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**World Health Organization
Research Report**

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Healthcare in Conflict Zones: Protecting Medical Neutrality and Access to Health Care.

DEFINITIONS:

Medical Neutrality: refers to a principle that aims to protect the innocent in times of war, there are four aspects to medical neutrality: first up is ensuring the safety of healthcare staff, patients, medical facilities, and transport from threats or disruptions, second is providing uninterrupted access to medical care, third is the compassionate and respectful treatment of all civilians, and last but not least is the unbiased treatment of the injured no matter their background.¹

The Hippocratic Oath: is an oath taken by physicians, it is a promise to do no harm, to do everything in their power to help patients in need, and lastly, to absolute discretion and confidentiality.²

The Rules of War (The IHL): is a set of rules put in place in order to reduce the casualties of armed conflicts and maintain a level of humanity during an active war which saves lives and minimizes suffering as much as possible, any breach of these rules is considered a war crime and the offending individual or country faces investigations by the states and international courts.³

International Law: is a set of rules to govern the relations between the states all around the world, it includes and tackles a wide range of subjects from economic or trade issues and human rights to space law and international organizations. The first international laws were war-related treaties.⁴

The Right to Health: is defined by four core determinants, simply put the right to health requires the availability of adequate food, housing, safe water, healthy environmental conditions, and lastly access to health-related information of all kinds.⁵

1 “Physicians for Human Rights - the Principle of Medical Neutrality.” PHR, 2 Nov. 2018, phr.org/our-work/resources/the-principle-of-medical-neutrality/.

2 “Hippocratic Oath | English Meaning - Cambridge Dictionary.” Cambridge Dictionary, dictionary.cambridge.org/dictionary/english/hippocratic-oath.

3 “What Is International Humanitarian Law?” ICRC - Comité International Genève, July 2004. https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/what_is_ihl.pdf.

4 “The Laws of War in a Nutshell.” *International Committee of the Red Cross*, 3 Oct. 2024, www.icrc.org/en/document/what-are-rules-of-war-Geneva-Conventions.

5 “About the Right to Health and Human Rights | Ohchr.” United Nations, UN, www.ohchr.org/en/special-procedures/sr-health/about-right-health-and-human-rights.

BACKGROUND:

Wars are a persistent constant in human history, in fact, it is one of the biggest similarities between modern humans and the earliest humans that roamed the earth centuries ago, from territorial wars to religious ones there has never been a period in recorded history without conflict between tribes, countries, and religions.

But unlike today's day and age, wars back in the day were not regulated with strict rules that protected non-combatants; there was no compassion to be found back then, the winner in battle had the right to anything and everything the loser had from territory and belongings to the women, children, and cattle available to them.⁶ Despite this fact, the idea of rules to regulate wars has always existed and is in no way new, one example is the "Code of Hammurabi", king of Babylon, which was made in order to prevent the strong from oppressing the weak, the code was imposed as early as 1750 B.C. Furthermore, religious wars are a very prevalent part of history as well, and unlike what one might think, they weren't cruelty-free either, even cited in the holy books the ways in which the enemy was treated. In spite of that, they were much more prone to mercy than other tribes, nations or empires during that time, adapting to allow war prisoners a chance at life as slaves who have rights, or to absorb soldiers into their own army.

In spite of those early efforts to achieve a "Just War", it wasn't until modern technology came into play that the leaders of the world realized the dire need to govern conflict in order to prevent total destruction and erasure of entire cultures, economies, or even societies, thus it was decided to draft and implement rules to regulate warfare. As a result, the first Geneva Convention took place in 1864, and the treaty drafted served as the baseline for all future treaties and declarations, with the basic idea of protecting innocents in mind. Since then, the world has progressed a lot in terms of clear, specific laws to regulate wars and limit casualties; signed by 193 member states of the UN, as well as non-member observer states, the International Humanitarian Law [IHL] stands as one of the most agreed upon collection of treaties in the world, but it was a gradual process, that took a lot of time and multiple conventions. Additional Protocols were added as recently as 2005, barely 20 years ago.⁷

6 Levie, Howard S. "History of the Law of War on Land." <https://international-review.icrc.org/sites/default/files/S1560775500175534a.pdf>.

