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XI

An Optimist Looks at the Law of War in the Twenty-First Century

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THE TITLE OF THIS ARTICLE IS REALLY A MISNOMER, as the author is anything but optimistic that all, or even the majority, of the changes that he considers to be essential for a law-abiding world will become a part of the international law of war during the twenty-first century.[1] For that reason, the discussion which follows is not with respect to what the author anticipates will occur, but what he would like to see occur in order to make a better world—only rarely what he actually expects to take place.[2]

The twentieth century saw tremendous progress in the international effort to make war less horrendous.[3] Nevertheless, a number of areas remain that still require enforceable international legislation, at least some of which, one hopes, will be remedied in the forthcoming millennium. If the twenty-first century produces only a small percentage of the output of the twentieth century, the world will be a better place in which to live.

United Nations Armed Forces

When the United Nations was brought to life in San Francisco in May 1945, Articles 42 to 49 of the Charter adopted at that time provided for the method

by which actions were to be taken by that organization, and the nature thereof, in order to maintain or restore international peace. The attempt of the Security Council to terminate hostilities in Korea by resolutions was a complete failure, as was its military intervention. At one time, it was proposed to create worldwide United Nations military forces, forces which would be large enough and sufficiently well trained and equipped to intervene and bring an end to any hostilities between nations. This proposal failed of fruition because of the insistence of the Soviet Union that such a force be commanded by a *troika*, three commanders who had to agree before any action could be taken by the United Nations Armed Force. Obviously, military hostilities cannot be conducted on such a basis, and the Military Staff Committee provided for in Article 47 of the Charter became a lifeless organ, which meets but does not act.

The basic proposal was certainly an unusual one, one which many experts believe to be impossible of creation and useless if created. Personnel would be recruited from all over the world, stationed and trained in various strategic locations, equipped to move quickly and fight wherever required to quell local conflagrations, and nonpartisan except insofar as it might be necessary to overcome an aggressor. The existence of such a world armed force would have prevented, or quickly brought to an end, many of the dozens of local wars which have occurred during the lifetime of the United Nations. Korea could have been brought to an end far more quickly and effectively had a well-trained international armed force been in existence in 1950—and had the People's Republic of China accepted the fact that it could not participate in hostilities against the United Nations Armed Force, a force which would undoubtedly have included hundreds of its citizens. The Gulf crisis would have been brought to an end in weeks instead of months had such an armed force already been in existence in August 1990.

Unfortunately, makeshift "United Nations Peacekeeping Forces" have proved of dubious value and are dependent on member nations volunteering parts of their armed forces, always a matter of delay during which the fighting gains momentum. Moreover, "peacekeeping forces" always have a limited mission—a mission frequently restricted to the relief or protection of the civilian population. What is needed is at least a try-out of the system originally contemplated, i.e., United Nations Armed Forces, the members of which are citizens of the world who remain ready to put out conflagrations between countries before they can serve the purpose of the aggressor.[4] However, a method would have to be devised by which this Armed Force could not be prevented from performing the function for which it was created by the veto of one member of the Security Council of the United Nations. While the entire

proposal envisaged is certainly utopian in nature, the world has much to gain and little (apart from money) to lose if it were at least to experiment with this proposal.

There is no question but that maintaining such a permanent Armed Force would be a costly project—but it would be far less costly than the endless internecine conflicts with which the world community of nations is presently plagued; its cost would probably not far exceed the cost of the frequently ineffective "peacekeeping forces."

Instruction in the Law of War

Unfortunately, many violations of the international law of war are committed because the perpetrator is unaware of the fact that the action which he is taking is a violation of the law of war. Many armies provide no training whatsoever in the law of war. This is frequently evidenced by the wanton killing of captured military personnel and civilians, the destruction or misuse of protected buildings such as hospitals and churches, the looting of civilian homes and shops, etc.[5] For their own protection, members of armed forces should be given instruction on the law of war to prevent them from unwittingly committing acts which may subsequently result in their being tried for war crimes. Few countries put a rifle in a man's hands and say, "Now you are a soldier!" There is always, as a minimum, some basic instruction in the conduct of warfare, and instruction in the law of war does not require more than a few hours of time during that basic training. Seldom do individuals knowingly and wilfully commit violations of the law of war unless it is the practice of their nation and their armed force. If every armed force gave such instruction, the number of violations of the law of war would be materially decreased and the need for trials for war crimes would be proportionately reduced.

