



International Humanitarian Law and the Protection of Civilians in the Middle East Conflicts

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Abstract:

International Humanitarian Law (IHL) serves as a crucial framework for the protection of civilians during armed conflicts, yet its application in the Middle East has faced significant challenges. This paper critically examines the effectiveness of IHL, particularly the Geneva Conventions, in safeguarding civilian populations amidst ongoing conflicts in the region, including the Syrian civil war, the Israeli-Palestinian conflict, and the Yemeni crisis. It explores the systematic violations of IHL, such as the targeting of civilians, use of indiscriminate weapons, and the imposition of sieges, which have led to widespread humanitarian crises. The paper also assesses the role of international bodies, including the United Nations and the International Criminal Court, in monitoring compliance and holding violators accountable for war crimes. Furthermore, it discusses the complexities surrounding non-state actors and their impact on the enforcement of IHL. Ultimately, this analysis highlights the urgent need for stronger mechanisms to protect civilians and enforce accountability in the region, emphasizing that while IHL provides essential protections, its implementation remains inconsistent and fraught with political challenges in the volatile context of Middle Eastern conflicts.

I. Introduction

The Middle East has been plagued by persistent conflicts for decades, leading to devastating humanitarian crises. Wars and armed confrontations in countries such as Syria, Yemen, Iraq, and the Israeli-Palestinian territories have resulted in widespread civilian suffering, including mass displacement, loss of life, and destruction of critical infrastructure. These conflicts are

characterized by both conventional warfare and asymmetrical engagements involving non-state actors, adding to the complexity of protecting civilian populations. According to UN reports, conflicts in Syria alone have led to the deaths of over 500,000 people, with millions displaced internally or seeking refuge in neighboring countries and beyond (UNHCR, 2022). In Yemen, a protracted civil war compounded by foreign interventions has pushed the country to the brink of famine, with approximately 70% of the population in need of humanitarian assistance (OCHA, 2023).

In this context, International Humanitarian Law (IHL) serves as a critical legal framework aimed at mitigating the humanitarian impact of armed conflict. Rooted in the Geneva Conventions of 1949 and their Additional Protocols, IHL establishes rules that protect civilians, combatants who are no longer participating in hostilities, and civilian infrastructure. It mandates the distinction between combatants and non-combatants, prohibits the targeting of civilians, and calls for proportionality in military operations (Henckaerts & Doswald-Beck, 2005). The primary objective of IHL is to limit the effects of armed conflict on civilians and ensure that those who violate these laws are held accountable. However, in the Middle East, where complex geopolitical interests intersect with local and regional dynamics, the application of IHL has often fallen short of providing adequate protection to civilians.

This paper seeks to critically assess the role and effectiveness of International Humanitarian Law in protecting civilians in Middle Eastern conflicts. Specifically, it addresses the following research questions:

1. How effective has IHL been in protecting civilians in the Middle East's conflict zones?



2. What are the key challenges to the enforcement of IHL in this region?

This study employs a qualitative research methodology. The qualitative approach allows for an in-depth understanding of complex political, legal, and humanitarian issues through the examination of existing legal frameworks, case studies, and secondary data. The data for this study was collected primarily through secondary sources, including: Articles, books, and legal journals on International Humanitarian Law, its evolution, and its application in the Middle East are reviewed to provide a theoretical foundation. Scholars like Henckaerts (2005) and Dinstein (2016) offer critical insights into the principles of IHL and its contemporary relevance. Key legal texts such as the Geneva Conventions (1949) and their Additional Protocols were analyzed to establish the legal obligations of states and non-state actors in armed conflicts. Additionally, United Nations (UN) resolutions and reports from UN bodies, such as the Human Rights Council, were examined to assess international responses to IHL violations in the region.

Reports from organizations such as Human Rights Watch (HRW), Amnesty International, and the International Committee of the Red Cross (ICRC) provide critical data on violations of IHL, particularly concerning civilian protection in Middle Eastern conflicts. For example, HRW's 2021 report on Gaza and the ICRC's Yemen reports are used to document civilian casualties, displacement, and humanitarian law violations (HRW, 2021; ICRC, 2020).

Decisions from the International Criminal Court (ICC) and other tribunals dealing with war crimes in the Middle East provide key insights into the enforcement of IHL. These cases are used to analyze the challenges and limitations of prosecuting war crimes in the region. This secondary data collection method enables a broad, comprehensive understanding of IHL's application and enforcement in the Middle East, drawing from established legal principles, empirical case studies, and institutional reports.

The data analysis in this study follows a thematic analysis approach, allowing for the identification of recurring patterns and themes related to the application and enforcement of IHL. This method involves several stages: The data is first organized around key themes that emerge from the literature, case studies, and reports. These themes include civilian protection, violations of IHL, the role of non-state actors, geopolitical influences, and accountability mechanisms. For instance, the analysis of the Syrian Civil War focuses on the use of chemical weapons and attacks on civilian

infrastructure, while the Yemeni crisis highlights airstrikes and blockades as key violations of IHL (ICRC, 2020).