7 "The History of the Law and the Rules of War." American Bar Association, 10 May 2024, www.americanbar.org/groups/senior_lawyers/resources/experience/2024-april-may/history-law-rules-war/.

GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

Amongst the rights enshrined in the law of war is the right to the highest attainable form of medical care which is a human right recognized in international law; “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health” is recognized by The International Covenant on Economic, Social and Cultural Rights. The right to health is one to be enjoyed by the general public but it also focuses on the medical needs of specific groups of people; women, children, persons with disabilities, migrants (documented or not), as well as persons living with HIV/AIDS.⁸ An essential element related to this right is the concept of medical neutrality, which entails the protection of medical healthcare providers that are operating in areas of conflict. Their neutrality is essential for the protection of the local population from the dangers of war and is therefore enshrined in the right to health protected by many protocols in IH and other conventions. Even though these laws are still breached in the 21st century, the international community implements consequences to punish those offending states, such as trade sanctions or other kinds of economic reprisals against the offending government.

TREATIES AND ORGANIZATIONS:

The Geneva Conventions: also known as the “Humanitarian Law of Armed Conflicts” are treaties that aim to limit the brutality and casualties of war, they are in place to protect those who do not fight or those who are no longer able to fight i.e. civilians, medics or aid workers as well as injured or sick troops and prisoners of war.⁹

The Hague Conventions: is a term that consists of multiple treaties and declarations, they contain rules that aim to regulate warfare; from the means and methods of warfare to the conduct of hostilities and occupation, it includes many consequential laws such as the Law of Hague and the Law of Geneva.¹⁰

The World Health Organization: is an international organization founded in 1948, and it is the directing and leading authority on international health within the United Nations system. It consists of professionals in health including doctors, epidemiologists, and scientists, the aim of this organization is to prevent diseases, expand access to healthcare, and respond to world-class health emergencies, as well as many other things like volunteer work.

8 “The Right to Health.” OHCHR, June 2008. <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf>

9 “The Geneva Conventions and Their Commentaries.” *International Committee of the Red Cross*, 28 June 2024, www.icrc.org/Geneva.Coventions.

10 “Hague Conventions.” *Hague Conventions | How Does Law Protect in War?* - Online Casebook, casebook.icrc.org/a_to_z/glossary/hague-conventions.

GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

The International Committee of the Red Cross (ICRC): is an impartial and independent organization dedicated to providing humanitarian aid and protection to individuals impacted by armed conflict and other forms of violence.¹¹

Doctors Without Borders (MSF): is an international, independent medical humanitarian organization, that provides medical assistance to those in need of it, they work based on medical ethics and the principles of impartiality.¹²

International Humanitarian Law (IHL): also known as the “Rules of War” is a set of rules that impose consequences on any country that breaks them during armed conflicts in hopes of limiting the effects of wars.¹³

CURRENT SITUATION:

Today, there are many armed conflicts around the globe involving not only countries, but armed non-state factors, as well as the funding necessary from the global superpowers, which affects millions of people every day, endangering their homes, lives and safety, and any attempt to provide human aid or medical care is extremely dangerous to everyone involved.¹⁴

Countless people from all across the globe need medical care that is unattainable to them because of these armed conflicts, the following countries are only a few examples from a much bigger crisis:

- **Myanmar (Burma)** has suffered a humanitarian crisis since the 2021 military coup, affecting all civilians, especially those living in southeast Burma where conflict-affected areas are most common, being trapped within the borders since neighboring countries are not accepting refugees as of current.

The current situation stems from the deliberate State Administration

11 “We Take Action, Not Sides.” ICRC, 27 Oct. 2024, www.icrc.org/en.

12 “Who We Are: MSF.” Médecins Sans Frontières (MSF) International, 4 Oct. 1995, www.msf.org/who-we-are?gad_source=1.

13 “What Is International Humanitarian Law?” ICRC - Comité International Genève, July 2004. https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/what_is_ihl.pdf.