International Criminal Court

The war crimes trials conducted by the Supreme Court of Leipzig after World War I demonstrated that a defeated nation could not be effective in trying members of its own armed forces for war crimes alleged to have been committed by them against enemy military personnel, civilians, and property during the course of the conflict. While the great majority of war crimes cases tried after World War II were fair, they were nevertheless subject to the claim that it was a case of the "victor trying the vanquished."

For years the international community of nations has been endeavoring to reach agreement on the creation of an international criminal court. The League of Nations created one, but it failed to receive the support of individual nations. The International Law Commission was long ago directed to draft a statute for such an organization and has finally prepared one, which is presently under discussion; a Diplomatic Conference seized with the matter is scheduled to convene in Rome in 1998. So there are grounds for anticipating that the establishment of such a court, with jurisdiction over war crimes, will become a reality during the twenty-first century. Grave breaches of the 1949 Geneva Conventions and of the 1977 Additional Protocol I are among the more important offenses listed. This would mean that a nation at war could bring charges before the International Criminal Court against enemy violators of the law of war during the course of the conflict without fear of reprisals, as retaliation would be limited to the bringing of charges before the Court against individuals by the other side. This would not be a true reprisal, because the right to bring such charges would have existed in any case.

It may well be assumed that the manner in which the International Tribunals established by the United Nations Security Council for the trials of violations of the law of war committed in the former Yugoslavia and in Rwanda perform their functions will have a major influence on whether the international community does eventually decide to establish an international criminal court. While the activities to date of those Tribunals has been far from exemplary, the present author believes that such a court will be established in the coming years. Whether States will become Parties to a convention creating it is another matter. Certainly, it can be assumed that outlaw States such as Iraq, Iran, Libya, and North Korea will not. There is also considerable doubt that such States as the People's Republic of China and the other remaining communist countries, with their closed societies, will become Parties to a convention establishing an International Criminal Court that would have jurisdiction over their nationals of all ranks for violations of specified international laws. There is even considerable doubt that the United States Senate would give its advice and consent to the ratification of a Convention establishing such a court.[6]

Protecting Powers

Unfortunately, international wars are inevitable no matter what actions are taken to prevent them, and even if a United Nations Armed Force is established, rules must be adopted and a method devised which will compel the

participants to comply with those rules until the hostilities are brought to an end. While there were Protecting Powers acting on both sides during the Franco-Prussian War (1870–1871), for some unknown reason there were no provisions for Protecting Powers in either the 1899 or the 1907 Regulations Respecting the Laws and Customs of War on Land, even though Chapter II of both contained provisions for the humane treatment of prisoners of war. During World War I a number of agreements, both bilateral and multilateral, were entered into which provided additional protection for prisoners of war, and Protecting Powers were designated and functioned to ensure compliance with the regulations for the treatment of prisoners of war.

The 1929 Geneva Convention Relative to the Treatment of Prisoners of War attempted to remedy this defect by the addition of specific provisions calling for the designation of Protecting Powers. Article 86 of the Convention stated:

> The High Contracting Parties recognize that a guarantee of the regular application of the present Convention will be found in the possibility of collaboration between the protecting Powers charged with safeguarding the interests of belligerents; in this respect, the protecting Powers may, besides their diplomatic personnel, appoint delegates from among their own nationals or the nationals of other neutral Powers. The appointment of these delegates must be subject to the approval of the belligerent with whom they exercise their mission.
>
> Representatives of the protecting Power or its accepted delegates shall be permitted to go to any place, without exception, where prisoners of war are interned. They shall have access to all places occupied by prisoners and may interview them, as a general rule without witnesses, personally or through interpreters.
>
> Belligerents shall so far as possible facilitate the task of representative or accepted delegates of the protecting Power. The military authorities shall be informed of their visit.
>
> Belligerents may come to an agreement to allow persons of the same nationality as the prisoners to be permitted to take part in inspection trips.[7]

