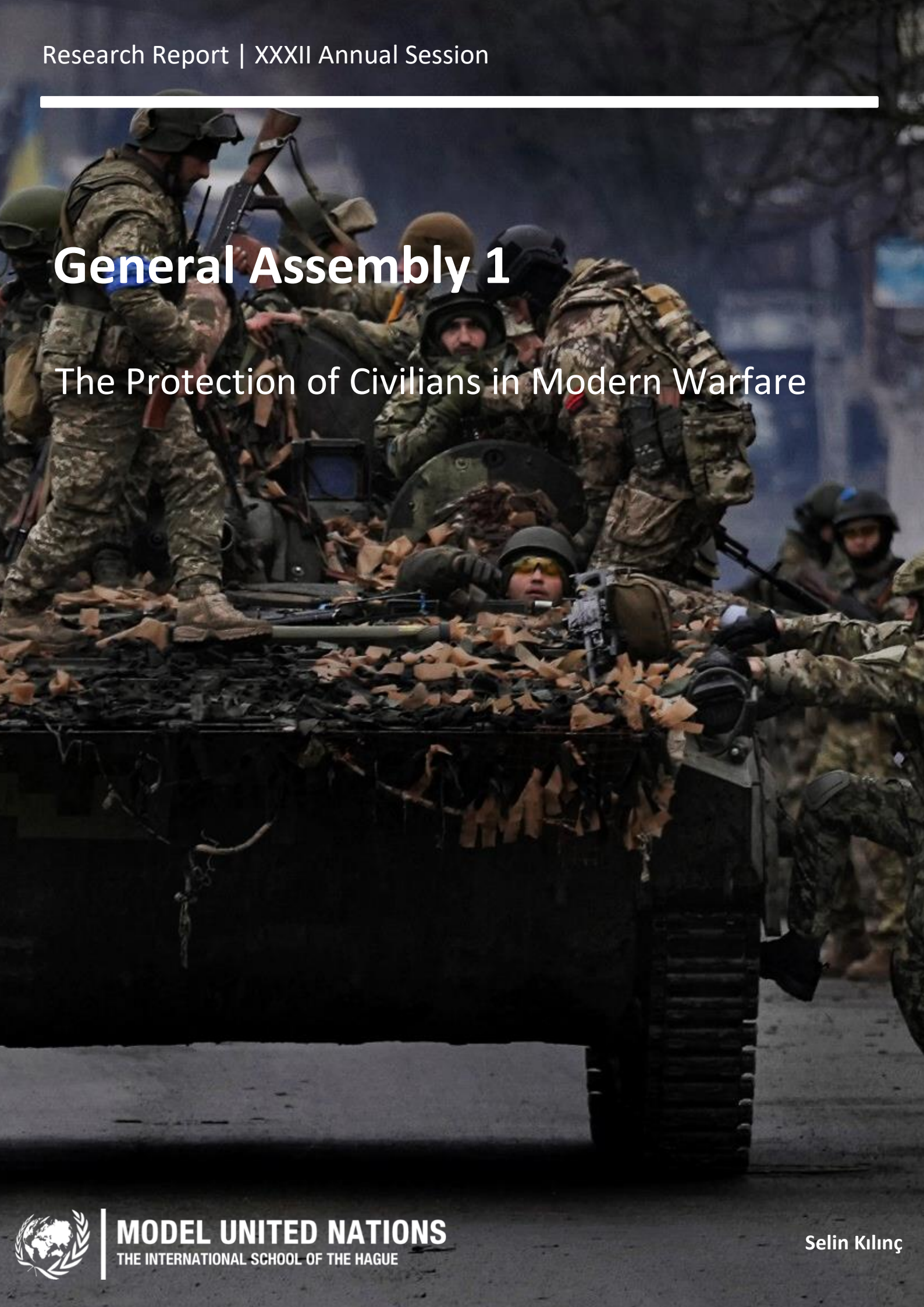


# General Assembly 1

## The Protection of Civilians in Modern Warfare



<b>Forum</b>	General Assembly 1
<b>Issue:</b>	The Protection of Civilians in Modern Warfare
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## Introduction

Modern conflicts with advanced warfare supplies puts civilians at great risk, where they are vulnerable to a wide range of harmful incidents such as abductions, human trade, rape, genocide, massacres etc. In this context, the United Nations (UN) report of the Secretary General on the protection of civilians in armed conflict (S/2010/579) states: “Whether as the intended targets of attack or the incidental use of force, civilians continue to account for the majority of casualties in conflict.”

