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## THE MODERN LIMITED WAR AND THE INSTITUTION OF WAR SANCTUARY

Broadly speaking, a sanctuary may be described as a place recognised as holy or inviolable, or both, i.e. a place of worship, a diplomatic mission and, in times of war, an area or installation which may not be attacked by any of the belligerents engaged in combat. The term is also used to describe places reserved for the preservation and protection of birds and wild animals. Thus the fundamental characteristic common to all sanctuaries is their immunity from interference or attack. This of course includes their inmates' and inhabitants' immunity from violence of any sort, i.e. attack, arrest or punishment, etc.

The institution of sanctuary has a long tradition in the fields of religion, diplomacy and warfare. However, the present study is almost entirely devoted to the last field. As discussed in the following pages, the origin, evolution and observance of sanctuaries in times of conflict has been influenced by the belligerents' means and objectives in waging war, as well as by the considerations of deterrence and retaliation. Observance of sanctuaries in modern limited war may take two distinct forms. Firstly, the area restraint, i.e., a scrupulous observance of the territorial limits of the region of war, whereby the belligerents desist from hitting each other outside the disputed territory, or in certain parts of the actual theatre of war. For instance, in the Korean war American planes did not pursue those belonging to the Chinese and the North Koreans beyond the Yalu River. Secondly, the avoidance of involving civilian centres, hospitals and Red Cross installations, dams, ports and non-military industrial estates, etc., in the actual operations of war. For instance, in the Arab-Israeli war of 1967 both sides refrained from bombing the above-mentioned sites and installations.

But even though the institution of sanctuary has a long tradition in the field of warfare, its precise position in that regard has never been properly studied or appreciated. Obviously, it is a very wide subject, of which a detailed exposition would require a large book. As such, the present exposition makes no claim to comprehensiveness. Its fundamental purpose is to examine the characteristics of modern limited warfare\* and to explore the relevance of the institution of sanctuary as a war constraint.

### Limited War

The concept and practice of limited war are as old as war itself; but the consciousness of limited war as a distinct kind of warfare, with its own theory and doctrine, has emerged recently.<sup>1</sup> The long history of warfare has recorded innumerable occurrences of limited wars between nations. These wars, however, "remained limited less by conscious choice than by considerations of domestic policy"<sup>2</sup>. Despite his long involvement in European wars, Louis XIV, for example, could not utilize more than "a small proportion of national resources because of a domestic structure which prevented him from conscripting his subjects, levying income tax or confiscating property."<sup>3</sup> Such domestic disabilities have on the whole ceased to exist.

Nowadays, nations at war can support their war efforts by a fuller or perhaps even total, mobilisation of their human and material resources. A war today need not be kept limited because of necessity or because of lack of resources. It is to be kept limited by conscious

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\*Sanctuaries are not observed in total war. In fact, total war implies the violation of almost all war restraints. Thus, in order to assess properly the significance of sanctuary as a war constraint, it is necessary to study limited war in which the institution of sanctuary can, and does, play an important role.

1. R. E. Osgood, "The Reappraisal of Limited war" in *Problems of Modern Strategy, Adelphi Paper No. 54*, International Institute of Strategic Studies, London February 1969, pp. 41-42.
2. H.A. Kissinger, *Nuclear Weapons and Foreign Policy*. New York: Harper & Bros. Published for the Council on Foreign Relations, 1957. p. 138.
3. *Ibid.*

policy choice. The difference between traditional limited wars and modern limited wars is found essentially in the application of deliberate restraint." Again, traditional limited wars "were limited both in regard to the resources employed and to the issues at stake"<sup>4</sup>. These wars were waged either in pursuit of dynastic interests, or to decide the fate of a disputed territory. Generally, the armies consisted of conscripted peasants, and in addition included foreign mercenaries and soldiers of fortune. Neither class nor category was directly affected by the outcome of the war. It was not until the professionalization of armies in the 18th century that the outcome of war became a direct concern of the participating soldier. However, to maintain a large and well-trained professional army was a costly business. No wonder rulers avoided waging, or getting involved in, lengthy wars entailing heavy casualties.