During World War II, almost every nation at war had Protecting Powers with every enemy country.[8] Nazi Germany complied with the Convention and permitted the Protecting Powers and the International Committee of the Red Cross to function in the expected manner in its camps for British and American prisoners of war, with the result that the death rate among such prisoners of war

was exceedingly low. The reverse was also true, with Protecting Powers for Germany and the International Committee of the Red Cross functioning in the prisoner-of-war camps for German prisoners of war maintained by the British and the Americans. It was only in the prisoner-of-war camps operated by the Soviet Union and the Japanese (and by the Germans for Soviet prisoners of war) that limitations on the operations of the Protecting Powers and the International Committee of the Red Cross resulted in a high mortality rate among prisoners-of-war. There were a number of war crimes trials based on violations of the law of war relating to the treatment of prisoners of war where international supervision was denied.

Articles 8 and 9 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War are very similar to, but more extensive than, the provisions of their predecessor. They provide:

> Art. 8. The present Convention shall be applied with the cooperation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict. For this purpose, the Protecting Powers may appoint, apart from their diplomatic or consular staff, delegates from among their own nationals or the nationals of other neutral Powers. The said delegates shall be subject to the approval of the Power with which they are to carry out their duties.
>
> The Parties to the conflict shall facilitate to the greatest extent possible the task of the representatives or delegates of the Protecting Powers.
>
> The representatives or delegates of the Protecting Powers shall not in any case exceed their mission under the present Convention. They shall, in particular, take account of the imperative necessities of security of the State wherein they carry out their duties.
>
> Art. 9. The provisions of the Present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of prisoners of war and for their relief.[9]

During the hostilities in Korea, not only were there no Protecting Powers, but the North Koreans and the Chinese Communists refused to allow the delegates of the International Committee of the Red Cross to have access to their prisoner-of-war camps, thus denying any third-party supervision.[10] As a result, the death rate among prisoners of war was even greater than it had been

among prisoner of war held by the Japanese during World War II. The situation was identical in Vietnam. In both instances, the International Committee of the Red Cross was permitted to perform its mission only on the noncommunist side.[11] In the hundred or more international conflicts which have occurred since the end of World War II, the only such conflict in which it might be considered that Protecting Powers and the International Committee of the Red Cross were permitted to perform their stated functions was in the Falklands War (1982) between Argentina and Great Britain.

When the 1977 Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I)[12] was being drafted, it was hoped that this situation with respect to Protecting Powers could be remedied by provisions which would ensure the presence of a Protecting Power, or a substitute, in every conflict. Unfortunately, as subsequent events have demonstrated, such an end has not been achieved.

Article 5(2) of the Protocol reads as follows:

> From the beginning of a situation referred to in Article 1, each Party to the conflict shall without delay, designate a Protecting Power for the purpose of applying the Conventions and the present Protocol and shall, likewise without delay and for the same purpose, permit the activities of a Protecting Power which has been accepted by it as such after designation by the adverse Party.

Although the paragraph twice uses the imperative, it has proved meaningless. The next paragraph (3) of the article appears to anticipate the failure of States to comply with the provision and attempts to provide an alternative. It states:

> If a Protecting Power has not been designated or accepted from the beginning of a situation referred to in Article 1, the International Committee of the Red Cross, without prejudice to the right of any other impartial humanitarian organization to do likewise, shall offer its good offices to the Parties to the conflict with a view to the designation without delay of a Protecting Power to which the Parties to the conflict consent. For that purpose it may, *inter alia*, ask each Party to provide it with a list of at least five States which that Party considers acceptable to act as Protecting Power on its behalf in relation to an adverse Party, and ask each adverse Party to provide a list of at least five States which it would accept as the Protecting Power of the first Party; these lists shall be communicated to the Committee within two weeks after the receipt of the request; it shall compare them and seek the agreement of any proposed State named on both of them.

