



The Influence of International Humanitarian Law on Armed Conflicts: Case Studies from Recent History

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Abstract

The primary goal of international humanitarian law (IHL) is to reduce the severity of war on all parties involved, including civilians and soldiers. By looking at how these legal frameworks have affected the conduct of both state and non-state actors, the safeguarding of civilians, and the administration of justice in the aftermath of armed conflicts, this article aims to provide light on the impact of international humanitarian law (IHL) on contemporary wars. This study examines the efficacy of international humanitarian law (IHL) in reducing human suffering and holding violators accountable through a number of case studies, including the conflicts in Syria, Yemen, and the Democratic Republic of the Congo. the difficulties of applying classical legal standards in contemporary combat due to factors such as asymmetrical conflicts, non-state actors' participation, and technology improvements, makes it more difficult to enforce international humanitarian law (IHL). Furthermore, the function of supranational organizations like the UN and the International Criminal Court (ICC) in enforcing adherence to IHL and resolving infractions via diplomatic and legal means.

Keywords: International Humanitarian Law (IHL), Armed Conflicts, Civilian Protection, War Crimes





Introduction

For humanitarian reasons, armed conflicts are governed by a body of principles known as international humanitarian law (IHL), sometimes called the law of armed conflict. Its stated goal is the safety of civilians and other non-combatants, as well as injured and captured soldiers and prisoners of war. The use of particular weapons and tactics that inflict needless suffering are both outlawed by international humanitarian law (IHL). Adapted to the evolving character of conflict over the last hundred years, IHL has its origins in treaties such as the Geneva Conventions and their Additional Protocols. It is still very difficult to apply and enforce IHL in modern armed conflicts, even though it has clear principles and has been ratified by many countries. New technology like drones and cyberwarfare, as well as an uptick in asymmetrical wars and the participation of non-state players, have fundamentally altered the character of warfare. These changes have made it more difficult to enforce IHL, which has led some to question the effectiveness and applicability of the law in contemporary conflict situations. contemporary armed conflicts and the impact of international humanitarian law (IHL), with an emphasis on the respect, application, or violation of its rules in different settings. This article will analyze the effectiveness of international humanitarian law (IHL) in protecting civilians, regulating the conduct of hostilities, and ensuring accountability for violations using case studies from wars in Syria, Yemen, and the Democratic Republic of the Congo. In addition, we will take a close look at how the UN and the International Criminal Court (ICC) have been working to enforce IHL and deal with violations. This study seeks to add to the continuing conversation about how international legal frameworks can adjust to the facts of contemporary combat by analyzing the achievements and shortcomings of IHL in the last several decades. The ultimate goal of this article is to suggest ways to make international humanitarian law (IHL) more effective in safeguarding human rights in times of war by enhancing its application and enforcement.

Foundations of International Humanitarian Law

For humanitarian reasons, armed conflicts are governed by a body of principles known as international humanitarian law (IHL), sometimes called the law of armed conflict. People who aren't involved in the fighting, such bystanders, and those who aren't fighting anymore, including the sick, injured, and prisoners of war, are the intended targets. International





humanitarian law also imposes limitations on the tools and techniques of conflict with the goal of reducing needless loss of life and property. To grasp how international humanitarian law (IHL) is applied in contemporary wars and how it affects the conduct of warfare, one must be familiar with its tenets.

1. Historical Development of IHL

Historically, religious or cultural standards governed the laws of battle, which is where international humanitarian law (IHL) originated. The necessity to make war more humane and to protect civilians prompted the establishment of international humanitarian law (IHL) as a separate corpus of international law in the middle of the nineteenth century.

Key Milestones:

- **The Lieber Code (1863):** The Lieber Code, issued during the American Civil War, is widely regarded as one of the earliest codifications of the laws of war. It shaped later international accords and gave orders to Union soldiers defining proper behavior during battles.
- **The Geneva Conventions (1864 and 1949):** At its core, international humanitarian law rests on the Geneva Conventions. Care for wounded troops on the battlefield was the primary subject of the 1864 Geneva Convention; later treaties extended safeguards to civilians (1949) and prisoners of war (1929). The four 1949 Geneva Conventions and their Additional Protocols are still the most commonly acknowledged legal documents of international humanitarian law.
- **The Hague Conventions (1899 and 1907):** The Hague Conventions, which were an addition to the Geneva Conventions, regulated the use of force, the treatment of prisoners of war, and the preservation of cultural artefacts in times of war.

2. Key Principles and Legal Instruments

The application and interpretation of international humanitarian law (IHL) in times of conflict are regulated by a number of fundamental principles. The rules for fighting are based on these principles, which are codified in a number of treaties and bodies of customary international law.