Thematic analysis is complemented by a comparative analysis of case studies, allowing for cross-conflict comparisons to identify common challenges in IHL enforcement. This method highlights, for example, how geopolitical interests complicate enforcement in both the Israeli-Palestinian conflict and the Yemeni crisis, where major powers are involved (ICG, 2021). By comparing different conflicts, the study identifies systemic issues, such as the role of non-state actors and political complexities that undermine the effectiveness of IHL in the Middle East.

II. Theoretical Underpinning

In the context of this study, the theory of Constructivism is adopted to examine the enforcement and application of International Humanitarian Law (IHL) in Middle Eastern conflicts. Constructivism, as a theory in international relations, focuses on the role of ideas, norms, and identity in shaping the behavior of states and non-state actors in the international system. Unlike Realism and Liberalism, which emphasize material power or institutional arrangements, Constructivism argues that international laws, norms, and principles—such as IHL—are socially constructed and rely on the shared understanding and internalization of these norms by relevant actors (Wendt, 1992).

According to Constructivist theory, norms are critical in shaping state behavior, especially regarding compliance with international legal frameworks like IHL. Norms represent collective expectations about appropriate behavior, and they can influence both state and non-state actors by creating a sense of obligation or legitimacy. IHL, as a body of law aimed at protecting civilians and regulating armed conflict, is inherently normative. It reflects a global consensus on humane conduct during warfare, and its enforcement depends on the internalization of these norms by conflicting parties (Finnemore & Sikkink, 1998).

In the context of the Middle East, where conflicts often involve asymmetric warfare and non-state actors, the Constructivist framework helps explain why IHL violations persist despite the existence of clear legal obligations. Many non-state actors, such as Hezbollah in Lebanon or Houthis in Yemen, may not fully internalize IHL norms due to differing ideological foundations, which affect their perception of international law. Similarly, state actors may choose to prioritize national interests or security concerns over compliance with IHL, especially when



external geopolitical pressures challenge the legitimacy of international norms (Checkel, 1998).

Constructivism emphasizes the importance of identity in shaping the behavior of states and non-state actors. In Middle Eastern conflicts, the identity of conflicting parties—whether religious, national, or ideological—plays a crucial role in how they perceive and interact with international legal norms, including IHL. For instance, the Israeli-Palestinian conflict is deeply rooted in competing national identities, with both sides invoking their unique historical narratives to justify their actions. This creates a context in which IHL violations, such as attacks on civilian infrastructure, are often rationalized by both state and non-state actors as necessary for survival or defense (Jabri, 2007).

The Syrian Civil War similarly reflects the clash of various identity groups, including sectarian divisions and the rise of extremist ideologies, which complicate the enforcement of IHL. Groups like ISIS and Al-Qaeda affiliates reject international legal norms outright, seeing them as incompatible with their religious or ideological worldview. Meanwhile, regional and international actors, such as Iran, Saudi Arabia, and Russia, intervene in these conflicts based on their own identity-driven geopolitical interests, further undermining IHL compliance (Barnett, 2014).

Constructivism also provides a framework for understanding how accountability in the enforcement of IHL is socially constructed. International institutions like the United Nations (UN) and the International Criminal Court (ICC) rely on the collective recognition of their authority and legitimacy to enforce compliance with IHL. However, in the Middle East, geopolitical dynamics and the interests of major powers often influence the degree to which these institutions can hold violators accountable.

For example, the ICC's ability to prosecute war crimes in Syria has been hampered by the refusal of some powerful states to grant jurisdiction or cooperate with investigations. Constructivism explains this phenomenon by recognizing that international legal norms are not applied uniformly but are instead subject to the political interests and social constructions of legitimacy by powerful states. This selective application of IHL undermines its universal character and contributes to norm erosion in regions like the Middle East, where violations of humanitarian law have become pervasive (Finnemore, 2003).

A critical aspect of applying Constructivist theory to IHL in the Middle East is the concept of norm contestation, particularly concerning non-state

actors. Unlike states, non-state actors such as militias or terrorist organizations often contest the validity of international legal norms, viewing them as instruments of state power rather than universally applicable rules. For example, groups like Hezbollah in Lebanon or Hamas in Palestine may adhere to selective parts of IHL, such as the protection of their own civilians, while violating other aspects, such as attacking civilian populations on the opposing side. This selective adherence to IHL norms highlights the norm contestation that characterizes many non-state actors' engagement with international law (Acharya, 2004).

By applying Constructivism to this study, we can better understand the ideational and identity-based factors that influence both compliance with and violations of IHL by state and non-state actors. Furthermore, this theoretical approach sheds light on the challenges that international institutions face in enforcing IHL, particularly in conflicts where the legitimacy of international norms is not universally accepted.

III. Historical Development of International Humanitarian Law

International Humanitarian Law (IHL) has its roots in the 19th century, particularly with the adoption of the first **Geneva Convention in 1864**, which laid the foundation for the protection of soldiers wounded in battle. Inspired by the humanitarian work of **Henri Dunant** after witnessing the horrors of war at the Battle of Solferino, the Geneva Convention represented the first multilateral effort to mitigate the suffering caused by armed conflicts (Best, 1994). Over time, the Geneva Conventions were expanded and revised to cover broader aspects of warfare. The **Geneva Conventions of 1949**, in the aftermath of World War II, marked a major turning point by creating a comprehensive legal framework for the protection of both combatants and non-combatants in conflict zones. These Conventions introduced essential protections for civilians and prisoners of war, becoming the cornerstone of modern IHL (Sassòli, Bouvier, & Quintin, 2011).