14 “Today’s Armed Conflicts.” Home - The Geneva Academy of International Humanitarian Law and Human Rights, geneva-academy.ch/galleries/today-s-armed-conflicts

GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

Council's (SAC) attempts to hinder the delivery of human aid, including medical aid and services, to civilians in need, as well as the threats to human lives due to armed conflict, air strikes, and other forms of violence.¹⁵

- **Ukraine** had been facing many problems regarding healthcare even before the recent conflict started, but the state of healthcare has gotten way worse and has been steadily declining since the start of the war with Russia. Statistics show that an estimated 9 million Ukrainians live with chronic illnesses that will worsen soon, not to mention the routine public health campaigns like vaccinations which have been stopped, as well as the worsening tuberculosis epidemic the whole country faces. Hospitals and healthcare providers have also been consistently attacked, the World Health Organization has reported 715 attacks on healthcare facilities.¹⁶
- **Yemen** has lost around 50% of health care infrastructure – buildings, clinics, hospitals – from airstrikes and artillery attacks since 2018, it has been facing one of the world's biggest humanitarian crisis as well as regular outbreaks of vaccine-preventable diseases such as cholera, measles, and diphtheria. Yemen is experiencing shortages of staff, funds, electricity, different types of medicine, and equipment.¹⁷
- **Sudan** has lost, during the recent civil war and conflicts, an estimated 80% of hospitals in conflict-affected areas, rendering them unable to treat patients, not to mention the steadily decreasing amount of medical supplies, on top of other problems the region has been facing as a result of its geographical placement on the map causing mass migration to other regions, causing overpopulation problems and overwhelming what little hospitals and health care providers still remain.¹⁸

15 "Denied and Deprived: Local Communities Confronting the Humanitarian Crisis and Protection Challenges in Southeast Burma." *Karen Human Rights Group*, 9 June 2022, khrgh.org/2022/06/denied-and-deprived-local-communities-confronting-humanitarian-crisis-and-protection.

16 Goralnick, Eric. "Partnerships Are Key to Delivering Health Care in Conflict Zones." George W. Bush Presidential Center, 8 Feb. 2023, www.Delivering-health-care-in-conflict-zones.

17 "Yemen Crisis." *World Health Organization*, World Health Organization, 11 Apr. 2024, www.who.int/emergencies/situations/yemen-crisis.

18 "Sudan: Supporting People with Essential Health Care in Crisis." Stories - The Global Fund to Fight AIDS, Tuberculosis and Malaria, 19 Sept. 2024, www.theglobalfund.org/en/stories/2024/2024-09-19-sudan-supporting-people-essential-health-care-crisis/.

GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

It is within the interest of the international community to address these issues, in light of the proliferation of conflicts around the globe. This is especially true due to the destructive nature of said conflicts and its negative effects on the civilian population, leading to high strain on the healthcare systems that are starved of supplies by combating elements or are targeted directly and made unfunctional due to the fighting. The international community should work together to find proper measures to protect the functioning of medical healthcare systems during conflicts.

