

Adopted on 12 August 1949, and universally ratified since 2013, the four Geneva Conventions have saved countless lives and prevented suffering in numerous armed conflicts for 75 years. As a set of minimum standards to preserve humanity during armed conflicts, the Geneva Conventions have stood the test of time, and remain thus highly relevant for today's and tomorrow's armed conflicts.

VERSION FRANCAISE => CLIQUEZ SUR LE LIEN SUIVANT: Coup de projecteur sur "Les 75 ans des Conventions de Genève : Un héritage partagé par l'humanité" disponible sur le site du blog Quid Justitiae de la Clinique de droit pénal et humanitaire (traduction de l'Université Laval).

Introduction

The Geneva Conventions and the universal principle of shared humanity in armed conflict they embody stem from longer than 75 years of history. While the Treaty for the Regularization of War between Colombia and Spain in 1820 and the Lieber Code in 1863 represented the first modern attempts to humanize wars by codifying their rules, the Geneva Convention of 1864 was the first multilateral treaty protecting wounded soldiers on land. Since then, modern international humanitarian law (IHL) has upheld basic human values consistently through numerous agreements, such as the Martens Clause protecting people against lawless warfare, the 1918 Bern Agreements allowing for prisoners of war exchanges between France and Germany, or the 1929 Geneva Convention saving the lives of countless prisoners of war WWII.

One must recall that those human values and the rules protecting them pre-existed modern IHL way before it emerged. Indeed, they are also deeply rooted in ancestral cultures and traditions all around the world, as humankind sought to limit the effects of warfare ever since the first human civilizations. For instance in Somalia, the “Biri-Ma-Geydo” (“Spared from the Spear”), which is a mix of traditional elements and Sharia law, provided protection for those who were not fighting, as what can be found in Common Article 3 of the four Geneva Conventions and Rule 1 of the ICRC’s Customary IHL Database.

Similarly, when facing a battle, the Ashanti tribe in Ghana used a royal drum to signal the warriors and warn civilians of impending hostilities. This usage was consistent with rules pertaining to warnings, as defined in Article 57(2) of the First Additional Protocol to the Geneva Conventions and in Rule 20 of the ICRC's Customary IHL Database. In the Fulani tribe, warriors were prohibited from desecrating sacred places, including places of worship and tombs, which corresponds to the protection afforded to such objects in Article 17 of the First Geneva Convention, Article 120 of the Third Geneva Convention, and Article 130 of the Fourth Geneva Convention (complemented by Article 34 and 53 of the First Additional Protocol, as well as Article 16

of the Second Additional Protocol).

In addition to diverse cultures and traditions across the globe, one can also look at Islamic law and jurisprudence, one of the three major legal systems in the world today. A branch of Islamic law is aimed at regulating behaviour during war, and resonates well with the protective purpose of IHL. For instance, under the Islamic laws of war, mutilation is prohibited under the Prophet's instructions on the use of force, while Abu Bakr also mentioned similar rules in a famous decree. Corresponding rules can be found in Common Article 3 of the four Geneva Conventions, Article 13 of the Third Geneva Convention, and Article 32 of the Fourth Geneva Convention. Similarly, the ideas of preventing unnecessary suffering and protecting civilians exist in the ethics of warfare in the Aztec Civilization, while Buddhism and IHL share, to a certain extent, the same intention of reducing human suffering in warfare.

These cultures and traditions, as well as many others, have not only contributed to shaping the Geneva Conventions, of which we celebrate the 75th anniversary this year, but also demonstrate how universal the nature of their rules is. As the Geneva Conventions underline, reinforce, and complement these cultures and traditions, they can be considered as common heritage of humanity. Today, the need to recommit to our shared humanity is more crucial than ever, if we want to preserve this precious legacy for generations to come.

This highlight will focus on three aspects of the Geneva Conventions: the principle of shared humanity they enshrine, the main rules they set to preserve humanity in armed conflict, and their relevance in contemporary warfare.

Teaching resources

The law

Fundamentals of IHL provide a detailed introduction to the Geneva Conventions and the main rules they set to preserve shared humanity during conflicts, as well as their historical development. Fundamentals of IHL, III. International Humanitarian Law and cultural relativism, presents and discusses the universal nature and reach of IHL.