The **Additional Protocols of 1977** further developed IHL to address the changing nature of armed conflicts, particularly those involving non-international conflicts and guerilla warfare. These Protocols expanded the scope of civilian protection, specifically addressing the increasing civilian involvement and suffering in wars. Over the years, IHL has continued to evolve to respond to the complexities of modern warfare, adapting to the proliferation of non-state actors and the changing



characteristics of armed conflicts (Henckaerts & Doswald-Beck, 2005).

Evolution of Legal Principles Aimed at Civilian Protection

From its inception, IHL has aimed to minimize the impact of warfare on civilian populations. The principle of civilian protection is deeply embedded in the Geneva Conventions, with **Common Article 3** offering protections for persons who are not taking part in hostilities, including civilians, medical personnel, and aid workers. This article, a key component of both international and non-international armed conflicts, prohibits acts such as murder, mutilation, torture, and cruel treatment of non-combatants (Bugnion, 2001). The evolution of IHL has increasingly focused on the need to protect civilians as modern warfare has shifted from battlefield confrontations between states to more complex conflicts where civilians are often directly affected or targeted.

IV. Key Principles of International Humanitarian Law

Distinction Between Combatants and Civilians

One of the most fundamental principles of IHL is the distinction between combatants and civilians. This principle is codified in **Article 48 of Additional Protocol I** to the Geneva Conventions, which requires parties to a conflict to distinguish between civilians and combatants and between civilian objects and military objectives. Combatants are lawful participants in hostilities, while civilians are protected from attack unless they take a direct part in hostilities (Dinstein, 2016). This distinction is crucial in ensuring that civilians are spared from the direct effects of war. Violations of this principle, such as the deliberate targeting of civilians, constitute serious breaches of IHL.

Proportionality and Necessity in Military Operations

The principles of **proportionality** and **necessity** serve to limit the harm caused by military operations. The principle of proportionality prohibits attacks that may cause excessive civilian harm in relation to the anticipated military advantage gained. **Article 51(5)(b) of Additional Protocol I** enshrines this principle, stating that disproportionate attacks that cause excessive incidental civilian casualties or damage are unlawful. The principle of necessity, on the other hand, mandates that only military actions necessary to achieve a legitimate military objective are permissible, and that force should be used sparingly (Sassòli, Bouvier, & Quintin, 2011). These principles are critical in ensuring that even during

armed conflict, unnecessary suffering and damage are minimized.

The Principle of Humane Treatment for All Persons Not Taking Part in Hostilities

IHL also emphasizes the **humane treatment** of all individuals who are not, or are no longer, participating in hostilities. This includes civilians, prisoners of war, and wounded or sick soldiers. **Common Article 3 of the Geneva Conventions** and **Additional Protocol II** provide that such persons must be treated with dignity and respect, prohibiting acts such as torture, cruel treatment, and humiliating or degrading treatment. The principle of humane treatment underscores the ethical and legal obligation to protect the inherent dignity of individuals, regardless of their role in the conflict (Bugnion, 2001).

V. Contemporary Relevance of International Humanitarian Law

The Role of IHL in Modern Warfare and Asymmetrical Conflicts

In the context of modern warfare, particularly asymmetrical conflicts involving state and non-state actors, IHL faces new challenges. The rise of non-state actors such as terrorist organizations, guerilla groups, and paramilitary forces has blurred the lines between combatants and civilians. Conflicts in the Middle East, such as those in Syria, Yemen, and Iraq, frequently involve multiple actors, including foreign powers and armed groups, complicating the application and enforcement of IHL. **Non-state actors** are often not bound by the same legal obligations as state actors, making it difficult to hold them accountable for violations (Crawford, 2007). Despite these challenges, IHL remains an essential tool in regulating the conduct of hostilities and protecting civilian populations in these complex conflicts.

Integration of IHL with Human Rights Law

In recent years, there has been a growing recognition of the **intersection between IHL and international human rights law (IHRL)**. While IHL is specifically designed to apply during armed conflicts, human rights law is applicable at all times, including during peace and war. The **International Court of Justice (ICJ)** has confirmed that both bodies of law can be applied simultaneously, especially in situations where civilians are directly affected by conflict (ICJ, 2004). This integration strengthens the protection of civilians, as human rights norms complement IHL by ensuring broader safeguards, such as the right to life and protection from torture, even during armed conflicts (Rodley,



2014). This dual application is particularly relevant in contemporary conflicts, where the line between times of war and peace is increasingly blurred.

