

**PROTECTED IN LAW, ENDANGERED IN REALITY: THE UNFULFILLED OBLIGATION FOR PROTECTION OF CIVILIANS IN ARMED CONFLICT ZONES**

**Michael Dominic Hanson\***

**Abstract**

*Since the end of World War II in 1945, the conduct of war, which is accommodated under the jus in bello rule, has been regulated by laws, particularly the International Humanitarian Law (IHL). These laws provide protection for civilians in armed conflict zones and place obligation on parties to armed conflicts to ensure that civilians are protected. However, existing literature has shown that the reality of the demands of these laws remain a far cry as civilians harm in war zones persists. This paper examines relevant IHL on the protection of civilians in armed conflict zones in order to show the discrepancy between these laws as they exist and the practical reality of such protections for civilians. This paper made use of doctrinal methodology with analytical and descriptive approaches. It found that despite the existence of relevant IHL on the protection of civilians in armed conflict zones, the actual reality on ground shows the failure of parties in armed conflict zones to protect civilians as required by law due to: weak enforcement mechanism and other factors. The paper recommends strengthening of enforcement mechanisms, fostering of accountability with enhanced international cooperation, enhancement of protection mandates through amendment of relevant legal instruments on IHL and establishment of a standby*

---

\* PhD, Department of International Law and Jurisprudence, Faculty of Law, University of Uyo, Uyo. Email: [michaelhanson@uniuyo.edu.ng](mailto:michaelhanson@uniuyo.edu.ng)

*United Nation military force for intervention in armed conflicts zones to address the problem of protracted armed conflict.*

**Keywords:** Armed Conflict, Armed Conflict Zone, Civilian, Civilians Objects, Protection of Civilian, Unfulfilled Obligation

## **1.0 INTRODUCTION**

The proliferation of armed conflicts in different part of the world in recent time has resulted in indiscriminate killing of civilians, wanton destruction of civilian objects and other catastrophic humanitarian crises. It has been shown that in contemporary armed conflicts, innocent civilians constitute overwhelming majority of victims who have, at times, been deliberately targeted and killed by parties to armed conflict.<sup>1</sup> According to the United Nation (UN) Security Report in 2024, more than 36,000 civilian deaths in 14 armed conflicts was recorded in 2024.<sup>2</sup> Remarkably, in the Israeli-Hamas conflict alone, according to Gaza Ministry of Health, as of 3 October 2025, 67,075 people have been killed and 169,430 people have been injured since the war broke out on 7 October, 2023.<sup>3</sup> These casualties usually result from attacks directly targeting civilians or do not distinguish between civilians and military targets or attacks not justified by military necessity, which constitute atrocities committed by parties in armed conflict. It is these atrocities that gave great concern to international community shortly

---

<sup>1</sup> Mwita John, 'Analysis of the Extent of Protection Accorded to Civilians, Civilian Populations, and Civilian Objects by International Humanitarian Law in Armed Conflicts' (2024) *East African Journal of Law and Ethics* 7 (1) 1.

<sup>2</sup> UNSC Report on Protection of Civilians< UNSC Report on Protection of Civilians.pdf > accessed 3 December, 2025.

<sup>3</sup> Neta C. Crawford, The Human Toll of the Gaza War: Direct and Indirect Death from 7 October 2023 to 3 October 2025<[https://costsofwar.watson.brown.edu/sites/default/files/2025-10/Human-Toll-in-Gaza\\_Costs-of-War\\_Crawford\\_7-October-2025.pdf](https://costsofwar.watson.brown.edu/sites/default/files/2025-10/Human-Toll-in-Gaza_Costs-of-War_Crawford_7-October-2025.pdf)> accessed 28 January 2026.

after World War II of 1945, consequent upon which the conduct of war became regulated by laws as accommodated in the *jus in bello* rule and other laws.<sup>4</sup>

Notably, the obligation on parties to armed conflict to ensure the application of IHL on the protection of civilians in armed conflict zones apply to both international and non-international armed conflicts.<sup>5</sup> Accordingly, parties to this conflicts are under obligation to distinguish between civilians and civilian property from military objects during armed conflict, ensure definite limits on warfare, and permit attacks that are proportional to lawful objective of military operations and actually necessary to achieve military objectives, with precaution. However, in spite of the provisions on the protection of civilians in armed conflict zones together with obligation on parties to armed conflict to ensure such protection, the reality is endangered by the non-fulfilment of this obligation in armed conflict zones. This paper examined existing legal instruments on the protection of civilians in order to show the discrepancy between the instruments as they exist and the practical reality of such protections for civilians in armed conflict zones. In doing this, the paper is divided into six parts. Part one is the introduction while part two provides understanding of ‘who civilians are in armed conflict’. Part three undertakes an examination of the law and the protection of civilians in armed conflict while part four examines the challenges of the protection of civilians in armed conflict zones. Part five is the conclusion and recommendation.