Twenty years and dozens of conflicts later, this system, which just might possibly accomplish its purpose in some cases, has never been tried![13]

The fourth paragraph of Article 5 provides that, lacking Protecting Powers, "the Parties to the conflict shall accept without delay an offer which may be made by the International Committee of the Red Cross or by any other organization which offers all guarantees of impartiality and efficacy." Again we have the imperative—and again we know (and the drafters must have known!) that there are a number of countries that will not permit the International Committee of the Red Cross or any other impartial organization to function on their territory. This means that there will be no assurance that prisoners of war are receiving humane treatment, and where there is no such assurance one can be certain that they are not receiving such treatment!

There are two alternative solutions which might have been adopted. One would have been to provide for the naming of Protecting Powers by the Security Council of the United Nations (assuming that none of them are Parties to the conflict and perhaps even then!). Inasmuch as both communists and noncommunists are represented on that body, with both sides having a veto power, it should be possible for them eventually to arrive at an agreement on a State, or States, acceptable to both sides.[14] Such a procedure would ensure the presence of a Protecting Power, an agency the mere presence of which ensures more humane treatment for prisoners of war.

Another, and more workable, solution was proposed many years ago at the 1949 Diplomatic Conference by the French delegation. It called for the establishment of a permanent "High International Committee for the Protection of Humanity" which could act as a Protecting Power for both sides. It was contemplated that the persons selected for membership in this organization would be of such high character that no country would have a basis for denying them the right to perform the functions of a Protecting Power should the occasion arise. It was included as a proposal in a resolution adopted by the Conference, but when the French assessed the prospects for its adoption, it received little or no support.[15] This is the best solution to an otherwise insoluble problem.

Nuclear Weapons

Instead of pecking away at the possession of nuclear weapons by reducing the numbers allowed, numbers that even at their reduced levels could account for the deaths of millions of persons and the devastation of thousands of square miles of land, all nations, particularly those which presently possess strategic or

tactical nuclear weapons, should agree to their destruction, and steps should be taken by the United Nations to ensure that the world remains nuclear-free. This can only be accomplished by agreements prohibiting the development, production, and stockpiling of all nuclear weapons; calling for the destruction of all existing such weapons; and providing for unlimited and unannounced verification examinations, conducted by a permanent organization of trained personnel authorized to go any place in any country without advance warning to ensure that nuclear weapons are not secretly possessed or being produced.[16] This would also require a derogation of sovereignty, as it would be absolutely essential that the unlimited and unannounced verification examinations be conducted in *all* countries, including (perhaps particularly) those which have not agreed to be bound by the act establishing the procedure.

One must truly be an optimist to believe that obtaining such a worldwide agreement is possible. However, as the understanding of what nuclear warfare entails grows, it can be foreseen that even in countries such as Iraq, Iran, Communist China, and North Korea, to name but a few of those most likely to disregard their international commitments, the populations will eventually demand an end to this weapon which, if not made nonexistent, will one day make Earth uninhabitable. This would be particularly true in time of war, as a nation envisioning defeat would be likely to attempt to avoid that event through the use of nuclear weapons against an enemy that it knows will not be able to retaliate in kind. Moreover, in order to discourage other nations from following a similar road, it will be necessary to impose some type of punishment on the nation or nations found to have violated the prohibitions. Trade sanctions hurt the population more than they hurt the miscreant government. In contrast, limitations on the size of the armed forces and reduction in the number and nature of standard weapons allowed to be imported and possessed might be such a punishment, one which would not hurt, and might even help, the ordinary, innocent citizen.

Bacteriological And Chemical Weapons

Although the twentieth century saw the drafting of both the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction,[17] and the Convention on the Prohibition of the Development, Production and Stockpiling of Chemical Weapons and on Their Destruction,[18] there are unfortunately nations which, even if they become Parties to these Conventions, will violate them by subterfuge and develop and produce such

weapons. Therefore, the United Nations organization of trained inspectors referred to above with respect to nuclear weapons must also have the authority to search for bacteriological and chemical weapons and ensure their destruction when found. And once again, in order to discourage other nations from following a similar road, it will be necessary to impose some type of punishment on the nation or nations found to have violated the prohibitions.