VI. Case Studies of IHL Application in Middle Eastern Conflicts

1. Syrian Civil War

The Syrian civil war, which began in 2011, has led to one of the worst humanitarian crises of the 21st century, with an estimated 500,000 deaths, including tens of thousands of civilians (UNHCR, 2023). Civilian casualties have been exacerbated by the indiscriminate use of force, including airstrikes, artillery bombardments, and sieges in densely populated urban areas such as Aleppo, Homs, and Eastern Ghouta. According to the Syrian Observatory for Human Rights, nearly 13 million Syrians have been displaced, with over 6 million fleeing the country. This scale of displacement, coupled with widespread destruction of civilian infrastructure, reflects the devastating human cost of the conflict and the failure to protect civilians under International Humanitarian Law (IHL).

The Syrian civil war was marked by widespread violations of IHL, particularly the principles of distinction and proportionality. One of the most egregious breaches has been the repeated use of chemical weapons, a violation of Customary IHL and the Chemical Weapons Convention (OPCW, 2018). The 2013 Ghouta chemical attack and subsequent assaults using sarin and chlorine gas have drawn international condemnation. These attacks have targeted civilian populations, violating the prohibition against the use of weapons that cause unnecessary suffering and indiscriminate harm.

Furthermore, deliberate attacks on civilian infrastructure, including hospitals, schools, and water supplies, have been documented by organizations such as **Human Rights Watch (HRW)**. For example, airstrikes on hospitals and medical facilities in opposition-held areas violated **Article 18 of the Fourth Geneva Convention**, which requires the protection of civilian hospitals. The **UN Commission of Inquiry on Syria** has noted that these attacks, often carried out by Syrian and Russian forces, constitute war crimes (UNHRC, 2017).

Response of International Bodies and Humanitarian Organizations

International bodies have struggled to enforce IHL in Syria. The **UN Security Council** has passed resolutions condemning the use of chemical weapons and calling for ceasefires, but geopolitical divisions, particularly between Russia and Western nations, have led to a lack of decisive action (ICG, 2021). The

International Criminal Court (ICC) has jurisdictional limitations, as Syria is not a signatory to the **Rome Statute**, complicating efforts to hold perpetrators accountable. Despite this, **humanitarian organizations**, such as the **International Committee of the Red Cross (ICRC)**, have played a key role in delivering aid to besieged areas, although access has often been restricted by parties to the conflict (ICRC, 2020).

2. Israeli-Palestinian Conflict

Historical Context and Key Incidents Affecting Civilian Protection

The Israeli-Palestinian conflict is one of the longest-standing conflicts in the Middle East, with periodic escalations leading to significant civilian casualties. The **2008-2009 Gaza War**, the **2014 Gaza conflict**, and subsequent flare-ups have seen thousands of civilian deaths, primarily on the Palestinian side, raising serious concerns about violations of IHL (B'Tselem, 2015). In these conflicts, **Israel's military operations** in densely populated areas, combined with Palestinian rocket attacks targeting Israeli civilians, have led to questions about compliance with IHL's principles of distinction, proportionality, and precautions in attack.

Assessment of the Blockade and Its Humanitarian Implications

Since 2007, Israel has imposed a blockade on Gaza, severely restricting the movement of people and goods in and out of the territory. The blockade, while justified by Israel as a security measure against Hamas, has been widely criticized for its humanitarian impact. According to **OCHA (2023)**, the blockade has led to significant shortages of food, medical supplies, and clean water, contributing to widespread poverty and a humanitarian crisis. Under **Article 33 of the Fourth Geneva Convention**, the collective punishment of civilian populations is prohibited, raising concerns about the legality of the blockade under IHL (Dinstein, 2016).

Evaluation of International Reactions and Legal Assessments

The international community's reaction to the Israeli-Palestinian conflict has been deeply divided. The **United Nations** has repeatedly condemned both Israeli military operations and Palestinian rocket attacks as violations of IHL. The **UN Human Rights Council (UNHRC)** has established commissions to investigate potential war crimes, but political divisions have hindered meaningful accountability. Legal assessments, such as those by **Amnesty International**, argue that Israel's actions in Gaza, including the blockade and disproportionate military responses, may amount to war crimes. However, Israel disputes these claims, citing its right to self-



defense under **Article 51 of the UN Charter** (Crawford, 2010).

3. *Yemeni Crisis*

The Yemeni Civil War, which began in 2014, has led to what the UN describes as the world's worst humanitarian crisis, with over 24 million people—80% of the population—requiring humanitarian assistance (OCHA, 2023). The conflict, primarily between the Houthis and a Saudi-led coalition supporting the Yemeni government, has devastated civilian populations. Airstrikes, artillery shelling, and ground fighting have led to the deaths of tens of thousands of civilians. The widespread destruction of infrastructure, including hospitals, schools, and water systems, has compounded the humanitarian disaster, with famine and disease claiming additional lives.

The conflict in Yemen has been marked by widespread violations of IHL by both sides. The Saudi-led coalition has been accused of conducting airstrikes on civilian targets, including markets, weddings, and hospitals. In 2018, an airstrike on a school bus killed 40 children, raising serious concerns about compliance with IHL's principles of distinction and proportionality (HRW, 2019). Similarly, the Houthi forces have been accused of using civilians as human shields and targeting civilian infrastructure.

The Saudi-imposed blockade on Yemeni ports has also been widely condemned for exacerbating the humanitarian crisis by restricting access to food, medicine, and fuel. Under IHL, blockades that result in starvation or collective punishment of civilians are prohibited, raising concerns that the blockade violates Article 54 of Additional Protocol I of the Geneva Conventions (ICRC, 2015).

