



What are the current challenges to the effective implementation of International Humanitarian Law?

What is IHL?

- A body of rules that seeks to **regulate the conduct of war**.
- **Mandates protection** for special classes of persons, such as POWs and civilians
- **Forbids weapons** that would cause **excessive harm** to civilian.

3 Main Principles Governing Hostility



Distinction



Proportionality



Precautions

Challenges & solutions

1

Rise of Asymmetric Warfare

States may claim that conflicts with Armed Groups are mere “police operations”, making IHL inapplicable (**De Schryver & Pavlovics, 2013**)

Members of Armed Groups do not receive much basic training, and along with a loose organisational structure, make it hard to disseminate IHL principles. (**Sassòli, 2007**)

To compensate for technological inferiority, Armed Groups are tempted to break the rules of war, such as storing weapons in protected buildings. (**Schmitt, 2007**)

2

Rise of Autonomous Weapon Systems (AWS) (Winter, 2022)

Autonomous Weapons Systems can select and attack targets without human intervention after deployment. While technologies can reduce human error and increase precision in attacks, they may *not have the ability to interpret the difference between soldiers and civilians*, possibly violating the distinction principle.

Also, robot could not be programmed to duplicate the *psychological processes* in human judgment that are necessary to assess proportionality.

3

Inability to conform due to the nature of IHL (Sarwar, 2017).

IHL itself is *state-focused* which emphasizes on states that signed in the Geneva Conventions, hence *neglecting the existence of non-state actors in charging of regional governance*, making them difficult to conform the law. They may fail to *build trust on the existing West-dominated international system* based on *past colonial history*.

Additionally, the acting body of the International institution such as International Fact Finding Commission is *inoperative*, which leads to an *ineffective compliance system* in IHL context.

Increased contact with Armed Groups
NGOs have enticed 80 Armed Groups to sign “deeds of commitment” to basic principles of IHL, and have organised workshops to instruct them on IHL (**Thynne, 2019**).

1) Strengthen the **adherence to the precaution principles** by effectively delivering warnings of attacks;
2) Refine and **update the legal framework** such that IHL is more compatible with technological advancements (Seixas-Nunes, 2022)

Strengthen **local confidence** towards IHL system through: **integrating local customs and promoting engagement of non-state actors**, modelling from African protection mechanism (Tshuma, 2024).

Citations

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Conclusion

- Effectiveness of IHL in actual conflicts is sometimes challenged
- Challenges include **unofficial armed forces, rise of AI weapons, and lack of effective compliance**
- Legal framework & implementation mechanism should be strengthened