Antipersonnel Landmines

It has been authoritatively estimated that there are a hundred million landmines buried all over the world, some of which date back to World War II, mines which cause half a dozen civilian casualties daily. Although Protocol II of the 1980 Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons[19] placed various restrictions on the use of antipersonnel landmines, they were considered inadequate. In May 1996 a much more complete Protocol was drafted with provisions that, minimally, require landmines to be capable of self-destruction or self-deactivation.[20] These provisions are necessary and helpful, but what is also needed is the creation and funding of an organization tasked with locating and destroying the antipersonnel mines which now lie buried throughout the world. This is being done, but at a snail's pace; meanwhile, casualties continue to occur.

There is a strong movement for the prohibition of *all* landmines. Such a movement will likely fail, because of the value of landmines for defensive purposes, their original use. Perhaps an acceptable compromise would be to allow only landmines which are triggered by a weight of several tons. This would permit their use for defensive purposes, while eliminating the presently existing danger to the innocent civilian.

Laser Weapons

The laser is a new weapon which has not yet been used in combat but that exists and is available for use. Almost one hundred years ago, the nations agreed to a ban on expanding bullets, because they caused unnecessary suffering. A normal bullet would incapacitate the individual, all that was required to remove him from participation in the battle; the expanding bullet would tear his flesh and body apart, frequently causing tremendous suffering and eventually death.[21] The laser functions in a similar fashion, as it may cause irreversible blindness. Protocol IV to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be

Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[22] is a first step in limiting the use of the laser as a weapon. However, it is only a small step in that direction. There is much need for a convention completely banning the use of lasers in warfare.

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Of course, the true optimist would look forward to the complete acceptance of the Kellogg-Briand Agreement, the 1928 Pact of Paris by which nations condemned recourse to war for the solution of international controversies and renounced it as an instrument of national policy. Human nature being what it is, the present author is not sufficiently optimistic to consider such a solution of the problem of war even remotely possible. He looks only for the adoption of all or some of the matters discussed above.

Notes

1. It will be noted that throughout this article the author uses the term "law of war" rather than the term "international humanitarian law." The latter was invented by the International Committee of the Red Cross in order to avoid the use of the nasty word "war."

2. That internal wars in which practically no rules are followed will continue to occur *ad infinitum* appears inevitable. There will always be dissatisfied members of a population, and there will always be individuals who are able to become the leaders of groups of such people and who believe that they can reach their objective of superceding the existing government by the use of force and terrorism. Such individuals and such groups are not concerned with humanitarian rules governing the conduct of hostilities—they are concerned only with attaining their objectives. Some will engage in acts of terrorism, knowing that such acts will rarely assist them in attaining their objective, simply out of the need to give vent to their antagonism against their rulers.

3. Some of these international agreements were drafted as disarmament treaties. Yet if, for example, the international community outlaws bacteriological or chemical weapons, then it may draft the convention as a disarmament document, but the effect on the conduct of war is obvious.

4. The major problem would be the selection of a language for general use and teaching all of the members of the United Nations Armed Force. It should be noted that in modern international law six languages (English, French, Russian, Chinese, Spanish, and Arabic) are considered equally authentic.

5. A good example of this lack of compliance with the law of war can be found in the activities of the Zairian army, which commited many of these offenses each time it was forced to retreat by the rebel forces. In the rebel forces, strange to relate, the members appeared to have more discipline than those of the regular army. Zaire is today known as Congo.

6. A lengthy, and somewhat pessimistic, discussion of the position of the United States will be found in the BOSTON GLOBE, Aug. 17, 1997, at 1.

7. 47 Stat. 2021, 2060; 2 TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF THE UNITED STATES, 1776–1949, at 932, 957 (Bevans ed., 1969); 118 L.N.T.S. 343, 393, 27 AM. J. INT'L L. (Supp.) 59, 84 (1933).

8. Because of the large number of belligerents and the few nations competent to act as Protecting Powers, the functions were performed almost exclusively by Switzerland, Sweden, and Spain. While this put a heavy manpower demand on these countries, especially Switzerland, which at one time was acting as the Protecting Power for thirty-five belligerents, they all succeeded in accomplishing their missions in an able manner.

9. (1949), Arts. 8–9, 6 U.S.T. 3316, T.I.A.S. No. 3364, 75 U.N.T.S. 135.