Role of Regional Powers and Implications for IHL Enforcement

The involvement of regional powers, including Saudi Arabia, the UAE, and Iran, has complicated efforts to enforce IHL in Yemen. Geopolitical interests have often overshadowed humanitarian concerns, with little accountability for war crimes. Despite calls from the UN and international NGOs for independent investigations into IHL violations, both Saudi Arabia and the Houthis have been reluctant to cooperate with international legal mechanisms. The **UN Human Rights Council** established the **Group of Eminent Experts on Yemen** to investigate violations, but its mandate has been continuously challenged, limiting its ability to enforce IHL (ICG, 2021).

VII. Challenges to the Enforcement of International Humanitarian Law: The Israeli-Hezbollah Crisis in Lebanon

The 2006 Israeli-Hezbollah conflict, also known as the Second Lebanon War, epitomizes many of the challenges associated with enforcing International Humanitarian Law (IHL) in contemporary conflicts. This 34-day conflict between the Israeli Defense Forces (IDF) and the Lebanese-based Hezbollah militia resulted in significant civilian casualties, mass displacement, and widespread destruction of infrastructure. Both state and non-state actors were accused of violating IHL, particularly the principles of distinction, proportionality, and precaution. The crisis highlights the systemic violations of IHL by both sides, compounded by political complexities, regional geopolitical dynamics, and the involvement of non-state actors.

1. Systematic Violations by State and Non-State Actors

The Israeli-Hezbollah conflict displayed consistent violations of IHL by both the IDF and Hezbollah. Hezbollah, a non-state actor, launched thousands of rockets into Israeli territory, indiscriminately targeting civilian populations in violation of Article 51(4) of Additional Protocol I to the Geneva Conventions, which prohibits indiscriminate attacks (Dinstein, 2016). According to Human Rights Watch (HRW), Hezbollah's rocket attacks resulted in 44 civilian deaths, many of whom were targeted without regard for the principle of distinction (HRW, 2007).

On the other hand, Israel's military operations, particularly its aerial bombardment campaigns, led to severe civilian casualties and destruction in Lebanon. The IDF was accused of failing to distinguish between military and civilian targets, especially during the bombing of densely populated areas such as Beirut's southern suburbs and Qana, where more than 50 civilians, including children, were killed (ICRC, 2007). Israel justified these actions by claiming that Hezbollah was using civilian areas to hide military assets, but critics argue that the IDF's disproportionate use of force violated Article 57 of Additional Protocol I, which requires precautions to be taken to minimize civilian harm.

Several incidents during the conflict illustrate the deliberate targeting of civilians or civilian infrastructure. The Qana bombing on July 30, 2006, became a symbol of the civilian toll of the conflict. Israeli airstrikes targeted a building housing civilians, leading to mass casualties. This attack was widely condemned as a violation of IHL, particularly the obligation to avoid disproportionate attacks.



Similarly, Hezbollah's rocket attacks on Israeli towns such as Haifa and Kiryat Shmona were deliberate acts against civilian populations, reflecting a disregard for the principles of IHL that protect non-combatants (HRW, 2007).

2. Political Complexities and Geopolitical Influences

The enforcement of IHL during the Israeli-Hezbollah conflict was heavily influenced by the broader regional and international political context. Lebanon's fragile political system, dominated by sectarian divisions and heavily influenced by external actors such as **Iran** (which supports Hezbollah) and **Syria**, compounded the challenges of IHL enforcement. Hezbollah, as a politically and militarily dominant force within Lebanon, complicated the Lebanese government's ability to exert full control over its territory and ensure compliance with international norms (Hinnebusch, 2010).

Internationally, the United States and European powers were divided in their response to the conflict. While the U.S. supported Israel's military operations, viewing them as part of the broader "war on terror" and a legitimate response to Hezbollah's provocations, European states and the United Nations were more critical of Israel's tactics, particularly the high civilian death toll (Sassòli, 2019). This division among international actors weakened efforts to hold both parties accountable for IHL violations. The UN Security Council Resolution 1701, which eventually brokered a ceasefire, failed to address the full scope of humanitarian law violations during the conflict, focusing instead on immediate peace and security concerns (UNSC, 2006).

VIII. The Role of Major Powers and Their Interests in Exacerbating or Mitigating Violations

Major powers played a critical role in shaping the course of the conflict and its aftermath. **Iran**, Hezbollah's primary military and financial backer, has been accused of fueling the conflict by providing weapons and support, further complicating the enforcement of IHL. Hezbollah's use of Iranian-supplied missiles and rockets targeted civilian areas in Israel, constituting clear violations of IHL (Byman, 2005). On the other hand, **Israel** received considerable backing from the U.S., which supplied advanced weaponry and diplomatic cover, allowing Israel to carry out its military operations with relative impunity.

