Defining the Regulations of War in the Hague Convention of 1907
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Introduction

Problem statement: The paper is devoted to study and analysis of the sources of international humanitarian law, which govern the rules of warfare.

Research questions: aspects of international conflicts requiring international legal regulation; significance of the Hague Conventions on the rules of war in the context of the development of the law of international conflicts.

Purpose of the study: Study of the history of the formation of an international legal regulation of the rules of war; text analysis of Brussels Declaration on the Laws and Customs of War, the Hague Conventions on “the Pacific settlement of International Disputes” and on “the Laws and Customs of War on Land”.

Methods

The material for the research is based on the texts of international conventions respecting the law of war.

During the research well-known philosophical methods were used as conjectures and refutations; general scientific methods, such as analysis, synthesis, abstraction as well as specific methods of legal science, which essence is to study the dogma of law, i.e., directly to the content of the legal regulation.

This paper is theoretical, it explores the history of the formation of the Hague system of international legal regulation of the rules of war.

Results

Multilateral treaties defining the rules of war did not exist until the end of the XIX century. The first legal document that defines the rules of war was a “Field guide to US troops”, designed by Francis Lieber during the American Civil War.

The first Hague Peace Conference (1899) discussed the problems of means and methods of warfare. The conference failed to reach a common agreement on the issue of arms control.

The work of the second Hague Peace Conference (1907) was largely devoted to discussion of the rules of war. The conference also addressed issues and peaceful resolution of international conflicts, defined the tasks of the arbitral tribunal and the International Commission of Inquiry. The Hague Convention of 1907 enshrines the international legal status of prisoners of war, based on the fact that the capture of soldiers of the enemy is not revenge or punishment, it is a necessary measure taken for the purpose of preventing officers and soldiers’ participation in hostilities.

Conclusion

The Hague conventions defined the main rules of warfare and the legal status of their participants. These provisions are binding in armed conflicts in the countries-participants of conventions, and for states that did not signed them, the norms of international law will be applied. Although the conventions governing the rules of warfare were adopted over a hundred years ago, they have not lost their relevance today. International humanitarian law provided many institutional mechanisms aimed at preventing armed clashes. However, the world still suffers from military action, even the most peace-loving nation is not fully protected against aggressive actions. Therefore, international legal regulation of war rules is constantly improved and developed in order to weaken the horrific consequences of the fighting.

References

