

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the preamble.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. Res. 206

Marking the 70th anniversary of the four Geneva Conventions of 1949, expressing concern about significant violations of international humanitarian law on contemporary battlefields, and encouraging United States leadership in ensuring greater respect for international humanitarian law in current conflicts, particularly with its security partners.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BOOKER

Viz:

1 Strike the preamble and insert the following:

Whereas the United States has ratified the four Geneva Conventions of 1949, along with Protocol III of 2005 (the “Geneva Conventions”);

Whereas 2019 marks the 70th anniversary of the four Geneva Conventions of 1949, which form a pillar of the law of armed conflict and international humanitarian law and serves as a reminder of the importance and continued relevance of these conventions in a world with proliferating and protracted armed conflicts, unprecedented displacement, and immense suffering;

Whereas the four Geneva Conventions of 1949 reflect more than just law; they reflect the universal recognition that wars must be fought humanely;

Whereas, at their core, the Geneva Conventions set out a fundamental obligation that people, even in times of armed conflict, must be treated with humanity;

Whereas the Geneva Conventions require all parties to armed conflicts, whether states or non-state armed groups, to comply with rules and basic principles that seek to preserve the lives and dignity of human beings, such as that: civilians and civilian objects must not be targeted; hospitals and medical personnel must be respected and must not be attacked; no one shall be subjected to torture or other forms of ill treatment; and rape and other forms of sexual violence are prohibited;

Whereas today's conflicts are marred by significant violations of the Geneva Conventions, the effects of which are apparent across armed conflicts, from restrictions on humanitarian access contributing to the world's worst cholera outbreak in Yemen, to the use of chemical weapons in Syria, in addition to attacks against civilians, and medical personnel and health facilities; to the Islamic State's use of civilians as human shields; to widespread killings, sexual violence, and forced displacement in countries such as Nigeria, South Sudan, the Democratic Republic of the Congo, Somalia, and elsewhere;

Whereas people detained in armed conflict, including prisoners of war (POWs), often suffer torture, abuse, and inhumane living conditions, such as insufficient food, water, and health services;

Whereas, while many states have taken significant steps to ensure humane treatment of detainees, and adequate living conditions, many others still fail to comply with basic standards of treatment and care as required by the Geneva Conventions;

Whereas, as mandated by the Geneva Conventions, the International Committee of the Red Cross (ICRC) plays a vital role in visiting detainees in situations of armed conflict with a view to preventing torture and other forms of ill-treatment, preventing disappearances, improving overall detention conditions, maintaining family contacts, and promoting judicial guarantees;

Whereas it is essential, as a critical component of its policies and diplomatic relations, that the United States affirms its commitment to not only respect the rules of the law of armed conflict and the Geneva Conventions but also to promote respect by its security partners in this regard;

Whereas, as the nature of warfare changes, the Geneva Conventions remain relevant to ensure wars are fought with limits;

Whereas the Geneva Conventions were intended to be adaptive to respond to new developments and domains in warfare, such as cyber operations, and, as such, new challenges do not undermine the importance or relevance of the Geneva Conventions or the law of armed conflict, but rather call for reaffirming, applying, and ensuring compliance with the Geneva Conventions and the law of armed conflict;

Whereas the United States Government should strive to ensure that our counterterrorism measures do not hinder the delivery of life-saving humanitarian assistance;

Whereas the United States has a long tradition of implementing and upholding the Geneva Conventions, not just as a matter of legal obligation but also because demonstrating respect for human life and protecting the vulnerable reflects the best traditions of a professional military force;

Whereas senior leaders in the United States Armed Forces often publicly recognize that minimizing civilian harm is central to mission effectiveness and therefore serves the national security interests of the United States; and

Whereas, as long as armed conflict remains a reality, there must also be a limit to human suffering, as outlined 70 years ago in the four Geneva Conventions of 1949, sets out these limits: Now, therefore, be it