The weapons used in traditional limited wars had limited fire power. The advent of the industrial revolution facilitated the invention and continuous improvement of new weapons with greatly increased fire power. Simultaneously, the advent of nationalism radically changed the nature of war. Wars became national, involving nations as a whole. The outcome of national wars directly affected the interests of the population as a whole. Consequently, it became relatively easy for the rulers and leaders to arouse patriotic passions, and, thus, to secure enthusiastic compliance of their calls for greater sacrifices, both in men and money, to sustain the war effort. Similiar calls aroused little voluntary response in relation to traditional wars which were generally waged to promote the rulers' personal or dynastic interests, to annex a piece of land, or simply to satisfy the rulers' yearning for glory.

The use of restraint in modern limited war is deliberate. The underlying motive is to achieve a limited objective without resorting to, or provoking, a total war. The latter category, that is total war refers to wars in which the objective is total victory or unconditional

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4. R. Aron, : *The Century of Total War* (Translated by E. W. Dickes and O. S. Griffiths). London: Derek Verschoyle, 1954, p. 20.

surrender of the enemy. It implies a complete destruction of the enemy's war capabilities, including his will to fight. Such an objective requires unlimited commitment of the nation's human and material resources. The two world wars of this century demonstrated this essential and close connection between extreme objectives and unlimited means. Hitler's ambition of a complete subjugation of Europe necessitated the total mobilization of Germany's human and material resources. On the other hand, the Allies' determination to frustrate Hitler's ambition, and to secure Germany's unconditional surrender required an equally total commitment of their own resources.

The 'nuclear revolution' of the post-world wars period has produced a situation in which the use of extreme means cannot be rationally contemplated. For such an act on the part of nuclear powers is likely to lead to an end of human civilization. Enough nuclear weapons exist today to destroy almost every medium and large city in the world. This awareness of the enormous destructive capacity of modern nuclear weapons is exercising restraint over their use even in cases of extreme emergencies. The supreme objective being survival, if the use of nuclear weapons threatens self-destruction, then their employment can no longer be rationally contemplated. Implicit in the non-use of extreme weapons is the limitation of objectives. These will have to be, and remain, strictly limited, so as not to warrant, or precipitate, the use of nuclear weapons. Confronted with a dilemma as to how to use their increased military power without having to resort to an actual use of nuclear weapons, the Super Powers started looking for alternative strategies. This quest for effective use of increased power, and the maintenance of existing deterrence postures, has produced what is generally referred to as the limited war strategy.

The limited war strategy, in fact, came to be seen as a part of the existing deterrence posture. The deterrence policy of the West was heavily dependent upon the American strategy of massive retaliation. Instead of resisting permanent forces in various countries the U.S. preferred, if need be, to strike at the source of aggression,

using its massive retaliatory power on a selective basis<sup>5</sup>. Although Dulles did not undermine the importance of local defence, his primary reliance was upon the U.S. atomic weapons. Critics of massive retaliation found it very difficult to accept that the U.S. would be willing to initiate an atomic war in response to a limited communist aggression. They argued that, in order to deter effectively, it was necessary that the limited aggression must be met with limited sanctions, and that the U.S. must have the capability to do so. To deter limited aggression by the threat of initiating nuclear war did not sound credible to them, for in such an eventuality the U.S. stood to lose almost as the Soviets.

"Deterrence is the power to dissuade as opposed to the power to coerce or compel."<sup>6</sup> Effective deterrence depends upon communication, capability and credibility. The deterrer must tell the other party what is at stake: deterrence cannot operate if the deterree is unaware what is likely to happen if he pursues a certain course of action. A deterrer should not only have the capability to meet aggression at the conventional level as well as nuclear level, but should also possess the capability to inflict unacceptable damage. If the deterree is rational he will see that any potential gains he might achieve by his course of action are far out-weighed by the punishment he will receive: it is, therefore, in his interest not to proceed with his proposed course of action. He must be aware of the deterrer's capability to inflict unacceptable damage. Furthermore, the deterrer's threats have to be made credible. Obviously the deterree must believe that the deterrer would, in the particular circumstances, carry out the retaliatory measures. The potential aggressor must believe that the deterrer is not only capable of carrying out the threats, but is also willing and determined to do so. It is here that such factors as the deterrer's past behaviour are important: if the deterrer has,

