

The Geneva Convention on Laws of War and the Sudan Armed Conflict

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ABSTRACT

The Geneva Convention contains regulations that govern the conduct of war and the treatment of individuals affected by war. However, despite the existence of this regulation created to guide the conduct of hostilities and protect civilians in international and non-international armed conflict, there are still recorded cases of actions by state and non-state actors that run contrary to the dictates of the convention. Records show that in modern day conflict, indiscriminate attacks and the use of unauthorized weapons are still being launched against civilian population, recruitment of child soldiers in insurrections, the use of weapons with indiscriminate effects, genocide, among others. It is against this backdrop that this paper examined the Sudan conflict and the application of the Geneva Convention on the laws of war. From the findings, a wide range of violation of the dictate of the Geneva Convention in the Sudan conflict was observed. The paper concludes that while the Geneva Convention continues to be relevant today, its provisions are still violated in modern day conflict such as Syria, Yemen, and Myanmar. The international community must continue to uphold the principles of the convention and hold those who violate it accountable.

INTRODUCTION

The Geneva Convention, also known as the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, is a set of international laws that govern the conduct of war and the treatment of individuals affected by war (ICRC, 2022). Despite the existence of these regulations created to guide the conduct of hostilities and the protection of civilians in international and non-international armed conflict, there are still recorded cases of actions by state and non-state actors that run contrary to the dictates of the Convention. In modern-day conflicts, indiscriminate attacks are still being launched against the civilian population, recruitment of child soldiers in insurrections, the use of weapons with indiscriminate effects, and genocide, among others (Bassiouni, 2018). Numerous violations of the Geneva Conventions have been recorded in recent warfare, such as targeted strikes on civilians in conflicts like the ongoing conflict between Israel and Palestine, the Syrian civil war, and the Yemeni civil war. Residential neighborhoods, medical facilities, and educational institutions have been possibly bombed or shelled targets (Carpenter, 2013; Orkaby, 2015).

Besides, the use of chemical weapons in the Syrian civil war, such as sarin gas that is often used in these conflicts is also a blatant violation of the Geneva Convention. Additionally, cluster munitions and landmines are prohibited by the Convention on Certain Conventional Weapons (ICRC, 2022). Allegations of torture, sexual assault, and harsh treatment of prisoners have been reported in battles like the war in Afghanistan and the war in Iraq (Stein, 2015). The South Sudan conflict is not different with a multifaceted and devastating conflict of great complexity, characterized by severe violence, massive displacement of individuals, and egregious violations of human rights. The roots of the conflict can be traced back to Sudan's independence from British colonial rule in 1956,

which left the country deeply divided along ethnic, religious, and political lines. These divisions led to decades of civil war between the primarily Muslim north and the largely Christian and animist south (Nyadera, 2018).

However, the Comprehensive Peace Agreement (CPA), signed in 2005, put an end to the two-decade-long civil war and granted a degree of autonomy to the south while also providing for a referendum on self-determination after six years (Aalen, 2013). The people of South Sudan voted overwhelmingly for independence in 2011, making it the world's newest nation. Nonetheless, the euphoria of independence was short-lived, as the country plunged into another conflict in 2013, a mere two years after gaining independence (Kuol, 2020). The conflict was sparked by a power struggle between President Salva Kiir and his former vice-president Riek Machar, both of whom represent different ethnic groups. The political struggle quickly assumed ethnic dimensions, pitting Kiir's Dinka tribe against Machar's Nuer tribe (Kuol, 2020).

The conflict rapidly evolved into a full-scale civil war, characterized by horrific violence and violations of human rights, including extrajudicial killings, sexual violence, and forced displacement of civilians. Both sides have been accused of committing atrocities against civilians, such as the use of child soldiers, rape, and murder (Nyadera, 2018). The conflict has had significant humanitarian consequences, resulting in the displacement of millions of people and the dire need for humanitarian assistance. The United Nations has described the situation in South Sudan as one of the world's worst humanitarian crises, with millions of people facing food insecurity and other basic needs (Blanchard, 2014). The Geneva Convention establishes rules on the protection of civilians, prisoners of war, and wounded or sick combatants, as well as prohibits certain types of weapons and tactics (ICRC, 2022). However, as previously noted, there have been numerous breaches of the Convention in modern-day warfare, including in the Sudan conflict.

Given the ongoing conflict in South Sudan, it is essential to examine the applicability of the Geneva Convention and its provisions on the law. Therefore, this paper aims to examine the Geneva Convention, its provisions on the law of war, its applicability and violation of the Convention in modern-day warfare in Sudan conflict. In addition, this study will draw on a variety of sources, including the Geneva Convention itself, academic articles, reports, and other sources on the conflict in South Sudan, to provide a comprehensive understanding of the Convention.

