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The significance and contribution of the Protocols Additional to the Geneva Conventions of August 1949 / Medard R. Rwelamira

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Abstract:	The authors argue that the Protocols Additional to the Geneva Conventions expanded the scope of conflicts subject to international law. They note that the 1949 Geneva Conventions did not adequately protect civilians because of their focus on international armed conflict. The International Committee of the Red Cross identified this shortcoming, which contributed to the Additional Protocols being adopted in 1977. The First Protocol expanded protection to combatants involved in uprisings against colonial, alien and racial oppressors. Further, it extended protection to civilian populations living within territories occupied by adversary movements. The authors argue that clarification is required concerning whether territory occupied by a liberation movement constitutes occupation by an adversary for the purpose of protecting civilians. The First Protocol also identifies refugees as protected persons. The Second Protocol protects persons who resort to force to restore democratic institutions in their state. It does not protect persons who use force during internal disturbances. The authors argue that the Protocol is not clear on what situations constitute a sustained and concerted opposition of government, triggering application of the Protocol. They conclude that the Protocols can be improved by establishing processes for authoritative resolution of conflicts and clarifying how the rules are applied. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]
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