The involvement of these external powers demonstrates how geopolitical interests often

undermine the enforcement of IHL. Both **Iran's support for Hezbollah** and **U.S. backing for Israel** resulted in a lack of accountability for violations of IHL, as geopolitical alliances took precedence over humanitarian concerns (Crawford, 2010). This dynamic, where powerful states shield their allies from accountability, is a significant barrier to the enforcement of IHL in many conflicts in the Middle East.

3. The Role of Non-State Actors

Challenges Posed by Militias, Terrorist Organizations, and Other Non-State Entities in Complying with IHL

One of the key challenges in enforcing IHL in the Israeli-Hezbollah conflict was the involvement of a **non-state actor**, Hezbollah. Non-state actors such as Hezbollah operate outside the traditional frameworks of international law, complicating efforts to enforce IHL. Although IHL applies to all parties in a conflict, including non-state actors under **Common Article 3 of the Geneva Conventions**, these groups often lack the internal structure or political will to comply with international norms (Sassòli, 2019).

Hezbollah's tactics, such as embedding fighters within civilian areas and using human shields, further blurred the lines between combatants and civilians, making it difficult to distinguish legitimate military targets from protected civilian populations. This practice violates the principle of distinction under IHL and significantly increases the risks to civilians (Dinstein, 2016).

Legal Implications of Engaging with Non-State Actors in Conflict Zones

Engaging with non-state actors like Hezbollah presents significant legal and operational challenges for the international community. Unlike state actors, non-state armed groups often do not feel bound by the same international obligations and may not be parties to international treaties like the **Geneva Conventions**. This limits the effectiveness of legal mechanisms designed to hold violators accountable. Moreover, non-state actors often operate in environments where state authority is weak or non-existent, further complicating enforcement (Crawford, 2010).

Attempts to hold Hezbollah accountable for IHL violations have been limited, as the group is seen by many as a legitimate resistance force, particularly within Lebanon and the broader Arab world. The lack of a central government with the capacity or political will to enforce IHL within Lebanon adds another layer of complexity to the situation. Furthermore, the **International Criminal Court (ICC)** has limited jurisdiction over non-state actors, especially when



they operate within countries like Lebanon that have not ratified the **Rome Statute** (ICG, 2009).

IX. International Mechanisms for Accountability and Enforcement of IHL

The enforcement of **International Humanitarian Law (IHL)** in conflict zones, particularly in the Middle East, remains a significant challenge. Various international mechanisms have been established to ensure accountability and adherence to IHL. Key actors in this system include the **United Nations (UN)**, the **International Criminal Court (ICC)**, and **non-governmental organizations (NGOs)**. While these mechanisms aim to enforce international laws, they face substantial hurdles, including political resistance, jurisdictional limitations, and operational challenges.

1. The Role of the United Nations

The **United Nations** plays a central role in promoting and enforcing IHL through various instruments, including **Security Council resolutions**, **peacekeeping operations**, and **humanitarian initiatives**. The **UN Security Council (UNSC)** has passed numerous resolutions aimed at addressing violations of IHL, particularly in the Middle East. For instance, **UNSC Resolution 1701** (2006) sought to end hostilities between Israel and Hezbollah in Lebanon, calling for respect for international law, the withdrawal of Israeli forces, and the deployment of UN peacekeepers to monitor compliance (UNSC, 2006). Similarly, **UNSC Resolution 2254** (2015) provided a framework for peace talks in Syria and urged all parties to abide by IHL, particularly in protecting civilians (ICG, 2021).

UN peacekeeping missions have also been deployed to protect civilians and ensure compliance with IHL. The **United Nations Interim Force in Lebanon (UNIFIL)**, established in 1978 and reinforced in 2006 after the Israeli-Hezbollah conflict, has been tasked with maintaining peace and ensuring that parties respect the ceasefire (UNIFIL, 2021). In addition to peacekeeping, the **United Nations Office for the Coordination of Humanitarian Affairs (OCHA)** plays a critical role in providing aid and advocating for the protection of civilians in conflict zones like Yemen and Syria.

Despite these efforts, the UN has faced criticism for its limited effectiveness in enforcing IHL. One major challenge is the **political nature of the UN Security Council**, where veto-wielding members like the **United States**, **Russia**, and **China** often block resolutions that could lead to stronger enforcement measures. For instance, repeated Russian vetoes have hindered efforts to hold the Syrian government accountable for war crimes, including the use of

chemical weapons against civilians (UNSC, 2021). Furthermore, UN peacekeeping missions often lack the mandate or resources to robustly enforce IHL. In Lebanon, for example, UNIFIL's mandate has been criticized as being too weak to prevent Hezbollah's rearmament or to protect civilians from ongoing hostilities (Hinnebusch, 2010).

2. The International Criminal Court (ICC)

The **International Criminal Court (ICC)** was established to prosecute individuals responsible for war crimes, crimes against humanity, and genocide. While the ICC represents a significant step toward ensuring accountability for IHL violations, its effectiveness in the Middle East has been limited. One primary challenge is **jurisdictional limitations**—many countries in the region, including Israel, Syria, and Iraq, are not parties to the **Rome Statute**, the treaty that established the ICC. As a result, the ICC cannot initiate investigations in these countries unless they voluntarily accept its jurisdiction or the **UN Security Council** refers the situation to the Court (Crawford, 2010).

