

The Applicability of International Humanitarian Law to Non-State Actors

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Abstract : In 1949, the ratification of the Geneva Conventions heralded the international community's adoption of a new universal and non-discriminatory approach to human rights in situations of conflict. However, with the proliferation of international terrorism after the 9/11 attacks on the United States (U.S.), the international community's uneven and contradictory implementations of international humanitarian law (IHL) questioned its agenda of universal human rights. Specifically, the derogation from IHL has never been so pronounced in the U.S. led 'War on Terror'. While an extensive literature has 'assessed the impact' of the implementation of the Geneva Conventions, limited attention has been paid to interrogating the ways in which the Geneva Conventions and its resulting implementation have functioned to discursively reproduce certain understandings of human rights between states and non-state actors. Through a discursive analysis of the Geneva Conventions and the conceptualization of human rights in relation to terrorism, this thesis problematises the way in which the U.S. has understood and reproduced understandings of human rights. Using the U.S. 'War on Terror' as an example, it seeks to extend previous analyses of the U.S.' practice of IHL through a qualitative discursive analysis of the human rights content that appears in the Geneva Conventions in addition to the speeches and policy documents on the 'War on Terror'.

Keywords : discursive analysis, human rights, non-state actors, war on terror

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