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5. J.F. Dulles, "Policy for Security and Peace", in *Foreign Affairs*, Vol. 32, (April 1954), pp. 335-64.
  6. G. Snyder, "Deterrence: A Theoretical Introduction, in *Theories of Peace and Security* edited by J. Garnett, London, Macmillan, 1970, p. 106.

for example, backed down on previous occasions, then the likelihood of his carrying out the threats at a point in the future can be questioned. The French and British dealings with Nazi Germany in the middle and late 1930's are relevant in this context. The theory of massive retaliation lacked credibility. It was often questioned whether nuclear weapons would be actually used in order to meet limited aggression. To meet limited aggression with limited sanctions seemed more credible. If the deterrent lacked a limited war capability, the potential aggressor was unlikely to be effectively dissuaded. A limited war capability backed by massive retaliatory power or atomic weapons made deterrence more credible. It was for this reason that a limited war strategy came to be seen as a crucial part of the existing deterrence posture.

A modern limited war is fought for well defined and limited objectives, with limited means, and is geographically confined to a limited area. It is "fought for ends far short of the complete subordination of one state's will to another's and by means involving far less than the total military resources of the belligerents, leaving the civilian life and the armed forces of the belligerents largely intact and leading to a bargained termination."<sup>7</sup> "For the main combatants, the struggle must not claim more than a minor proportion of their total resources, and it must not have any deep effect on their social and economic life."<sup>8</sup> To avoid a major disruption of social and economic life the war is often fought within well defined geographical limits. In short, modern limited war is a war in which the restraint is deliberately supplied to objectives, means the area and targets of war.

Clear schematization of limited war into different types is a difficult task because the term limited war is applicable to so many situations. J. Garnett's typology of limited war which is based upon the major limitations involved is a useful guide. According to

7. Osgood, *op. cit.* p. 41.

8. N. Akerman, *On the Doctrine of Limited War* (Translated by Keith Bradford). Lund Bearlingska Boktryckeriet. 1972. p. 120.

Garnett there are four types of limited war: a war which is confined to a geographically limited area; a war which is fought with limited means and a war in which only selected targets are subjected to an attack.<sup>9</sup> What Garnett's typology lacks is the clear emphasis upon what Akerman calls "the character of the combatants."<sup>10</sup> If limited war is fought between two Super Powers or between their allies, then Garnett's basis of limited war typology is fairly convincing. The difficulty arises when a war is fought between a Super Power, or its ally, and a medium or a small power. Restricted mobilisation of the resources of the involved Super Power may surpass the total mobilization of resources of the opposing medium or small power. In that case, war may be regarded as limited from the Super Power's viewpoint, but it will certainly be considered as an unlimited war as far as the opposing medium or small power is concerned. Even a war which is being kept limited, because of the deliberate application of restraints upon objectives, means, area and targets, and is being fought between evenly-balanced powers, may not necessarily be a good example of a limited war. This is "because the relevant limits are matters of degree and perspective. Furthermore a limited war may be carefully restricted in some respects (e.g. geographically) and much less in others (e.g. in means, targets and objectives)."<sup>11</sup>

It must be stressed here that the definition of limited war used in this article is primarily concerned with wars involving Super Powers, whether directly or indirectly. Although small and medium powers can also consciously choose to apply some restraints in order to keep their wars limited, the absence of restraints in their case cannot possibly cause the death of civilization, or endanger the entire world. Perhaps that is why these wars are often referred to as local conventional wars, even though some of these may involve the full commitment of the belligerents' resources. The non-application of deliberate

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9. J.C. Garnett, "The Theory of Limited War in *Contemporary Strategies* by J. Baylis. K. Booth J. Garnett and P. Williams London : Groom Helm, 1975, pp. 13-18.