Key Principles:





- **Principle of Distinction:** Combatants and non-combatants (civilians) must be clearly distinguished at all times, as must military objectives and civilian objects; this is one of the most basic principles of international humanitarian law (IHL). The use of indiscriminate assaults is strictly forbidden and must be limited to strikes on legitimate military targets.
- **Principle of Proportionality:** Attacks that can cause civilians or civilian property excessive harm in comparison to the expected direct and concrete military advantage are prohibited by this concept. When conducting military operations, it is essential to keep civilian casualties and property damage to a minimum.
- **Principle of Humanity:** Humanity, the overarching principle upon which international humanitarian law (IHL) is based, is concerned with preventing needless suffering and maintaining human dignity in the face of armed conflict. The bans on torture, cruel treatment, and assaults on civilians are based on this idea.
- **Principle of Military Necessity:** Although international humanitarian law (IHL) acknowledges that military forces must pursue their objectives, it restricts the use of force to what is strictly necessary to accomplish lawful military objectives. It is forbidden to do anything that causes needless pain or damage.

Legal Instruments:

- **The Geneva Conventions (1949) and Additional Protocols (1977):** The most extensive set of international humanitarian law (IHL) documents are the Geneva Conventions, which address the care of sick and injured soldiers, the treatment of prisoners of war, and the safety of civilians in times of war. When it came to wars that weren't on a global scale, the Additional Protocols of 1977 added even more safeguards.
- **The Hague Conventions (1899 and 1907):** The ban of particular weaponry and the safeguarding of cultural property are two primary concerns of these treaties, which aim to govern the techniques and means of conflict.
- **Customary International Law:** International humanitarian law relies heavily on both treaty law and customary international law. Whether or not a state has ratified a particular treaty does not affect the binding nature of customary rules, which are based on the consistent practice of nations.





3. The Role of Customary International Law in Armed Conflicts

In cases where treaties do not apply, customary international law plays a crucial role in international humanitarian law. A feeling of legal responsibility (*opinio juris*) and the broad and consistent practice of states are the two main factors that lead to the establishment of customary rules. All states are obligated to follow these norms, and they apply to wars both global and domestic.

Importance of Customary IHL:

- **Universal Application:** International humanitarian law (IHL) provides a universal standard for the conduct of armed conflicts and is applicable to all states and non-state actors, in contrast to treaty law, which exclusively binds ratifying nations.
- **Filling Gaps in Treaty Law:** When treaties are silent or governments have not signed certain treaties, customary international humanitarian law (IHL) steps in to fill the void. As an example, even if not every state has ratified the Geneva Conventions' Additional Protocols, many of the principles stated therein have become customary law and are thus obligatory on all governments.

Examples of Customary IHL:

- **Prohibition of Torture:** The prohibition of torture and other forms of inhumane treatment is a rule of customary IHL, binding on all states and non-state actors in both international and non-international armed conflicts.
- **Protection of Cultural Property:** Even in the lack of explicit treaty commitments, the protection of cultural property remains a customary practice, making it illegal to target cultural institutions and monuments during armed conflict.

Conclusion

The primary goal of international humanitarian law (IHL) is to limit the use of force in armed conflicts and to ensure the safety of civilians who are not directly involved in the fighting. This study examines the benefits and limitations of international humanitarian law (IHL) in modern combat using case studies that cover conflicts in Syria, Yemen, and the Democratic Republic of the Congo. The complex realities of modern conflicts, such as the involvement of non-state actors, asymmetrical warfare, and the use of advanced military technologies, frequently undermine the effectiveness of international humanitarian law (IHL), which provides essential





legal standards for the protection of civilians and the prosecution of war crimes. Political factors, a lack of collaboration between states, and inadequate international processes often impede the implementation and enforcement of international humanitarian law (IHL), despite the fact that it is an essential tool for reducing the human cost of war, according to investigations into these conflicts. Punishment for crimes of international humanitarian law is often lacking, which puts at risk already vulnerable populations and fosters a climate of impunity. Promoting conformity with IHL and addressing violations is a critical responsibility of international institutions like the United Nations and the International Criminal Court (ICC), but these organizations encounter considerable obstacles in their pursuit of accountability for those responsible. The importance of international humanitarian law (IHL) remains paramount notwithstanding these challenges. In a world where the distinction between combatants and non-combatants is becoming more hazy, the principles upheld by international humanitarian law (IHL), such as the need to protect civilians and the ban of specific weapons, are more crucial than ever. There needs to be a concerted effort to educate non-state actors and military personnel about their responsibilities under international humanitarian law (IHL), as well as a multipronged strategy to better incorporate IHL principles into national legal systems and strengthen international judicial bodies. Although international humanitarian law (IHL) has an indisputable impact on armed conflicts, the extent to which it does so depends on the determination of the international community to uphold its rules and punish those who violate them. To keep IHL strong and successful in defending human rights and preserving the dignity of all people impacted by conflict in the future, it is crucial to modify it to fit the evolving character of battle. Doing so will help the international community tackle the problems caused by contemporary wars and move closer to a more equitable and compassionate world order.

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