

# Historical failures of the geneva convention the first



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\n[[toc title="Table of Contents"](#)]\n

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1. [Historical failures of the Geneva Convention](#) \n \t
2. [Some successes of the Geneva Convention](#) \n \t
3. [Other Countries and the Convention](#) \n \t
4. [Violation of the convention](#) \n \t
5. [U. S as a protecting power](#) \n \t
6. [POWs' camps in U. S](#) \n \t
7. [Recent attacks on U. S](#) \n \t
8. [Works Cited](#) \n

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## **Historical failures of the Geneva Convention**

The First convention was formed in late nineteenth century and has since been modified several times. The current convention is a modification of the convention made in 1949, some four years after the Second World War. However, the convention has had opposition from some countries that have not agreed to sign the treaty as was stipulated in the requirement of the convention while others have opted not to co-operate completely.

A requirement of the international agreement was that a government to which this convention would apply agree with standards of the international law and adopt this as part of their constitution as a sovereign state. In some cases, such laws have contrasted the culture of some communities on some states thereby staggering the efficiency in implementing the laws. Worse still, even the governments that ratified to the laid down procedures find a

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problem in implementing them, mostly due to political differences. Initially, the terms were applicable at times of declared wars or just armed conflicts between two or more governments that had signed to the treaty.

It was later made to apply in the case of armed conflict or declared war between a signatory state and an opponent that is not a signatory. This has a problem since the opponent has to accept the use and implementation of the law. One of the signatory states that have been a great obstacle to the implementation of the provisions is the United States.

It is her hunger to be the world's most powerful state that has made her always stand on the implementation path, at times boycotting a meeting convened by the United Nations to investigate the violations and give the necessary reinforcements. When Israel was found to have violated the provisions by going far into the Palestinian territory and disciplinary measures scheduled to take course, the United States came out strongly to shield Israel. This was due to her political interest and it led to the postponement of a conference that was already scheduled to take place that year (Bennis para1). As a signatory to the treaty, the US ought to have rejoiced at the scheduling of such a meeting after nearly half a decade. The meeting had been mandated by nearly all the signatories but it turned out that Israel and US were now opposed to it. ' The decision ended up only in assembly precisely because US had kept out of the Security Council' (Bennis Para. 5) This can be seen as a failure to the convention that could not give a provision on dealing with such rude World Industrial powers.

Nevertheless, it is worth noting that the same United States has protected the prisoners of wars from those states like Iraq that have had constant international and internal conflicts. Another point of concern that can be seen, as the convention's failure is that many civilians from signatory states are not well informed on the roles the convention play and when are they applicable. Others do not know about it at all.

### **Some successes of the Geneva Convention**

A serious war like the one experienced during the World Wars I and II has not been seen since the final adoption of the convention in 1949. However, the provisions of the convention in were seen during some of the international and non-international armed conflicts that have occurred in the recent past. On September 11, 2001, the United State had an external attack that was spearheaded by the Al Qaeda terrorists.

This led to the launch of Operation Enduring Freedom by the United States' military together with the British military thereby resulting into a war in Afghanistan between the US group and the Al Qaeda. The convention came in handy to protect those that were affected. Besides, the war in Iraq, the war in Georgia and the 1994 attack on Chechnya are some of the cases in which these treaties were seen to succeed in. Moreover, since inception in 1950, the Geneva Convention has had several ratifications over the following decades and the signs of more states becoming signatories are worth noting. Currently, the number of signatory states stands at 194. The conventions are still the pillars supporting the international humanitarian law even today (International Committee of the Red Cross 9).

## **Other Countries and the Convention**

Some countries that were opposed to the provisions of the conventions as was given in 1920s include Japan and USSR. However, Japan later on gave in and in 1942; she promised to abide by the terms and conditions required.

USSR maintained her stand and only accepted the provisions of the Hague convention that protected prisoners and their camps from inspection and from any other means of rough handling. However, USSR has since come to accept most of the requirements of the Convention and thus no world strong industrial power is currently left out. Many developing countries have not spoken strongly in support of or opposition to the conventions. The Hague convention was first put in place in 1899 and later modified in 1907. Like the provisions in the Geneva Convention, this was mainly aimed at controlling the use of destructive warfare weapons. Later it were to be expanded to include other regulations.

There is in fact the Geneva protocol to the Hague convention, which completely bans the use of chemical and biological weapons. Other international bodies have also worked closely with Geneva conventions in ensuring humane in handling the victims of an international or non-international war or conflicts. The International Federation of the Red Cross and the Red Crescent Societies is one such body (Bennett 5-20).

## **Violation of the convention**

Just as all constitutional provisions, the convention requires that a violation of its provision be punishable before the court of law. The violations of Geneva Convention are treated differently depending on the gravity of the

offence. Serious cases are referred to as Grave breaches, which give provisions for criminal offences at times of war. This essentially takes care of the following: Intentional mass killing and/or murder Subjecting an individual to unfair trial Destruction of property that are not related to war Causing physical injuries to somebody It is therefore required that states that have signed the agreement co-operate in surrendering such lawbreakers for prosecution whether they belong to the state or not.

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### **S as a protecting power**

A protecting power refers to a state that is not a partisan in an armed conflict or war but whose duty is to be a mediator between two or more states involved in an armed conflict. She ensures proper flow of information between then conflicting states and the provisions of the convention are not violated. The protecting power can ensure that those that are in the war torn zones receive proper protection and attention to health as well as food and all other human needs. In many cases, the United States has opted to be a protecting power when two or more states are involved in armed conflicts or declared war. This has however cost her a lot and in a recent opinion poll, it was learned that a greater proportion of the citizens were opposed to US involving herself in the wars among the states in the Middle East. Religious differences being a major player, they have fear that there will be continued attack by the various terrorist groups that are of Islamic faith.

