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Geneva Convention YouTube Lecture Handouts 4 Conventions and 3 Protocols

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Protocol, Treaty & Convention

- Protocol:
 - A protocol is an agreement that diplomatic negotiators formulate and sign as the basis for a final convention or treaty. The treaty itself may not be completed for many years.
- Treaty:
 - A treaty is an agreement where the parties to it negotiate to reach common ground and avoid further conflict or disagreement. It is normally ratified by the lawmaking authority of the government whose representative has signed it. In the United States, the Senate must ratify all treaties.
- Convention:
 - A convention begins as an international meeting of representatives from many nations that results in general agreement about procedures or actions they will take on specific topics (e. g. , wetlands, endangered species, etc.) .

Application

- Peace Time
- War
- Armed Conflict

Geneva Conventions and their Additional Protocols form the basis of modern international humanitarian law, setting out how soldiers and civilians should be treated during the war.

Geneva Conventions, a series of international treaties concluded in Geneva between 1864 and 1949 for the purpose of ameliorating the effects of war on soldiers and civilians. Two additional protocols to the 1949 agreement were approved in 1977.

Associated with the Red Cross, whose founder, Henri Dunant, initiated international negotiations that produced the Convention for the Amelioration of the Wounded in Time of War in 1864.

This convention provided for

the immunity from capture and destruction of all establishments for the treatment of wounded and sick soldiers and their personnel,

the impartial reception and treatment of all combatants,

the protection of civilians providing aid to the wounded

the recognition of the Red Cross symbol as a means of identifying persons and equipment covered by the agreement.

Hors de combat is a French term used in diplomacy and international law to refer to persons who are incapable of performing their ability to wage war.

International humanitarian law (IHL) is a set of rules that seek for humanitarian reasons to limit the effects of armed conflict.

IHL protects persons who are not or who are no longer participating in hostilities and it restricts the means and methods of warfare.

IHL is also known as the **law of war and the law of armed conflict**.

A major part of international humanitarian law is contained in the four Geneva Conventions of 1949 that have been adopted by all nations in the world.

The conventions apply to a signatory nation **even if the opposing nation is not a signatory**, but only if the opposing nation 'accepts and applies the provisions' of the conventions.

States Party to It

- 1950's – 74 states
- 1960's – 48 states
- 1970's – 20 states
- 1980's – 20 states
- 1990's – 26 states (after dissolution of USSR)
- 2000's – 7 states
 - The Geneva Conventions entered into force on 21 October 1950.
 - The four 1949 Conventions have been ratified by 196 states, including all UN member states, both UN observers the Holy See and the State of Palestine, as well as the Cook Islands. The Protocols have been ratified by 174, 168 and 75 states respectively.
 - The first ten articles of the First Geneva Convention were concluded in 1864. This was the original Geneva Convention.

- Only 40 have made Declarations under Article 90 of Protocol I. Article 90 states that “The High Contracting Parties may at the time of signing, ratifying or acceding to the Protocol, or at any other subsequent time, declare that they recognize ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the [International Fact-Finding] Commission to enquire into allegations by such other Party, as authorized by this Article.” 74 states have made such a declaration.
- India is part of 4 conventions and no protocol.

Common Article 3

- It covered, for the first time, situations of non-international armed conflicts
- They include traditional civil wars, internal armed conflicts that spill over into other States or internal conflicts in which third States or a multinational force intervenes alongside the government.
- It requires humane treatment for all persons in enemy hands, without any adverse distinction. It specifically prohibits murder, mutilation, torture, cruel, humiliating and degrading treatment, the taking of hostages and unfair trial.
- It requires that the wounded, sick and shipwrecked be collected and cared for.
- It grants the ICRC the right to offer its services to the parties to the conflict.
- It calls on the parties to the conflict to bring all or parts of the Geneva Conventions into force through so-called special agreements.
- It recognizes that the application of these rules does not affect the legal status of the parties to the conflict.
- Given that most armed conflicts today are non-international, applying Common Article 3 is of the utmost importance. Its full respect is required.