METHODS

This research uses qualitative methods with a literature review approach. Literature review is a systematic, explicit and reproducible method for identifying, evaluating and synthesizing research works and thoughts that have been produced by researchers and practitioners. The step in writing this review literature begins with the selection of topics. Perform a library or source search to gather relevant information from Google Scholar, CINAHL, Proquest, Ebsco, or National Library databases. Determine keywords or keywords for journal searches. After the data is collected, it is processed, analyzed and concluded.

RESULTS

Progressive Expansion of the Geneva Convention on Laws of War

The value of the Geneva Convention was first demonstrated on the battlefield beginning in 1866. It wasn't until 1882, 18 years after it was first drafted, that it was finally ratified worldwide (ICRC, 2020). However, the previous Geneva Conventions have been superseded by the more recent conventions that are currently in effect.

Evidently, the "Hague Current" got its start with the Declaration of St. Petersburg, which was issued during a conference that was convened by Alexander III, who was the Tsar of Russia at the time, in the year 1868. The Declaration prohibited the use of explosive bullets and enunciated some basic principles relating to the conduct of hostilities. A different Tsar, Nicholas II, convened the First Peace Conference in the Netherlands in 1899, and it took place at The Hague (Webster, 2017). This Conference resulted in the adoption of many Conventions, the overarching purpose of which was to reduce the devastation caused by war. These Conventions outlawed many things, including: a) shooting out projectiles from balloons; b) using noxious gases; and c) using dum-dum bullets.

Although it is also clear that the provisions of that Convention were not entirely unique, scholars consider that the First Geneva Convention's adoption in 1864 marked the beginning of modern International Humanitarian Law (Wylie, 2017). In fact, the First Geneva Convention was largely derived on pre-existing rules of customary international law (Matheson, 2017). In violent wars, there were laws safeguarding particular victim groups as early as 1000 BC, and combat tactics and techniques were regulated by customs. These rules and customs were developed over the course of time. Although these ancient and basic regulations were formed not for humanitarian motives but rather for simply economic ones, the effect that they had was humanitarian in nature.

Another significant achievement of the 1899 Conference was the expansion of the Geneva Convention of 1864's humanitarian rules to victims of naval warfare (Wylie, 2017). This modification appeared at the beginning of the present Second Geneva Convention. The Convention of 1864, which safeguarded the wounded and sick of armies on the battlefield, was updated in 1906 (Clegg, 2021). Although the modification increased the number of articles in the agreement from 10 to 33, the core concepts remained the same.

The Second Peace Conference was held at The Hague in 1907. The Conventions of 1899 were revised and new regulations were established at this time. The modifications included a definition of combatants, rules on maritime warfare, rules on the rights and duties of neutral powers, regulations on military occupation, and rules addressing Prisoners of War (POW) (Haas, 2013). Up until the year 1977, the evolution and further development of the laws of war were influenced by two distinct legal currents. First, there is the Geneva Convention, with its provision on the protection of civilians and former combatants during armed conflicts; and the Hague Convention, with its provisions on the prohibition and restriction of certain means and tactics of warfare.

A Protocol limiting the use of gas was adopted in 1925 as a direct result of the agony sustained during the First World War (1914–1918) (Mueller, 2011). Even though it was enacted in Geneva, this Protocol plainly belongs to the legal stream of The Hague Law based on its content.

In 1929, a diplomatic Conference was convened in Geneva by the Swiss Confederation. The main results of that Conference were:

- i. The second revision of the 1864 Convention, which took place after 1906. This Convention was amended once more. Among the new regulations is the very first official acknowledgment of the Red Crescent insignia. Although the insignia had been in use as far back as the year 1876, it wasn't until 1929 that it was given official legal status;
- ii. The other significant achievement of the 1929 Conference was the adoption of the "Convention pertaining to the treatment of Prisoners of War." Prior to 1929, it was only superficially discussed during the Peace Conferences in 1899 and 1907. (Mears, 2013).

All four of the current Geneva Conventions were signed immediately following the end of World War II in 1949 (Ben-Nun, 2019). Many of the articles of the First Convention (on the protection of sick and injured individuals), the Second Convention (on the protection of shipwrecked persons), and the Third Convention (on the protection of prisoners of war), were reworded from earlier versions of the Conventions. The Fourth Convention, a completely new addendum, guarantees the safety of civilian populations and is generally regarded as the conference's greatest triumph in 1949. (Aldrich, 2017). Article 3 of the 1949 Geneva Conventions was the first international provision applicable in circumstances of non-international armed conflict, thereby strengthening the diplomatic conference (Bouvier & Langholtz, 2012).

