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EVOLUTION OF INTERNATIONAL HUMANITARIAN LAW: FROM WORLD WAR I TO CONTEMPORARY ARMED CONFLICTS

The article is devoted to a comprehensive analysis of the historical evolution of international humanitarian law from World War I to contemporary armed conflicts. The study examines key stages in the formation of international standards for the protection of war victims and identifies patterns in the development of legal norms in response to the tragic experience of global conflicts.

World War I demonstrated the profound inadequacy of existing legal mechanisms to address the realities of industrial warfare. The mass use of chemical weapons, an unprecedented number of prisoners of war, and insufficient legal regulation of their status became catalysts for the revision of the Geneva Conventions and the adoption in 1929 of a separate convention on the treatment of prisoners of war. An important innovation was the introduction of a system of neutral supervision over compliance with humanitarian obligations.

World War II, which claimed the lives of 70-85 million people, the majority of whom were civilians, fundamentally changed approaches to humanitarian law. Systematic crimes against humanity, concentration camps, and mass deportations of populations necessitated the creation of a comprehensive protection system.

The adoption of the four Geneva Conventions of 1949 marked a turning point in the development of international humanitarian law. Revolutionary innovations included the introduction of Common Article 3 for non-international conflicts, the concept of grave breaches, and the principle of universal jurisdiction. The Additional Protocols of 1977 expanded protection for victims of both international and internal armed conflicts.

Contemporary challenges, including Russia's aggression against Ukraine, confirm the relevance of international humanitarian law norms and reveal problems in their practical implementation. Systematic violations of the Geneva Conventions demonstrate the critical importance of creating effective accountability mechanisms and developing comprehensive programs for medical and psychological rehabilitation of those affected by armed conflicts.

Key words: *international humanitarian law, Geneva Conventions, World War I, World War II, war crimes, protection of civilian population, prisoners of war, grave breaches, military personnel, armed conflicts, rehabilitation of war victims.*

Statement of the problem. International humanitarian law constitutes one of the most important branches of contemporary international law, designed to limit human suffering during armed conflicts and protect those who do not take or have ceased to take part in military operations. In the context of the ongoing armed aggression of Russia against Ukraine, accompanied by systematic violations of the Geneva Conventions, the question of the effectiveness of international humanitarian law becomes particularly acute. Understanding the historical evolution of this legal system – from the tragic lessons of the First World War through the horrors of the Second World War to the contemporary challenges of the 21st century – is a necessary prerequisite for developing effective mechanisms to protect victims of war, including systems for medical and psychological

rehabilitation of military personnel, their family members, and the civilian population. It is precisely the historical experience of forming international standards of humanitarian protection that allows us to identify patterns in the development of legal norms in response to new forms of armed violence and determine promising directions for improving both international and national legislation in the field of human rights protection during war.

Analysis of recent research and publications.

The issue of the development of international humanitarian law has been researched by numerous scholars and practitioners. Fundamental works of the International Committee of the Red Cross, particularly commentaries on the Geneva Conventions, laid the foundation for scientific understanding of the evolution of humanitarian norms. Significant

contributions to the study of historical aspects have been made by the works of foreign scholars, namely: Jean Pictet, Frits Kalshoven, Liesbeth Zegveld, Jean-Marie Henckaerts, Louise Doswald-Beck, Marco Sassòli, Christopher Greenwood, Robin Geiss-O'Brien, and Niall Davis. Among Ukrainian scholars, it is worth noting works dedicated to the implementation of international humanitarian law into national legislation and its application in the conditions of Russian aggression. At the same time, despite a significant body of scientific literature, a comprehensive analysis of the historical evolution of international humanitarian law in the context of its significance for building systems of medical and psychological rehabilitation for victims of armed conflicts remains insufficiently researched, which determines the relevance of this study.

Task statement. Analysis of the evolution of international humanitarian law from the First World War to the present, identification of key stages of its development, and determination of the influence of the tragic experience of armed conflicts on the formation of international standards for the protection of war victims, which constitutes a necessary foundation for developing effective mechanisms of medical and psychological rehabilitation in conditions of ongoing military operations.

Outline of the main material of the study. The First World War (1914–1918) became a turning point in the development of international humanitarian law, demonstrating the profound inadequacy of existing legal norms to the realities of modern industrial warfare. The conflict, which claimed the lives of more than 17 million people and wounded approximately 22 million, turned out to be not simply more extensive than previous wars, but a qualitatively different phenomenon requiring a fundamental rethinking of legal mechanisms for protecting victims of armed conflicts.