10. Akerman, *op. cit.* p. 122.

11. Osgood, *op. cit.*, p. 41.

restraint in war in which Super Powers are involved and which therefore has the potential for escalation, can spark off a total war, endangering the whole world. To avoid such an eventuality the application of deliberate restraint has been imperative.

### Limitations

War has its own momentum and dynamics. Frequently the objectives are enlarged and means are increased during the actual course of fighting. Such a drift often occurs either because of the non-reciprocation of restrictive measures by the adversaries, or because of the mis-reading of the enemy's intention. If the belligerents want to avoid this undesired and unforeseen drift towards the extreme situation, they should be willing to limit their objectives and means at the outset of war and be careful to observe the various sanctuaries. However, the most important requirements for keeping the war limited are the limitation of objectives, and of the means employed to achieve them.

The objectives should be limited and clearly defined. Although the limited nature of the objectives "can be determined only in the light of the specific circumstances in which the war occurs",<sup>12</sup> yet the objectives can be such that they only require partial commitment of resources, and leave enough room for negotiations. The limited objectives would only be those objectives which are attainable within the restricted use of means. For example, "the Second World War was an unlimited war because the allies had an unlimited objective—unconditional surrender".<sup>13</sup> Such an objective was not attainable within the restricted use of means available to the allies, especially in the light of Germany's military strength. "In contrast, Vietnam was a limited war because the United States neither sought to defeat the North Vietnamese totally nor to impose 'unconditional surrender' terms on them. She simply aimed to perpetuate the existence of South

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12. R. E. Osgood, *Limited War: The Challenge to American Strategy*. Chicago. The University of Chicago Press, 1957 p. 239.

13. Garnett, *op. cit.*, p. 14.

Vietnam as an independent sovereign state—a limited objective.”<sup>14</sup> Such an objective was attainable without resorting to extreme means, such as the use of nuclear weapons. However, if the stated objectives require the use of extreme means, the objectives can no longer be viewed as limited. And there is always the danger of extreme means dictating the scale of war.

The objectives should always be clearly defined and repeatedly stated. The purpose of this exercise is to communicate clearly to the enemy the precise nature of one's objectives, and the extent to which one is willing to go to accomplish their attainment. Besides, the repeated announcements can also gauge the mood of one's own public, as well as that of the enemy's. However, if the objectives are not clearly defined and communicated to the enemy, the chances of misunderstanding are enhanced for the atmosphere in a confused conflict situation becomes the playground of what Baldwin has described as 'the allies of unreason'. "Fear, hysteria and emotions are powerful allies of unreason,"<sup>15</sup> and during a war they tend to contribute towards the enlargement of objectives as well as means. To avoid such an eventuality it is absolutely essential to define objectives clearly, at the outset, and to communicate them to the enemy with meticulous care.

The second important limitation is the limitation of military means. The means employed for the attainment of the limited objectives should also be limited in themselves. There exist two types of military means available to Super Powers; nuclear means and conventional means. The nuclear means can be further subdivided into two categories; the strategic nuclear weapons and tactical nuclear weapons. As far as possible, the means employed in a limited war should be of conventional nature, since "the available evidence suggests that nuclear war is considerably more likely to explode than

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14. *Ibid.*

15. H.W. Baldwin, "Limited War" in *American Strategy For the Nuclear Age* by W. F. Hahn and J. O. Neff, Philadelphia, University of Pennsylvania (Published for Foreign Policy Research Institute 1960, p. 255.