---

<sup>4</sup> While the term *jus ad bellum* refers to the set of lawful criteria considered before engagement in war, *jus in bello* is the set of laws that govern the conduct of war. See Morgan Kelley, ‘Challenges to Compliance with International Humanitarian Law in the Context of Contemporary Warfare’ (2013) *Independent Study Project (ISP) Collection*. 1618, p.6.

<sup>5</sup> See art. 3 Common to the IV Geneva Convention of 1949.

## **2.0 WHO IS A CIVILIAN IN ARMED CONFLICT?**

It has been shown that ‘who a civilian is’ in the context of armed conflict has not been positively provided otherwise than the attempts made in Articles 50 of Additional Protocol (AP) I of 1977, Article 4 (A) of the Third Geneva Convention of 1949 and Article 43 of AP I of 1977.<sup>6</sup> In Article 50 (1) of the Third Geneva Convention of 1949, a civilian is defined as follows: “A Civilian is any person who does not belong to one of the categories of persons referred to in Article 4 (A) (1)(2), (3) and (6) of the Third Convention and in Article 43 of this Protocol.” The categories of persons referred to in Article 50(1) of the Third Geneva Convention of 1949 and named in Article 4 (A) (1), (2), (3), and (6) of the third Geneva Convention are members of armed forces and militia or volunteer corps of a party to the conflict;<sup>7</sup> members of other militias and of other volunteer corps including those of organized resistance movements;<sup>8</sup> members of regular armed forces professing allegiance to an authority unrecognized by the detaining power<sup>9</sup> and; inhabitants of non-occupied territory who take up arms to resist invading forces.<sup>10</sup> Article 43 of AP I of 1977 provides for what constitutes armed forces thus:

The armed force of a party to a conflict consist of all organized armed forces, groups or units which are under a command responsible to that party for the conduct of its subordinate, even if that party is represented by a government or authority not recognized by an adverse party.

---

<sup>6</sup> Mwita John, (n 1) 2.

<sup>7</sup> Geneva Convention III of 1949, art. 4A (1).

<sup>8</sup> Ibid, art. 4A (2).

<sup>9</sup> Ibid, art. 4A (3).

<sup>10</sup> Ibid, art. 4A (6). Note, Article 4 (A) (1), (2),(3), (4), (6) of Geneva Convention III of 1949 and Additional Protocol I of 1977, art. 43.

A combined reading of these Articles, particularly, Article 4 A (1), (2), (3) and (6) and Article 43 of AP I of 1977 shows all categories of armed forces and members. These are persons who; take part in armed conflicts, constitute military objectives and; are liable to be attacked during armed conflict.<sup>11</sup> They are sometimes identified with their uniforms or open display and use of arms/weapons during armed conflict. Therefore, any person who does not belong to any of these categories of persons is a civilian and is, under IHL entitled to protection during armed conflict. This protection is apropos such that where there is any doubt whether a person is a civilian or not, such person is considered a civilian and protected.<sup>12</sup> Also a civilian population comprises all persons who are civilians and the presence of a combatant in civilian population does not deprive the population of its civilian character.<sup>13</sup> According to Fagbemi and Odiaka, a civilian is any person who does not belong to the armed forces, including non-nationals and refugees.<sup>14</sup>

From the foregoing, it is apparent that a civilian is a person who is not a member of any armed force or militia or volunteer corps of a party to armed conflict or organised resistance movements in armed conflict or inhabitants of non-occupied territory who does not take up arms to resist invading forces or does not undertake military operations or take active part in armed conflicts notwithstanding the close association of such person with military personnel and operations. Thus a person who accompanies armed forces

---

<sup>11</sup> Chris C. Wigwe, *International Humanitarian Law* (Readwise Publishers: 2010)129.

<sup>12</sup> Additional Protocol I of 1977, art. 50 (1).

<sup>13</sup> Ibid.

<sup>14</sup> Fagbemi Sunday Akinlolu and Odiaka Ngozi Oluchukwu 'An examination of the Basic Principles and Guidelines for the Protection of Civilians under International Humanitarian Law' (2016) *Niger Delta University Law Journal*, (1) (1) 13.

without actually being a member thereof is a civilian.<sup>15</sup> These include: military aircraft crews who are not military personnel; war correspondents; supply contractors and members of labour or welfare service units; crew members of merchant ships and of the civil aircraft of parties to the conflict.<sup>16</sup> A notably common identification of a civilians, in many instances, is *prima facie* visible by the clothes they wear and, absence of possession and use of weapons. However, once a civilian takes up arms in any armed conflict zone, he/she becomes a combatant, loses the protections available to him/her under IHL and becomes liable to be attacked and taken prisoners of war in the event of capture.<sup>17</sup>

### **3.0 THE LAW AND THE PROTECTION OF CIVILIANS IN ARMED CONFLICT ZONES**

The relevant laws, which provide for the protections of civilians in armed conflicts zones and place obligations on parties to armed conflicts to ensure compliance include; the Geneva Convention IV Relative to the Protection of Civilian Persons in times of war of 1949, Additional Protocols to the Geneva Conventions relating to the protection of victims of International Armed Conflict of 1977, Additional Protocols to the Geneva Conventions relating to the Protection of Victims of Non-International Armed conflicts of 1977 commonly referred to as Additional Protocol I and II respectively, customary international law, Statute of the International Criminal Court, 1999 Convention on the Protection of Civilians Against Torture and the

---

<sup>15</sup> Geneva Convention III of 1949, art. 4 A.