Before 1914, international humanitarian law was based primarily on the Geneva Convention of 1864 and its revised versions of 1906, which regulated the treatment of the wounded and sick in field armies, as well as on the Hague Conventions of 1899 and 1907, which established rules for the conduct of war. However, none of these agreements was designed for the scale and specificity of trench warfare that unfolded on European theaters of military operations. Static positional warfare, where millions of soldiers spent months in trenches on small sections of the front, created conditions for unprecedented losses and suffering that existing law could not adequately regulate.

The use of chemical weapons became a particularly acute problem. Although the Hague Declaration of 1899 and the Hague Convention of 1907 prohibited the use of poisonous substances in war, these norms proved ineffective. In April 1915, German forces first used gaseous chlorine on a massive scale against French and Canadian positions near Ypres [1], marking the beginning of a new era of chemical warfare. According to various estimates, throughout the war, chemical weapons, including chlorine, phosgene, and mustard gas, resulted in 1.3 million casualties and approximately 90,000 deaths. Although these figures represented only 3–3.5% of total losses, they had an extraordinarily strong psychological impact due to the horrific nature of the suffering caused by gas weapons [2].

No less serious was the problem of the absence of adequate legal protection for prisoners of war. Before the First World War, legal regulation of the status of prisoners of war was based primarily on customary norms and individual provisions of the Hague Conventions, which were far from comprehensive and detailed. However, the scale of detention during the war proved unprecedented: millions of military personnel found themselves in prisoner-of-war camps, where they remained for months and even years [3].

This situation caused a conceptual shift in the perception of the status of prisoners of war in international law. If previously prisoners were viewed primarily as «disarmed combatants» whose special privileges derived from their former status as fighters, the experience of the First World War contributed to the formation of an understanding of prisoners of war as persons requiring humanitarian protection regardless of their previous role in the conflict [3]. This new understanding found its embodiment in the Geneva Convention on the Treatment of Prisoners of War of 1929, which for the first time created a comprehensive system of legal protection for prisoners, establishing detailed standards for their detention, feeding, and treatment.

An important innovation that emerged as a result of the experience of the First World War was the introduction of a system of neutral supervision over compliance with humanitarian obligations. Before the war, the issue of monitoring compliance with the norms of the Geneva Conventions remained an unresolved problem, since none of the International Committee of the Red Cross proposals regarding verification mechanisms received support from major powers [3]. However, the scale of violations during the war and the need to provide families with

information about the fate of prisoners of war forced states to agree to the creation of the institution of the protecting power and recognize the special role of the ICRC in monitoring compliance with humanitarian law.

The Second World War (1939–1945) became the most destructive conflict in human history, the scale of which forced the international community to rethink the very essence of humanitarian law. According to various estimates, the war claimed the lives of 70 to 85 million people, of whom approximately 60–67% were civilians [4]. These figures in themselves testify to a radical change in the nature of armed violence compared to all previous conflicts: if in the First World War the ratio of military to civilian casualties was approximately equal, in the Second World War the civilian population constituted the majority of deaths.

A distinctive feature of the crimes of the Second World War was that they were largely committed not in the heat of battle, but as a result of deliberate state policy. Concentration camps where medical experiments were conducted on prisoners, mass deportations of population, deliberate creation of conditions for famine and epidemics – all of this represented forms of violence that were not anticipated by existing conventions. The Geneva Convention of 1929 on prisoners of war proved powerless in the face of the systematic destruction of Soviet prisoners of war in German camps, where about three million people perished.

The response to these horrors was not only the adoption of new conventions but also the creation of a precedent for individual criminal responsibility for war crimes. The Nuremberg and Tokyo Tribunals (1945–1946) for the first time in history held state leaders and military personnel accountable for crimes against humanity and war crimes [5]. These judicial proceedings laid the foundation for the further development of international criminal law and the principle according to which reference to orders from superior commanders does not exempt from personal responsibility for violations of the laws and customs of war.

The experience of the Second World War convincingly demonstrated that the protection of the civilian population is a critical priority of humanitarian law. Before 1949, there was no international treaty that comprehensively regulated the protection of civilians during war. The existing provisions of the Hague Conventions were fragmentary and insufficient. The terrible consequences of city bombings, including the use of nuclear weapons against Hiroshima and

Nagasaki, mass deportations of population from occupied territories, the creation of ghettos and camps for civilians – all of this demanded the development of new legal standards.

In this context, the International Committee of the Red Cross in 1945 began preparations for developing revised conventions [6]. The Conference of National Red Cross Societies in Stockholm in 1948 prepared the ground for a diplomatic conference that would radically change international humanitarian law.

On August 12, 1949, at the diplomatic conference in Geneva, four conventions were adopted that fundamentally transformed international humanitarian law and laid the foundation for its contemporary architecture. These treaties became a response to the tragic experience of the Second World War and embodied the vision of the international community regarding the need for comprehensive protection of all categories of victims of armed conflicts.