is conventional war."<sup>16</sup> Even the use of tactical nuclear weapons would not prove to be a useful step with regard to the maintenance of the limitations of limited war. In some cases, the use of tactical nuclear weapons may be regarded as justifiable, e.g., when the odds are heavily against one side and the objective is, though proclaimed limited, important enough to warrant the use of tactical nuclear weapons. Obviously, the side which contemplates the use of nuclear weapons in a limited war, even though only tactical nuclear weapons, is indicating the importance it attaches to the stated objective, and its willingness to drift towards the use of extreme means. Such a situation, if it occurs, will radically alter the original nature of the objective. For example, the defence of West Berlin is regarded as a symbol of NATO's determination to stand up to any Communist aggression in Europe. NATO has frequently expressed the importance it attaches to the defence of West Berlin, and has repeatedly warned the communists not to entertain any designs of taking Berlin by force. Should the communists decide to ignore these warnings, and try to capture Berlin by launching an attack with their enormous conventional forces, North Atlantic Alliance, which lacks the Warsaw Pact's conventional strength, would be obliged to employ tactical nuclear weapons. In such an eventuality it is likely that NATO might decide to punish the communists for ignoring its warnings. This may take the form of annexing or destroying a considerable part of East German territory. It is equally possible that the communists could themselves decide to retaliate with nuclear weapons in order to punish NATO for introducing nuclear weapons into the war. However, the primary responsibility for starting a drift towards total war would be upon the communists, although NATO could still be held responsible in the eyes of the world as the instigator of nuclear war, because, as the first to use nuclear weapons, it is NATO who has crossed the 'nuclear threshold'. Each drift towards extreme means will cause modification in objectives.

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16. M. H. Halperin, *Limited War in the Nuclear Age*. London and New York: John Wiley & Sons, 1963, p. 64.

This brings us to an aging controversy whether the means, or the objectives, are more important, in keeping a war limited. Brodie maintains that "the restraint necessary to keep wars limited is primarily a restraint on means, not ends."<sup>17</sup> On the other hand, Dr. Kissinger argues that keeping a war limited is essentially a political act, and goes on to assert the pre-eminence of political objectives.<sup>18</sup> Both these assertions are poles apart, though both are equally unacceptable. For as Osgood has correctly stated, the "Problem of limiting political objectives is inseparable from the problem of devising limited military means".<sup>19</sup> In other words, objectives and means are interdependent; any change in objectives would almost certainly entail alterations in military plans, as well as means, and a major change in military plans and means would generally cause a re-evaluation or modification of political objectives.

### The Institution of Sanctuary

The third important limiting factor in modern limited war is the observance of sanctuaries in times of conflict. This may take the following forms :

- (A) A scrupulous observance of area restraint, or geographical limitation of war. This would help to restrict combat and active hostilities, within the actual 'theatre of war'. Combat should not in any case be allowed to spread beyond the 'region of war': The region of war is that part of the surface of earth in which the belligerents may prepare and execute hostilities against each other. The theatre of war is that portion of land, sea, or air in which hostilities are actually taking place. Legally, no place which is not the region of war may be made a theatre

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17. B. Brodie, *Strategy in the Missile Age*, New Jersey, Princeton University Press, 1959, p. 312.

18. Kissinger, *op. cit.*, pp. 136-41.

19. Osgood, : *Limited War: The Challenge to American Strategy*, *op. cit.*, p. 241.

of war, but not every section of the whole region of war, is necessarily a theatre of war."<sup>20</sup>

- (B) The observance of external sanctuaries, i.e., air and ground bases on the territory of a neighbouring state, and logistical facilities enjoyed by any of the belligerents on a neighbour's soil. The observance of these sanctuaries is largely dependent upon the observance of area restraint or geographical limitation of war. Frequently, these sanctuaries are in the neighbouring state's border regions. To destroy border sanctuaries means limited extension of the war region. But, in case the sanctuaries concerned are located deep in the neighbouring state's territory, then their destruction may result in the total engulfment of that state into the actual region of war.
- (C) The observance of internal sanctuaries, i.e., the avoidance of military operations against medical installations, whether maintained by the belligerents or an international agency such as the Red Cross, industrial centres, dams, ports, harbours, urban centres and the open cities.