In the rare cases where the ICC has been able to intervene, its impact has been mixed. For example, the **ICC opened an investigation** into alleged war crimes in the **Palestinian territories**, including those committed during the 2014 Gaza conflict, where both Israeli and Palestinian actors were accused of IHL violations. However, the investigation has faced substantial political resistance, particularly from Israel and its allies, and has made limited progress (HRW, 2021).

One notable success of the ICC's efforts in the Middle East was its investigation into **Libya** during the **2011 civil war**. The **UN Security Council** referred the situation to the ICC, leading to indictments against top officials in the **Gaddafi regime** for war crimes and crimes against humanity (ICC, 2012). This marked a rare instance where the ICC played a central role in holding leaders accountable, although the broader impact on IHL compliance in Libya and elsewhere has been limited. In the Syrian conflict, despite widespread evidence of war crimes, including the use of chemical weapons and targeting of civilians, the ICC has been largely sidelined due to political deadlock at the UN.

3. Non-Governmental Organizations (NGOs) and Civil Society

Contributions of NGOs in Monitoring Violations and Advocating for Civilian Protection

NGOs and civil society organizations play a crucial role in the enforcement of IHL, particularly in monitoring violations, advocating for civilian protection, and raising international awareness of



atrocities. Organizations such as **Human Rights Watch (HRW)**, **Amnesty International**, and the **International Committee of the Red Cross (ICRC)** frequently publish reports on IHL violations in conflict zones like **Yemen**, **Syria**, and **Palestine**. These reports document breaches of IHL principles, such as indiscriminate attacks on civilians, the use of prohibited weapons, and attacks on civilian infrastructure (HRW, 2022).

NGOs often operate in areas where state or international mechanisms have failed to enforce IHL, providing an essential check on the behavior of both state and non-state actors. For instance, in the **Yemeni conflict**, HRW has documented numerous violations by both the Saudi-led coalition and the Houthi forces, including unlawful airstrikes, use of banned weapons like cluster munitions, and the blockade of humanitarian aid (ICRC, 2020). The findings of these NGOs have led to increased international pressure and, in some cases, sanctions or arms embargoes against the perpetrators.

In some cases, NGOs have successfully advocated for changes in state behavior or international responses. One notable example is the advocacy around the **2018 Global Arms Trade Treaty**, which was influenced by NGO campaigns to limit the sale of arms to states engaged in conflicts with high levels of civilian casualties, such as Saudi Arabia in Yemen. **Amnesty International** and other groups successfully lobbied for European states to suspend arms sales to Saudi Arabia, arguing that these weapons were being used in violations of IHL (Amnesty International, 2019).

In addition to monitoring and advocacy, NGOs also contribute to IHL enforcement through **legal interventions**. For example, **Palestinian civil society groups** have filed cases with international bodies like the ICC, providing evidence of Israeli actions in Gaza that may constitute war crimes. These legal efforts, though often slow, are an important mechanism for ensuring accountability in the long term (HRW, 2021).

While there are international mechanisms in place to enforce **International Humanitarian Law**, their effectiveness, particularly in the Middle East, remains inconsistent. The **United Nations**, the **ICC**, and **NGOs** all play crucial roles in monitoring violations, promoting accountability, and advocating for the protection of civilians. However, political resistance, jurisdictional limitations, and the complex nature of modern conflicts—often involving non-state actors—continue to undermine the full implementation and enforcement of IHL. For meaningful progress to be made, these mechanisms must be supported by stronger international

cooperation and political will to ensure that violators of IHL are held accountable.

X. Recommendations

The enforcement of **International Humanitarian Law (IHL)** in the Middle East faces significant obstacles due to complex geopolitical factors, non-state actors, and the prevalence of systematic violations. To improve adherence to IHL and better protect civilians in conflict zones, several measures are necessary. These recommendations aim to enhance the international legal frameworks, increase awareness and training, and foster greater international cooperation in addressing violations.

1. *Enhancing International Legal Frameworks*

The existing international legal frameworks governing IHL need reform to address the evolving nature of modern conflicts, particularly in the Middle East. **Asymmetric warfare** involving non-state actors, militias, and terrorist organizations has highlighted the limitations of traditional IHL, which was originally designed for state-to-state conflicts. To address this gap, the international community should consider **revising or supplementing the Geneva Conventions** to create clearer obligations for non-state actors and clarify the responsibilities of states in counter-terrorism operations.

Another area for reform is the creation of **binding legal mechanisms** that can hold violators accountable more swiftly and effectively. The current dependence on **state consent** for the jurisdiction of bodies like the **International Criminal Court (ICC)** has hampered efforts to prosecute war crimes in states that do not accept ICC jurisdiction, such as Syria and Israel. A proposed reform could involve granting **universal jurisdiction** for war crimes under international law, allowing international bodies to pursue cases regardless of national consent (Crawford, 2010).

Existing mechanisms for monitoring compliance with IHL could be improved through the **establishment of independent international bodies** with the power to investigate violations and sanction offenders. An enhanced version of the **International Fact-Finding Commission (IFC)**, with automatic referral powers to the ICC, could help to ensure that violations are investigated thoroughly and impartially. Furthermore, the **UN Human Rights Council (UNHRC)** could strengthen its **fact-finding missions** in the Middle East by integrating technological tools like **satellite imagery** and **data analytics** to document violations more accurately in real time (HRW, 2021).