The structure of the four conventions reflected the evolution of understanding of who requires protection during war. The First Convention is devoted to ameliorating the condition of the wounded and sick in armed forces in the field, continuing the tradition established as early as 1864. The Second Convention concerns the wounded, sick, and shipwrecked members of armed forces at sea. The Third Convention regulates the treatment of prisoners of war, significantly expanding and detailing the provisions of the 1929 convention. The Fourth Convention became the most revolutionary document, as it for the first time established comprehensive protection of the civilian population during war, filling a critical gap in international law [6].

One of the most important innovations of the 1949 conventions was Common Article 3, which is contained in all four conventions in identical wording. This article establishes minimum standards of humane treatment in non-international armed conflicts – that is, in civil wars and internal conflicts. Before 1949, international humanitarian law practically did not regulate internal conflicts, considering them exclusively an internal affair of states. Common Article 3 became a compromise between those who believed that the conventions should apply to all armed conflicts of sufficient scale and those who insisted on their application only to international conflicts [7].

Common Article 3 prohibits under any circumstances and at any time with respect to persons not taking direct part in hostilities: violence to life and person, taking of hostages, outrages upon personal dignity, in particular humiliating and

degrading treatment, and the passing of sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court. The article is often called a «mini-convention» or a «convention within a convention» because it establishes fundamental humanitarian standards regardless of the nature of the conflict.

Another revolutionary provision was the introduction of the concept of «grave breaches» of the conventions. Each of the four conventions contains articles (respectively articles 49, 50, 129, and 146) that define a list of the most serious violations equated to war crimes. Grave breaches include: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer of civilian population, compelling a prisoner of war to serve in the forces of the hostile power [8].

Particularly important was the consolidation of the principle of universal jurisdiction for grave breaches of the conventions. States parties are obliged to take measures to search for persons who have committed or ordered the commission of grave breaches and to bring such persons to criminal responsibility regardless of their citizenship or the place where the crime was committed. If a state does not wish to prosecute the suspect, it is obliged to extradite them to another state party for prosecution [9]. This provision is based on the conviction that grave breaches of the conventions are such serious crimes that all states have an obligation to bring those responsible to justice.

The 1949 conventions also strengthened the role of the International Committee of the Red Cross as the primary actor in monitoring compliance with humanitarian law. The ICRC received the right to visit prisoners of war and interned civilians, provide humanitarian assistance, and facilitate the application of the conventions. The institution of the protecting power, introduced during the First World War, was formalized and regulated in detail.

The adoption of the Geneva Conventions of 1949 was an unprecedented success of international cooperation. To date, all 196 states have ratified these conventions, making them the most universally recognized international treaties in human history. Moreover, many provisions of the conventions have become part of customary international law and therefore apply even to states and non-state armed groups that are not parties to the treaties [10].

The period between the adoption of the Geneva Conventions of 1949 and the mid-1970s revealed

new gaps in international humanitarian law. Decolonization processes, numerous wars of national liberation, internal conflicts, and the experience of the war in Vietnam demonstrated the need for further development and clarification of existing norms. In response to these challenges, on June 8, 1977, the diplomatic conference in Geneva, which worked during four sessions from 1974 to 1977, adopted two Additional Protocols to the Geneva Conventions.

The First Additional Protocol expanded protection for victims of international armed conflicts. It established detailed rules for the conduct of hostilities and protection of the civilian population. In particular, it codified the principle of distinction between civilian objects and military objectives, prohibited indiscriminate attacks, and established rules of proportionality in planning military operations. The Protocol also strengthened protection of medical units and personnel, prohibited certain methods and means of warfare that cause excessive suffering [11].

The Second Additional Protocol for the first time regulated in detail the protection of victims of non-international armed conflicts, significantly expanding the minimum standards of Common Article 3. The Protocol established humanitarian norms for civil wars, prohibited acts of violence against life, health, or physical or mental well-being of persons, torture, and inhuman treatment. It also ensured protection of medical activities and humanitarian assistance in internal conflicts [12].

At the beginning of the 21st century, international humanitarian law continues to evolve in response to new challenges that question traditional approaches to regulating armed conflicts. Terrorism and asymmetric conflicts, where non-state armed groups oppose regular armies, create difficulties in applying traditional norms developed for wars between states. Cyber warfare and the use of unmanned aerial vehicles require new legal approaches to defining lawful military objectives and methods of warfare. Private military companies operate in a legal gray zone, as existing conventions did not anticipate the emergence of such actors on the battlefield.