<sup>16</sup> Ibid, art. 4 A (5).

<sup>17</sup> Chris C. Wigwe, *International Humanitarian Law* (Readwise Publishers: 2010)131; Additional Protocol 1 of 1977, art. 51(3); See also Additional Protocol II of 1977, art. 13 (3).

Convention on the Prevention and Punishment of the Crime of Genocide 1951.

**a. The Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War of 1949**

This Convention provides for the protection of civilians in armed conflict zones and prohibits the practice of total war.<sup>18</sup> It accommodates a general protection for civilian populations against some negative effects of war without discrimination on grounds of race, nationality, religion, or political opinion.<sup>19</sup> It places obligation on parties to armed conflict to ensure humane treatment of civilians with protection for women against rape, forced prostitution, or any form of indecent assault.<sup>20</sup> Civilians are equally protected from being used as human shield against attacks on military objects or targets. Also, they are immune from collective punishments, pillage as well as being punished for acts which they have not personally committed. All measures of intimidation or of terrorism are prohibited,<sup>21</sup> reprisals against protected persons and their property are prohibited.<sup>22</sup>

**b. Additional Protocol I relating to The Protection of Victims of International Armed Conflicts of 1977**

This Protocol applies to international armed conflict. It prohibits indiscriminate attacks on civilians and civilian objects and places obligations on parties to conflict requiring that distinctions be made between military and civilian objectives.<sup>23</sup> Attack on civilians and civilian

---

<sup>18</sup> Mwita John, (n 1). 4

<sup>19</sup> Geneva Convention IV of 1949, art.13.

<sup>20</sup> Ibid, art. 27.

<sup>21</sup> Ibid, art. 33.

<sup>22</sup> Ibid.

<sup>23</sup> Additional Protocol I of 1977, art. 51(1) (2) (4) of the. On what constitutes indiscriminate attacks, see art. 51(4) and (5).

population is protected in its Article 51 (1) and (2). Acts or threats of violence, the primary purpose of which is to spread terror among the civilian population is also prohibited.<sup>24</sup> Indiscriminate attacks on civilians and civilian population is prohibited.<sup>25</sup> Similarly, civilians and civilian objects are protected from being target of reprisal attacks as such reprisals are prohibited.<sup>26</sup> The Protocol also requires that armed forces commanders take precautions to avoid excessive damage to civilians and civilian property over anticipated military advantage in compliance with the rules of customary international law applicable in armed conflict.<sup>27</sup>

Additionally, the protection of civilians or civilian population from being used as shield by parties to conflict, to render certain points or areas immune from military operations, is also accommodated by this protocol.<sup>28</sup> Protection is also provided for cultural objects and places of worship of civilians, which include historic monuments, works of art and places of worship constituting the cultural or spiritual heritage of peoples.<sup>29</sup> Similarly, Article 54 of the Protocol provides protection for objects that are indispensable to the survival of the civilian population. Thus, starvation of civilians as a method of warfare is prohibited.<sup>30</sup> Attack, destruction, removal or rendering useless means of survival of civilians, such as food, drinking water installations in order to starve civilians or cause them to move away or other motives is prohibited.<sup>31</sup> Finally, the Protocol provides

---

<sup>24</sup> Ibid, art. 51(2).

<sup>25</sup> Ibid, 51(4).

<sup>26</sup> Ibid, art. 20, 51(6) and 54(4).

<sup>27</sup> Ibid, art. 43.

<sup>28</sup> Ibid, art. 51(7).

<sup>29</sup> Ibid, art. 53.

<sup>30</sup> Ibid, art. 54(1).

<sup>31</sup> Ibid, art. 54(2).

protection for civilians against attacks on works and installations containing dangerous force such as dams and nuclear or electrical generating stations, including those near them.<sup>32</sup>

**c. Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts of 1977**

This Protocol applies to non-international armed conflict and designed for the protection of victims of such conflicts. It operates as a development and supplement to Common Article 3 to the Geneva Conventions, which applies to both international and non-international armed conflicts. The Protocol provides protection for civilians to be treated humanely and without discrimination of any kind and imposes obligations on parties to armed conflict in that regard. Accordingly, civilians are protected from outrages upon personal dignity, torture, collective punishments, being taken hostages, terrorism, pillage and threats to commit any of these acts.<sup>33</sup> The Protocol provides general protection of civilian and civilian population,<sup>34</sup> Protection of objects indispensable to the survival of the civilian population;<sup>35</sup> Protection of works and installations containing dangerous forces;<sup>36</sup> Protection of cultural objects and of places of worship and;<sup>37</sup> Protection against forced movement of civilians.<sup>38</sup>

---

<sup>32</sup> Additional Protocol I of 1977, art. 56

<sup>33</sup> Additional Protocol II of 1977, art. 4 (2) (a) –(h).