The practice

A selection of case studies from The Practice illustrates:

1. Upholding the principle of shared humanity, as enshrined in the Geneva Conventions and beyond

- Local traditions: Somalia, Traditional Law and IHL
- Shared humanity in fighters' codes: Afghanistan, Code of Conduct for the Mujahideen
- Shared humanity between ideological adversaries: Cuba, Status of Captured "Guerrillas"
- Shared humanity in judicial practice:

- Israel, Cheikh Obeid et al. v. Ministry of Security
- Colombia, Special Jurisdiction for Peace, Extrajudicial Executions in Casanare
- ECCC, Detention Sites in Cambodia
- ICTY, The Prosecutor v. Blaskic

2. Taking action to protect humanity in armed conflict

- Implementation of IHL by States: Romania, Voluntary Report
- Implementation of IHL by arms carriers:
 - Applying principles of proportionality and precautions in attack in Mali: 2013 (IHL in Action)
 - Afghanistan, Goatherd Saved from Attack
 - Philippines, Application of IHL by the National Democratic Front of the Philippines
 - Iraq, Care for Wounded Enemies
 - Syria, Syrian rebels treat captured Filipino soldiers as 'guests'
- Universal jurisdiction to prosecute IHL violations: Switzerland, Swiss Federal Criminal Court Finds Liberian Commander Guilty of War Crimes
- Dissemination of IHL: Promoting IHL in schools in India: 1998–2009 (IHL in Action)

3. The enduring relevance of the Geneva Conventions in armed conflicts

- IHL challenges and solutions: Twelve issues: What States can do to improve respect for IHL in 2022 (ICRC Document)
- Classification of situations: Mexico, Recapture of Ovidio Guzmán, One of the Leaders of the Sinaloa Cartel
- New technologies and shared humanity: Libya, The Use of Lethal Autonomous Weapon Systems
- Protected persons: Afghanistan and Colombia, Conflict-Related Sexual Violence and Violence Against LGBT+ and Gender-Diverse Persons
- Humanitarian access: UN Security Council, Resolution 2664 on Humanitarian Exemptions to UN Sanctions Regime

A to Z

Relevant definitions can be found in the “A to Z” section:

Access, Additional protocols, Application, Armed conflict, Armed groups, Breach, Child soldiers, Children, Combatants, Conduct of hostilities, Cultural property, Customary International Humanitarian law, Detention, Displacement, Dissemination, Distinction, Fundamental principles of IHL, Geneva Conventions, Grave breaches, Hague Conventions, Hostilities, Human dignity, Humanity, Implementation, International armed conflict, International Committee of the Red Cross, Law of Geneva, Martens Clause, Means of warfare, Medical objects, Medical personnel, Methods of warfare, Military advantage, Military necessity, Military objectives, Objects indispensable to the survival of the civilian population, Precautions in attack, Proportionality, Protection of children, Protection of the civilian population, Rape and sexual violence, Responsibility, Special Jurisdiction for Peace, State responsibility, Universal jurisdiction, Unnecessary

suffering, Violations, Wounded and sick.

To go further

- Tool on African Traditions and the Preservation of Humanity during War | International Committee of the Red Cross ([icrc.org](https://www.icrc.org))
- IHL and Islam: An overview - Humanitarian Law & Policy Blog ([icrc.org](https://www.icrc.org))
- Common principles of Islamic Law and IHL | ICRC
- Chainarol Way of Warrior Manipuri Humanitarian Traditions Part 1 ([e-pao.net](https://www.e-pao.net))
- Exploring Convergences Between Buddhism and International Humanitarian Law: An Introduction | International Committee of the Red Cross ([icrc.org](https://www.icrc.org))
- Religion and international humanitarian law | International Review of the Red Cross ([icrc.org](https://www.icrc.org))
- Religion and Humanitarian Principles ([icrc.org](https://www.icrc.org))
- Respect for the law on the battlefield | IHL in Action ([icrc.org](https://www.icrc.org))

© International Committee of the Red Cross