The essential requirement of any type of sanctuary is the strict demarcation of the war zone. The war should be fought within well-defined geographical boundaries, i.e., it should be localised within the 'region of war' and if possible strict limitations should also be applied to the actual 'theatre of war', or combat area. "Without the localization of war, hostilities involving major powers, directly or indirectly, would almost certainly exceed the scale of practicable limitation, given the existing military potentials of the major powers"<sup>21</sup> However, the geographical limitations of the "war theatre" and war region are closely linked to the political objectives involved, and to the military means employed to attain those objectives. Physical demarcation of the war theatre would be far easier if the objectives

20. L. Oppenheim, *International Law* (Edited by H. Lauterpacht). London, Longmans Green and Co., 1952, p. 237.

21. Osgood, *Limited War: Challenge to American Strategy*, *op. cit.* p. 244

were limited and of territorial nature. But, should the objectives involved be non-territorial in nature, the physical demarcation of the war zone may present complications.

The effective geographical limitation of the combat area is also dependent upon the nature of the means employed. The use of conventional weapons is far more conducive to geographical limitations, or area restraints, than would be the use of nuclear weapons. A nuclear bomb, even though only of tactical nature, dropped on the borders of combat area is liable to extend the combat area; and should the combat area be located close to the international border, the neighbouring state, whose territory would almost certainly be affected, may itself become directly involved in the conflict.

Another significant factor which plays an important part in keeping the war confined to a well-defined geographical area is the belligerents' reciprocal actions during the period of war. Each action and reaction should be carefully weighed and reciprocated, if possible, in an identical manner or intensity. Each action and reaction communicates to the belligerents' each other's real aims, as well as the extent to which they are both willing to go. It is a communication by deeds rather than by words.<sup>22</sup> An inherent danger of this type of communication is that it is prone to misinterpretations, and misunderstandings of the actions and reactions involved. Therefore, it is imperative that the attacking sides should not only take into consideration the enemy's capacity to retaliate but also try to evaluate carefully the enemy's possible expectations and reactions. In a limited war "the state of enemy's expectations is as important as the state of his troops".<sup>23</sup> For example, a huge numerical superiority of an invading army may serve to indicate the importance which the leaders of the nation to which it belongs attach to their objective. However this numerical superiority may also induce the numerically inferior defender to employ qualitatively superior weapons in order

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22. T. C. Schelling, *Arms and Influence*. New Haven and London Yale University Press, 1961 p. 137.

23. *Ibid.*, 143.

to match the invading army's fire power. Again, in case the defending country attaches an equal importance to the invader's objectives, it may prefer escalation to a limited defeat and, in the last analysis, resort to the use of tactical nuclear weapons. The responsibility of such a situation would clearly rest upon the invading country. For the defender, confronted by numerically superior forces, would justifiably have no alternative but to employ qualitatively superior weapons, including, if need be, the nuclear ones. Thus it is imperative for any potential attacker to consider carefully its opponent's military capacity, to evaluate its possible reactions, and therefore to launch an attack, with a balanced force, so as not to compel its opponent to introduce tactical nuclear weapons.

Once the war is confined to a geographically limited area, the observance of sanctuaries can play an important part in preventing its escalation. The war sanctuaries can be divided into two categories: the internal sanctuaries, which are located within the war theatre and war region, and the external sanctuaries, which are located outside the region of war, including those within the territories of neighbouring states. The external sanctuaries are either used for ground bases, or for logistic purposes. During the Korean War, the North Korean planes used bases on the Chinese territory north of the Yalu river.<sup>24</sup> During the Vietnam war, the North Vietnamese and the Viet-Cong used Cambodian territory for their tactical attacks against the Americans and the South Vietnamese forces as well as for infiltration into South Vietnam.<sup>25</sup> They, in addition, used the Laotian territory for logistic purposes: the Ho Chi Minh Trail passed through the Laotian territory.<sup>26</sup> The Palestinian guerrilla groups have frequently used sanctuaries on Jordanian, Syrian and the Lebanese territories for their operations against Israel. During the Indo-Pakistan War of 1965, Pakistani planes used Iranian territory for refuelling and repairs.