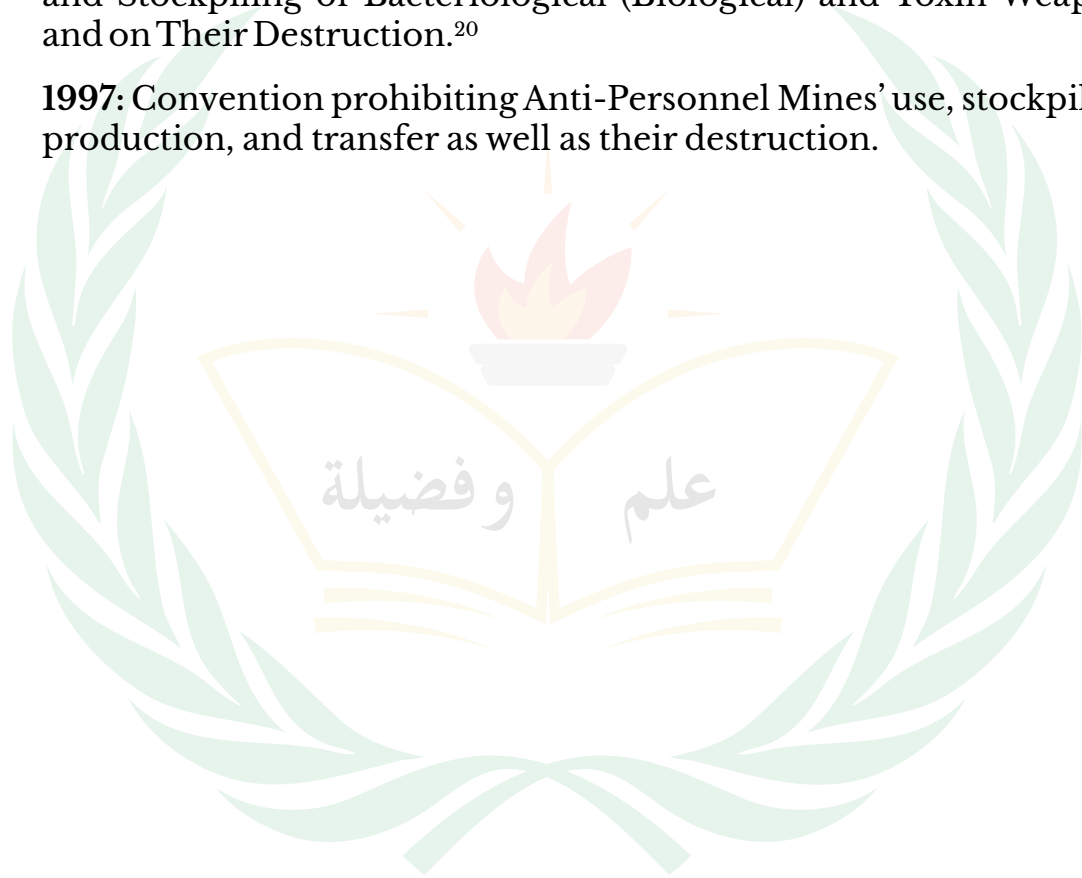
CRITICAL EVENTS AND TIMELINE:

- **1863: Lieber Code** - The first set of rules that addressed humanitarian concerns in warfare. Drafted by Professor Francis Lieber during the American Civil War. Outlining guidelines for the treatment of prisoners, civilians, and property, it marked a foundational moment for military humanitarian law.
- **1863: International Conference in Geneva** - The first international assembly in Geneva drafted resolutions that called upon countries to form a committee that supports medical services in times of war, which marked the early stages of the Red Cross movement.
- **1864: First Geneva Convention** - The Convention for the “Amelioration of the Condition of the Wounded in Armies in the Field” which formalized the protection of wounded soldiers.
- **1868: Additional Articles** - Which added to the Geneva Convention to expand protections for wounded soldiers in warfare.
- **1874: Brussels Declaration** - Drafted at an international conference organized by Russia, this declaration aimed to humanize land warfare.
- **1899: First Hague Peace Conference** - The “de Martens Clause” that was introduced here reinforced protections for populations under general guidelines of international law.
- **1906: Revised Geneva Convention** - Added updates to the original Geneva Convention that enhanced protections for the wounded and sick in armies, which remained active through World War I.
- **1907: Second Hague Peace Conference** - This conference expanded on the 1899 Hague Conventions, revising regulations on warfare and reaffirming certain prohibitions, including the dropping of projectiles from balloons.

GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

- **1929: Geneva Conventions on POWs and the Wounded** - Where different treaties were drafted for the treatment of war prisoners (POWs) and for the wounded in armies, this treaty stayed in effect even during World War II.
- **1949: Revised Geneva Conventions** - Included major updates and amendments that replaced earlier versions, addressing in detail POWs, wounded and sick soldiers, and civilians in wartime.¹⁹
- **1975: Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.**²⁰
- **1997: Convention prohibiting Anti-Personnel Mines' use, stockpiling, production, and transfer as well as their destruction.**



19 Levie, Howard S. "History of the Law of War on Land." <https://international-review.icrc.org/sites/default/files/S1560775500175534a.pdf>.

