

Doi: <https://doi.org/10.3126/ncwaj.v56i1.76196>

Geneva Conventions at 75: Alleviating Human Suffering in Armed Conflicts

Krishna Chandra Chalisey*

Abstract

The Geneva Conventions of 12 August 1949, cornerstone instruments of international humanitarian law (IHL), marked their 75th anniversary in 2024. IHL, a branch of public international law, governs situations of armed conflict - whether international or non-international. While all 196 sovereign nations have universally accepted the Geneva Conventions, violations of IHL persist, highlighting the need for improved compliance by both state and non-state armed groups. In this context, this article analyzes the continued relevance of IHL in addressing the growing number of armed conflicts worldwide. However, there remains a disparity in the rules governing non-international armed conflicts (NIAC) compared to international armed conflicts (IAC), which necessitates further development. The 34th International Conference of the Red Cross and Red Crescent, held in 2024, has raised hopes for enhanced compliance with IHL. In light of the increasing prevalence of armed conflicts and the proliferation of armed groups, a concerted effort by the United Nations and humanitarian organizations is essential. For Nepal, it is advisable to take proactive steps to strengthen its IHL ratification record and contribute to global efforts to uphold these critical humanitarian standards.

Keywords: Geneva Conventions, international humanitarian law, international armed conflict, non-international armed conflict, compliance, non-state armed groups

Introduction

The four Geneva Conventions were adopted on August 12, 1949. Those Conventions, together with their 1977 Additional Protocols, form key instruments of IHL. International humanitarian law regulates relations between states, international organizations and other subjects of international law. It is a branch of public international law that consists of rules that, in times of armed conflict, seek -for humanitarian reasons-to protect persons who are not or are no longer directly

* Mr. Chalisey is a former Head of Communications at the International Committee of the Red Cross, Kathmandu and a Member of Nepal Council of World Affairs.

participating in the hostilities and to restrict means and methods of warfare. In other words, IHL consists of international treaty or customary rules (i.e. rules emerging from state practice and followed out of a sense of obligation) that are specifically meant to resolve humanitarian issues arising directly from armed conflict, whether of an international or non-international character (ICRC, 2025).

In 2024, we commemorated the 75th anniversary of the 1949 Geneva Conventions globally. The International Committee of the Red Cross (ICRC), as a key promoter, guardian, and custodian of IHL, has undertaken initiatives to highlight the importance of IHL in the current context of escalating armed conflicts and the growing presence of non-state armed groups (NSAGs). To this end, the ICRC has collaborated with government bodies, academic institutions, and other relevant stakeholders. The origin of the Geneva Conventions dates back to August 22, 1864, when the first Geneva Convention—The Convention for the Amelioration of the Condition of the Wounded in Armies in the Field—was adopted in Geneva. In 2024, this historic milestone also marks the 160th anniversary of the 1864 Geneva Convention, which initiated the codification of modern IHL. Since then, IHL has continuously evolved to uphold and protect human dignity in the face of armed conflict (Geneve Internationale, 2025).

This is a time to reflect on our achievements, evaluate the risks, and reconnect with the original vision established by the States 75 years ago. This includes addressing the challenges of interpreting and implementing the Geneva Conventions. Adopted in 1949, the four Geneva Conventions continue to serve as the cornerstone of IHL. Special focus is given to the evolving nature of armed conflicts and issues such as the threshold for conflict, the start and end of occupations, the geographical scope of hostilities, and the intricate interplay between the Geneva Conventions and other branches of international law, including international criminal law, refugee law, and human rights law (Geneva Academy, 2025).

The Four Geneva Conventions of 1949 provide protection for the following categories of people:

- I. The wounded and sick in the armed forces on the battlefield.
- II. The wounded, sick, and shipwrecked members of armed forces at sea.
- III. Prisoners of war.
- IV. Civilians during times of war.