As an addendum to the Geneva Conventions of 1949, two additional Protocols were approved in 1977 following four rounds of diplomatic negotiations. In the First Protocol, consideration is given to the plight of victims of international armed conflicts; in the Second Protocol, however, the focus is on victims of non-international armed conflicts. The Second Protocol to the Geneva Conventions is based on Article 3 of the four Geneva Conventions (Bugnion, 2017).

Under the United Nations' aegis, another significant convention was ratified in 1980: the "Convention on prohibition or restrictions on the use of conventional weapons that may be determined to be overly destructive or to have effects that are indiscriminate" (Rosert, 2019) This treaty prohibits the employment of mines, booby traps, flaming weapons, and undetectable objects. The Geneva Conventions, adopted in 1949, and the Geneva Protocol, adopted in 1977, established guidelines for the treatment of soldiers, POWs, and civilians, as well as for the protection of hospitals,

places of worship, and medical personnel. In the context of the conflict, this action was taken in an effort to adhere to some basic standards of humanity (Sangyk, 2017).

A global Agreement prohibiting the development, production, stockpiling, and deployment of chemical weapons came into force in 1993. The prohibitions established in the Geneva Protocol of 1925 are expanded upon in this accord. A new Protocol was added to the Convention in 1980, but it wasn't included until 1995. The use of laser weapons with the intended side effect of permanent blindness was prohibited by this new protocol (Bouvier & Langholtz, 2012). Antipersonnel mine use, stockpiling, production, and transport were all made illegal by a Convention signed in Ottawa, Canada in 1997.

The Rome Statute, which created the International Criminal Court (ICC), was ratified in 1998. This success demonstrated the determination of the international community to guarantee that those responsible for atrocities are brought to justice. All significant international crimes are under the ICC's purview, regardless of location (Vagias & Dugard, 2014). The 1954 Convention on the Protection of Cultural Property was updated by a Protocol in 1999. The protection system established in 1954 can be supplemented and strengthened by the parties to the Convention through the implementation of Protocol II. It establishes a system of heightened protection for property of the utmost significance to mankind and describes the concepts of safeguarding and respect for cultural property, as well as new protections in attacks and against the repercussions of attacks (Frulli, 2011).

An additional protocol was added to the Convention on the Rights of the Child from 1989 in the year 2000. This treaty rises the age of mandatory recruitment from 15 to 18, and it mandates that individual nations rise the age of consent for voluntary enlistment to 18. (Grover, 2012). It emphasizes that armed groups should not use children under the age of 18 under any circumstances, and it urges states to make it unlawful for armed groups to exploit children in any capacity. In 2003, world leaders signed an agreement to help reduce casualties from explosive remnants of war and speed relief to affected countries. Relics of war can include artillery shells, mortars, grenades, explosives, and rockets that have not detonated.

With the adoption of the Third Additional Protocol to the Geneva Conventions during a diplomatic meeting held in Geneva in 2005, a third emblem joined the red cross and the red crescent. The additional symbol, which is referred to as the red crystal, is intended to offer a solution that is comprehensive and long-lasting to the emblem conundrum (Bouvier & Langholtz, 2012). The symbol, which has no religious or political significance, appears as a red square tilted at an angle against a white background. In 2008, countries signed a treaty banning the use of cluster bombs. The use, production, storage, and transfer of cluster munitions are all outlawed by this crucial convention in international humanitarian law, and signatories are required to implement measures to eliminate the threat posed by these weapons.

Thus, the Geneva Convention provides regulations for safeguarding civilians and property alike during hostilities. The First Protocol has been ratified by 172 states, while the Second Protocol has been ratified by 166 governments. Since 194 countries are parties to the four Geneva Conventions, it is therefore the most universally accepted treaty (Bellinger & Padmanabhan, 2011).

History of Sudan Conflict

This section explores the various conflicts in Sudan since 1955 till 2023.

History of Sudan Civil War (1955-1972)

The northern and southern regions of Sudan engaged in hostilities during the first Sudanese Civil War, which took place between the years 1955 and 1972 (Sefa-Nyarko, 2016). The conflict began a year before Sudan was scheduled to formally declare its independence from Great Britain (Sefa-Nyarko, 2016).

Essentially, the war was fought between the government of Sudan and the Southern Sudan Liberation Movement (SSLM). On August 18, 1955, the Equatoria Corps, mostly composed of British Colonial soldiers from the south of the country, attempted to disperse a mob of demonstrators in the Sudanese town of Torit (Voller, 2019). However, the soldiers from the southern region appeared to be sympathetic towards the protestors; hence, the central government in Khartoum ordered forces from the northern region to replace the soldiers. Infuriated, the southern soldiers organised an insurrection which led to the death of 336 northerners, including soldiers and civilians alike. As

soon as word spread of the mutiny in Torit, soldiers across the entirety of southern Sudan rose up in rebellion (Kumsa, 2017).

