Overview

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 or the law of armed conflict.

A major part of international humanitarian law is contained in the four Geneva Conventions of 1949, which have been adopted by all nations in the world. The Conventions have been developed and supplemented by three further agreements: the Additional Protocols of 1977 relating to the protection of victims of armed conflicts, and the 2005 Additional Protocol III, relating to the adoption of an additional distinctive emblem.

Along with the Hague Conventions of 1899 and 1907, IHL forbids the use of weapons and tactics that cause unnecessary suffering to combatants and non-combatants alike. IHL reflects the basic principles of distinction, proportionality and precaution.

History

Although international humanitarian law traces its philosophical origins back to antiquity, it was not until the 19th century that nations began in earnest to adopt binding treaties and military codes to govern armed conflict. In 1859, Henry Dunant, a Swiss businessman traveling through Solferino, Italy, witnessed the aftermath of a bloody battle between French and Austrian armies. As the armies departed, Dunant saw the suffering of thousands of wounded and dying men who lay unattended on the battlefield. Dunant enlisted nearby residents to provide what relief they could, but despite their efforts, thousands died.

Greatly moved by the experience, Dunant wrote “A Memory of Solferino,” which described the plight of the victims of war. Dunant called for an international agreement on the treatment of battlefield casualties and proposed the establishment of a civilian volunteer relief corps to care for the wounded. He wrote:

“Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted, and thoroughly qualified volunteers?”

During the same time that Dunant was starting his humanitarian movement in Europe, the United States was embroiled in civil war. In 1863, President Abraham Lincoln issued a military code drafted by Dr. Francis Lieber to regulate the conduct of soldiers in the field. The code laid out specific rules for protecting civilians and their property, treating prisoners and enemy wounded humanely, and limiting military objectives to only those ends that are militarily necessary.

To Learn More

To learn more about international humanitarian law, and find opportunities to promote these rules through the free curriculum Exploring Humanitarian Law, visit www.redcross.org/ihl. Ask your local Red Cross chapter for more information about IHL classes.
Lieber’s code represented the first attempt to gather the laws, customs, and usages of war into one document. What became known as the Lieber Code significantly influenced later foreign military codes, especially in Europe, and also became the basis for many international humanitarian treaties.

**The Geneva and Hague Conventions**

Dunant’s call for an international conference to draft an agreement on the treatment of battlefield casualties was answered in 1864 when the Swiss government hosted a conference in Geneva at the suggestion of Dunant’s newly formed International Committee for the Relief of Military Wounded (which would become the International Committee of the Red Cross or ICRC in 1876). Diplomats from a number of nations, as well as representatives of military medical services and humanitarian societies, adopted a treaty known as the first Geneva Convention, containing 10 articles specifying that:

- Ambulances, military hospitals, and the personnel serving with them are to be recognized as neutral and protected by parties to a conflict;
- Civilians and medical personnel who assist the wounded are to be protected;
- Wounded or sick combatants are to be collected and cared for by either party; and
- The symbol of a red cross on a white background (the reverse of the Swiss flag) will serve as a protective emblem to identify medical personnel, equipment, and facilities.

The first Geneva Convention showed that certain humanitarian rules could be imposed on combatants—even in wartime.

Whereas the Geneva Convention regulated the treatment of the wounded, the nations of the world at the same time began to negotiate a second component of IHL that regulated the means and methods of warfare. In 1868, they adopted the St. Petersburg Declaration, which asserted that “the employment of such arms” as “would uselessly aggravate the suffering of disabled men, or render their death inevitable” would “be contrary to the laws of humanity.” To this end, the Declaration outlawed certain fragmenting, explosive and incendiary ammunition.

At the urging of Tsar Nicholas II of Russia, the international community convened two conferences at The Hague, Netherlands, in 1899 and 1907. The resulting Hague Conventions banned a number of other weapons and methods of war (including “dum dum” bullets, which expand in the body, poison weapons, and attacks from hot air balloons) and set out rules for the humane treatment of prisoners of war, occupied territory, and neutral parties. They also took many of the principles of the 1864 Geneva Convention and adapted them to maritime warfare.

The experiences of the ICRC during World War I, working on behalf of victims of war, led to the preparation of another international treaty to further define the status of prisoners of war. A diplomatic conference convened in 1929 and adopted that Geneva Convention, specifically governing the treatment of prisoners of war. The red crescent and red lion and sun emblems were also recognized by nations at this conference, although the red lion and sun is no longer in use.

During World War II, heavy civilian casualties resulted from bombardment as well as policies of genocide. The deportation and mass murder of civilians, as well as the taking and killing of hostages, focused international attention on the need for civilian protection. Following World War II, an international effort was made to evaluate the wartime experience and update the existing rules. When hostilities ceased, the ICRC submitted a draft revision of the Geneva Conventions to governments.

In 1949, the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War ratified a fourth Geneva Convention on civilians and incorporated it and the previous treaties into the Geneva Conventions of August 12, 1949. In contrast with the 10 articles of the first Geneva Convention of 1864, the four 1949 Conventions contain 429 articles. The ICRC, supported by national societies, met with considerable success in convincing governments to accept the 1949 Geneva Conventions. The Geneva Conventions have been universally adopted by all nations in the world.

**The Additional Protocols to the Geneva Conventions**

The appearance of new forms of conflict such as guerrilla warfare and widespread non-international conflicts led the ICRC to propose new laws to meet these challenges. In 1956, rules were drafted for the protection of the civilian population from the dangers of indiscriminate warfare. The 1968
United Nations Conference on Human Rights provided further backing to increase the scope of IHL. As a result, the ICRC organized meetings of government legal advisers, paving the way for a diplomatic conference. In 1977, two Additional Protocols to the Geneva Conventions were adopted.