In order to minimize the damaging consequences of modern warfare, international sets of law need to be established, which are also known as international humanitarian law. These pieces of legislature list the obligation of states to optimize civilian welfare during war. Currently, although contracts such as several Geneva and Vienna conventions exist, the problem is still an ongoing one targeting individuals from all around the World.

## Definition of Key Terms

### Civilians

The term civilian is used to describe people who are not members of the police or the armed forces. Civilians are typically considered “collateral damage” during warfare, if not targeted deliberately.

### Non-State Parties

A stakeholder or force in a discussion or dispute in which sovereign nations and international organizations are the primary and secondary parties, respectively, is referred to as a non-state actor.

### UN Peacekeepers

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UN peacekeepers are forces who provide security and the political and peacebuilding support to help countries make the difficult, early transition from conflict to peace.

### Humanitarian Aid

Humanitarian aid is the provision of material and logistical assistance to those in need. It is usually only temporary assistance until it is replaced with long-term assistance from the government and other institutions. The homeless, refugees, and victims of natural catastrophes, wars, and famines are among those in need.

### Territorial Conflict

A territorial conflict is a disagreement that includes two political entities that have a dispute over a piece of land or another area such as maritime regions.

### Civil War

A civil war is a war between two groups who live in the same country, which can also be damaging to the country itself.

## General Overview

### Modern Warfare

In the past, warfare was isolated in smaller regions with the use of traditional forms of weaponry. With the development of strategies based on prior experience and technological developments however, warfare transformed to be more destructive to mankind. It is also important to note that since weapon bearers can now be non-State actors such as independent groups and terrorists, the regulation of modern weaponry in the context of warfare needs proper regulation. This prompt regulation of weaponry and human rights is of utmost gravity to prevent different forms of harm to civilians.

#### *Consequences of Warfare on Civilians*

Experts from the field told the 15-nation organ today that the Security Council simply must do more to ensure the protection of innocent people caught up in the midst of the world's



conflicts, as over 70 delegates denounced its inaction and explored ways to end the suffering during the all-day debate. Civilians account for nearly 90% of wartime casualties, and humanitarians are threatened with arrest for providing aid to "the enemy." It is also a fact that civilians are affected by warfare in a wide range of ways, whether that be socioeconomically, financially or lethally.

### **Obedience to International Humanitarian Law**

International pieces of legislature is key to prevent any action to be taken against civilians during warfare by setting guidelines for countries and other organizations to adhere to. To this date, several Geneva and Vienna Conventions have been held to set legal reference points for different scenarios of civilian welfare. The Geneva Conventions of 1949 and their 1977 Additional Protocols specifically establish precise regulations for civilian protection. Although these pieces of legislature are ratified by most countries, civilian safety still remains an issue as independent terrorist groups are not considered to be bound by them.

### **Challenges to Prevent Damage from Warfare**

Civilians are protected by other bodies of international law, especially human rights law and its inalienable rights, by national laws consistent with international laws, and by the principle of humanity in situations not covered by these treaties, such as internal disturbances. Unfortunately, today's reality indicates that civilians and, in armed conflicts, individuals who are no longer involved in battles, are the ones who feel the consequences of armed violence's effects. Since the end of the Cold War, the condition has not improved.

#### ***Technological Advancements***

The introduction of new technology has brought new means of war to the World, including nuclear bombs and cyberattacks, which also form the basis of Cold War. Previous human rights conventions may not necessarily include these new means of war, which as a result does not include the repercussions of war crimes in its scope. This puts civilians at great risk of getting harmed by the developing technology.

#### ***Identifying Non-State Groups***

In the chaotic environment of a war zone, it is extremely difficult to identify the perpetrators of civilian harm, especially if the group is that of a non-state actor. These groups do not find



the ratified conventions or laws to be applicable to themselves, which is why they pose a serious challenge to the prevention of civilian harm.

