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Search results for "CONFLIT ARME INTERNATIONAL" (Keyword in French)

Document type:	Chapter
Title:	The Geneva Conventions of 1949 and wars of national liberation
Author zone:	Richard Baxter
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General Note:	Article également publié dans : International terrorism and political crimes / ed. by M. Cherif Bassiouni. - Thomas publishing, 1975
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Abstract:	<p>In this 1975 piece, Baxter responds to discussions about "wars of national liberation" under international humanitarian law. He notes that, with only one relevant article in the 1949 Geneva Conventions, there is a narrow range of protection available for those involved in non-international conflicts. Where hostilities are waged by freedom fighters against a colonial regime, some have called for the applicability of all articles of the Conventions, as the UN Charter recognizes the right of self-determination. However, Baxter argues that it is difficult to ascertain what is truly a war of self-determination. Furthermore, liberation movements cannot be seen as "powers" – states with the ability to become and carry out the obligations of high contracting parties. In the case of resistance against "unlawful occupiers," it is also suggested that one set of laws should apply to unlawful occupiers while another applies to lawful ones. However, Baxter argues that there is no authority to appropriately determine lawfulness; nor is it in the interest of the law of war to create double standards. Lastly, Baxter rejects the argument for extending POW status to guerilla or covert resistance movements as the distinction between civilians and combatants is crucial to the law of war. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]</p>
Keyword in French:	DIH CONVENTIONS DE 1949 GUERRE DE LIBERATION NATIONALE CONFLIT ARME INTERNATIONAL
Keyword in English:	IHL (INTERNATIONAL HUMANITARIAN LAW) 1949 CONVENTIONS WAR OF NATIONAL LIBERATION INTERNATIONAL ARMED CONFLICT
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