1st Geneva Convention

- Protects wounded and sick soldiers on land during war.
- It contains 64 articles. These provide protection for the wounded and sick, but also for medical and religious personnel, medical units and medical transports. The Convention also recognizes the distinctive emblems. It has two annexes containing a draft agreement relating to hospital zones and a model identity card for medical and religious personnel.
- protect the following:
 - Wounded and sick soldiers
 - Medical personnel, facilities and equipment
 - Wounded and sick civilian support personnel accompanying the armed forces
 - Military chaplains
 - Civilians who spontaneously take up arms to repel an invasion.

2nd Geneva Convention

- Protects wounded, sick and shipwrecked military personnel at sea during war.
- Convention replaced Hague Convention of 1907 for the Adaptation to Maritime Warfare of the Principles of the Geneva Convention.
- It closely follows the provisions of the first Geneva Convention in structure and content.
- It has 63 articles specifically applicable to war at sea. For example, it protects hospital ships.
- It has one annex containing a model identity card for medical and religious personnel.

3rd Geneva Convention

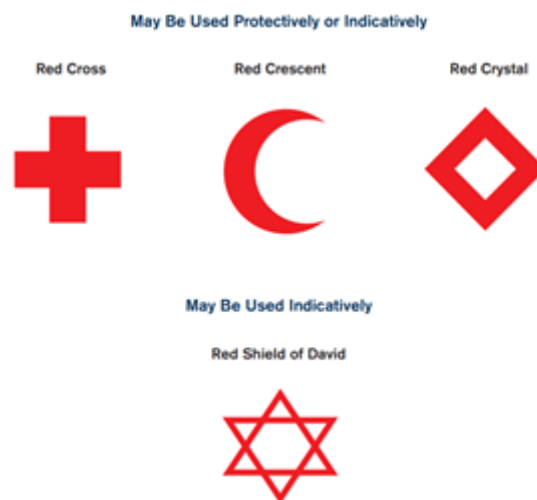
- applies to prisoners of war.
- The Geneva Conventions, which were adopted before 1949, were concerned with combatants only, not with civilians. The events of World War II showed the disastrous consequences of the absence of a convention for the protection of civilians in wartime.
- It is composed of 159 articles. It contains a short section concerning the general protection of populations against certain consequences of war, without addressing the conduct of hostilities, as such, which was later examined in the Additional Protocols of 1977.
- It has three annexes containing a model agreement on hospital and safety zones, model regulations on humanitarian relief and model cards.

Additional Protocols

Additional Protocol I - international conflicts

Additional Protocol II - non-international conflicts

Additional Protocol III - additional distinctive emblem.



A protocol is a rule which describes how an activity should be performed, especially in the field of diplomacy. **Protocol** is commonly described as a set of international courtesy rules. The world witnessed an increase in the number of non-international armed conflicts and wars of national liberation. In response, two Protocols Additional to the four 1949 Geneva Conventions were adopted in 1977.

In the two decades that followed the adoption of the Geneva Conventions, the world witnessed an increase in the number of non-international armed conflicts and wars of national liberation. In response, two Protocols Additional to the four 1949 Geneva Conventions were adopted in 1977. They strengthen the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts and place limits on the way wars are fought. *Protocol II was the first-ever international treaty devoted exclusively to situations of non-international armed conflicts.*

In 2005, a third Additional Protocol was adopted creating an additional emblem, the **Red Crystal**, which has the same international status as the Red Cross and Red Crescent emblems.

The red cross symbolizes as an identifier for medical personnel during wartime.

The Ottoman Empire used a Red Crescent instead of the Red Cross because its government believed that the cross would alienate its Muslim soldiers. After the collapse of the Ottoman Empire, the Red Crescent was first used by its successor nation Turkey, followed by Egypt.

From its official recognition to today, the Red Crescent became the organizational emblem of nearly every national society in countries with majority Muslim populations. The national societies of some countries such as Pakistan (1974) , Malaysia (1975) , or Bangladesh (1989) have officially changed their name and emblem from the Red Cross to the Red Crescent.

The introduction of an additional neutral protection symbol had been under discussion for a number of years, with the **Red Crystal** (previously referred to as the Red Lozenge or Red Diamond) being the most popular proposal.

 Manishika