<sup>34</sup> Ibid, art.13.

<sup>35</sup> Ibid. art.14.

<sup>36</sup> Ibid, art.15.

<sup>37</sup> Ibid, art.16.

<sup>38</sup> Ibid, art.17.

#### **d. Customary International Law**

This is yet another relevant legal instrument on the protection of civilians in armed conflict zones. It accommodates various principles of IHL on the protection for civilians, civilian populations and civilian objects to wit; the principle of distinction, precaution, proportionality and military necessity.<sup>39</sup> Parties to armed conflict are under obligation to apply these principles during armed conflict. The principle of distinction has been shown to be one of the fundamental principles of IHL which holds that only military objectives should be a target of attack and not civilians or civilian objects.<sup>40</sup> It prohibits attacks on military objectives and civilians or civilian objects without distinction.<sup>41</sup> It places obligation on parties to armed conflict to always distinguish between civilians and combatants on the one hand, and between civilian objects and military objectives on the other, and to direct their attacks only on military objectives during armed conflict.<sup>42</sup> Thus once armed attack is shown to have been directed towards civilians or civilian population or property, such attack is unlawful.<sup>43</sup> This principle is applicable to both international armed conflicts and non-international armed conflicts and is aimed at protecting the civilians from direct attack as well as persons recognised as *hors de combat* from being attacked during armed conflict.<sup>44</sup>

---

<sup>39</sup> Mwita John (n 1) 7.

<sup>40</sup> Ibid. See also Additional Protocol I of 1977, art. 48, 51(2), 52 (2).

<sup>41</sup> Additional Protocol I of 1977, art. 51 (4).

<sup>42</sup> Ibid; Fagbemi Sunday Akinlolu and Odiaka Ngozi Oluchukwu (n 14)13.

<sup>43</sup> Jane-Marie Henckaerts and Louise Doswald- Beck, *Customary International Humanitarian Law, Volume I: Rules*, (Cambridge University Press; 2005) 3-4.

<sup>44</sup> These are persons who can no longer participate actively in armed conflict by reasons of wounds or illness.

Notably, the use of civilian object for military purposes opens the floodgate of attacks on such object and makes such attack lawful unless the effects on the civilian use of the object imply excessive damage to civilians under the proportionality rule.<sup>45</sup> In order to ensure accountability where this occurs, the elasticity of the application of the principle of distinction is expanded to the consideration of proportionality to ensure that deliberate or intentional attack on civilians, civilian population and objects are not excused.<sup>46</sup> It is to this extent that an attack on legitimate military objective would be unlawful if excessive collateral damage affecting civilians or civilian objects is occasioned by such attack.<sup>47</sup>

The Principle of Proportionality is another principle of customary international law billeted in Article 51 (5) (b) of the AP I to the Geneva Convention of 1949 and designed for the protection of civilians during armed conflicts. It holds that even though military objects are legitimate objects of attack during armed conflict, it is unlawful to attack it if it may seem that the harm to civilians, civilian population, property or all of it altogether is excessive to the expected military advantage.<sup>48</sup> Thus, in directing an attack on a military target, parties to the conflict are under obligation to ensure that the harm caused to civilians or civilian property must be proportional and not excessive of the direct military advantage anticipated. For that reason, indiscriminate attacks on civilians are prohibited.<sup>49</sup> However, where deaths or injury to civilian properties is proportional and not excessive of the military advantage expected, such

---

<sup>45</sup> Mwita John (n 1) 9.

<sup>46</sup> Additional Protocol II of 1977, art. 13 (2); Statute of the International Criminal Court of 1998, Article 8 (2) (b).

<sup>47</sup> Mwita John (n 1) 8.

<sup>48</sup> Ibid, 10.

<sup>49</sup> Additional Protocol I of 1977, art. 51 (4), (5) (b).

deaths may not be unlawful. It is to this extent that John Mwita, quoting Moreno Ocampo, stated that it is not all civilian death caused by parties to armed conflict that constitutes war crimes under international law.<sup>50</sup>

The Principle of Precaution is another principle of customary international law, housed in Chapter IV of AP I of the Geneva Convention of 1949. It requires parties to armed conflict to take constant care to spare civilians, civilian population and objects during armed conflict.<sup>51</sup> According to this principle, parties to armed conflicts are under obligation to take precautions: in the choice of object of attack to be military objectives; in the choice of means and methods of attack and; to give effective advance warning of attacks which may affect the civilian population, unless circumstances do not permit.<sup>52</sup> Accordingly, land, sea or air attack which may be expected to cause the least danger to civilian lives and to civilian objects should always be worth taking in the face of choice of target amongst several targets.<sup>53</sup>

The principle of military necessity is another principle of customary international law that is very significant in IHL discourse. According to this principle, attacks against military objectives during armed conflict must aim to confer an attacking party with a military advantage over the other party. And, in case of any injury to civilians and their belongings, such injury should be proportional and not excessive of the expected military advantage. Thus, it shall constitute war crimes if the attack on civilians was grave, unless it is shown that it was necessary and proportional to the

---

<sup>50</sup> Mwita John (n 1) 10.