Aside this obvious reason, there were additional factors at play that contributed to the conflict. According to Worden (2019), it is estimated that over 80% of Sudan's population is Muslim, while the southern third of the country follows either Christianity or indigenous religions. On a cultural level, the people who lived in Northern Sudan spoke Arabic and identified with Saudi Arabia and North Africa, but the people who lived in Southern Sudan took their cultural cues from Ethiopia and the newly independent republics of Sub-Saharan Africa.

In order to wage war against the northern government, Southern Sudanese forces resorted to waging guerilla warfare rather than mounting a conventional invasion since they lacked the resources necessary to do so. In addition to this, they made use of child soldiers during throughout the conflict. As the war raged on, the Southern Sudanese rebels were eventually divided into two distinct factions (Elamin, 2018). William Deng, who was of the Dinka ethnic group, conceptualised and oversaw the establishment of the Sudan African National Union (SANU). Joseph Lagu on the other hand coordinated a separate organisation that became known as the Anya Nya and was mostly comprised of Madis (Tounsel, 2017).

The government in Khartoum faced major challenges as a consequence of the war. The inability of Northern forces to put an end to the rebellion effectively resulted in a number of coups, which in turn led to the foundation of new governments (Voller, 2019). The civil war in Southern Sudan erupted in 1965, and ten years later, interim prime minister Muhammad Ahmad Mahgoub offered amnesty in exchange for the surrender of rebel weaponry. However, the rebels declined the offer, and fighting resumed between the two sides (Elamin, 2018). According to Johnson (2016), by the year 1970, the civil war had resulted in the deaths of almost a half a million individuals, the vast majority of whom were from the South. General Gaafar Nimeri came to power in 1969 and immediately began the process of nationalising the Sudanese government under socialist lines (Thomas, 2017). During this time, the Soviet Union offered him the necessary help in the form of military support. In response to an attempt on his life made by Sudanese communists in July 1969, Nimeri turned his back on socialism and on July 19, 1971, opened Sudan up to investment from outside the country (Berridge, 2015). Eight months later, on March 27, 1972, the Addis Ababa Accord was signed, officially bringing an end to the First Sudanese Civil War (Ylonen, 2017). This agreement was signed by the government in Khartoum as well as insurgents from the south. After a period of peace that lasted for eleven years in the country of Sudan, the Second Sudanese Civil War broke out in 1983. This conflict was significantly more extensive and bloodier than the previous one (Sefa-Nyarko, 2016).

Second Sudanese Civil War (1983-2005)

During the Second Sudanese Civil War, which lasted for a total of 22 years, the Sudan People's Liberation Army and the central government in Khartoum were involved in a deadly and drawn-out struggle against one another (Young, 2016). Southern Sudan was the initial epicentre of the violence, but it has since spread to other sections of the country, including the Nuba Mountains and the Blue Nile region (Moro et al., 2017). In spite of the fact that the conflict was responsible for the deaths of two million people, it did, however, lead to South Sudan's independence in 2011. (Blanchard, 2016).

There were numerous violations of the 1972 Addis Ababa Accord, which ended the first Sudanese Civil War. In 1978, the President of North Sudan, Gaafar Nimeiry, attempted to gain control of South Sudan's newly discovered oil riches in the border region between the two countries (Craze, et al., 2016). In 1983, when President Nimeiry disbanded the mostly Christian Southern Sudan Autonomous Area and implemented Sharia Law throughout the country, this action constituted a violation of the agreement that had been reached between the parties. The bulk of the population in South Sudan, in addition to other non-Muslims who lived in the north, were subject to the oppressive legal system of Sharia Law (Moro, 2017).

For this reason, South Sudanese rebels led by John Garang established the Southern People's Liberation Army (SPLA) in order to fight against the government in Khartoum (Rolandsen, 2015). Both sides, similar to how it was during the first conflict, recruited child soldiers, but the SPLA did so in a substantially greater capacity (Rolandsen, 2017). In the year 1985, the month of April saw

