

Riddled someone you
love ever again may

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Riddled by bullets, torn apart by explosion, caught in between bricks of walls that came crashing down, losing a life while living in the most cautious way possible and not knowing when might be the last time you see a familiar face of someone you love ever again may be the fate of every innocent civilian caught in between an armed conflict between two or more states that leech on power and supremacy over the other state/states not knowing the damage and the life of innocent children, adults or even families that are at stake of being diminished in a split of a second from the destructive impact of attacks throughout these armed conflicts. War is a cold and petrifying period for many but mainly for civilians that are caught in between this hot mess. The laws regulated to provide protection for innocent lives such as civilians are known as International Humanitarian Laws (IHL) and its main purpose is to limit and prevent human suffering in times of armed conflict. Part II and Part III of the Geneva Convention Relative to the Protection of Civilian Persons in times of War of 12 August 1949 sets out an umbrella of provisions that should be adhered to by states in periods of conflicts of war. But with all these piles of rules and regulations in times of war that are still at a constant occurrence as of now, civilians still pay a hefty price in having to deal with the consequences of it. Bearing that in mind, the issue arises as to what may be a possible solution or even suggestion to curb this problem? First and foremost, adherence of International Humanitarian Laws by states or non-state actors should be strengthened and respected as it is a prerequisite requirement in order to halt the brutal violation that are driving an endless cycle of violence and devastation to the civilians. Lack of compliance only exacts a hefty price on civilian. IHL should not be taken lightly by states but

rather in a more serious approach as lives are being strangled along with it in its lack of adherence by member states. With that being said, if a breach of IHL occurs, punishment should be implemented in a very stringent manner in order for states to be mindful of the consequences of war.

Few of the existing punishments available are by firstly being liable to pay compensation if the act of the party violates any provision laid down in any Conventions and also that of imposing sanctions on an offending state. One of the most common forms of sanction has been an embargo on trade or weapons. Embargo is known to be one of the forceful types of economic sanctions. A clear measure was taken in Iraq during the Gulf War where Saddam Hussein, Iraq leader in the 1990s ordered the invasion and also occupation of neighboring country Kuwait believing it was initially part of Iraq and was intentionally carved out by the British for imperialistic reasons. Kuwait was also a land rich with oil and was economically able to lift Iraq from its economic hole which was caused by the extended war with Iran. However, Kuwait's invasion by Iraq flared the western countries and it provoked the United Nations resolutions condemning Iraq's invasion as well as imposing an economic sanction on Iraq for failing to comply with International Humanitarian Laws imposed by the United Nations². Jacques Forster³, member of the governing body of the International Committee of the Red Cross, said that the lack of political will to fully acknowledge and respect humanitarian laws and any other applicable rules remained as one of the main impediment and obstruction in fully articulating protection for civilians in times of armed conflicts. In order to achieve such heights of adherence from States, one must have the accurate information on violation

and this would enhance compliance with the law and also for an effective response from States.

For a clearer picture, in 2005 the Security Council Resolution 1612⁴ which was established by the United Nations agencies and other actors was an impactful mechanism for the collection of information on six particular violations against children in armed conflict. Similarly in our present situation, information gathering arrangements could be arranged in relation to other IHL violations in order to alleviate the casualties that are caused in an armed conflict. With the advancement of technology, fact-finding mechanisms have been established and should be put to proper use.

Clarity and precision of purpose of the mechanism and its operating quality is a very critical part in this process as justifying one's wrongdoings may be an eye-opener as to why international humanitarian laws are modeled in the way it is and this may encourage and motivate parties to armed conflicts to cooperate with the process. Without prejudice to the role of the International Humanitarian Fact Finding Commission⁵ which was established under Article 90 of Additional Protocol 1 which brings together independent experts from relevant fields, should draw on its expertise, even on an ad hoc basis.

Another effective solution that could provide increased protection for civilians in time of armed conflicts would be that of stronger and more sustainable partnerships between countries in conflict and the United Nations system that systematically identifies their various protection needs⁶. Prevention of casualties, protection of civilians and impunity could only be bridged by a

combined action by all of the parties concerned in a conflict setting their hatred and ego aside for a minute to think of the consequences that may follow if they were to go through with an armed conflict against each other. This doesn't only involve the individual States but also the international community and the United Nations agencies. This step would seek to achieve agreement between parties to a dispute with a view of preventing a violent conflict. The activities concerned in this field would be through mediation or facilitating talks or reconciliation between conflicted States. A Mediation Support Unit established in the 2006 has been set up by the United Nations Secretariat which can be used to facilitate mediation and provide services such as operational support to peace processes and providing advice to resolve issues between conflicting states. This Mediation Support Unit should be emphasized and regulated more often and especially to conflicting states. Opportunities for exerting influence on parties are the greatest if communication with all parties concerned takes place at an early stage of the conflict and before any violence has been erupted.

This would not only be a breakthrough to ensure peace and harmony on earth but would also save the hundreds of millions of innocent lives that suffer pain and injury or sometimes even death. Besides that, establishing a dedicated focal point on IHL in the United Nations such as a Special Representative who acts as a neutral person in dealing with conflicts between countries and one that is not politically inclined. The United Nations system should establish a permanent and a dedicated position in order to supervise and focus mainly on the international humanitarian laws. This position if created would be of great value in raising concerns and awareness of

violations and protection challenges. This would be an independent and impartial monitoring of incidents involving loss of lives or injury to civilians and such institutional arrangement could reduce the risk of being much politically inclined and the mandate of the Special Representative for IHL could be developed slowly but progressively as states would gain confidence in the position. A more precise picture would emerge clearly distinguishing what is necessary and what is possible and practical to be done in a convenient manner as it is a meticulous duty to deal with conflicts involving states that are only interested in their own welfare and benefits.

Another solution that can be discussed in order to provide a more wholesome protection for the civilians is by all parties involved in an armed conflict should avoid using explosive weapons that has a high and wide impact area in a populated place.

The United Nations should restrict or even ban the usage of such explosives in an armed conflict as this act of using very dangerous explosive weapons don't only discriminate civilian's death and injury but it can also cause extensive damage to critical infrastructure such as health care centers and education centers which eventually leads disruption in the convenience of a civilian's life as it is under the laws of international humanitarian law that civilians must not only be protected from such attacks from the impacts of conflict but must also be able to go about their daily lives. But in every case of armed conflict more than often we see the fabric of communities being destroyed and eroded away. Hence, lead politicians that call the shots on an attack on another state should bear in mind the grave consequences that these attacks serve to the innocent public in general and try their level best

to minimize the impact of destruction or find an alternative way in handling the issue at hand instead of an act of hostility. Last but not least, in order to increase the protection of civilians the United Nations could systematically incorporate the International Humanitarian Law into military manuals and operational order and directives as a constant reminder in times of war. In a nutshell, I would like to quote a prominent International Committee of the Red Cross war surgeon who has worked in conflicts across the world Doctor Marco Baldan that said " As I stand in the emergency theatre, operating patients torn apart physically by explosion and mentally and emotionally by their surroundings, I wish a handful of prime politicians in war-torn countries could join me. Would their decisions be any different if faced on a day to day basis with the human cost of war in its most raw manifestation? It does not have to be like this, the people in the room today have the power to make a change for a better tomorrow and to ensure the protection of civilians from the worst impact of war and violence."