<sup>51</sup> Additional Protocol I of 1977, art. 57.

<sup>52</sup> Ibid, art. 57 (2) (a), (b) and (c).

<sup>53</sup> Ibid, art. 57(3) (4).

adverse impacts on civilians and civilian population.<sup>54</sup> It is this position that encouraged the use of necessity as justification for violating strict application of IHL for reasons of accountability in time past.<sup>55</sup> However, in contemporary time the principle of civilian protection lies at the heart of IHL and such protection cannot be abused in the name of military necessity.<sup>56</sup> Thus, current legal instruments on IHL totally prohibits the destruction of civilians' properties unless it is of absolute necessity militarily to do so.<sup>57</sup> Also deliberate attacks on civilian, civilian population or civilian objects are prohibited unless such attacks are collateral or incidental and proportional to the military advantage anticipated and facilitated by military necessity.<sup>58</sup>

**e. The Statute of International Criminal Court (Rome Statute)**

The Rome Statute established the International Criminal Court (ICC) with jurisdiction to investigate and bring individuals who commit genocide, crimes against humanity, war crimes, and the crime of aggression to justice.<sup>59</sup> The Statute prohibits deliberate or intentional attacks against civilians or civilian population or civilian property, killing of civilians, forceful transfer of civilians, torture or inhumane treatment, extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly as well as other acts clearly enumerated in the Rome Statute.<sup>60</sup> The wording of the Statute criminalises

---

<sup>54</sup> See generally, Michael N. Schmitt, 'Military Necessity and Humanity in International Law: Preserving the Delicate Balance' (2010) *Virginia Journal of International Law*, 5(4).

<sup>55</sup> See Mwita John, quoting Schmitt, (n 1) 11.

<sup>56</sup> *Ibid*, 11.

<sup>57</sup> Geneva Convention IV of 1949, art. 53.

<sup>58</sup> Mwita John (n 1) 12.

<sup>59</sup> Rome Statute, art. 1, 5, 6, 7, 8 and 8 *bis*.

<sup>60</sup> *Ibid*, art. 6, 7, 8 and 8 *bis*.

various deliberate violent acts against civilians and other serious violations of the laws and customs applicable in international armed conflict. Under this Statute, parties to armed conflict are under obligation to protect civilians from violent acts which constitute international crimes. Thus, where there is such violation, the ICC has jurisdiction for prosecution.<sup>61</sup> By Article 13 of the ICC Statute, individuals who violates the IHL may be requested to be investigated and subsequently arrested and prosecuted in that regards. Notably, some of these individuals are usually sitting heads of states or governments who are clothed with immunity status, which usually frustrates accountability in that regard.<sup>62</sup>

There are other legal instruments that address specific acts providing protection for civilians in conflict zones. Some of these legal instruments not only provide such protections but condemn their violations with attendance directions for consequences. They include the 1999 Convention on the Protection of Civilians Against Torture and the Convention on the Prevention and Punishment of the Crime of Genocide 1951. The violations of these instruments in relation to the protection of civilians is prohibited and perpetrators are also accountable under the Rome Statute.<sup>63</sup>

---

<sup>61</sup> Fagbemi Sunday Akinlolu and Odiaka Ngozi Oluchukwu (n 14) 18.

<sup>62</sup> Michael D. Hanson, 'Accountability for War Crimes and the Question of Immunity under International Criminal Law' (2025) *Alex Ekwueme Federal University Law Journal* (2) (22) 60.

<sup>63</sup> MD Hanson, 'Obligations of States on Accountability for War Crimes under International Criminal Law' (2024) *African Journal of Law, Ethics and Education* (7) (6) 66.

#### **4.0 PROTECTION OF CIVILIANS IN ARMED CONFLICT ZONES AND THE CHALLENGES**

Civilians, civilian population as well as civilian objects have been offered protections under IHL. In spite of these protections, there are noticeable challenges inhibiting their enjoyment thereby making what is obtainable by civilians in reality in armed conflict zones different from the offer provided under IHL. One of these challenges is the unfulfilled obligations by parties to armed conflict arising from weak enforcement mechanisms. Thus in many armed conflict zones today including Gaza, Sudan, D.R Congo and Ukraine there is continuing wilful killings of civilians, displacement or forced evacuation, starvation, torture and destruction of civilian objects such as hospitals, schools, water and electricity source. It has been shown that in the Israeli/Hamas war which broke out on 7th October, 2023: 70000 persons have been killed; 170983 people wounded and;<sup>64</sup> estimated 90% of civilians in Gaza displaced.<sup>65</sup> According to Asangausung, Israel's war with Hamas has resulted in the massive destruction of lives and property, unprecedented suffering, displacement, and economic devastation, which violence has claimed countless lives, injured scores of people, and left thousands of civilians, including children, youth, women, men, and the elderly, homeless and without access to basic needs like water, electricity and medical care.<sup>66</sup> In the Russian-Ukraine conflict, it has been shown that within 8 months of the commencement of the conflict (February 2022-

---

<sup>64</sup> Freddie Clayton, Gaza Death Toll Rises to 70,000 as repeated outbreak of violence tests ceasefire, NBC News, 30 November, 2025 < <https://www.nbcnews.com/world/gaza/gaza-death-toll-rises-ceasefire-tested-outbreaks-violence-rcna246521> > accessed 28 December, 2025.