The armed aggression of Russia against Ukraine, which began with the occupation of Crimea in 2014 and escalated to a full-scale invasion on February 24, 2022, demonstrated the critical importance of the Geneva Conventions and their Additional Protocols in the modern world. Both states are parties to the Geneva Conventions of 1949 and the First Additional Protocol of 1977 [12], making the application of these norms to the conflict indisputable.

International organizations and independent researchers have documented numerous violations of international humanitarian law by Russian armed forces. Systematic attacks on civilian infrastructure, including hospitals, schools, residential buildings, and energy facilities, violate the fundamental principle of distinction between military and civilian objects. Torture and inhuman treatment of prisoners of war constitute grave breaches of the Third Geneva Convention. Deportation of the civilian population, especially children, from occupied territories to Russia is a crime against humanity and a violation of all Geneva Conventions.

Conclusions. Thus, historical analysis of the development of international humanitarian law demonstrates its direct connection with the tragic experience of armed conflicts. The First World War revealed the insufficiency of existing legal norms to protect victims of industrial warfare, leading to the formation of new standards regarding the prohibition of chemical weapons and treatment of prisoners of war. The Second World War, with its unprecedented casualties among the civilian population and systematic crimes against humanity, became a catalyst for the adoption in 1949 of four Geneva Conventions, which laid the foundation of the modern system

of protection for war victims. The introduction of the concept of grave breaches, the principle of universal jurisdiction, and Common Article 3 for non-international conflicts was a revolutionary step in recognizing the need to protect human dignity even during the most brutal military operations.

Contemporary armed conflicts, particularly Russian aggression against Ukraine, confirm the unwavering relevance of international humanitarian law norms and simultaneously reveal new challenges for their implementation. Systematic violations of the Geneva Conventions, including attacks on civilian infrastructure, torture of prisoners of war, and deportation of the civilian population, demonstrate the critical importance not only of the existence of legal norms but also of creating effective mechanisms for their enforcement and bringing the guilty to justice. In the context of medical and psychological rehabilitation of victims of armed conflicts, understanding the historical evolution of humanitarian law is a necessary foundation for developing comprehensive national and international support programs that take into account both the legal guarantees of protection for war victims and practical mechanisms for their implementation in conditions of ongoing military operations.

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Шевцова А. В. ЕВОЛЮЦІЯ МІЖНАРОДНОГО ГУМАНІТАРНОГО ПРАВА: ВІД ПЕРШОЇ СВІТОВОЇ ВІЙНИ ДО СУЧАСНИХ ЗБРОЙНИХ КОНФЛІКТІВ

Стаття присвячена комплексному аналізу історичної еволюції міжнародного гуманітарного права від Першої світової війни до сучасних збройних конфліктів. Дослідження розглядає ключові етапи формування міжнародних стандартів захисту жертв війни та виявляє закономірності розвитку правових норм у відповідь на трагічний досвід глобальних конфліктів.

Перша світова війна продемонструвала глибоку невідповідність існуючих правових механізмів реаліям індустріальної війни. Масове застосування хімічної зброї, безпрецедентна кількість військовополонених та недостатність правового регулювання їхнього статусу стали каталізаторами для перегляду Женевських конвенцій та прийняття у 1929 році окремої конвенції про поводження з військовополоненими. Важливим нововведенням стало запровадження системи нейтрального нагляду за дотриманням гуманітарних зобов'язань.

Друга світова війна, що забрала життя 70-85 мільйонів людей, з яких більшість становили цивільні особи, фундаментально змінила підходи до гуманітарного права. Систематичні злочини проти людяності, концентраційні табори та масові депортації населення вимагали створення комплексної системи захисту.

Прийняття чотирьох Женевських конвенцій 1949 року стало переломним моментом у розвитку міжнародного гуманітарного права. Революційними стали запровадження спільної статті 3 для неміжнародних конфліктів, концепції тяжких порушень та принципу універсальної юрисдикції. Додаткові протоколи 1977 року розширили захист жертв як міжнародних, так і внутрішніх збройних конфліктів.

Сучасні виклики, включаючи російську агресію проти України, підтверджують актуальність норм міжнародного гуманітарного права та виявляють проблеми їх практичної імплементації. Систематичні порушення Женевських конвенцій демонструють критичну важливість створення ефективних механізмів забезпечення відповідальності та розробки комплексних програм медичної та психологічної реабілітації постраждалих від збройних конфліктів.

Ключові слова: міжнародне гуманітарне право, Женевські конвенції, Перша світова війна, Друга світова війна, воєнні злочини, захист цивільного населення, військовополонені, тяжкі порушення, військовослужбовці, збройні конфлікти, реабілітація жертв війни.

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