In addition, two protocols adopted later strengthen these protections: Additional Protocol I enhances the protection of victims in IACs, while Additional Protocol II extends protections to victims of NIACs (IHL databases, 2025).

Data/Method of Analysis

The article adopts a qualitative and exploratory approach, relying primarily on secondary sources of information. It draws extensively from the wealth of online and offline resources on IHL developed by the ICRC, as well as numerous articles and research findings published by the UN and other humanitarian organizations. References include materials from the UN system, academic publications, and other journals. The article employs a descriptive narration style, with relevant sections of these publications or their digital copies consulted to enhance its content.

Key Features and Issues of IHL

1. Universality of the Geneva Conventions

The Geneva Conventions have been universally ratified, with all nations pledging to uphold them as a reflection of shared humanity. These conventions apply to all parties in a conflict, regardless of who initiated it. IHL does not determine the legitimacy of an armed conflict but aims to govern the conduct of all involved once hostilities begin. The obligation to adhere to IHL exists regardless of reciprocity; it must be observed even if the opposing side does not comply, as doing so benefits all, including those who uphold it. This applies to all forms of armed conflict, whether between states or involving armed groups, as outlined in Common Article 3 of the four Geneva Conventions (FDFA, 2025).

Similar to the original Geneva Convention of 1864, a devastating war prompted states to come together in 1949 to revise and broaden the rules for protecting victims of armed conflict. The adoption of the four Geneva Conventions was a remarkable achievement, marking a “moral and legal revolution” in the norms governing warfare (Lieber Institute, 2025). The likelihood of a significant update or revision of the Geneva Conventions seems remote. Many are disheartened by the slim chances of future agreements that would further mitigate the horrors of war and address the gaps in the 1949 Conventions. Some argue that the post-World War II order is nearing collapse, signifying a period of “upheaval, major shifts, changing dynamics, demands, and expressions of agency” in law and global institutions. Despite these challenges, experts and practitioners continue to hold deep admiration and respect for the 1949 Geneva Conventions. Even after 75 years, they remain the moral and legal cornerstone of the law of war, representing a significant achievement for humanity (Lieber Institute, 2025).

2. Challenges of enforcement and compliance of IHL

The ICRC regards the Geneva Conventions as one of humanity’s greatest accomplishments in the past century. This perspective is well-founded, as the

conventions establish essential rules for warfare. Their primary purpose is to safeguard civilians, ensure the safety of medical personnel and humanitarian workers, and regulate the care of the wounded, sick, shipwrecked, and prisoners of war. The continued relevance and effectiveness of the Geneva Conventions relies on these groups fulfilling their roles and renewing their commitment to the humanitarian principles that inspired the 1949 Conventions. (Financial World, 2025).

The United Nations reported over 33,443 civilian deaths in armed conflicts in 2023, marking a 72% increase from 2022. Armed conflicts remain widespread: on October 7, 2023, Hamas and other armed groups launched attacks on Israel, prompting a military response in the Gaza Strip. Additionally, the war in Sudan and Russia's ongoing aggression against Ukraine continue to escalate. UN Secretary-General António Guterres has warned that "respect for international humanitarian law and human rights is often not guaranteed", characterizing the state of civilian protection as extremely dire (Financial World, 2025). This underscores the urgent need to strengthen adherence to IHL rules. The atrocities of the Second World War (1939–1945) - including crimes against humanity, the use of nuclear and chemical weapons, and other wartime horrors - ultimately led to the adoption of the four Geneva Conventions in 1949.

Despite the universality of the Geneva Conventions, violations persist and can be investigated and prosecuted by individual states or, in certain cases, by international courts. However, enforcing international humanitarian law remains a significant challenge. Even after 75 years, ensuring adherence to the Geneva Conventions is perhaps the most daunting task. The difficulty of enforcement has always been a reality, emphasizing the need for states to prioritize implementation efforts (Financial World, 2025).