<sup>65</sup> Ibid.

<sup>66</sup> Okoro Sunday Asangausung and others, 'The Israel-Hamas Armed Conflict in the Middle East: A Sociological Lens' (2024) *AKSU Journal of Administration and Corporate Governance*, (4) (3)117.

August 2022) there was recorded killing of 6152 civilians and 8713 injured in Ukraine.<sup>67</sup> In Sudan, a reported in March 2025 showed that at least 10.5 million people were internally displaced and over 2 million sought refuge elsewhere.<sup>68</sup> Similarly, there is escalation of violence in the Democratic Republic of Congo, which has displaced 2 million bringing the total number of displaced people in the country to over 7 million.<sup>69</sup>

The above shows the reality on ground in these conflict zones - as evidence that many parties to armed conflict zones deliberately fail or refuse or neglect to fulfil their obligation to protect civilians being consequent of the challenge of weak enforcement and accountability mechanism. This is what explains why individuals, such as Vladimir Putin who have been indicted for violation of IHL has not been arrested or held accountable in that regard.<sup>70</sup> This makes accountability for such individuals, who have been involved in breaches of IHL on the protection of civilians in armed conflict zones, a travesty. This is so because many such individuals have not been arrested and not held accountable even after warrants of arrest have been issued in that regard.<sup>71</sup> The impunity of such individuals, which is

---

<sup>67</sup> Chukwurah Charles Mezie-Okoye, 'Humanitarian Impact of Russia's Invasion of Ukraine' (2023) *International Journal of Research and Innovation in Social Science (IJRISS)* 7 (2) 765.

<sup>68</sup> International Review of the Red Cross, 'International Humanitarian Law and the Challenges of Contemporary Armed Conflict' 2025 < <https://international-review.icrc.org/articles/reports-and-documents-ihl-and-the-challenges-of-contemporary-armed-conflicts-927>> accessed 3 January 2026.

<sup>69</sup> *Ibid.*

<sup>70</sup> Tara Law, 'The ICC Has Issued a Warrant for Warrant for Vladimir Putin. Will He Actually Be Arrested?' < <https://time.com/6264280/vladimir-putin-icc-warrant-arrest/>> accessed 27 January, 2026.

<sup>71</sup> For considerations influencing such non-arrest, see generally Michael Hanson (n 63) 65-84.

encouraged by weak enforcement and accountability mechanisms remain an indicator of encouragement for continued violation of IHL and undermines the deterrent effect of IHL. This situation is worsened where such individuals are members of non-state actor, which often operate beyond the reach of formal IHL legal regimes.<sup>72</sup> This discrepancy has been shown to generate double standard in legal accountability, wherein state actors face international scrutiny while non-state actors frequently evade enforcement and frustrate accountability.<sup>73</sup>

The discrepancy between existing IHL and the reality on the protection of civilians in armed conflict zones is also associated with the challenge of evolving nature of warfare to wit; asymmetric warfare. Asymmetric warfare is characterised by an unequal use of power in conflict usually between state and non-state actors, the use of irregular tactics, and the blurred lines between combatants and civilians.<sup>74</sup> Example of this kind of warfare is seen in the conflict between Israeli and Hamas, which has witnessed a failure in the application of the principle of distinction, proportionality and precaution. This is so because, Hamas, a non-state armed group, often mix with civilian population and operates from residential areas with some of them not wearing uniforms or any identifying insignia.<sup>75</sup> This blurs the combatant/civilian distinction and opens the floodgates for Israel to attack

---

<sup>72</sup> Ibid, at 347.

<sup>73</sup> See generally, K. Bannelier and S. Cristol, 'Asymmetrical Warfare and International Humanitarian Law' (2019) *Leiden Journal of International Law*, 32(1)1–23.

<sup>74</sup> Aristoteles H Lawitang, et al, 'Asymmetric Warfare and the Challenges to International Humanitarian Law' (2025) *Journal of Law and Nation (JOLN)*, 4 (2) 344.

<sup>75</sup> Peter Beaumont, What is Human Shield and How is Hamas Accused of Using Them? < <https://www.theguardian.com/world/2023/oct/30/human-shield-israel-claim-hamas-command-centre-under-hospital-palestinian-civilian-gaza-city> > accessed 28 January 2026.

them amidst the civilians in total disregard of the IHL principle of distinction. Similarly, such non-state actors make use of civilian objects such as hospitals, schools or quarters as their base or weapon site. This is sometime considered as using civilians as human shields against military attacks, which is against the dictates of IHL.<sup>76</sup> It has been shown that the campaign to liberate Mosul from the Islamic State (ISIS) illustrated the complex challenges posed by urban asymmetric warfare, where ISIS implanted fighters within civilian populations, utilizing hospitals and schools as operational bases, and deployed humans as shields.<sup>77</sup> This usually opens the floodgate of attacks on such civilian objects which typically result in collateral damage with high civilian casualties against IHR rules.