the execution of a coup d'état. Once Nimeri was removed from power, the new administration quickly rescinded the edict he had issued in 1983 and made more overtures to bring the north and south closer together (Nyaba, 2019). In May of 1986, the first round of formal discussions between the newly installed government in Khartoum led by Prime Minister Sadiq al-Mahdi and the Sudan People's Liberation Army led by Col. John Garang took place. At the same time, the SPLA and other Sudanese political factions converged in Ethiopia to draught the Koka Dam statement, which demanded the end of Islamic authority and the convening of a nationwide constitutional conference (Ali, 2015). In 1988, the SPLA and the DUP, which is a political party in Sudan, came to an agreement that called for a stop to hostilities and the termination of military pacts with Egypt and Libya. Egypt and Libya were two countries that had previously given armaments to the Khartoum government (Elamin, 2018). Despite the fact that the government of Sadiq al-Mahdi approved of the peace plan in February 1989, fighting continued throughout the 1990s. On both sides of the conflict, atrocities were committed and human rights were violated (Ali, 2022). Formed in July of 2002, the Machakos Protocol was an agreement between the government of Sudan and the Sudan People's Liberation Movement (SPLM). Named after the city in Kenya where the peace agreement was signed (Sudan, 2022). The parties maintained their discussions into the next year, and on January 9, 2005, the Comprehensive Peace Agreement was signed by the Government of Sudan and the SPLA. With this, the civil war that had been raging in Sudan was officially brought to an end. The end of the war in 2011 and the subsequent implementation of the peace agreement conditions allowed for the independence of South Sudan six years later (Back, 2020).

South Sudanese Civil War (2013-2022)

Violence between members of the presidential guard from the country's two largest ethnic groups broke out in December 2013 after a political confrontation between Kiir and Machar led to Machar's dismissal as vice president (Feyissa, 2017). While the majority of Dinka and Nuer soldiers were on Kiir's side, the majority of Machar's soldiers were on Machar's side. Bloodshed broke out all throughout the states of Jonglei, Upper Nile, and Unity when Kiir made the allegation that Machar had tried a coup (Lomeri, 2016). Armed groups, right from the start of the conflict, discriminated against people based on their ethnicity, engaged in rape and other forms of sexual assault, destroying property, pillaging towns, and recruiting youngsters into their ranks (Lomeri, 2016).

Under the strain of international sanctions and after many rounds of discussions backed by the Intergovernmental Authority for Development (IGAD), Kiir and Machar signed a peace pact in August of 2015. This took place in the DRC (Back, 2017). After spending more than two years outside of South Sudan, Riek Machar was re-inaugurated as Vice President of that country in April 2016, marking an important step towards the cessation of the civil war (Phillip-Apuuli, 2015). Tens of thousands of people were uprooted from their homes as fighting resumed between government troops and opposition groups after his return. After escaping the nation, Machar managed to evade detection but was eventually found and arrested in South Africa. Throughout 2017 and 2018, multiple agreements were struck to bring an end to the hostilities, however these agreements were breached by both sides as well as other parties (Okeke et al., 2021).

In June 2018, after Kiir and Machar had been at war with one another for more than five years, the governments of Uganda and Sudan mediated by way of discussions between the two politicians (Nyadera, 2018). During that period, in an effort to bring a stop to the war, Kiir and Machar signed the Khartoum Declaration of Accord, which included a pledge to discuss a power-sharing arrangement as well as a truce (Okeke et al., 2021). Despite sporadic violations in the weeks that followed, Kiir and Machar negotiated a final ceasefire and power-sharing agreement in August of 2018. Upon the signing of this document, the government and Machar's opposition organisation, in addition to a large number of other rebel forces, came to an agreement to end the civil war (Brief, n.d). Machar was reinstated to his previous post as vice president in accordance with the Revitalized Agreement on the Settlement of the Conflict in South Sudan (Darboe, 2022).

As soon as the civil war in South Sudan was declared over at the end of October 2018, Machar made his way back into the country in time to participate in a statewide celebration of peace. Reports of continued attacks and violations, as well as the failure of many past peace deals, raise concerns that the fragile ceasefire may not endure. It is impossible to verify official casualty numbers; however, a study that was published in April 2018 suggested that almost 400,000 people

had been murdered over the course of the conflict's five years, and that approximately 4 million more had been displaced within the nation or fled the nation altogether. Although it is impossible to verify official casualty numbers, it is possible to estimate the number of people who have been killed (Afriyie et al., 2020).

In late December 2013, the United Nations Security Council approved the swift deployment of some 6,000 security forces to aid in nation-building efforts (Dobbins, et al., 2019). An increase of personnel would be added to the current garrison of 7,600 soldiers. The extraordinary decision to change the mission's mandate from nation-building to civilian protection was adopted by the Security Council in May of 2014. With this resolution, they also gave the UN forces the permission to use force. Due to the deteriorating security situation and strained relationship, it has with the government, the United Nations Mission in the Republic of South Sudan has encountered considerable hurdles ever since it changed its mission to one of protection (Stammes, 2015). The United Nations Security Council approved posting an additional 4,000 peacekeepers to a regional protection force in 2016, but their deployment wasn't really implemented until August of 2017 (Dobbins, et al., 2019).