3. Article 3 common to the Geneva Conventions and non-international armed conflict

Many contemporary armed conflicts are classified as non-international in nature. A NIAC involves hostilities between a State's armed forces and organized non-State armed groups or between such groups themselves. For a conflict to qualify as a NIAC, it must meet specific criteria, including a certain level of intensity in the hostilities and a sufficient degree of organization among the groups involved. Common Article 3 establishes a baseline of protections in NIACs, functioning as a "treaty in miniature" that sets minimum standards of conduct that must not be violated. The provisions of Common Article 3 are widely recognized as customary international law (Cornell Law School, 2025).

Article 3 of the Geneva Conventions covered, for the first time, situations of non-international armed conflicts. Types vary significantly and include traditional civil wars, internal armed conflicts that spill over into other States, and internal conflicts in which third-party states or multinational forces intervene alongside the government. It requires humane treatment for all individuals in enemy custody, without discrimination. It expressly prohibits murder, mutilation, torture, the taking of hostages, unfair trials, and cruel, degrading treatment (IHL databases, 2025).

- It requires that the wounded, sick, and shipwrecked be collected and provided with care.
- It grants the ICRC the right to offer its services to the parties involved in the conflict.
- It calls on the parties to the conflict to bring all or parts of the Geneva Conventions into force through “special agreements.”
- It recognizes that applying these rules does not affect the legal status of the conflict parties.

Since most modern armed conflicts are non-international, it is essential to fully enforce Common Article 3. States bound by treaties have a legal duty to identify and prosecute individuals within their territory suspected of committing crimes, regardless of the suspect’s or victim’s nationality or where the alleged act occurred. A state may also transfer the suspect to another state or an international tribunal for prosecution. If a country’s legal framework does not currently allow for universal jurisdiction, it must enact the necessary domestic laws to enable it. Moreover, the state must actively exercise this jurisdiction unless it opts to transfer the suspect to another jurisdiction or tribunal for trial (Cornell Law School, 2025).

4. Updated commentary of the Geneva Conventions 2016

Commentaries on legal texts, including international treaties and conventions, play a crucial role in understanding their essence and purpose. This holds true for the Geneva Conventions as well. The drafting of the original commentaries began with the first Geneva Convention in 1952. These initial commentaries were largely based on the negotiating history and practices prevalent at the time, particularly during World War II. However, with the passage of time and the evolution of legal and practical applications, it became necessary to revise these commentaries. The updated versions of 2016 aim to provide a thoroughly researched, contemporary interpretation of the Geneva Conventions and Additional Protocols, reflecting modern practices and legal understandings. They also seek to offer practitioners and scholars accessible, high-quality, and comprehensive legal information (ICRC Law and Policy, 2025).

The ICRC has produced Commentaries on each of the Geneva Conventions and their Additional Protocols to promote a better understanding of and respect for these vital treaties. They have been updated to incorporate developments in the application and interpretation of these treaties since their negotiation. The main aim of the updated Commentaries is to give people an understanding of the law as it is currently interpreted so that it can be applied effectively in today's armed conflicts. They are an essential tool for practitioners, reaffirming the continued relevance of the Conventions, generating respect for them and strengthening protection for people affected by armed conflict (ICRC Law and Policy, 2025).

Cambridge University Press remarks the commentary as - the application and interpretation of the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 have developed significantly in the sixty years since the ICRC first published its Commentaries on these important humanitarian treaties. With this in mind, the ICRC commissioned a comprehensive update of the original Commentaries. The new series provides up-to-date interpretations of each treaty using an article-by-article approach. It is an essential tool for anyone working or studying within this field (Cambridge University Press, 2025).

5. 34th International Conference of the Red Cross and Red Crescent

The International Conference of the Red Cross and Red Crescent is an important forum to contribute to respect for and development of IHL. The 34th International Conference took place in Geneva from 28 to 31 October 2024 coinciding with the 75th anniversary of the Geneva Conventions. The International Conference is the supreme deliberative body of the International Red Cross and Red Crescent Movement (the Movement), where the High Contracting Parties to the Geneva Conventions come together with the components of the Movement to discuss key matters of humanitarian concern. The conference takes place generally once every four years (Red Cross Red Crescent, 2025).