The Use of new technologies as method of war as well as unlawful methods/ means of war in recent time also operate as a challenge on the implementation of IHL on the protection of civilians in armed conflict zones. Modern armed conflicts often involve non-state armed groups, complex battlefields with the use of technologies in warfare.<sup>78</sup> The development and use of these new technologies such as armed drones and lethal autonomous weapons systems introduce new legal and ethical challenges to civilian protection. The IHL principle of precaution is unattainable where these new technologies are used in warfare. This therefore creates negative spirals of non-compliance to IHL principle on the protection of civilians in armed conflict zones. Similarly, the use of

---

<sup>76</sup> Fagbemi Sunday Akinlolu and Odiaka Ngozi Oluchukwu (n 1) 16.

<sup>77</sup> Aristoteles H Lawitang, et al, (n 74) 346.

<sup>78</sup> See generally, Małgorzata Bujek, *New Rules Of The Contemporary War*, <[https://file:///C:/Users/user/Downloads/New\\_rules\\_of\\_the\\_contemporary\\_war.pdf](https://file:///C:/Users/user/Downloads/New_rules_of_the_contemporary_war.pdf)> accessed 28 January 2026.

unlawful method of war operates as a challenge on civilian protection in armed conflict zones. This is typically associated with weaker parties in conflicts who are usually tempted to use unlawful methods to offset their military disadvantage, such as using human shields, conducting perfidious acts and employing terror tactics, including suicide bombings. These actions are majorly carried out in violations of IHL and intentionally places civilians at grave risk of death and other humanitarian crises.

Another challenge is the rise of non-state actors associated with the emergence of other types of conflicts which is not international armed conflict or non-international armed conflicts.<sup>79</sup> Whereas the performance of the obligations imposed on parties to armed conflict is reasonably observed in international armed conflict, this is hardly obtainable in a non-international armed conflict, even as accommodated by Article 3 Common to the Geneva Convention of 1949. However, while the obligations on the protections for civilians is explicit in theory, the reality of what is obtainable in armed conflict zones is different. This is a fallout of gross violations of IHL in non-international armed conflict at the expense of civilians and notwithstanding that non-state actors are bound by IHL even as they are not signatories to them. However, non-state actors as de facto parties to armed conflict, the ‘principle of legislative jurisdiction’ holds that they are bound under IHL by reason of their being active on the territory of a Contracting Party (a State Party to the Geneva Conventions and/ or its Additional Protocols).<sup>80</sup> Notwithstanding this, it is difficult to secure compliance and avoid violations of IHL by non-state actors. Also, where

---

<sup>79</sup> Ibid, 112.

<sup>80</sup> Cedric Ryngaert, ‘Non-State Actors and International Humanitarian Law’ (2008) *Katholieke Universiteit Leuven Faculty of Law, Nstituut Voor Internationaal Recht, K.U. Leuven*, 5.

they are involved in terror war, individual civilians and civilian populations are direct targets of such terror attack.<sup>81</sup> This issue is further worsened by the fact that terrorists are not in armed conflict in its real sense rather, they conduct their terrorists' operations normally amidst and against civilians, and it is sometimes difficult to make a distinction between them and civilians.

The challenge of protracted armed conflicts also operates to impugn the protection of civilians in armed conflict zones under IHL. Protracted armed conflict, such as Israel/Hamas war, manifestly compound issues on the protection of civilians during armed conflicts with consequential humanitarian crises. One of the consequences on civilians is the gradual collapse of necessary facilities and services, such as healthcare, water supply, food supply and education which lead to diseases, starvation, mass displacement and death of civilians.<sup>82</sup> Thus the protection of civilians from these consequences remains unachievable as parties to a protracted conflict usually fail to implement the demands of IHL in that regard in spite of genuine calls.<sup>83</sup>

## **5.0 CONCLUSION AND RECOMMENDATIONS**

The application of IHL in armed conflict zones remains the obligation of parties to armed conflict. These instruments provide meaningful protections

---

<sup>81</sup> Boar Ganor, 'Defining Terrorism: Is One Man's Terrorist Another Man's Freedom Fighter?' (2002) *Police Practice and Research* 3 (4) 294.

<sup>82</sup> Jelena Pejic, 'The Right to Food in Situations of Armed Conflict: The Legal Framework' (2001) *International Review of the Red Cross*, 83(844)1099.

<sup>83</sup> See Amnesty International, 'Lift the blockade on Gaza and stop the Genocide' <<https://www.amnesty.org/en/petition/lift-the-blockade-on-gaza-and-stop-the-genocide/>> accessed 28 January, 2026; Morgan Kelley (n 4)6.

for civilians during armed conflicts. As many countries of the world today continue to be involved in armed conflicts, the resulting consequence on civilians, civilian population and civilian objects continue to proliferate. Civilians in armed conflict zones have been accommodated under IHL with assurances of protection together with obligations of ensuring such protection by parties to armed conflict. However, the reality of the fulfilment of the obligation of these laws on the protection of civilians in armed conflict zones has been shown to be in contra distinction to what is obtainable on ground. This discrepancy illustrates the failure of parties to armed conflict to protect civilians, which has been associate with the problems identified and addressed in this work.

