

ISSUE DESCRIPTION

COMMITTEE Disarmament and International Security Committee
ISSUE Protection of Civilians in Armed Conflicts
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Introduction

The concern for the regulation of war is thought to be as old as the concept of war itself, at the center point of which is the protection of those most vulnerable in times of armed conflict – civilians. Today the International humanitarian law (IHL) is the primary legal framework for protecting civilians in armed conflicts. IHL is a set of rules that seek to limit the effects of armed conflicts by protecting those who are not taking part in the hostilities, such as civilians, medical personnel, and prisoners of war. The United Nations has been at the forefront of efforts to protect civilians in armed conflicts. UN resolutions have been instrumental in establishing a framework for the protection of civilians, including the establishment of safe zones, the provision of humanitarian aid, and the monitoring of human rights abuses. In addition to the UN, several other international organizations have been involved in protecting civilians in armed conflicts. The International Committee of the Red Cross (ICRC) is a key player in this regard, providing humanitarian assistance and monitoring compliance with IHL. At the national level, governments have a responsibility to protect their citizens from the effects of armed conflict. This includes ensuring that their armed forces comply with IHL, providing humanitarian assistance to civilians affected by the conflict, and prosecuting those responsible for war crimes and other serious violations of IHL. Despite all humanitarian work connected to the topic, civilians continue to be a prime target of modern warfare, mainly due to a lack of compliance with international agreements by the acting bodies of armed conflict. Civilians today account for the great majority of victims in armed conflicts, the vast majority of whom are women and children. Debate on this topic should therefore be focused on the ensured implementation of humanitarian values where they are needed most.

Definition of Key Terms

Civilian - Anyone who is not a combatant – i.e., anyone who is not a member of the State armed forces or organized armed groups that are party to the conflict.

Prisoner of War - Any person captured or interned by a belligerent power during war. In the strictest sense, it is applied only to members of regularly organized armed forces, but by broader definition, it has also included guerrillas, civilians who take up arms against an enemy openly, or non-combatants associated with a military force.

Improvised explosive device (IED) - Characterized using a “homemade” bomb and/or destructive device to destroy, incapacitate, harass, or distract.

Belligerent - Any nation or person engaged in war or conflict, as recognized by international law.

Indiscriminate warfare - An attack that is not directed at a specific military objective, whose effects cannot be controlled. Examples would include anti-personnel landmines and booby traps.

Peacekeeping - Active work to stop or prevent conflict between nations or communities, especially by an international military force.

General Overview

BRIEF HISTORY

During World War II and in numerous subsequent conflicts, civilians have been the primary victims of armed conflict. Civilians have always suffered in war, but the brutality of World War II, which included mass extermination, indiscriminate attacks, deportations, hostage-taking, pillage, and internment, caused a significant loss of civilian life. The international community responded by enacting the Fourth Geneva Convention in 1949.

Prior to 1949, the Geneva Conventions provided protection for wounded, sick, shipwrecked, and captured combatants. The "civilians' convention" acknowledged the changing nature of warfare and established legal protection for anyone who was not a member of the armed forces or armed groups. Civilian property was also safeguarded. This protection was later reinforced with the adoption of the Geneva Conventions Additional Protocols in 1977.

INTERNATIONAL HUMANITARIAN LAW

International humanitarian law (IHL) is part of the body of international law that governs relations between States. It aims to limit the effects of armed conflicts for humanitarian reasons, protecting persons no longer partaking in the conflict, by defining the rights and obligations of the parties to a conflict in the conduct of hostilities. The Geneva Conventions and their Additional Protocols protect the sick, wounded and shipwrecked not taking part in hostilities, prisoners of war and other detained persons, as well as civilians. The origins of IHL date back to the 19th century, and it has been developed further within the 1907 Hague Convention, the 1949 Geneva Conventions and the 1977 and 2005 Additional Protocols.

MAIN PROBLEM

While IHL protects all civilians equally, specific groups are singled out for special attention. During an armed conflict, women and children, the elderly, and the sick are especially vulnerable. Those who flee their homes and become internally displaced or refugees are also affected. IHL prohibits forced displacements through intimidation, violence, or starvation.

The Geneva Conventions and Additional Protocols provide extensive protection for civilians. The problem of the past 50 years has been application. Neither states nor non-state armed groups have adequately met their obligations. Almost in every armed conflict, civilians have suffered disproportionately. Civilians have been targeted specifically and subjected to terrible atrocities in some conflicts, ignoring the very foundation of the Geneva Conventions, respect for the human person. As a result, organizations such as the ICRC continue to press States to respect and ensure respect for IHL principles.