The 34th International Conference adopted six resolutions concerning the consequences of armed conflict disasters and other humanitarian issues. Out of those resolutions, the first and second ones are directly related to international humanitarian law.

1. Building a universal culture of compliance with international humanitarian law
2. Protecting civilians and other protected persons and objects against the potential human cost of ICT activities during armed conflict
3. Strengthening disaster risk governance through comprehensive legal and

regulatory frameworks

4. Enabling local leadership, capacity and delivery in principled humanitarian action and strengthening resilience
5. Protecting people from the humanitarian impacts of extreme climate and weather events: Working together to strengthen anticipatory action
6. Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements dated 28 November 2005 between Magen David Adom in Israel and the Palestine Red Crescent Society (Red Cross Red Crescent, 2025)

The ICRC came up with a report titled “IHL and the Challenges of Contemporary Armed Conflicts: Building a Culture of Compliance for IHL to Protect Humanity in Today’s and Future Conflict” in the International Conference. This is the sixth such report prepared by the ICRC for the International Conference of the Red Cross and Red Crescent. All these reports aim to provide an overview of some of the challenges posed by contemporary armed conflicts for IHL; generate broader reflection on those challenges; outline current or prospective ICRC action, positions and areas of interest, and bring them to the attention of members of the International Conference (IHL Challenges Report, 2025).

This report, like earlier ones, focuses on selected contemporary challenges to IHL. It highlights several issues of growing interest to states, other actors, and the ICRC, including nuclear weapons, the protection of individuals under the control of parties to armed conflict, the conduct of hostilities, emerging technologies of warfare, impartial humanitarian action, and IHL implementation. It also addresses new topics not covered in previous reports, such as the plight of separated families, missing persons, the handling of the dead, food security, military operations in outer space, and how adherence to IHL can contribute, albeit modestly, to fostering steps toward peace. Additionally, the report updates ongoing concerns from prior reports that remain prominent on the international agenda, such as the urbanization of warfare, autonomous weapon systems, other advanced warfare technologies, and the protection of individuals deprived of liberty (IHL Challenges Report, 2025).

Over the 75 years since their adoption, the 1949 Geneva Conventions, together with the broader framework of IHL, have saved countless lives despite the destructive nature of war. They have also safeguarded the rights and protection of thousands of detainees and medical patients. However, parties to armed conflicts have frequently failed to adhere to IHL. As with every International Conference, the ICRC urges states and parties to conflict to intensify their efforts to protect the victims of war.

6. ICRC engagement with non-state armed groups in 2024

Aligned with its mandate, the ICRC engages with all parties involved in armed conflicts, including NSAGs. The organization has a long-standing practice of confidential humanitarian dialogue with these groups, aiming to prevent and alleviate the suffering of individuals living in areas under their control. Each year, the ICRC conducts an internal review to assess the state of its relationships with armed groups and identify ways to enhance its future global engagement. The increasing number of armed conflicts and the proliferation of NSAGs pose significant challenges for states and humanitarian organizations. In 1999, there were 20 active conflicts, but this figure has now risen to over 120. More than 60 states and 120 NSAGs are currently involved in these conflicts. Since 2000, the number of armed conflicts has grown steadily, with NIACs tripling from fewer than 30 to around 100, and IACs also showing an upward trend (ICRC Law and Policy, 2025).

In 2024, the ICRC estimated that approximately 210 million people live in areas fully or partially controlled by armed groups. Globally, there are over 450 armed groups of humanitarian concern, and the ICRC's engagement with these groups has remained steady. While the organization has successfully established contact with 60% of these groups, engagement with others remains challenging. These challenges arise primarily from state-imposed barriers, such as counter-terrorism legislation, and the unstable security conditions in certain regions. Although the current level of ICRC engagement is significant, these obstacles hinder its ability to work effectively with some groups. The two most common global challenges to ICRC engagement are the security situation and the potential negative impact on its relationship with states (ICRC Law and Policy, 2025).