Ongoing Conflict in Sudan (2023)

The history of conflicts in Sudan has been characterized by a range of complex factors, including foreign invasions, ethnic tensions, religious disputes, and competition over resources. Modern Sudanese history has seen two civil wars between the central government and southern regions, resulting in the deaths of 1.5 million people. Conflict also persists in the western region of Darfur, where more than 200,000 people have been killed and two million displaced.

On April 15, 2023, a violent conflict erupted between the Rapid Support Forces (RSF) and the Sudanese Armed Forces (SAF) in various locations, including Khartoum and its airport. Clashes occurred at the Presidential Palace and the residence of General al-Burhan. The SAF retaliated by closing all airports and conducting airstrikes on RSF positions, leading to the capture of Sudan TV's headquarters by RSF forces. The conflict escalated with heavy weaponry being used, and the SAF accused the RSF of attacking civilians and carrying out acts of looting and burning (Aljazeera, 2023). Despite a ceasefire, fighting persisted, and mass escapes occurred in several prisons. The situation worsened as intercommunal clashes were reported, with the World Health Organization expressing concern over the seizure of the National Public Health Laboratory. The fighting continued, with heavy artillery fire reported in Omdurman, and the SAF launched an all-out attack to flush out the RSF using air strikes and heavy artillery. Civil servants were placed on open-ended leave, and almost 5,000 people were reported injured since the conflict began (United Nations, 2023).

As of May, the conflict continued to ravage various areas of Sudan, including Khartoum, Khartoum Bahri, Omdurman, and Darfur. The Sudanese Armed Forces reported reducing the Rapid Support Forces' combat capabilities, while the RSF claimed to have shot down a MiG fighter jet (BBC, 2023). Despite the arrival of the head of emergency relief for the United Nations to inspect aid operations, there was no clear resolution to the conflict (Aljazeera, 2023). The Turkish embassy in Khartoum was relocated to Port Sudan after the Turkish ambassador's car was hit by gunfire, with both sides of the conflict blaming each other for the attack (Aljazeera, 2023).

According to official reports from the World Health Organization (WHO) and Sudan's Federal Health Ministry, as of 9 May, a minimum of 700 individuals have lost their lives, and over 5,100 others have suffered injuries (United Nations, 2023). Meanwhile, the Sudan Doctors Syndicate reported a death toll of at least 487 civilians and 2,175 others injured. Additionally, the United Nations Children's Fund (UNICEF) reported that at least nine children have died, and 50 others have sustained injuries during the hostilities (Aljazeera, 2023). Save the Children UK released a statement on 6 May indicating that the number of children killed in the conflict has reached a minimum of 190. However, medical personnel on the ground have cautioned that these figures do not account for all casualties, as many people have not been able to access medical care due to mobility constraints. A spokesperson for the Sudanese Red Crescent remarked that the number of casualties was significant (Aljazeera, 2023).

Negative Impact of Sudan Conflict

- i. Starvation: As a result of the second wave of fighting in Juba, the situation in Sudan swiftly deteriorated after it had previously been stable. In a country that was already battling with a lack

of food security, the number of people in this region, which is the agricultural heart of the country, has climbed to 6 million. This is despite the fact that this region is the country's agricultural hub (Al Jazeera, 2016). In February of 2017, the administration of Unity state and the United Nations made a joint declaration that the state was experiencing a famine. This was the first such declaration anywhere in the world in the previous six years. A few days after the famine was declared, the government hiked the cost of a business visa from \$100 to \$10,000, a move that was specifically directed at humanitarian workers (Alaraby, 2017).

- ii. Internally Displaced Persons: Over 2.5 million people have fled to neighbouring countries, particularly Chad, Central African Republic and Ethiopia, while another 1.8 million have been displaced within their own country (Washington Post, 2018). The number of people who are currently being compelled to leave their homes in this country is now the third highest in the world, behind only that of Syria and Afghanistan. Around eighty-six percent of those who have fled their homes are women and/or children (Al Jazeera, 2017). According to Newsweek (2017), Sudan has maintained a policy of unprecedented generosity during the past year, as evidenced by the fact that the country took in more refugees in 2016 than the entire number of migrants who made it across the Mediterranean into Europe. Families of refugees are each given a plot of land measuring 30 feet by 30 feet, on which they can build a home and yet have enough of space left over for farming. The Refugee Settlement in Sudan has quickly become one of the largest refugee camps in the world in the short amount of time that has passed since its establishment (The Guardian, 2017).
- iii. High Mortality Rate: Allegedly, 66 soldiers died in Juba's battles on and around the 15th, while at least 800 more soldiers were injured over the first two days of fighting after the combat began (BBC, 2013). According to a humanitarian worker in the country, the death toll was likely in the tens of thousands as of December 23rd, much beyond the anticipated 1,000 deaths (Howden, 2013). The International Crisis Group released a report on their findings on January 9, 2014, which stated that it was estimated that up to 10,000 people had lost their lives. The International Crisis Group estimated between 50,000 and 100,000 deaths in a report released in November 2014. Radio Tamazuj (2014) cited a report by a top SPLA officer who stated in November 2014 that the number of government soldiers dead and wounded had surpassed 20,000. According to the senior officer, 10,659 soldiers were killed and 9,921 were seriously injured between January and October of 2014. Off-the-record estimates made in March of 2016, after the fight had already lasted for over two years, estimated the true figure could reach as high as 300,000 (Wayback Machine, 2014). An April 2018 study by the London School of Hygiene and Tropical Medicine estimated that 383,000 people had died as a direct result of the conflict; of these, 190,000 may be directly attributed to violence, with the vast majority of deaths happening in the states of Jonglei, Unity, and Equatoria. The true number of casualties may be substantially higher (Beuters, 2018).