24. Brodie, *op. cit.*, p. 328.

25. *The Pentagon Papers* (The Senator Gravel Edition). Boston. Boston Beacon Press, 1971, Vol. II. p. 345.

26. *Ibid.*, Vol. IV. p. 519.

It remains a moot point whether it is right for any of the belligerents to use sanctuaries on a neighbouring state's territory for operations of war. However, an attempt to destroy these sanctuaries either by bombing, or by launching an armed attack, often extends the war region. Such an action also runs the risk of provoking armed response from the country concerned, thereby not only extending the war region, but also involving another country in the area of actual hostilities. Shortly before the American sanctuary busting operations in Cambodia were undertaken, General Wheeler, then Chairman of the Joint Chiefs of Staff, warned the then Secretary of Defence that these operations would not only run the risk of adverse political reactions at home and abroad, but could also force Cambodia to defend its soil.<sup>27</sup> Implicit in General Wheeler's warning was the fact that the sanctuary busting operations run the risk of widening the war. In the event, the immediate result of American action in Cambodia was that the region of Vietnam war was extended, with Cambodia becoming directly involved in the war and a part of its territory remaining an actual theatre of war for quite some time.

The most important danger which the sanctuary busting operations entail is that of initiating a general or total war. Such an eventuality can only occur if the sanctuary bases happen to be on the territory of a big power, or on the territory of one of its allies. During the Korean War, the most important factor which restrained the U.N. troops from attacking North Korean bases on the Chinese territory was that such an action might invite Chinese and perhaps ultimately Soviet intervention, thereby starting a major war.<sup>28</sup> The question that arises here is why did the U.N. forces continue to accord sanctuary status to Chinese territory even after the Chinese had committed large number of their forces to active combat? Two reasons account for this course of action. Firstly, the war aims of the Americans, who formed the bulk of U.N. forces, were to contain

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27. *Ibid.* p. 210-14.

28. J. W. Spanier, *The Truman-MacArthur Controversy and the Korean War*, Cambridge Harvard University Press 1959, pp. 137-39

communism and resist aggression occurring anywhere.<sup>29</sup> To expand the war or to launch a punitive attack upon China was never their objective. Secondly, withdrawal of sanctuary status accorded to China could have been seen to indicate the possibility, or even imminence of a mission and direct American action against that country. The Russians could not have ignored such a possibility, for their allies might have viewed that as a sign of weakness, or indifference to the fate of an ally.

The belligerents using external sanctuaries are often encouraged to make use of these because of two factors: either there is a sympathetic neighbour who is willing to let one of the belligerents use its territory for sanctuary purposes or the neighbouring state, neutral or hostile is so weak that it is unable to prevent the belligerents from an unauthorised use of its territory for their war operations. During the Korean war, the North Koreans were allowed to use the Chinese territory for sanctuary purposes simply because the Chinese were sympathetic to their cause. On the other hand, during the Vietnam war, the Laotians and the Cambodians were not strong enough to deny the Viet-Cong the use of their territories for sanctuary purposes.

The case of Palestinian guerrilla groups, using Jordanian territory for sanctuary purposes, is a little more complicated than the above mentioned cases. As long as the interests and policies of the Jordanian Government coincided with that of the Palestinians, the Jordanian Government did not make any attempt to deprive the guerillas the use of their sanctuaries on Jordanian soil. Instead the sanctuary busting operations were undertaken by the Israelis. Every time the Israelis crossed the international border in order to smash these sanctuaries, they not only violated the sanctity of international borders, but also risked strong condemnation by international public opinion. However, the case of the Palestinian sanctuaries only proves that sanctuaries are sometimes used because a neighbouring country is willing to let its territory be used for the said purpose.

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29. B. Brodie, *War and Politics* New York and London, The Macmillan Company, 1973, p. 70.

The internal sanctuaries consist of Red Cross and medical installations, open cities. Industrial centres, ports and harbours, dams and urban centres. The observance of internal sanctuaries requires deliberate and careful restraint on 'targetting'. The belligerents should not only try to avoid attacking the above mentioned targets, but should also accord a sanctuary status to these sites. However, it is not always easy, or even possible to avoid attacks on these sites especially if they are in close proximity to genuine military targets.