In view of these problems, this work recommends firstly, strengthening of enforcement mechanism on the protection of civilians in armed conflict zones. Weak enforcement mechanisms has been identified as one of the challenges of the unfulfilled obligations on the protection of civilians by parties to armed conflict in armed conflict zones. There are laudable legal instruments on IHL, which provide for the protection of civilians in armed conflict zones and obligation on parties to such conflicts to ensure such protection but without effective corresponding enforcement mechanism in that regard. Thus we have situations of continuing killing of civilians in Sudan and Gaza without restraint. Strengthening of enforcement mechanism to ensure that parties to armed conflict perform their obligation of adhering to IHL during armed conflict would help reposition the protection of civilians in armed conflict zones. Accordingly, increasing use of sanctions through UN member states on parties to armed conflict who fail to perform their obligations of protection of civilians in armed conflict zones, would help compel compliance and serve as deterrent for others.

Secondly, is fostering of accountability with enhanced international cooperation to make it effective and sufficient to address the problem of insufficient accountability. It is apparent that accountability for individuals who have been involved in violations of IHL on the protection of civilians in conflict zones remains a charade. This is so because many such individuals have not been arrested and held accountable. The duty to hold such individual accountable should be made a collective responsibility of all member states of the UN. Thus, both state actors and non-state actors who are parties to armed conflict should remain bound by IHL for the protection of civilians in conflict zones. This could be achieved through increased cooperation of member states by the UN in areas of arrest, detention, extradition, surrender and prosecution. Where this occurs, there would be no hiding places for individuals involved in violation of IHL and such accountability would serve as deterrent to others.

Thirdly, enhancement of international cooperation and fostering accountability are instrumental in addressing the problem of the rise of non-state actors in relation to the protection of civilians in armed conflict zones. Enhanced international cooperation against the emergence, existence and involvement of non-state actors in armed conflicts and strengthening of accountability mechanisms would ensure that non-state actors are equally held accountable for violation of IHL on the protection of civilians in armed conflict zones. This is inclusive of those associated with emerging conflicts such as terrorism. This is so because where non-state actors are involved in armed conflict particularly that of terrorism, individual civilians and civilian populations are the targets of direct attacks. Cooperation amongst international and regional bodies as well as states to pressure non-state actors out of involvement in armed conflict and absolute demand for

civilian protection without guarantee of safe havens in case of failure to do so, is one way of ensuring the protection of civilians in such conflict zones. Fourthly is enhancement of protection mandates on protection of civilians in armed conflict zones through amendment of relevant legal instruments on IHL. This would address the problem associated with evolving nature of warfare. The amendment should accommodate the use of modern means and methods of warfare with guiding operational principles, which ensures the protection of civilians in conflict zones. This include leverage technology for better situational awareness and specific early warning systems for civilians' evacuation, particularly, when drones, artificial intelligence (AI) and the likes are used in bombing targets. This would enable the demand for clear distinction between civilians and combatants to be observed in armed conflict zones to ensure that only military objectives are targeted and not civilians. This could be achieved with strengthened collaboration amongst UN member states in sharing intelligence with clear responsibility placed on parties in armed conflict who made use of such asymmetric means of warfare. Such achievement would operate to reduce indiscriminate killing of civilians and wanton destruction of civilian objects in the pretext that the technological devices detected the presence of combatants in such places like hospitals, schools, places of religious worship or cultural sites and other protected areas. Adhering to such established principles would close the floodgate of attacks on such civilian objects thereby preventing collateral damage with high civilian casualties.

Fifthly is the establishment of a standby UN military force to help address the problem identified with protracted armed conflict. It is the failure of parties to protracted armed conflict to implement the demands of IHL to protect civilians in armed conflict zones that contributes to worsened humanitarian crises associated with displacement, starvation and death of

civilians. This is evidence in the war in Gaza, Sudan and D R Congo. An intervention force against the aggressor, involved in violation of IHL on the protection of civilians would remedy such situation. The UN Security Council is authorized to use enforcement actions as provided by Chapter VII of the UN Charter in order to preserve or reestablish global peace and security. This should be used, particularly, where sanctions fail. Thus, the UN should establish a standby force to intervene in any protracted conflict in the world based on majority decisions of members of UN security council and without any consideration of Veto Power overriding such decisions. Such interventions would surely operate as both particular and general deterrence to parties to the armed conflict. The continuing killings of millions of civilians, destruction of civilian objects, use of starvation of civilians as weapons of war and force evacuation /displacement of civilians in protracted conflicts, while the international community sits and watches helplessly with attempts of moving resolutions that are terminated with veto powers of the permanent members should end now, if the international community itself is not to be brought to its end.