On the 18th of December, two Indian United Nations soldiers were killed as militants took control of their base. In addition, three Osprey planes belonging to the United States military were attacked by hostile fire, resulting in the injury of four US personnel (BBC, 2013).

Violation of Geneva Provision in Sudan Conflict

The Sudanese conflict has reportedly resulted in a number of violations of the Geneva Conventions, particularly in the Darfur region. A campaign of brutality and repression by the Sudanese government in response to Darfur rebel groups taking up arms against them in 2003 signified the beginning of the conflict. Many widespread violations of human rights have been committed during the conflict, which has caused millions of people to be displaced. Some of these violations include:

- i. Attacks on Civilian Center: The United States of America and various other relief organisations have accused the government of purposefully delaying aid in order to starve off citizens who support rebels as a sort of collective punishment (Kaupperman, 2022). Wek Ateny, a spokesman for the president, briefed media on the news that rebel soldiers had assaulted the hospital in Bor and killed 126 of the 127 patients who were inside. It appears that the rebels chose to spare a blind elderly man (Odera, 2014). As of the 31st of January, 2014, 240 members of the staff and patients of Doctors without Borders in Leer, which is located in the state of Unity, were forced to

flee into the surrounding bush because government troops were attacking the town in violation of a negotiated cease-fire agreement. Thousands of residents fled to the nearby forests. The vast majority of Doctors without Borders' former employees based in Leer were unable to get in touch with their organisation at any point in time (Enough, 2014). A possible motive for the government's invasion is that it is Riek Machar's hometown (Voice of America, N.d). On April 18, the United Nations reported that at least 58 people had been killed and over 100 others had been injured in an attack on a facility in South Sudan that was protecting hundreds of civilians. On April 17, 2014, an attack on the United Nations installation in Bor resulted in the deaths of 58 people (Daily Star Online, 2014). As many as 48 innocent persons were killed, while just 10 of the attackers were killed (The Guardian, 2014). The Secretary-General of the United Nations, Ban Ki-moon, referred to the attack on peacekeepers as a war crime, and the United Nations Security Council expressed its horror at the occurrence (Steve, 2014). Late in 2016, the government launched an assault on Yei, which resulted in the total destruction of three villages and the destruction of more than 3,000 houses in just one of those communities (Voice of America, 2017).