The most important internal sanctuaries are the the Red Cross installations and hospitals. These should not be attacked even under the camouflage of what is generally referred to as 'military necessity'. For example, if a hospital happens to be next to a military target, the attack should be carefully directed against the latter. Hospitals and Red Cross installations can be used by all belligerents to relieve the sufferings of wounded soldiers. Their immunity from attack cannot possibly influence the outcome of a war.

The tradition of open cities could also be revived. An 'open city' is a city which is neither attacked, nor defended, nor used for military purposes, except to provide medical facilities to the wounded belonging to all belligerents.<sup>30</sup> All major cities of the belligerents should be declared open cities immediately after the start of the hostilities. The cities are not only the congregational points of a country's civilian population but also the centres of its business and financial activities. The destruction of cities not only entails huge civilian casualties, but may well cause the attacked nation to believe that the enemy is determined to destroy them completely. Such fears can only serve to harden resistance, and more often than not pave the way for total war. Advancing armies and their supporting air forces can easily bypass and avoid most cities, and in any case, should refrain from attacking those that have been declared open. If a military centre is located within an 'open city' and is being used, then enemy operations to destroy that centre could be

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30. S. Bidwell, *Modern Warfare*. London. Allen Lane, 1973, p. 41.

justified. However, the principal military objective should be the destruction of the enemy's military forces and installations, not of his civilian population.

The other important sites and areas constituting internal sanctuaries are industrial centres, dams, ports and harbours. These should not be attacked, as the economic life or even survival of most countries largely depends upon their safety. Any attempt to destroy these sites and areas could arouse similar fears for survival as may be aroused by attacks on civilian centres. This would not only harden the resistance of the nation under attack, but may also transfer the conflict into an all out total war.

### Rationale

"The principal justification of limited war lies in the fact that it maximizes the opportunities for the effective use of military forces as a rational instrument of national policy. In accordance with this rationale, limited war would be equally desirable if nuclear weapons had never been invented. However, the existence of these and other weapons of mass destruction clearly adds great urgency to limitation."<sup>31</sup> The rationale of sanctuaries lies in the fact that their observance can greatly help to keep a war limited. Such observance also indicates a desire on the part of belligerents to keep the conflict limited, and to avoid a total war. However, any useful purpose of the sanctuaries is wholly dependent upon their scrupulous observance by all belligerents. Limited war of necessity, or the traditional limited war of the past, "implies the existence of a great sanctuary area in the rear of each major contestant."<sup>32</sup> Such sanctuary areas were generally located outside the theatre of war, and in many cases, even outside the region of war. However, the modern limited war of choice implies the observance of sanctuaries not only outside the region of war but also within the region of war.

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31. Osgood, *Limited War: The Challenge to American Strategy*, *op. cit.* p. 26.

32. Brodie, *Strategy in the Missile Age*. *op. cit.* p. 329.

The degree of observance of sanctuaries is very much dependent upon the voluntary initiative of one side and the reciprocity of the other. If one side voluntarily accords sanctuary status to enemy areas and installations of a non-military nature, but the enemy does not reciprocate its initiative, then there is a likelihood that the voluntarily accorded sanctuary privileges may be withdrawn. Basically, sanctuary status is accorded to non-military areas and installations belonging to the enemy in order "to induce him to do likewise, that is to make some comparable gesture of restraint, perhaps as a token of willingness to co-operate in winding down the war."<sup>33</sup> Another motivation for a voluntary observance of sanctuaries may be the desire not "to provoke the enemy's powerful ally to come to the enemy's assistance or increase the assistance already being given."<sup>34</sup> If the expectations of the sanctuary granting side are frustrated by the absence of reciprocity, it may well stop observing any sanctuaries. However, a comparable gesture of restraint on the part of the enemy should normally help the continued observance of sanctuaries by both sides.

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33. Brodie, *War and Politics*, *op. cit.*, p. 67.

34. *Ibid.*