1. First lesson (45 min)

The origin of the four Geneva Conventions of 1949 (“GCs”)

Historical background:

- Battle of Solferino of 1959 witnessed by Henry Dunant
- Spontaneous relief organized by Dunant to wounded soldiers
- A key book: H. Dunant, A Memory of Solferino
  - Idea 1: creation of rules to protect the wounded in the field, as well as aid-workers
  - Idea 2: creation of relief societies formed in time of peace to prepare care for wounded soldiers (pp. 115-125)
  - Idea 3: creation of a protective emblem for health providers
  - “[…] some international principle, sanctioned by a Convention inviolate in character, which, once agreed upon and ratified, might constitute the basis for societies for the relief of the wounded […]” (pp. 126-128): creation of a treaty comprising the three main ideas
- Creation of the International Committee of the Red Cross in 1863
- Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field of 1864 – why was First Geneva Convention adopted?
- 20th Century and the new GCs of 1949 - why were the GCs of 1949 adopted?
  - The Geneva Convention for the Amelioration of the Condition of the Wounded
and Sick in Armies in the Field of 1906
- First World War and issues faced by prisoners and civilians
- The Geneva Convention relative to the Treatment of Prisoners of War, of 1929
- The Tokyo Draft International Convention on the Condition and Protection of Civilians of enemy nationality who are on territory belonging to or occupied by a belligerent of 1934
- Second World War and issues faced by civilians and prisoners
- The Four Geneva Conventions of 1949

### Suggested Readings:


2. Second Lesson (45 min)

Purpose, scope, key legal provisions and concepts of the four Geneva Conventions of 1949

Purpose:

- Protection of categories of persons **who do not** (civilians, medical personnel) **or no longer take part in the hostilities** (wounded, sick and shipwrecked troops, prisoners of war)
  - GC I: wounded and sick in the battlefield;
  - GC II: wounded, sick and shipwrecked;
  - GC III: prisoners of war;
  - GC IV: civilians.
Protection of the emblems
Humanitarian relief
Role of the ICRC

Scope of application:

- Universal ratification
- Geneva Conventions as a source of International Humanitarian Law (IHL) – mention to the Additional Protocols
- IHL (jus in bello) ? Law of use of force (jus ad bellum)
- Armed conflicts (IAC / NIAC); ? “other situations of violence”

Key legal provisions:

International Armed Conflict:

- Classification: Common Article 2
- Main rules about each category of protected persons:
  - GC I & GC II – care, collection, respect, protection for/of the wounded, sick and shipwrecked, protection of medical personnel/units/transport, protective emblem; obligations on the missing and the dead (Art. 12 GCI; Art. 12 GCII).
  - GC III – combatant status, protection and treatment of POWs, ICRC visits, repatriation (Arts 4, 13, 14, 23, 25-38, 52, 70, 118, 123, 126 GC III).

Non-International Armed Conflict:

- Common Article 3 (“the mini-Convention”):
  - Classification (see also Art. 1, AP II)
  - “safety net” for humane treatment
persons not directly participating in hostilities
- equality of belligerents
- special agreements

Key legal concepts:

- Duty to respect and ensure respect: “non-reciprocity” (Common Article 1)
  - Humane treatment – even those who fall into the hands of the enemy should be treated with respect for their dignity as human beings.
  - Universal jurisdiction (GC I-I, Arts. 49/50/129/146)
  - Protected persons (GC I, Art. 13, GC III and IV, Art.4)

- READINGS

Legal Tool:

Case studies:


Suggested Readings:


Further Readings:


Source URL: https://casebook.icrc.org/ranger/pedagogical-resources/two-lesson-course-70-years-geneva-conventions

Links