Defining the Regulations of War in the Hague Convention of 1907

Erazak Tileubergenov, Dana Baisymakova,
Dinara Belkhozhayeva, Zhanar Moldakhmetova

Department of State and Civil Law Disciplines,
Abai Kazakh National Pedagogical University,
Almaty, Kazakhstan
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”.
Methodology

The material for the research is based on the texts of inter-national conventions respecting the law of war, sources of international law: a) the international conventions; b) inter-national custom, as evidence of a general practice accepted as law; c) the general principles of law recognized by civilized nations; d) judicial decisions and high qualified lawyers’ conceptions of the various nations, as subsidiary means for the determination of rules of law. International conventions, treaties and agreements, as the legal documents contain provisions binding on the entire international community.

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.
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 international document was the “Declaration on the abolition of the use of explosive and incendiary bullets”, adopted in 1868 at an international conference in St. Petersburg.

Brussel Declaration of 1874 on the Laws and Customs of War, (adopted at the international conference represented the first attempt to codify the laws and customs of war on land by making a special international document in the history of international relations. However a declaration did not enter into force for various reasons.
Results

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.
Implications for policy/Practice

International humanitarian law provided many institutional mechanisms aimed at preventing armed conflicts. However, the world is still subject to military action, even the most peace-loving nation is not completely immune to aggressive actions. Therefore, international legal regulation of war rules is constantly improved and developed in order to weaken the horrific consequences of the fighting as much as possible. The international regulations of war were established by multilateral treaties between states. This paper investigates the history of the formation of the Hague system of international legal regulation of war rules. 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.
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.
Defining the Regulations of War in the Hague Convention of 1907

Erazak Tileubergenov, Dana Baisymakova, Dinara Belkhozhayeva, Zhanar Moldakhmetova

Department of State and Civil Law Disciplines, Abai Kazakh National Pedagogical University, Almaty, Kazakhstan