2. Promoting Awareness and Training

For IHL to be effectively enforced, it is critical that **armed forces** and **non-state actors** are well-educated about their obligations under the law. Many violations arise not only from willful breaches of IHL but also from a lack of awareness or understanding. **Comprehensive training programs** on IHL principles, particularly the protection of civilians, should be mandatory for all state and non-state combatants. These programs should emphasize the core principles of **distinction**, **proportionality**, and **necessity** in military operations, and highlight the severe consequences of non-compliance.

For non-state actors, targeted outreach and training through **third-party organizations**, including **NGOs** and **neutral international agencies** such as the **International Committee of the Red Cross (ICRC)**, could help mitigate violations. The ICRC's efforts to engage with armed groups in Syria, Yemen, and Lebanon offer a valuable model, but these initiatives must be expanded and tailored to address the specific challenges of modern Middle Eastern conflicts (ICRC, 2020).

Civil society, including **local NGOs**, **human rights organizations**, and **community leaders**, plays a pivotal role in holding warring parties accountable for IHL violations. Expanding civil society's role in **advocacy** and **monitoring** can amplify pressure on state and non-state actors to adhere to IHL. Local organizations, which often have deeper insights into the conflict dynamics and local populations, should be empowered with resources and training to **document violations** and report them to international bodies.

Furthermore, civil society can play an essential role in **raising awareness among civilians** about their rights under IHL. Community outreach campaigns, facilitated by both international and local organizations, could educate civilians on how to safeguard themselves during conflict and how to report violations to the relevant authorities or international mechanisms.

3. Fostering International Cooperation

International cooperation is crucial to ensuring the effective enforcement of IHL, especially in the Middle East, where the interests of various global and regional powers often complicate the situation. States must prioritize **multilateral approaches** to conflict resolution and IHL enforcement, working through **international organizations** like the **United Nations (UN)** and regional bodies like the **Arab League** to coordinate responses to violations. For instance, more robust cooperation between **UN peacekeeping missions** and **regional forces** could

help in monitoring compliance with IHL, particularly in complex conflicts like Syria and Yemen (ICG, 2021).

Furthermore, strengthening cooperation between **international humanitarian organizations** and **state actors** is necessary to ensure that **aid and humanitarian relief** can reach conflict zones without obstruction. Regional powers, often involved in proxy conflicts, must be encouraged to adopt IHL-friendly policies and reduce support to non-state actors involved in violations.

Encouraging Collaborative Efforts to Build Accountability

One potential avenue for fostering international cooperation is the creation of joint tribunals or regional courts that focus on IHL violations within the Middle East. These bodies, drawing on the expertise of both local and international legal experts, could be empowered to address **war crimes** and crimes against humanity committed in ongoing conflicts. Collaborative mechanisms such as these would reduce the burden on the ICC, while addressing regional sensitivities and involving **local stakeholders** in the enforcement of IHL.

Lastly, enhancing diplomatic engagement through international forums **such as the Geneva Conventions review conferences** can facilitate discussions on updating IHL and creating innovative solutions tailored to the challenges of modern conflicts. States must also commit to **upholding arms trade regulations** to prevent the sale of weapons that contribute to IHL violations, particularly in countries like Yemen and Syria where such violations are rampant.

XI. Conclusion

The application and enforcement of **International Humanitarian Law (IHL)** in the Middle East, particularly in the context of ongoing conflicts in Syria, Yemen, and the Israeli-Palestinian territories, remain critically inadequate. While IHL provides a robust legal framework to protect civilians and limit the effects of armed conflict, its implementation faces significant challenges in this region. These challenges include **systematic violations** by state and non-state actors, **political complexities**, and the involvement of external powers with competing geopolitical interests.

Despite these obstacles, international mechanisms—such as those under the **United Nations**, the **International Criminal Court (ICC)**, and **non-governmental organizations (NGOs)**—have played vital roles in promoting accountability and advocating for the protection of civilians. However, these efforts are often hampered by **jurisdictional**



limitations, lack of political will, and the complexities of **asymmetric warfare**, where non-state actors play prominent roles.

For IHL to be more effectively enforced in the Middle East, a series of critical steps must be taken. Reforms to the international legal framework are needed to adapt IHL to modern conflicts, particularly those involving non-state actors. **Training and education** on IHL principles must be expanded for both state and non-state combatants, while **civil society** should be further empowered to monitor violations and raise awareness. Finally, **international cooperation** is essential, as regional and global actors must work together to hold violators accountable and protect civilians in conflict zones.

Ultimately, while progress has been made in promoting IHL adherence, the region's ongoing crises demonstrate that much more needs to be done. A stronger commitment from the international community, along with **innovative legal and diplomatic solutions**, will be essential to ensuring that the humanitarian principles at the core of IHL are upheld, even in the most challenging conflicts. By addressing these gaps, the protection of civilians—a fundamental objective of IHL—can become a more achievable reality in the Middle East.

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