

The Relevance of Understanding International Humanitarian Law in UN Peace Keeping Operations

“We must never lose sight of the meaning and purpose of international humanitarian law. It is the difference between life and death, between restraint and anarchy, between losing ourselves in horror and retaining our humanity,”

UN Secretary-General Antonio Guterres[\[1\]](#)

Introduction

The International Humanitarian Law (IHL) in United Nations Peacekeeping Operations (UNPKO) is very important and it is instrumental in guiding the actions of the UN peacekeepers and the parties to the conflicts. It provides a set of rules that seek to limit the outcomes of armed conflict and it protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. It can also be called as ‘the law of war’ or ‘the law of armed conflict’.[\[2\]](#)

IHL forms the basis for the protection of civilians during armed conflicts. United Nations (UN) peacekeepers are often located in areas that endanger civilians. Hence, a clear grasp of the principles of the IHL is important to decrease the risk of harm to non-combatants. IHL also provides direction for the suitable use of force, ensuring that it is balanced and essential. It highlights the significance of human rights even within the conflict and defines the requirement of supplying medical aid and humanitarian assistance to those in need, including wounded combatants and civilians. It can, thus, assist peacekeepers to work towards conflict resolution and avoidance. UN peacekeepers need to operate within these legal limits to take care of their validity and, thus, seize the trust of the local population.

Conventions for IHL

The UN Security Council directs peacekeepers to enforce the provisions of the IHL and thus protect civilians. IHL guides their actions, helps protect civilians, and ensures that peacekeeping operations are conducted within the realms of humanity, neutrality, and impartiality, which are essential for achieving peace and stability in war zones. IHL is a set of rules and principles that comes out of several key provisions and treaties, which are listed below:

- As per the Geneva Conventions there are a series of four treaties including additional protocols aimed at guaranteeing compassionate treatment to those affected by such conflict.
- The Additional Protocols of the Geneva Conventions, ensure safeguard for combatants, particularly those who are not part of the conflicts, and also those who are no longer taking part in hostilities but during non-international armed conflicts.
- IHL sets out rules to guard civilians and civilian objects.

- The prohibition of torture and cruelty is a key principle of IHL and is often outlined in various treaties.
- IHL restricts the utilisation of hazardous chemical and biological weapons including the Chemical Weapons Convention and the Biological Weapons Convention.
- The 1954 Hague Convention for the Protection of Cultural Property within the Event of Armed Conflict and its two protocols aim to safeguard cultural heritage during armed conflicts.
- IHL also includes provisions to guard medical personnel and related facilities.
- IHL prohibits acts of revenge, collective punishment, or reprisals against civilians.
- The Convention on the Rights of the Child highlights the rights of children and provides a thorough context for their protection and well-being.
- IHL, also, does indeed recognise the importance of journalists and the need for their protection in armed conflicts, where they are involved in providing information to the public and documenting events during conflicts.
- Lastly, IHL forbids the utilisation of starvation as a way of warfare, meaning that parties to a conflict must not deprive civilians of food and other essential items.

IHL and Peace Keeping

Both UNPKO and IHL share common objectives as regards to conflict resolution and the protection of civilians. IHL provides the legal framework for protecting non-combatants, including civilians and humanitarian personnel, during hostilities and UN Peacekeepers, on the other hand, work in the conflict zones to monitor and enforce these IHL principles, helping to create safer environments. All UNPKO are expected to follow IHL standards in their actions and are bound by such rules and principles. The presence of UN Peacekeepers in the conflict zones can help deter the outbreak of hostilities or the escalation of conflicts, which is aligned to the fundamental aspect of IHL i.e., to minimise armed conflict.

Challenges

While the suffering inflicted in war remains same, the recent past has been characterised by growing awareness of IHL and its basic rules. IHL principles have been the focal point, not only, of debates but also of intense examination by governmental, academia and media agencies. The Geneva Conventions (1949) have made these treaties legally binding on all countries. The ICRC's Study on Customary International Humanitarian Law, published in 2005, is also likely to improve the awareness of the rules governing behaviour in all types of armed conflicts.^[3]

The application of IHL faces several challenges and these can hinder its effectiveness and its enforcement. As law overlooked is law undermined, there must be action and accountability to ensure that it is respected. To that end, states must intensify their efforts to prevent conflict, preserve peace and find political solutions to war, as peace is the best form of protection.^[4] Here are some key challenges:

- The first challenge is the inadequate compliance of IHL by parties involved in armed conflicts.
- Many ongoing conflicts involve non-state armed groups who are not directly bound by IHL.
- While there are procedures for prosecuting individuals for IHL violations, they are often limited in their reach and effectiveness. Bringing offenders to justice is often very difficult.
- States and international organisations sometimes apply IHL selectively, supporting political or strategic interests. This undermines the universality and credibility of the provisions.
- Gaining humanitarian access to conflict zones is also a major challenge. Parties to a conflict may obstruct the delivery of aid, making it difficult to supply essential assistance to affected populations.
- The emergence of current technologies, like cyber warfare and autonomous weapons, raises questions on the applicability and interpretation of IHL.
- The protection of cultural property and the environment during armed conflicts is neglected.
- Current conflicts are often categorised by multiple armed groups, regional and international involvement, and there are very thin lines between combatants and civilians. This complexity makes the application of IHL rules even tougher.
- Humanitarian workers and organisations operating in conflict zones face significant risks to their safety, and attacks on aid workers can impede the delivery of humanitarian assistance.
- Limited resources for IHL promotion and training can hinder effective dissemination and understanding of those laws.
- Addressing gender-based violence in conflict and ensuring protection for women and girls is also an increasing worry, making it imperative to consider these gender-specific issues.
- Adapting IHL to different cultural contexts and ensuring that it's understood and honoured by all parties is often a challenge.
- The emergence of cyber warfare and knowledge warfare presents unique challenges in regulating the legality of actions and acknowledgement of responsibility.

Recommendations

Attending to these challenges requires a joint effort from states, international organizations, and civil society. It includes improving the perception of IHL and holding violators responsible. Implementing and monitoring IHL is, thus, important for the safety of the civilians and, hence, the proper conduct by parties involved in armed conflicts. Some key recommendations are:

- Measures must be taken to ensure respect for international humanitarian law. There is a need to promote education and training programs on IHL for military, contingents, and other relevant personnel to make sure they understand and adhere to the principles of IHL.
- There is a need to ensure that all states ratify and implement the key treaties, like the Geneva Conventions and their Additional Protocols, at the national level. And also enact legislations to ensure that IHL is integrated into their domestic law. The States must also pass laws protecting the Red Cross and Red Crescent emblems.[\[5\]](#)
- Provide technical assistance to states to review and revise military manuals, rules of engagement, and codes of conduct.
- Strengthen the protection of humanitarian workers, ensuring their safety while delivering assistance in conflict zones.
- Promote dialogues and negotiations with non-state armed groups to encourage their compliance with IHL.
- Use diplomatic and economic pressure, including sanctions, to discourage and isolate IHL violators and encourage compliance.
- Strengthen measures to guard civilians, including the establishment of safe zones and humanitarian corridors.
- Continuously review and adapt IHL to deal with emerging challenges, like cyber warfare and autonomous weapons. By addressing these challenges in a timely and comprehensive manner, we can help minimize harm in modern armed conflicts and uphold the principles of humanity and protection of civilians.
- Make sure that IHL addresses gender-specific issues, including the prevention of sexual and gender-based violence in conflict.

These proposals are necessary for the effective application and monitoring of IHL, working toward the protection of civilians and, therefore, the humanitarian values at the core of law of nations. Collaboration among states, international organisations, civil society, and non-state actors is crucial to address the challenges and violations of IHL effectively.

Conclusion

The importance of IHL in UN peacekeeping operations cannot be overstated. IHL provides a vital building ground for promoting the protection of civilians, humanitarian assistance, and respect for human rights in conflict zones. UN peacekeepers operate in some of the world's most difficult and volatile environments, and IHL serves as a guiding light in ensuring that their missions are managed with the utmost respect for the principles of humanity.

IHL also serves a dual role in UN peacekeeping. Firstly, it provides the legal basis for the positioning of peacekeeping forces, defining the rules of combat and the rights and obligations of peacekeepers. Secondly, IHL is critical in situations where peacekeepers find themselves operating in active conflict zones. It equips them with the knowledge and principles necessary to respond well to complex and rapidly evolving situations, defending

civilians, and reducing harm. This application of IHL in peacekeeping is an indication to the law's flexibility and practical importance in the modern world.

End Notes

[1] International Laws Protecting Civilians in Armed Conflict Not Being Upheld, Secretary-General Warns Security Council,

Urging Deadly Cycle Be Broken,

<https://press.un.org/en/2023/sc15292.doc.htm#:~:text=As law overlooked is law,the best form of protection>, Accessed on 01 Nov 2023.

[2] What is International Humanitarian

Law?, https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf Accessed on 29 Oct 2023.

[3] International humanitarian law and the challenges of contemporary armed conflicts

Document prepared by the International Committee of the Red Cross for the 30th International Conference of the Red Cross and Red Crescent, Geneva, Switzerland, 26–30 November 2007, <https://www.icrc.org/en/doc/assets/files/other/irrc-867-ihl-challenges.pdf>, Accessed on 29 Oct 2023.

[4] International Laws Protecting Civilians in Armed Conflict Not Being Upheld, Secretary-General Warns Security Council, Urging Deadly Cycle Be Broken, op.cit.

[5] What is International Humanitarian Law?, op cit.

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