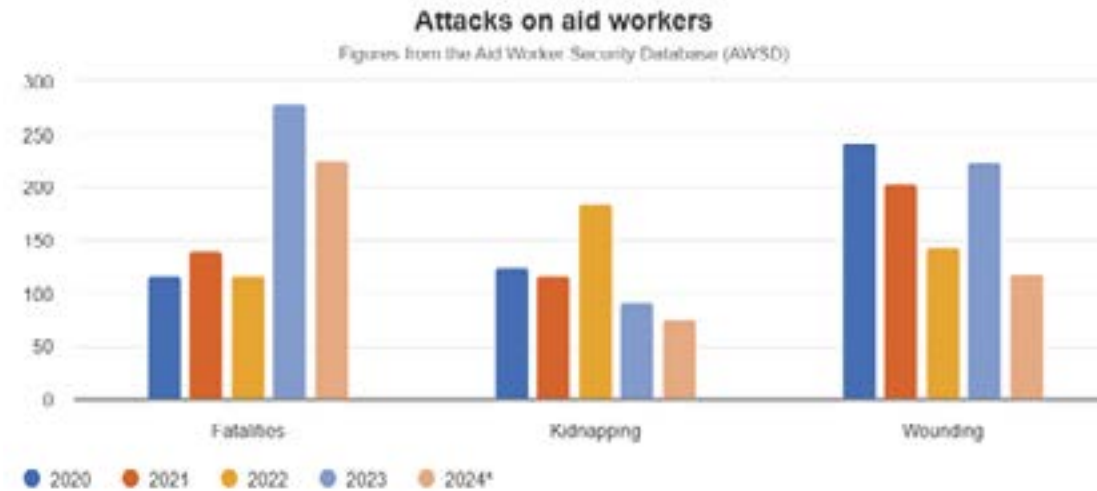
20 "The Avalon Project : Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972)." The Avalon Project Documents in Law, History and Diplomacy, avalon.law.yale.edu/20th_century/bact.asp.

QUESTIONS TO CONSIDER:

- How can countries impose consequences on offending states? Are economic sanctions an effective deterrent for countries that violate international wartime conduct, or do they only cause issues for civilians?
- How can the safety of medics and healthcare providers in conflict zones be ensured? Can the international community provide support and medical aid while making sure that the aid sent will not be intercepted or harmed?
- How can the countries surrounding conflict-ridden regions contribute to enforcing Medical Neutrality?
- Should the International Court of Justice be given more jurisdiction, power, and authority? Would that cause more problems or less?
- How can a country that denies passage to a human aid vehicle or damages it in any way make up for it? Will the responsible personnel be fined? How can the international bodies impose such a punishment?
- How can non-governmental organizations (like the ones mentioned above) improve the reach and safety of humanitarian aid in active conflict zones?
- What role does the United Nations play in mediating conflicts where the Laws of War, especially regarding the basic right of access to healthcare, were violated?
- What steps does your country take to help other countries suffering from a crisis?
- Does your country accept refugees and migrants from war-ridden regions?
- Is your country going through a crisis? If yes, what would help improve the quality of life? How do you expect other countries to support yours?

RELEVANT MEDIA AND HELPFUL RESOURCES:

International Statistics:



*As of 10/10/2024

[https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en#:~:text=International%20humanitarian%20law%20\(IHL\)%20is,groups%20during%20an%20armed%20conflict](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en#:~:text=International%20humanitarian%20law%20(IHL)%20is,groups%20during%20an%20armed%20conflict)



GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

The Geneva Conventions and Additional Protocol:

https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

The Laws of War (IHL):

<https://www.icrc.org/en/document/what-are-rules-of-war-Geneva-Conventions>

Timeline of events concerning IHL:

<https://archive.globalpolicy.org/intljustice/general/2001/timeline.htm>

The Right to Health:

<https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf>

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GALILEE MODEL UNITED NATIONS 2025

World Health Organisation Research Report

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