The Additional Protocols supplement the protections under the Geneva Conventions. Protocol I expands protection for the civilian population and military and civilian medical workers in international armed conflicts. Protocol II extends similar protections during non-international armed conflicts. As of 2012, 172 nations have ratified Protocol I and 166 have ratified Protocol II.

Furthermore, in December 2005, governments adopted a Third Additional Protocol, creating an optional emblem, known as the red crystal. It is equal in status to the red cross and red crescent emblems.

Today, the four Geneva Conventions of August 12, 1949, and their Additional Protocols, represent the major thread in the evolution of IHL, safeguarding vulnerable groups in armed conflict.

The Development of IHL Continues

Following the development of the first two Additional Protocols in the 1970s, the past three decades have brought further updates in the field of international law applicable to armed conflict. A number of legal instruments were drafted specifically restricting or regulating the use of certain weapons including:

1980 Convention on Certain Conventional Weapons (CCW)
1993 Convention on Chemical Weapons
1995 Protocol on Blinding Laser Weapons (part of CCW)
1997 Convention on Anti-personnel Mines (Ottawa Treaty)
2008 Convention on Cluster Munitions

With an estimated 300,000 children engaged in armed conflicts throughout the world, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted in 2000 to strengthen their legal protections and prevent their exploitation during hostilities. Some key provisions of the Optional Protocol include the prohibition of children under 18 years of age from taking direct part in armed conflict and being forcibly recruited into the armed forces of their countries.

All of these represent the continued evolution of the law as it reacts and responds to changes in the nature of today’s conflicts.
Development of Modern International Humanitarian Law

1859
The Battle of Solferino
A Swiss businessman, Henry Dunant, witnesses the suffering of thousands left to die on the battlefield.

1863
International Committee for the Relief of Military Wounded
The forerunner of the International Committee of the Red Cross (ICRC) established.

Lieber Code
General Orders No. 100, Instructions for the Government of Armies of the United States in the Field.
- Military code issued by President Lincoln to United States armies fighting in the American Civil War.
- Requires the humane treatment and protection of civilians, prisoners, and enemy wounded.

Geneva International Conference
National committees for relief of military wounded established.

1864
Geneva Convention
- International treaty for care of wounded and sick soldiers on the battlefield adopted by governments.
- Protection granted for medical workers to provide humanitarian care.
- Red cross symbol adopted as the protective emblem.

1867
A Memory of Solferino
Dunant publishes a gripping account of this tragedy and distributes it throughout Europe. In the book, he proposes formation of permanent national relief societies of volunteers to care for wounded and sick in wartime.

1870
First International Conference of the Red Cross
Conference of nine governments, 16 national committees, and the ICRC meets to discuss humanitarian issues.

1899
IIIrd Hague Convention
- Regulations adopted respecting laws and customs of war on land.
- Principles of the 1864 Geneva Convention adapted to maritime warfare.

1906
Geneva Convention
1864 Geneva Convention for the care of wounded and sick soldiers on the battlefield is revised and expanded.

1907
Xth Hague Convention
- 1899 Hague Convention revised and expanded.
- Principles of 1906 Geneva Convention adapted to maritime warfare.

1910
Geneva Conventions

1925
Geneva Protocol
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and of Bacteriological Methods of Warfare.
- Prohibits the use of biological and chemical weapons.

1929
Geneva Conventions
- 1906 Geneva Convention revised and expanded.
- New Convention adopted protecting prisoners of war.
- Red crescent symbol designated as a protective emblem.

1949
Geneva Conventions
Development of International Humanitarian Law

1977
Additional Protocols (to the Geneva Conventions of 1949)
- Protocol II: Protocol additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Common Article 3 of the four Geneva Conventions complemented).

1993
Convention on Chemical Weapons*
Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction
- Bans developing, producing, acquiring, stockpiling, or retaining chemical weapons.
- Prohibits the direct or indirect transfer of chemical weapons, their use or military preparation for use and assisting, encouraging or inducing other states to engage in activities that violate the treaty.

1995
Protocol on Blinding Laser Weapons**
Protocol to the Convention on Certain Conventional Weapons
- Prohibits the use and transfer of laser weapons specifically designed to cause permanent blindness.

1997
Ottawa Treaty
Convention on the Prohibition of the Use, Stockpiling, Production and or Transfer of Anti-Personnel Mines and Their Destruction
- Prohibits the use, stockpiling, production and transfer of anti-personnel mines.
- Requires State Parties to destroy or ensure the destruction of anti-personnel landmines.

1998
Rome Statute
Rome Statute of the International Criminal Court
- Establishes a permanent international criminal tribunal in The Hague.
- Grants the court authority to hear cases of war crimes, crimes against humanity, genocide, and aggression referred to it by the U.N. Security Council or committed in the territory, or by nationals, of member nations.

1972
Biological Weapons Convention
Convention on the Prohibition, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
- Prohibits the development, production, acquisition, stockpiling, or transfer of biological weapons.
- Requires the destruction of all biological weapons.

2000
Optional Protocol on the involvement of children in armed conflict
- Members of armed forces who have not attained the age of 18 years cannot take a direct part in hostilities.
- Prohibits compulsory recruitment of persons under 18 years.
- Armed groups distinct from the armed forces of a state should not recruit or use in hostilities persons under the age of 18 years.

1980
Convention on Certain Conventional Weapons
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
- Aims to protect military troops from inhumane injuries and prevent noncombatants from accidentally being wounded or killed by certain types of arms.
- When the Convention entered into force in 1983, the treaty applied to incendiary weapons, mines and weapons designed to injure through very small fragments. Other provisions have since been added.

2008
Convention on Cluster Munitions
Convention on Cluster Munitions
- Prohibits the use, development, production, acquisition, stockpiling, or transfer of munitions that release explosive fragments.