Worse still, this involvement has led to US indulging in what is popularly known as reprisal and which is generally not in accordance to the provisions of the convention. This is an act that is in itself illegal, but which can be <https://assignbuster.com/historical-failures-of-the-geneva-convention-the-first/>

legitimate if committed as an attempt to punish a wrong that has been committed before. There are provisions in the Geneva Convention on reprisal and in particular, the conventions prohibit such acts (International Committee of the Red Cross 39).

## **POWs' camps in U. S**

After the end of the Second World War, the US government established about 170 camps to accommodate the POWs, a short form of prisoners of war.

This refers to the civilians suffering from the aftermaths of the war, the sick, and the disabled and those who were involved directly in the war but were injured (Anon Para. 12). According to the International Humanitarian Law in relation to the treatment of prisoners of war of August 12, 1949, POWs are "in the hands of the Enemy Power but not of the individuals or military units that have captured them" (Para 3). These camps, most of which were in the South accommodated about 400, 000 prisoners of war. The camps have since expanded and currently, US not only have the camps at home but have also established such camps right within the regions that are war torn.

An example is the US military camp in Iraq that is stationed to keep peace in the region. The camp extends a hand to help the POWs in that area.

Nevertheless, the US army is constantly being attacked by the Iraq rebels and such attacks always hit the headlines of world news. The personnel deployed outside United States are not only faced by such attacks. Some are taken captives and are lost from their family members almost for life.

The question of bringing back home those that are missing in action has yet been another problem that the US military officials in those camps meet. This in effect calls for a need to have further training and weapons that are more protective to curb the situation; this obviously poses threat to the country's economy. The department of defense, DOD, has been charged with this mandate. It also provides an account of those that are missing in action. It had established that after the Second World War, the Korean War, the Gulf War and the Vietnam War, the total number of the US soldiers missing was approximately 90,000. The Islamic communities have always been opposed to the US and other world industrial powers deploying their military personnel to their regions.

They feel that by allowing such actions, their faith could soon be interfered with given that the Islamic religion is not very common in those areas. The closeness of the US to the United Nations and the ability of the US to execute her activities disregarding the requirements of United Nations statutes will continue to bear hatred among these nations. Recent attack of Baghdad by the US government, the capture of Iraqi president Saddam Hussein and his final brutal killing in the eyes of journalists remain fresh in the hearts of every Muslim in these regions. The US government's vow to end terrorist attack by promising to arrest the Al Qaeda leader Osama Bin Laden just drills a nail into the wound.



## **Recent attacks on U.**

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A series of attack by the Islamic terrorists have been witnessed in the United States and her property established in other countries. On February 26, 1993, the world trade center located in the New York City had a bombing attack. The car bombing attack left six people dead as over 1, 000 others were seriously injured. The attack was led by Ramzi Yousef along side other terrorists and was intended to kill thousands of people by colliding and bringing down both Tower One and Tower Two of the World Trade Center. This failed however, and only six people were lost to the incidence. It was later learned that the attacks had been financed by Ramzi's uncle who was a staunch Muslim. Most of the conspirators were later identified, convicted, and charged with various criminal offences.

On August 7, 1998, another attack was witnessed in the United States embassy in Nairobi, Kenya. On the same day, a similar incidence was witnessed in Dar es Salaam, Tanzania yet on the United States embassy. These attacks were connected to the Egyptian Islamic Jihad, a holy war. It was then that the United States learned of the world terrorists like Osama bin Laden. As a result, he (Osama) was included in the list of the Ten Most Wanted by the United States Federal Bureau of Investigation, a step that would cost her even more. Another ugly incidence occurred on September 11, 2001, yet in the New York City in Arlington County of the state of Virginia. A similar incidence was seen in Shanksville, Pennsylvania.

The Osama led attack left about 3, 000 people dead while 6, 000 others succumbed to some serious and mild injuries. It was characterized by suicide  
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attacks, terrorism, hijacking aircraft as well as series of mass killings. These are just but a few incidence that have been witnessed in the United States that show that as long as the States continues with her involvement in doing away with the terrorists attack and other inter national conflicts affecting or associated with these nations, the terrorists view this as undermining their culture and the sovereignty of their nations. In effect, there is danger of continued attack

## **Works Cited**

Anon. Geneva Convention: An Introduction.

2010. 18 November 2010. <http://www.ppu.org>.

[uk/learn/texts/doc\\_geneva\\_con.html](http://www.uk/learn/texts/doc_geneva_con.html). Bennett, Angela.

The Geneva Convention: The Hidden Origins of the Red Cross. London:

Sutton. 2006. Bennis, Phyllis. Perilous failure at Geneva. 1999. 18 November 2010. <http://www>.

[twinside.org.sg/title/1952-cn.htm](http://www.twinside.org.sg/title/1952-cn.htm). International Committee of the Red Cross. The Geneva Conventions of 12 August 1949: Geneva Convention relative to the protection of civilian persons in time of war.

Geneva: Committee of the Red Cross. 2004. International Humanitarian Law. Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949. 2005.

17 November 2010. <http://www.icrc.org/ihl>.

[nsf/7c4d08d9b287a42141256739003e63bb/6fef854a3517b75ac125641e004a9e68](http://www.icrc.org/ihl/nsf/7c4d08d9b287a42141256739003e63bb/6fef854a3517b75ac125641e004a9e68).