



THE IMPACT OF INTERNATIONAL HUMANITARIAN LAW ON RESOLVING ARMED CONFLICTS

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Abstract

General application of these laws requires concerted efforts by human rights advocates, and is entrusted to states with direct influence over decision-makers. States that embrace the protection of the international community must first believe in human rights and have an effective influence in implementing resolutions that ensure freedom and justice for people, ensuring equality. The current study addresses ways to support humanitarian laws and positive approaches to achieving these goals international custom, as evidence of a general practice accepted as law. General principles of law recognized by civilized nations. The provisions of the articles relating to judicial decisions and the teachings of the leading legal writers of various nations must be taken into account, as additional sources for determining the rules of law.

Keyword: International Law, resolving, organization, effects, combat.

INTRODUCTION:

The international rules and customs that have been established since ancient times, and which the international community has continued to follow and implement until they became binding in the eyes of international law practitioners [1]. Custom is known for its ability to adapt to circumstances in the international arena. Furthermore, custom is considered the foundation of all international and domestic laws and legislation, as its emergence is linked to the emergence of human communities [2].



Two basic elements are required for an international custom to exist: the material element and the moral element.

First: The material element:

This represents the presence of an act or behavior that a group of states or subjects of public international law have become accustomed to. This behavior may be negative or positive, and the existence of such behavior can be inferred from the actions of subjects of international law and its affiliated bodies [3].

This element has two conditions:

Repetition: meaning the continuity and repetition of the implementation of the content of this custom or behavior (customary rule) [4]. The timeframe for a behavior to be repeated before it becomes an international custom varies depending on the behavior and the circumstances. Some customs become international customs after many years, while others require several centuries.

Generality: This means that many countries and international law entities have become accustomed to following this custom, and that there is acceptance of this custom by many international law entities, whether implicit or explicit.

Second: The moral element:

The material element alone is not sufficient for a custom to be international. There must also be a moral element [5]. This element is represented by the international law entities' sense of the binding nature of this custom and their belief that it is a legal rule of public international law [6].

When does international humanitarian law apply?:

One of the most important duties of international humanitarian law is to implement measures to expedite intervention in armed conflicts.

Conflicts are divided into two categories: international armed conflicts and non-international armed conflicts. However, the classification can become complex, as in some cases, an international armed conflict and a non-international armed conflict may coexist, or one may evolve into the other depending on the development of the conflict [7].



International humanitarian law governs armed conflicts. With the exception of a few obligations under international humanitarian law that must be implemented in peacetime (for example, adopting or disseminating implementing legislation), it does not apply outside of armed conflicts. International humanitarian law applies once the conditions for an armed conflict or occupation have been met. International humanitarian law applies equally to all parties to a conflict, regardless of which party initiated the fighting and regardless of its motives (jus ad bellum – see discussion above). [8].

How is international humanitarian law implemented?

The search for the future of mechanisms for implementing international humanitarian law has become justified from multiple aspects[9]. The return of the international system to a state of regression to previous centuries and the insistence on the use of force to implement the provisions of international humanitarian law do not at all reflect the scope of benevolence in human behavior during armed conflict. In addition, the equation that the world is accepting does not believe in international balance and does not herald the imminent achievement of international consensus on the application of international humanitarian law without norms or double standards [10]. The lack of consensus, for example, on the issue of the International Criminal Court reflects this international disagreement. For this reason, the use of economic means and humanitarian intervention to implement the provisions of international law has been a greater curse on the international community than a blessing in international relations [11]. Instead of mitigating the effects of war on humanity, it has brought, on the contrary, tragedies as if they were legitimate. This confirms that the reality of the mechanisms used to implement the rules has shortcomings and negatives, prompting a review of them, awaiting the positive role of the Security Council and various United Nations bodies.

The differences between human rights and international humanitarian :

A specific dialectical problem that stems primarily from the following questions: If human rights law is the broad umbrella under which humanity takes shelter at all times and places, and which contains and largely absorbs international



humanitarian law, then what is the need for the latter law? If we recognize the independence of international humanitarian law in terms of subject, time, place, sources, and persons, to what extent can it be discussed on an occasion related to human rights? In other words, to what extent can a formula of congruence, similarity, or contrast be. To put it more clearly, when can we speak of human rights law, when can we speak of international humanitarian law without overlap, and when can we speak of them within a framework of overlap and congruence? These questions are the subject of discussion in this research [12].

CONCLUSION:

The basic rules of international humanitarian law that govern armed conflicts represents the International humanitarian law imposes rules on warring parties that must be adhered to during military operations.

These rules include:

1. Distinguishing between civilians and combatants, with the aim of sparing the civilian population and their property. Civilians, whether individually or collectively, may not be subject to attack.
2. Directing military attacks against combatants and military objectives.
3. The right to respect for the life and integrity of persons, to be protected from physical and mental persecution, and to be treated humanely, without discrimination that would deprive them of their rights and personal dignity.
4. Respect for prisoners of war, those disarmed, and those no longer able to take part in the fighting.
5. Refrain from using unjustified methods of warfare.
6. Care for, treatment of, and care for the wounded and sick.
7. The emblem of the red cross or red crescent on a white ground is the distinctive sign that must be respected.
8. The right to respect for persons, their lives, dignity, personal rights, political opinions, and religious beliefs, to be protected from acts of violence or reprisals, to exchange news with their families, and to receive assistance. International humanitarian law places restrictions on the methods and means of warfare. An indiscriminate weapon is one that does not distinguish between a military target



and a civilian one and is likely to cause death and injury to civilians, as well as excessive suffering that is not justified by the specific military objective.

The most important international agreements that enjoy common international importance are the Geneva Conventions. These international treaties have enjoyed positive and universal international consensus. These agreements are not widely respected by some rogue states. International reports by human rights organizations and the Red Cross and Red Crescent have highlighted many human rights violations. The tragedy of violations in many armed conflicts, and the dire and catastrophic consequences for civilians, is clear. International law in its general sense, and humanitarian law in particular, is violated by some. Despite its weak effectiveness and doubts about its practical impact, it remains relatively influential. It has played an effective role through the adoption of new agreements by participating states. The legislators of these international agreements and the methods of generalizing them into domestic laws have had an impact on their implementation. The establishment of courts is considered one of the advanced judicial efforts, both local and international. Many armed forces have been trained in the application of international humanitarian law. The relative importance of international humanitarian law is a pillar in achieving justice. In many cases, warring parties explicitly declare that it is in their interest to act in accordance with international humanitarian law, even outside the legal and moral obligation to do so. The ICRC's operations continue to witness numerous positive examples of the application of international humanitarian law around the world.

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