- ii. **Ethnic Cleansing:** Both the SPLM and the SPLA, which has been accused of being governed by the Dinka, engaged in a struggle with racial overtones (Esuruku, 2021). There was a great deal of speculation that the Jieng Council of Elders, which is a conservative Dinka lobbying group, was the driving force behind many of the more radical policies taken by the SPLM (Nyaba, 2019). Throughout its history, the SPLA has drawn its soldiers from a very diverse group of different tribes. Despite this, the majority of the SPLA's fighters throughout the war hailed from the Dinka homeland in Bahr el Ghazal. As a result, the SPLA became known as "the Dinka army" within South Sudan (Alastair, 2017). Despite numerous allegations that it is responsible for extensive crimes, the SPLA maintains that the "Mathiang Anyoor" (brown caterpillar) organisation, also known as the "Dot Ke Beny" (Save the President) group, is nothing more than another battalion (Alastair, 2017). There were charges that Dinka soldiers led by Mathiang Anyoor carried out pogroms in the suburbs of Nuer towns shortly after the purported coup in 2013 in Malakal, which was held by the government, and there were reports of door-to-door searches of Nuers in government-held Malakal (The Guardian, 2013). During an assault on a police station in the Gudele neighbourhood of Juba, at least 240 male Nuer were gunned down and killed. During the fighting that took place in the Upper Nile region in 2016–2017 between the SPLA and the SPLA–IO affiliated Upper Nile group of Uliny, the Shilluk who lived in Wau Shilluk were forced to flee their homes (ABC News, 2017). When the South Sudanese government moved approximately 2,000 citizens, the majority of whom were Dinka, to unoccupied districts, Yasmin Sooka, the chair of the Commission on Human Rights in South Sudan, accused the government of "social engineering" (ABC News, 2017). According to the monarch of the Shilluk Kingdom, Kwongo Dak Padiet, his people are facing a death sentence that can be interpreted both literally and symbolically. In the Equatoria region, it has been alleged that Mathiang Anyoor and the Dinka army committed a number of atrocities, deliberately targeting civilians based on their ethnicity (Alastair, 2017). Adama Dieng, the United Nations Special Adviser on the Prevention of Genocide, issued a stark warning after seeing battle zones in Yei. He stated that genocide is imminent (Star Tribune, 2017). Authorities of the Murle-led Boma State and Khalid Boutros of the Cobra faction have accused the SPLA of supporting attacks by Dinka from Jonglei state against Boma state. Moreover, in 2017, soldiers from Jonglei state invaded Kotchar, which is located in Boma state (Radio Tamazu, 2017). Machar, the head of an SPLM-IO faction that was mostly Nuer, was responsible for the deaths of people of Bor, most of whom were Dinka, in 1991. In April of 2014, when rebels retook the city of Bentiu, they conducted the massacre at the mosque, in which they caused the deaths of two hundred people who were worshipping there. After isolating the people, the rebels carried out their executions by choosing victims from a variety of different ethnic groups (Yahoo News, 2014).
- iii. **The Use of Child Soldiers:** According to UNICEF (2017), since the beginning of the conflict, more than 17,000 child soldiers have been utilised on both sides, with 1,300 of them being recruited in the year 2016. As a matter of fact, the use of child soldiers in insurrections is traceable to the first civil war in Sudan of 1955-1972, in that the south Sudanese forces did not have enough resources and manpower to launch a conventional attack against the northern government so

they opted for guerrilla warfare and recruited children in their battle against the government (UNICEF, 2016).

- iv. Violence against United Nations Troops and Foreign Workers: There has been a shift in the government's level of violence directed at international peacekeepers, humanitarian workers, and diplomats, and this shift has been related to escalating tensions with the United Nations and other external powers over the government's conduct (FP, 2016). The Minister of Cabinet Affairs has indicated that nongovernmental organisations (NGOs) are looked at with suspicion because "most of the humanitarian groups are here to spy on the government" (Alaraby, 2017). During the fighting in Juba in 2016, five international aid workers were victims of a gang sexual assault committed by between eighty and one hundred members of the South Sudanese military who burst into the Terrain hotel. Chinese troops did nothing to assist the victims (Burke, 2016). In the month of July, members of the military stormed into a warehouse belonging to the World Food Programme and stole enough food to feed 220,000 people for a month, with a total value of approximately \$30 million. In July, two Chinese troops were murdered when a rocket-propelled grenade was launched near their vehicle, and the government denied them access to a clinic that was located 16 kilometres away from where the attack occurred (FP, 2016). In the month of December 2016, two employees of the Norwegian Refugee Council were kicked out of the country against their will (Fox News, 2016). Six aid workers were killed in an ambush that took place on March 25, 2017, bringing the total number of relief workers who have been killed as a result of the conflict to at least 79. This ambush was the deadliest attack that has ever been carried out against anyone working in the relief effort (BBC, 2017).

In the meantime, the rebels were not without their fair share of violent activity. On August 26, 2014, a Russian Mi-8 freight helicopter serving the United Nations was shot down, resulting in the deaths of three Russian crew members and the injury of one other. Nine days earlier, rebel commander Peter Gadet had threatened to shoot down United Nations aircraft that he believed were bringing government forces (Associated Press, 2014).

CONCLUSION

In conclusion, the Geneva Convention is a set of international treaties that provide for the protection of prisoners of war, civilians, and cultural property during armed conflicts. The purpose of this paper was to examine the provisions of the Geneva Convention, as well as to analyze specific conflicts where the convention was applied or violated. The Sudanese Conflict was used as a case study to illustrate the application and violation of the convention protocol. It is important to note that the Geneva Convention continues to be relevant today and its provisions are still violated in current conflicts such as Syria, Yemen, and Myanmar. The international community must continue to uphold the principles of the convention and hold those who violate it accountable.

Given the ongoing violation of the Geneva Convention protocol, it is recommended that further research be conducted on the implementation and enforcement of the convention in current conflicts. Additionally, it is recommended that steps be taken to increase awareness and education about the convention, particularly among military personnel and policymakers, to ensure that its provisions are respected and upheld in future conflicts. Furthermore, it is crucial to continue to advocate for the respect of the convention and to hold those who violate it accountable through the International Criminal Court and other international justice mechanisms.

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