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### **Реализация Международного Гуманитарного Права** **Implementation of International Humanitarian Law**

In the past century new set of norms that intend to regulate the use of armed force on the international arena have arisen. They are designed to limit the negative impact of a conflict of such kind on the human kind in general. International Humanitarian Law or IHL for short was made for purely humanitarian purposes and today a number of organizations (such as The United Nations Council and The International Committee of the Red Cross) pay a great tribute to its development. IHL cherishes an idea of a worldwide peace endeavor. Unfortunately, it has to face the infamous Cold War Legacy that affects the world's political climate a lot even today. Unbalanced economies and political regimes all around the globe drive young people to embrace extremism that can lead to destructive civil wars and governments to take on inhumane measures of stabilizing their power on the internal or international arenas.

But it is easy to forget the positive changes that IHL has adopted in the past decades. It is worth to mention that there are no "good old days" for worldwide political stability, on the historical side IHL faced countless violations of its norms. So, giving an insight on a few of them will help to understand The Law's implementation difficulties. Arguably one of the biggest violations of IHL took place right after its first positive development tendencies. About a decade after The first Hague Conventions of 1899 and 1906 were held that established international negotiations concerning disarmament, the rules of war and war crimes the World War One had happened. Imperial Germany has intentionally violated the newborn law. Such rules of war as Invading Belgium without warning violated Convention III that stated against starting war actions without explicit warning, using poisonous gases like chlorine as a weapon against the enemy troops violated declaration IV. But in today's world violations are still present. In the context of occupied Palestinian territory, both sides are constantly being accused of violating the International Humanitarian Law<sup>303</sup>. Actions of Israeli Forces<sup>304</sup> like transferring its population to the West Bank territory, building a wall on a border with Palestine<sup>305</sup> and unnecessary destructions of civilian constructions have all been reported by various organizations of violation of International Humanitarian Law.

It is important to compare those two examples in order to understand that the difference between them is not just the time but the responsibility that those two states were faced with. Violations that were made a century ago by Imperial Germany were formally and internationally recognised as such. Germany was forced to pay reparations, officers that gave orders that violated The Hague's conventions were prosecuted in accordance with International Humanitarian Law. In this case implementation of the Law wasn't met with much difficulty due to the weakened German state in terms of global power. On the other hand the example of Israel and Palestine can show us that the present global political climate impairs the proper Law's implementation. The states are

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<sup>303</sup>See as one example of the current landscape Human Rights Watch World Report 2013, <http://www.hrw.org/world-report/2013/country-chapters/israel-palestine>.

<sup>304</sup>The example serves no purpose of promoting any political agenda

<sup>305</sup>For specific examples, see the International Court of Justice advisory opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory

frequently accused of violations by various organisations (The United Nations General Assembly expressed deep concern about Israel's intentions to change the international status of the city of Jerusalem<sup>306</sup>). But the harsh reality is that the Israeli government barely recognizes the need of complying with claims of accusations.

As seen from this example International Humanitarian Law relies a lot, if not mostly on the respect of the general human values when it comes to powerful states like Israel. Without paying respect to The Law the norms cannot be applied, they lose every chance of implementation without self-consciousness considering ethical aspects of global politics.

So the question is: what needs to be done to ensure proper installation of global limitations of consequences met with the use of armed force? According to Security Council and General Assembly the following obligations should be followed in case of serious violations:

- Not to recognise passports or travel documents issued by a regime
- To withdraw consular representation
- To withdraw diplomats missions
- To deny the legal validity of any public or official acts
- To refuse any membership of international organisations<sup>307</sup>

Yet again such measures have proven to be effective<sup>308</sup>, but in the modern world reality the only universal solution comes with the positive sides of globalization process. Technology nowadays allows us to communicate delay-free with people in every Earth's corner. When we all understand that we are all people with the same pursuits and desires every law's sanction will remain just a formality.

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<sup>306</sup>General Assembly Resolution 2253, 4 July 1967

<sup>307</sup>Crawford, Pellet, Olleson, The law of international responsibility, p684

<sup>308</sup>Example: The day after Southern Rhodesia unilaterally declared independence, the United Nations Security Council adopted a resolution under Chapter VI which called upon all States 'not to recognize this illegal racist minority regime'. A week later the Security Council adopted another resolution which added that States were obliged 'not to entertain any diplomatic or other relations with it.