### *International Conflicts on Warfare*

Even though the aforementioned conventions on top of many other contracts are steps toward establishing peace for civilians, there may even be disagreements between countries caused by different interpretations of the same text. These conflicts do not only delay the process of reaching out for humanitarian aid, but also need to be mediated by an impartial UN organ such as the International Court of Justice. Countries may also have different internal protocols for the prevention of crimes. Most countries nowadays have different investigation organs and private security institutions. The alignment of these internal protocols with customary international law is another challenge to prevent civilian damage from warfare since it is a time-consuming process.

## **Major Parties Involved**

### **The International Court of Justice (ICJ)**

The International Commission of Jurists, which is made up of 60 prominent judges and attorneys from all over the world, promotes and safeguards human rights through the Rule of Law by using its unique legal knowledge to create and strengthen national and international justice systems. The International Court of Justice (ICJ), founded in 1952 and active on five continents, aims to ensure the progressive development and effective implementation of international human rights and humanitarian law, as well as the realization of civil, cultural, economic, political, and social rights, the separation of powers, and the independence of the judiciary and legal profession.

### **The International Criminal Court (ICC)**

The International Criminal Court (ICC) is a permanent international court that was established to investigate, prosecute, and convict individuals accused of the most serious offences of concern to the international community: genocide, crimes against humanity, war crimes, and aggression. The ICC's fundamental goal is to help end lawlessness for those who commit such crimes and to contribute to their prevention.



## OHCHR

The Office of the United Nations High Commissioner for Human Rights (OHCHR) mission is to work for the protection of all human rights for all people, to assist people in realizing their rights, and to assist those in charge of ensuring that such rights are upheld. In terms of operations, the OHCHR collaborates with governments, legislatures, courts, national institutions, civil society, regional and international organizations, and the United Nations system to build and strengthen capacity for the protection of human rights in accordance with international standards, particularly at the national level.

## UN Peacekeeping

The United Nations' Department of Peace Operations oversees peacekeeping as a "tool devised by the organization as a way to assist countries devastated by conflict in creating the conditions for durable peace." Today, more than 95% of peacekeepers are tasked with protecting civilians, including children and those who are victims of conflict-related sexual abuse. Today, the vast majority of peacekeepers are sent to missions with a focus on civilian protection.

## The International Red Cross and Red Crescent Movement (ICRC)

The International Red Cross and Red Crescent Movement's work is based on the 1949 Geneva Conventions, their Additional Protocols, the ICRC's Statutes – and those of the International Red Cross and Red Crescent Movement – and the resolutions of International Conferences of the Red Cross and Red Crescent. The International Committee of the Red Cross (ICRC) is an independent, neutral organization that provides humanitarian protection and support to victims of armed conflict and other forms of violence. It responds to emergencies while also promoting respect for international humanitarian law and its implementation in national legislation.

## Syria

Citizens' access to health care and the deterioration of basic necessities in the Idlib region have created life-threatening situations that are already causing preventable deaths. Restricted access to medical care, poor living conditions and difficulty in relocation are one of the major humanitarian consequences of hostilities in Idlib. Since the invasion of northern Syria began, Turkish and Syrian National Army (SNA) factions have been in the region between Tar Abyad (Gillespi) and Ras al-Ayn (Selekanier) and part of the International Expressway (M4), southeast of Turkey. It runs



between the department and northeastern Syria. According to the United Nations, the invasion initially evacuated at least 200,000 people and is now returning about 100,000.

## Yemen

The Yemeni Civil War, an ongoing conflict since 2014 between the Yemeni government and the Houthi rebels, has put the residents of the country at great risk of harm. Seven years after the intensified conflict in Yemen, the International Rescue Commission (IRC) warns that civilians are still at the mercy of the war. Since 2015, airstrikes alone have killed or injured more than 19,000 civilians. This included 139 civilian casualties and 187 civilian injuries in January 2022 alone, with the highest number of casualties in the first month of the war. The economic consequences of the war and the annual lack of funding for Yemen's humanitarian response program have created widespread difficulties, with 17 million people suffering from severe food insecurity. Over 20 million people are in urgent need of humanitarian assistance.