10. Although North Korea had not then as yet adhered to the 1949 Geneva Conventions, it had notified the Secretary-General of the United Nations by telegram on 12 July 1950 that it was "strictly abiding by principles of Geneva Conventions in respect to Prisoners of War." 1 ICRC, CONFLIT DE CORÉE: RECUEIL DE DOCUMENTS 16 (1952).

11. In every conflict in which a communist country is involved, no other communist country would be asked to or would act as the Protecting Power for the nation in conflict with the communist country, and no noncommunist country would be allowed so to act. Hence, in conflicts in which communist countries are involved, there are never Protecting Powers and the International Committee of the Red Cross is permitted to function only on the noncommunist side. To the communists every noncommunist is a spy!

The ICRC made over 150 inspections of United Nations Command prisoner-of-war installations and hospitals during the hostilities in Korea and found only minor deficiencies, which were immediately corrected. Nonetheless, after the Armistice the Red Cross Society of China (which, unlike the Red Cross societies in other countries, is not a private organization but an arm of the government) published two voluminous reports charging the United Nations Command with numerous atrocities against Chinese prisoners of war. (Perhaps this was done on the theory that the best defense is a good offense!) Some idea of the validity of these documents may be obtained from the fact that one foreword starts with the statement, "On June 25, 1950, the U.S. government launched an aggressive war against the Democratic People's Republic of Korea."

12. 16 I.L.M. 1392 (1977); 72 AM. J. INT'L L. 457 (1978); INT'L REV. RED CROSS, Aug–Sept. 1977, at 3.

13. Had the hostilities in Korea resumed in the early Eighties (as seemed possible) and had North Korea complied with this provision of the Protocol (which would be unlikely), one could be sure that North Korea would have named its five choices from among the People's Republic of China, the Soviet Union, Czechoslovakia, Poland, and perhaps Hungary, Rumania, Bulgaria, or Cuba; certainly, none of those countries would have been on the list submitted by South Korea or the United Nations Command.

14. In the case of Korea, India, (which had introduced the Resolution establishing the Neutral Nations Repatriation Commission), was viewed by both sides as an acceptable neutral to act as the umpire between the two countries named by the United Nations Command (Switzerland and Sweden) and the two named by the North Koreans and the Chinese Communists (Czechoslovakia and Poland).

A variation to this proposal would authorize the General Assembly of the United Nations to name the Protecting Powers. Inasmuch as there would then be no veto power, this is less likely of acceptance by the remaining communist countries, particularly the People's Republic of China.

15. 2 ICRC, CONFERENCE OF GOVERNMENT EXPERTS 21 (1971).

16. Compliance with such a procedure would unquestionably be met with the claim of violation of sovereignty. It cannot be a violation of sovereignty if the State has consented.

Although it is a Party to the appropriate Convention, North Korea long refused permission for the United Nations inspection team to investigate its main nuclear plant. When it finally did so, after many months of delay, the plant was found to be in compliance with requirements—probably because during the long interim the North Koreans had moved everything violative of the Convention to another, unspecified, site. It is this type of subterfuge that it will be necessary to prevent by unscheduled inspections.

17. 26 U.S.T. 583 (1975), T.I.A.S. No. 8062, 1015 U.N.T.S. 164 (1976), 11 I.L.M. 309 (1972).

18. The United States Senate gave its advice and consent to the ratification of this Convention on 24 April 1997. The Convention entered into force on 29 April 1997 with some seventy-five States Parties. Not unexpectedly, none of the "outlaw States" have ratified or acceded to either the Bacteriological or the Chemical convention.

19. 19 I.L.M. 1523 (1980); 21 INT'L REV. RED CROSS 19 (1981).

20. 35 I.L.M. 1206 (1996). An unusual feature of this amended Protocol is that its Article 14(2) requires each Party "to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice." In December 1997 anti-personnel mines were barred completely, by the Ottawa Treaty on Antipersonnel Mines. The U.S. is not a party to this convention.

21. Actually, an army does more damage when it wounds than when it kills, because the dead body can be quickly disposed of while the wounded combatant may require the services of several individuals to care for him, individuals who might otherwise be carrying a rifle or manning a machine gun.

22. 35 I.L.M. 1218.