7. Customary IHL

International humanitarian law is primarily developed by states through the adoption of treaties and the establishment of customary law. Customary law emerges when state practices are sufficiently widespread, representative, consistent, and accompanied by a belief among states that they are legally obligated to act or refrain from acting in specific ways. This form of law binds all states, except those that have consistently objected to the practice or rule in question since its inception.

In 1995, the ICRC initiated a comprehensive study of customary IHL rules, which was published by Cambridge University Press in 2005. The resulting database, continually updated, is divided into two sections: rules and practices. The study identified 161 rules applicable to IAC and/or NIAC, with 147 specifically relevant to non-international armed conflicts. Given the prevalence of NIAC globally and the relatively limited legal frameworks governing them, the rules of customary IHL have effectively addressed this gap (Customary IHL, 2025).

2.8 Status of IHL in Nepal

Nepal acceded to the four Geneva Conventions in 1964, fulfilling a key requirement for the establishment of the Nepal Red Cross Society. The year 2024 marked the 60th anniversary of Nepal's accession to the Geneva Conventions.

Other IHL treaties to which Nepal is a party are (IHL Treaties, 2025):

- 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare
- 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction
- 1989 Child Rights Convention
- 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction
- 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Nepal has been recognized for its proactive approach to ratifying human rights instruments. However, the same cannot be said for IHL treaties. From 1996 to 2006, Nepal experienced a decade-long NIAC conflict between the government and the then Nepal Communist Party (Maoist). Given this prolonged conflict, it was reasonable to expect Nepal to expand its participation in additional IHL treaties. Nepal could consider ratifying several key IHL and related treaties, including the 1980 Convention on Certain Conventional Weapons, the 1998 Rome Statute of the International Criminal Court, the 1977 Protocols Additional to the 1949 Geneva Conventions, the 1997 Anti-Personnel Landmine Ban Treaty, the 2006 International Convention for the Protection of All Persons from Enforced Disappearance, the 2013 Arms Trade Treaty, and the 2017 Treaty on the Prohibition of Nuclear Weapons.

The Government of Nepal is encouraged to evaluate the necessity and benefits of ratifying these treaties and make decisions toward their eventual endorsement. Additionally, Nepal lacks national legislation to implement the Geneva Conventions, despite the obligation imposed on state parties to enact corresponding measures at the national level. The National IHL Committee, tasked with promoting and implementing IHL, is expected to take proactive measures to address this gap. Ratifying additional IHL treaties and ensuring their national implementation would be vital steps to prevent future violations of IHL, as witnessed during the Maoist insurgency.

Result / Discussion

International humanitarian law encompasses various complex and sometimes contentious issues. Achieving consensus on the definition and classification of armed conflicts is not always straightforward. The classification of a situation as either an IAC or a NIAC is crucial, as it determines the applicable legal framework. Initiatives such as updating the commentaries on the Geneva Conventions and conducting studies on a deeper understanding of the Geneva Conventions and have expanded the applicability of customary laws. There is a shared commitment among state representatives and international organizations to collaborate on improving the enforcement and compliance of IHL. Platforms like the International Conference of the Red Cross and Red Crescent, as well as the UN system, serve as important forums for advancing these efforts.