The protection of civilians also extends to those trying to help them, including medical units and humanitarian or relief bodies providing essentials such as food, clothing and medical supplies. The Fourth Geneva Convention and Additional Protocol I requires belligerents to aid the ICRC's work and allow access to such organizations.

CURRENT SITUATION

The ICRC released its fifth report on international humanitarian law (IHL) and the challenges of contemporary armed conflicts¹ in 2019, where they have outlined some key subject matters to the topic at hand. The Urbanization of warfare, the new technologies of warfare, the needs of civilians in increasingly long conflicts, non-State armed groups (NSAGs), the climate and the natural environment are all contemporary issues that have seldom been addressed

appropriately in any internationally recognized treaty or agreement, and would therefore constitute a fruitful direction for any debate on this topic.

Major Parties Involved

The United States: Founded in 1984, InterAction is the largest alliance of international NGOs in the United States. On the topic of protecting civilians in armed conflicts, the organization has left the following statement: “InterAction focuses on reducing the risk civilians experience during crises by educating its members, partners, and world leaders to ensure non-combatants are respected and protected as outlined by international humanitarian law.”²

In November 2022, the US endorsed the “Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas”, condemning “The atrocities committed by Russia’s forces as part of its aggression against Ukraine”.³

France: France is actively involved in the negotiation of UN resolutions aimed at ensuring safe and unhindered humanitarian access as well as the protection of humanitarian and medical personnel. The United Nations General Assembly unanimously adopted a resolution in 1988, at France's initiative, establishing the principle of free access to victims of natural disasters and other emergencies for intergovernmental and non-governmental organizations.

Notably, France and Germany have made the protection of humanitarian and medical personnel, as well as the general strengthening of respect for international humanitarian law, a priority of their Security Council presidencies in March and April 2019. They presented an Appeal for Humanitarian Action in September 2019, which has been endorsed by 47 nations to date.

A Security Council working group on the protection of civilians meets prior to any renewal of a mandate to hear a briefing from the Office for the Coordination of Humanitarian Affairs on the situation of civilians in the country or region concerned. France and the UK initiated the establishment of this group in 2008.

Russian Federation: In 1954, the USSR ratified the Geneva Conventions. After its dissolution, Russia declared itself the legal successor of the Soviets and, therefore, recognized itself as a party to international treaties signed by the USSR. As a permanent member of the UN Security Council, Moscow wields important influence when it comes to the body’s

efforts to resolve conflicts peacefully. On the topic of the ongoing conflict in Yemen, Russia condemned each sides' attacks against civilians, emphasizing the importance of IHL and urging all warring parties to renounce combat operations that lead to the destruction of the civilian infrastructure and civilian victims.

On the subject matter of the current armed conflict in Ukraine, on April 13, 2022, the OSCE issued a report concluding that Russia committed war crimes in the Mariupol hospital airstrike, and that its targeted killings and enforced disappearances or abductions of civilians, including journalists and local officials, may have constituted crimes against humanity.

Numerous countries imposed wide-scale international sanctions on Russian officials in 2014 and again in 2022 because of their involvement in the Ukraine conflict. When the International Criminal Court (ICC) began investigating Russia's annexation of Crimea for possible violations of international law, Russia withdrew its membership. Due to war crimes in Ukraine, the United Nations General Assembly Resolution ES-11/3 suspended Russia's membership in the UN Human Rights Council on April 7, 2022.

Afghanistan: Following the Taliban's takeover of Afghanistan in August 2021, the armed group claimed that it would put an end to extremist violence in the country, but 2022 has been a harrowingly damaging year for civilians. Throughout the year, ISIS-K, the IS affiliate in Afghanistan, carried out deadly attacks, and other groups continued to target both civilian and military infrastructure. ISIS-K and other groups have targeted Sunni Muslims and educational institutions in particular.

While there was an 80% decrease in explosive violence incidents in Afghanistan in 2022 compared to 2021, and a corresponding 57% decrease in reported civilian casualties, IEDs remain a leading cause of civilian harm.⁴

International Committee of the Red Cross:⁵ The work of the ICRC is based on the Geneva Conventions of 1949, their Additional Protocols, its Statutes – and those of the International Red Cross and Red Crescent Movement – and the resolutions of the International Conferences of the Red Cross and Red Crescent. The ICRC is an independent, neutral organization ensuring humanitarian protection and assistance for victims of armed conflict and other situations of violence. It takes action in response to emergencies and at the same time promotes respect for international humanitarian law and its implementation in national law.

