of
Warfare**

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 25 marks question should be written in 1200 - 1500 words*
 - f) *Only Handwritten answer scripts should be uploaded. Use only Black ball pen to write the answers. Handwriting if not legible, paper will not be examined.*
 - g) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - h) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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1. Since May 2014, hostilities have left Libya with rival governments: an internationally recognized government based in the east, and a self-proclaimed government in Tripoli backed by an alliance of militias known as Libya Dawn that controls much of western Libya. Both claim legitimacy as the sole political authority, but neither has been able to exert full control nationally.

The forces affiliated with the internationally recognized government based in eastern Libya and under the command of Gen. Khalifa Hiftar have been engaged in a military operation against Libya Dawn. Hiftar's operation, known as Libya Dignity, involves former members of the military, tribal factions, and militias from the mountain town of Zintan. Libya Dawn is led by forces from Misrata and includes militias from Tripoli, Zawiyah, Sebratha, and elsewhere.

Both the parties in the conflict use several weapons which are prohibited by the international humanitarian treaty mechanisms, specifically cluster munitions. The use of cluster munitions in populated areas, such as Sirte, violates the laws of war due to the indiscriminate nature of the weapon. Cluster munitions contain dozens or hundreds of smaller munitions, called sub munitions or bomb lets, in a container such as a rocket or a bomb.

"The new evidence of cluster munitions use in Libya is highly disturbing," said Steve Goose, arms director at Human Rights Watch and Chair of the Cluster Munition Coalition. "Libyan authorities should investigate these incidents and make sure its forces don't use cluster munitions."

In the light of above scenario, write an analytical essay on the application of laws during the situation of armed conflict. Second, you should identify the nature of armed conflict, which exists in Libya. Third, what are the reasons for prohibition of cluster munitions by the Convention, which was adopted in 2008?

2. This is the situation relating to Yemen. In January 2015, Houthi forces, also known as Ansar Allah, effectively ousted Yemeni President Abdu Rabu Mansour Hadi and his cabinet; he subsequently relocated himself at Saudi Arabia and re-established a government from there. In March, after Houthi and allied forces advanced south, threatening the port city of Aden, a Saudi Arabia-led coalition of Arab countries, with the participation of the United States, began a campaign of airstrikes against them.

On March 26, coalition warplanes attacked Houthi forces in Sana, the capital, and other locations. The airstrikes continued throughout 2015 as fighting occurred across the country, with Bahrain, Sudan, Saudi Arabia, and the United Arab Emirates sending ground troops to battle Houthi and allied forces. The coalition began an aerial-bombing campaign against Houthi forces on 26 March 2015, and instituted a naval and aerial blockade. Under the laws of war, fuel and other goods with military uses can be prevented from entering the country unless it would threaten the population's survival or otherwise cause disproportionate harm to the civilian population compared with the expected military gain.

But the overall situation in Yemen is dire, Human Rights Watch said. The United Nations Office for the Coordination of Humanitarian Affairs' (OCHA) humanitarian coordinator for Yemen, Johannes van der Klaauw, stated on April 23 that Yemen's "airports and seaports constitute a lifeline given that Yemen relies on imports for 90 percent of its food and most of its fuel. However, these lifelines have been hampered as most of Yemen's airports are not open to civilian traffic, and transports by sea are subject to the coalition's inspection regime related to the arms embargo mandated by the UN Security Council."

In the light of the above situation, write an analytical answer specifying the rules of warfare which are applicable to situations of Naval Warfare and Air Warfare. Does international humanitarian law treaties regulate blockade. Discuss.

3. This is a situation relating to use of drones in warfare. A Statements made by Brandon Bryant, a former drone pilot for the US Air Force, reveal that Germany plays a greater role in the US drone war than previously thought." The entire drone war of the US military wouldn't be possible without Germany," Bryant told German media. During his time in the US Air Force, Bryant flew more than 1,000 operations from the US. The current debate existed around the US Ramstein Air Base in the German state of Rhineland-Palatinate.

The pilot controlling the drones is in the US, but with the long distance between the operational area and the US, the data from the remote controlled drones is transmitted via satellite to Germany and then sent via fiber optic cable back to America. What's more, live pictures taken from the drone operations are analysed in Germany and compared with intelligence.

For many years the US has been using drones to fight terrorism in Africa, the Middle East and in the Pakistani-Afghan border region. Since 2004, the Investigative Bureau of Journalism estimates there have been 383 US drone strikes in the Pakistani-Afghan border region alone. At least 2,300 people have been killed, among them 416 civilians.

Based on the above situation, discuss in detail the rules relating to regulation of drone attacks during an armed conflict within the ambit of international humanitarian law treaty mechanisms. Does IHL provide rules to limit the technology warfare? Explain.

- 4. Write an analytical note on the “ICRC’s interpretive Guidance on the Direction of Participation of Hostilities”.**