Conclusion

The Geneva Conventions are universally recognized as foundational treaties of international humanitarian law. Since 1949, numerous thematic and specific IHL treaties have been developed to address emerging needs, such as the Anti-Personnel Landmine Ban Convention, the Arms Trade Treaty, and the Rome Statute. These new and evolving treaties continue to be guided by the principles established in the original Geneva Conventions. The Conventions and their Additional Protocols provide a framework of doctrine and principles that inform the development of future IHL treaties. Efforts to improve compliance and enforcement of IHL remain ongoing, with sustained contributions from the ICRC, the UN system, and other humanitarian agencies. However, the practical results on the ground have been less than satisfactory. The first resolution of the 34th International Conference of the Red Cross and Red Crescent emphasizes the need to build a universal culture of compliance with IHL. Given the authoritative nature of such resolutions from this high-level platform, there is reason to remain optimistic about the sincere application and enforcement of IHL principles.

References

- Cambridge University Press. (2025, 01 11). Retrieved from Cambridge University Press: <https://www.cambridge.org/core/series/commentaries-on-the-1949-geneva-conventions/F745C980FA2A162EBEC7DFE7EA2A17AF>
- Cornell Law School. (2025, 01 11). Retrieved from Cornell Law School: https://www.law.cornell.edu/wex/geneva_conventions_and_their_additional_protocols
- Customary IHL. (2025, 01 13). Retrieved from Customary IHL: <https://ihl-databases.icrc.org/en/customary-ihl>

- FDFA. (2025, 01 10). Retrieved from FDFA: <https://www.fdfa.admin.ch/aboutswitzerland/en/home/swiss-stories/75-jahre-genfer-konventionen.html>
- Financial World. (2025, 01 10). Retrieved from Financial World: <https://www.financial-world.org/news/news/crimes/27011/75-years-later-the-ongoing-relevance-and-violations-of-the-geneva-conventions/>
- Geneva Academy. (2025, 01 09). Retrieved from Geneva Academy: <https://www.geneva-academy.ch/research/publications/detail/24-the-1949-geneva-conventions-a-commentary>
- Geneve Internationale. (2025, 01 09). *Geneve Internationale*. Retrieved from Geneve Internationale: <https://www.geneve-int.org/geneva-conventions-160-years-history>
- ICRC. (2025, 01 09). Retrieved from ICRC: <https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/icrc-002-0703.pdf>
- ICRC Law and Policy. (2025, 01 11). Retrieved from ICRC Law and Policy: <https://www.icrc.org/en/law-and-policy/geneva-conventions-and-their-commentaries>
- ICRC Law and Policy. (2025, 01 13). Retrieved from ICRC Law and Policy: <https://blogs.icrc.org/law-and-policy/2024/05/02/defining-armed-conflict-some-clarity-in-the-fog-of-war/>
- ICRC Law and Policy. (2025, 01 13). Retrieved from ICRC Law and Policy: https://blogs.icrc.org/law-and-policy/2024/10/31/icrc-engagement-with-armed-groups-in-2024/?_hsenc=p2ANqtz-9sJphVxuMjLq_twn9qNpxcrlvgA8T5xu-nu74aN_RhuvRN5J8kFMDCCHj5n0FMYsIFoReD-jxw3UCOhZyjMc7jWRIf2g&_hsmi=331711773
- IHL Challenges Report. (2025, 01 11). Retrieved from IHL Challenges Report: https://icrcndresourcecentre.org/wp-content/uploads/2024/10/4810_002-ebook.pdf
- IHL Databases. (2025, 01 09). Retrieved from IHL databases: <https://ihl-databases.icrc.org/en/ihl-treaties/treaties-and-states-parties>
- IHL Databases. (2025, 01 11). Retrieved from IHL databases: <https://ihl-databases.icrc.org/en/ihl-treaties/gci-1949/article-3?activeTab=default>
- IHL Treaties. (2025, 01 13). Retrieved from IHL Treaties: <https://ihl-databases.icrc.org/en/ihl-treaties>
- Lieber Institute. (2025, 01 10). Retrieved from Lieber Institute: <https://lieber.westpoint.edu/on-brink-geneva-conventions-75/>
- Red Cross Red Crescent. (2025, 01 11). Retrieved from Red Cross Red Crescent: <https://rcrcconference.org/about/34th-international-conference/documents-34th-international-conference/>