Relevant UN Bodies:

Department of Peace Operations - charged with the planning, preparation, management and direction of UN peacekeeping operations. Directly regulates UN Peacekeeping,⁶ whereby More than 95% of peacekeepers are mandated to protect civilians, including protecting children and protecting against conflict-related sexual violence.

Security Council - one of the six principal organs of the United Nations, charged with ensuring international peace and security. In reaction to armed groups specifically targeting civilians in conflicts such as the ones in the former Yugoslavia, Rwanda, Somalia, Sierra Leone and Timor-Leste, the Security Council placed the protection of civilians on its agenda and developed an architecture of resolutions that strengthened the role of peacekeepers to protect.⁷

Office of the United Nations High Commissioner for Human Rights (OHCHR) - a department of the Secretariat of the United Nations that works to promote and protect human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948. They also offer extensive coverage of the ongoing conflict in Ukraine concerning violations of human rights and civilian casualties.⁸

Office for the Coordination of Humanitarian Affairs (OCHA) - coordinates the global emergency response to save lives and protect people in humanitarian crises.

Timeline of Events

24 June 1859 - The Hague Conventions that established the laws and customs of war, by defining a strict sense of rules belligerents must follow during conflict.

29 May 1948 - United Nations Truce Supervision Organization (UNTSO) - the first deployment of UN military observers in order to monitor the Armistice Agreement between Israel and its Arab neighbours. More than 70 peacekeeping operations have been deployed since then, with 14 missions currently active today.⁹

12 August 1949 - The Fourth Geneva Convention titled the 'Geneva Convention relative to the Protection of Civilian Persons in Time of War' - important set of rules for the status and treatment of civilians in wartime.

8 June 1977 - Additional Protocols I and II to the Geneva Conventions of 1949. They offered significant improvements to the legal protection covering civilians and the wounded and laid down detailed humanitarian rules for civil wars.

1980 - “Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects”, usually referred to as the Inhumane Weapons Convention.

10 August 1999 - The UN Secretary General released official guidelines concerning the applicability of humanitarian law to peacekeeping or peace enforcement UN forces, titled “Observance by United Nations forces of international humanitarian law”.

2005 - Third additional Protocol to the Geneva Conventions, relating to the adoption of an additional distinctive emblem for medical and religious personnel at times of war.

Previous Attempts to Solve the Issue

A vast set of rules and regulations already exists in the form of IHL, as well as its underlying inventory of humanitarian instruments: the 1907 Hague Convention, the 1949 Geneva Conventions and the 1977 and 2005 Additional Protocols. The ICRC is one of the main contributing organizations to this topic, having conducted extensive research into the applicability and different facets of IHL today as well as building respect for IHL, by reminding authorities and others of their legal obligations in times of armed conflict.

The UN Security Council has adopted many resolutions on this topic, including:

- S/RES/1265¹⁰ in 1999, constituting the first thematic resolution on protecting civilians in armed conflict, condemning the targeting of civilians;
- S/RES/1894¹¹ in 2009, focusing on compliance humanitarian, human rights and refugee law, humanitarian access and UN peacekeeping;
- S/RES/2417¹² in 2018, strongly condemning the use of starvation of civilians as a method of warfare, as well as the unlawful denial of humanitarian access;
- S/RES/2573¹³ in 2021, condemning attacks on civilian infrastructure in conflict.

Another Resolution adopted by the General Assembly includes:

- A/RES/52/167 in 1998¹⁴, calling upon all countries to respect International Humanitarian Law and to cooperate with the United Nations and other humanitarian agencies and organizations and to ensure unhindered access of humanitarian personnel.

Possible Solutions and Approaches

As previously mentioned, one of the main unresolved issues within this topic is the lack of respect for the existing legal framework from state actors and other warring parties. A resolution tackling this problem could focus on spreading awareness and ensuring the application of IHL in areas of conflict, similar to the work of the ICRC. Encouraging the disarmament of state and non-state actors, as well as tackling the issue of rapidly developing new weaponry and the rise in indiscriminate warfare in modern conflict. An approach based on modern factors impeding the protection of civilians in armed conflicts is also possible, with the 2019 report of the ICRC being a good starting point.

In examining your nation's stance on the issue, you should refer to any international treaties it has signed, as well as their past initiatives in previous UN discussions on similar topics. You should research key statements from heads of state or representatives concerning the protection of civilians in modern conflicts such as the Russian invasion of Ukraine, the war in Yemen, the war in Ethiopia's northern Tigray region and the conflict in eastern DRC.

Despite all previous efforts concerning the topic at hand, international regulations and humanitarian principles continue to be ignored in armed conflicts around the globe. A resolution modernizing current approaches or strengthening the application of preexisting regulations is critical for international security.

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