

MUNTI 2020

GA3: Social, Cultural and Humanitarian (SOCHUM)

Research Report

Topic 1: The question of reinforcing the Geneva Conventions



Yoonseo Chung & Alessandro Cercaci

Introduction

The Geneva Conventions are treaties ratified by over 190 countries which were agreed upon during international diplomatic meetings. They were created in order to establish humanitarian laws for armed conflicts and wars. The term *Geneva Convention* is often interchangeably used to denote the agreements negotiated after the Second World War. These treaties cover basic humanitarian rights of wartime prisoners, protection for the wounded or sick and civilians in/around a warzone as well as the protection of hospitals and medical staffs. If generalized one can summarize the Geneva Conventions as ‘the laws of war’.

The Geneva Conventions are most notably known for being rules in order to protect humanity from another savagery of war such as Auschwitz. However, the conventions are being taken too lightly in conflicts all over the world. Conflicts in Syria, Yemen, Iraq and Afghanistan (to name a few) have all violated numerous clauses present in the Geneva Conventions.

Key Terms

Geneva Conventions: Laws that apply in times of armed conflict

Convention: An assembly of people but in international law it signifies a treaty.

Treaty: A formally concluded and ratified agreement between states.

Ratification: The action of signing or giving formal consent to a treaty, contract, or agreement, making it officially valid.

Geneva Convention Protocols: The original draft of the Geneva Convention diplomatic document on the terms of a treaty agreed to or in conference and signed by parties

Context

The first Geneva Convention was held and adopted on 22 August 1864. The first treaty of four was for the amelioration of the condition of the wounded in armies in the field. However, in 1906, the First Geneva Convention was revised and updated with improvements. Amendments were made which extended the treaty to apply for medical personnel and volunteer agencies as well, and the 1906 convention effectively replaced the first Geneva convention.

Following World War I, it was made apparent that the 1906 convention and the Hague Convention of 1907 wasn't enough; therefore, in 1929, further revisions and updates were made. The civilized treatment of prisoners of war was implemented as a response to the Great War, and all prisoners had to be treated with consideration and live in humane conditions. The Red Cross was also stated to become the main neutral organization responsible for collecting and transmitting data about prisoners of war, wounded or killed.

Despite the implementation of the 1926 Convention, World War II brought about new horrific acts of war. Germany, although having signed the 1929 Convention, carried out actions off and on the battlefield that defied the Conventions as well as basic human rights. As a result, the Geneva Conventions were further revised and expanded on to protect non-combatant civilians. New articles were added for the protection of medical personnel, military chaplains and civilians who take up arms to fight invading forces. Article 12 specifically stated that the wounded and sick must not be murdered, tortured, exterminated or exposed to biological experiments.

In 1977 further protocols were added to the conventions of 1949. Articles for circumstances of civil wars were taken into account and taking hostages, terrorism, pillage, slavery, group punishment and degrading treatment were all prohibited.

Over 190 states have signed and follow the Geneva Conventions for the protection of the international community as the treaties help draw a line for the morals and humane treatment in war.

Major Actors

Russia: Russia, being a prominent international actor, has been in the midst of many armed conflicts, and in 2019 Russia's president Vladimir Putin made it clear that he had intentions of withdrawing from the additional protocols added to the conventions in 1989. The protocol was a provision on protecting victims of war. However, this wasn't Russia's first dismissal of UN treaties. In 2014, Russia invaded and illegally annexed Crimea successfully breaking the 1975 Helsinki Final Act, the 1994 Budapest memorandum of security assurances for Ukraine and the 1997 treaty on friendship, cooperation and partnership between Ukraine and Russia.

United States of America: The United States has upheld and applied the Geneva Conventions in numerous wars including the Korean and the first Gulf Wars; however, controversy sparked following President Bush's actions during the al Qaeda conflict. Although President Bush had repeatedly declared that detainees in U.S. custody should be treated "humanely, and to the extent appropriate and consistent with military necessity, in a manner consistent with the principles" of the Geneva Conventions, events of abuse and torture of the Guantanamo Bay detainees and CIA-run prisons overseas all point to the Geneva Conventions not being enforced to any extent.

China: China, part of the UN security council's permanent five, has been actively shielding Myanmar as they carry out war crimes, crimes against humanity and genocide. China has also been accused of abusing their vetoing power in the UN security council by blocking draft resolutions that aim to prevent atrocities from taking place.

Syria: One of the main aims of the Geneva Convention failed to make any effect notably in Syria. The disastrous failure of the protection of civilians in Raqqa amounted to the death of 1600 civilians.

Myanmar: Myanmar has been persecuting the Muslim Rohingya people since October 2016. The Myanmar government has been accused of ethnic cleansing and genocide as well as having committed a crime against humanity. Their actions have been criticized by Amnesty International, the UN, the ICJ and more. Having had the Geneva Convention of 1949 implemented to put an end to further genocides and ethnic cleansings after WWII, Myanmar is notorious for the Rohingya crisis, especially in current politics.

Yemen: The war in Yemen hosts one of the world's worst humanitarian crisis. The war led to the suffering of innocent civilians from bombings, famine, and other casualties as a consequence of attacks. Militants take advantage of chaos and the unstable state of Yemen to seize territory and many prisoners were taken. The civil war is ongoing, and Yemen remains one of the Arab world's poorest countries.

Previous/Relevant UN Resolutions

Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field, 1949 and its commentary:

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=4825657B0C7E6BF0C12563CD002D6B0B&action=openDocument>

Geneva Convention (II) on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949 and its commentary

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=2F5AA9B07AB61934C12563CD002D6B25&action=openDocument>

Geneva Convention (III) on Prisoners of War, 1949 and its commentary

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=77CB9983BE01D004C12563CD002D6B3E&action=openDocument>

Geneva Convention (IV) on Civilians, 1949 and its commentary

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

Additional Protocol (I) to the Geneva Conventions, 1977 and its commentary

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=D9E6B6264D7723C3C12563CD002D6CE4&action=openDocument>

Additional Protocol (II) to the Geneva Conventions, 1977 and its commentary

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AA0C5BCBAB5C4A85C12563CD002D6D09&action=openDocument>

Additional Protocol (III) to the Geneva Conventions, 2005 and its commentary

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=8BC1504B556D2F80C125710E002F4B28&action=openDocument>

Bibliography

<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreaties1949.xsp>

<https://www.themoscowtimes.com/2019/10/17/putin-seeks-to-abandon-geneva-conventions-victim-protection-clause-a67781>

<https://www.brookings.edu/blog/order-from-chaos/2020/03/17/crimea-six-years-after-illegal-annexation/>

<https://www.cfr.org/backgrounder/united-states-and-geneva-conventions>

https://www.history.com/topics/world-war-ii/geneva-convention#section_5

<https://www.bbc.com/news/world-middle-east-29319423>

<https://www.amnesty.org/en/latest/news/2019/05/un-catastrophic-failure-as-civilians-ravaged-by-war-violations-70-years-after-geneva-conventions/>