## Timeline of Key Events

Date	Description of event
August 1949	The Geneva Convention relative to the Protection of Civilian Persons in Time of War, more commonly referred to as the Fourth Geneva Convention and abbreviated as GCIV, was signed. This is the first convention ever to include pieces of law for the protection of civilians in a war zone
1997	Protocol III was ruled to be a part of the Geneva Convention regarding the protection of civilians in a war zone
July 17, 1998	The Rome Statute of the International Criminal Court was established, which outlines crimes that fall under the jurisdiction of the ICC.
July 26, 2005	The Security Council passed Resolution 1894, which focuses on the protection of children in particular during war
2012	The Syrian war was declared to be a civil war by the ICRC



2014

The Yemeni Civil War between the Yemeni government and the Houthi rebels started

## UN involvement, Relevant Resolutions, Treaties and Events

Currently, the United Nations deems the conventions/treaties below applicable to modern cases of civilian safety during war zones as a part of customary international humanitarian law:

- The Geneva Convention relative to the Protection of Civilian Persons in Time of War (August 1949)
- The Rome Statute of the International Criminal Court adopted in 17 July 1998 outlining crimes against humanity
- Security Council resolution 1612 regarding children in armed battle zones adopted in 26 July 2005 (S/RES/1612)
- Security Council resolution 1894 regarding the protection of civilians in armed conflict adopted in 11 November 2009 (S/RES/189)

## Previous Attempts to solve the Issue

Although there are several mandates present today to prevent civilian harm during war zones, the insufficient adherence to these pieces of legal frameworks pose a difficulty to the resolution of the issue. Especially as the key stakeholders in conflicts regarding civilian safety are non-state groups, they do not feel burdened by the legal system since they have not ratified them as independent parties. There hasn't been any past attempts by the UN to specifically target these groups' scope.

Even though there has been thousands of convicted criminals by the ICC, the jurisdiction of the court is limited as well. Firstly, it doesn't isolate civilian safety but rather focuses on the criminal under the subject of "crimes against humanity". Therefore the verdict isn't aimed to target a wide group that threatens civilian safety but rather an individual who has allegedly perpetrated such crimes.





Recently in the 21st century, the Security Council has made attempts to elaborate on the issue of civilian safety during warfare. Resolution 1612 adopted in 2005 focuses on children in particular whereas Resolution 1894 adopted in 2009 provides a more general view on the protection of civilians in armed conflict. Although these resolutions ensure that the issue is brought up to an international level of awareness, they are also limited in their scope as the Security Council clauses can be vetoed by the permanent nations.

Tangible attempts to solve the issue at hand include peacekeeping operations by the UN. These groups not only provide humanitarian aid to suffering regions but also upload public reports and make news in order to raise global awareness on where civilian safety is put at risk. Although these attempts aim to minimize harm to civilians by providing the resources they need, it does not interfere within the source of the conflict that results in damage to civilians in the first place.

## Possible Solutions

The first step towards resolving the issue is maintaining cooperative international relations. This is especially crucial as most conflicts arise from disagreements between groups, whether that be governments or non-state parties. Although international courts aim to minimize these time consuming processes of discord, more summits and conventions may be needed to make sure that internal policies are aligned with multinational goals.

In the case of civil wars, individuals need immediate displacement to reach safety. Currently, institutions such as UNHCR, OHCHR and UN Peacekeeping help these individuals relocate while providing them with the resources they need to thrive during warfare. However, their target regions may not include the most critical battle zones, which is why faster and more efficient protocols may need to be adopted.

A more direct way of intervention may be to target non-state groups that independently pose a risk of harm to individuals. The proper identification and persecution of these groups are crucial to prevent further harm to civilians during warfare. Hence, governments may need to designate investigation groups that specifically target these groups.



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## Appendix or Appendices



- <https://ihl-databases.icrc.org/customary-ihl/eng/docs/home> (An international humanitarian law database with rules)
- [https://www.ohchr.org/sites/default/files/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/HR_in_armed_conflict.pdf) (OHCHR handbook on the legal protection of civilians during war)
- <https://reliefweb.int/report/syrian-arab-republic/syria-civilians-urgent-need-safety-and-life-saving-assistance-amidst> (Article on the humanitarian assistance need in Syria including statistics)
- <https://www.icrc.org/en/doc/resources/documents/misc/57jpzn.htm> (Goals list for civilian safety by the ICRC)
- <https://reliefweb.int/report/world/civil-society-statement-protection-civilians-armed-conflict-2021> (OCHA report on civilian safety in armed conflict)

