

THE ROLE OF INTERNATIONAL INSTITUTIONS IN THE ENFORCEMENT OF HUMANITARIAN LAW IN CONTEMPORARY CONFLICTS

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Abstract

Contemporary wars, such as the Russian invasion of Ukraine since February 2022, the Israel-Hamas conflict in Gaza since October 2023, and the civil war in Yemen since 2014, have caused widespread humanitarian crises: thousands dead, tens of thousands injured, and millions displaced and starving (Janowski, 2025; Al-Mughrabi & Farge, 2025; ACAPS, 2024). In an effort to protect civilians, International Humanitarian Law (IHL) rooted in jus in bello and the 1949 Geneva Conventions along with their Additional Protocols establishes basic protection norms in armed conflicts. This research aims to: (1) identify the roles of the United Nations (UN), the International Committee of the Red Cross (ICRC), and the International Criminal Court (ICC) in the enforcement of IHL; (2) evaluate the actual achievements and structural obstacles faced; and (3) compare the effectiveness of IHL enforcement mechanisms in the three conflicts. The method used is qualitative with a policy study and comparative design. Data were collected from official documents of the UN, ICRC, ICC, NGO reports (Amnesty, HRW), international law journals, and secondary field data from 2021–2025. Thematic analysis and cross-case source triangulation ensure the validity of the findings. The research findings indicate that the UN plays a role in normative advocacy and humanitarian assistance but is hindered by the Security Council's veto power; the ICRC carries out the mandate to protect victims but relies on access and negotiation with conflicting parties; while the ICC is only effective if the conflict countries ratify the Rome Statute, as in the case of Ukraine, whereas its jurisdiction over Israel and Yemen is limited. This study concludes that although international institutions strengthen HHI norms, political and legal constraints demand reform of the veto mechanism, expansion of ICC jurisdiction, and guarantees of unhindered humanitarian access.

Keywords: Contemporary Conflicts, International Humanitarian Law, International Institutions, Protection of Civilians, War Law Enforcement.

A. INTRODUCTION

Contemporary wars often cause massive and prolonged humanitarian crises. Since Russia's invasion of Ukraine on February 24, 2022, civilians have been the main victims, with more than 12,654 people killed and 29,392 others injured due to large-scale fighting and the use of heavy bombing weapons (Janowski, 2025). The Israel–Hamas conflict in the Gaza Strip that broke out in October 2023 has killed more than 50,000 Palestinians, including thousands of children, and injured tens of thousands more by March 2025 (Al-Mughrabi & Farge, 2025). Meanwhile, the Yemeni civil war that has been going on since 2014 has devastated the social and economic structure, so that 18.6 million of its 32 million population

now require emergency humanitarian assistance and 4.5 million people have been forced to become internally displaced (ACAPS, 2024). This condition illustrates how fragile the protection of civilians is in modern conflicts if the norms and rules of war are not consistently enforced.

Within this framework, International Humanitarian Law (IHL) exists as an effort to minimize human suffering during armed conflict. The roots of its legal ethics can be traced to the concept of *jus in bello*, which sets moral and legal limits on the use of military force, as developed by Just War thinkers including Hugo Grotius, who viewed war as still subject to legal regulation even when there is an armed conflict (Miller, 2021). The 1949 Geneva Conventions and their Additional Protocols 1977/2005 are now the core of IHL, which regulates the protection of civilians, prisoners of war, and humanitarian personnel in various conflict situations (ICRC, 2023a). These principles are increasingly relevant given that contemporary conflicts are often asymmetric, involve state and non-state actors, and use advanced military technologies such as drones and cyberattacks that pose new ethical and legal challenges.

Based on the phenomena and conceptual framework, this article raises the core problem: to what extent have international institutions including the United Nations (UN), the International Committee of the Red Cross (ICRC), and the International Criminal Court (ICC) succeeded in enforcing IHL in the Russia–Ukraine, Israel–Hamas, and Yemen conflicts? The objectives of this study are (1) to identify and analyze the role of international institutions in ensuring respect for IHL; (2) to evaluate the actual achievements and structural obstacles faced; and (3) to compare the effectiveness of IHL enforcement mechanisms in each conflict case. Thus, it is hoped that this study can provide strategic recommendations to strengthen accountability and humanitarian protection in contemporary armed conflicts.

B. LITERATURE REVIEW

Understanding Humanitarian Law and Its Relevance in Contemporary Conflicts

International humanitarian law is a branch of international law that regulates the protection of victims of armed conflict and the limitations of the means and methods of warfare. In the context of contemporary conflicts that often involve non-state actors, the use of advanced technology, and increasing civilian casualties, the principles of humanitarian law remain an important reference for maintaining human dignity. The relevance of this law is increasing as the complexity of conflicts is no longer limited to wars between countries, but also includes civil wars, terrorism, and multinational interventions (Bakry, 2019).

Types and Functions of International Institutions in Enforcing Humanitarian Law

Various international institutions play a key role in monitoring, enforcing, and promoting compliance with humanitarian law. Institutions such as the International Committee of the Red Cross (ICRC) act as neutral monitors that provide humanitarian assistance and speak out against violations of humanitarian law. Meanwhile, judicial institutions such as the International Criminal Court (ICC) are tasked with trying individuals responsible for war crimes and crimes against humanity. Other international organizations, such as the United Nations (UN), also support the enforcement of this law through resolutions, peacekeeping missions, and diplomatic pressure (Syukur & Putra, 2024).

Challenges and Dynamics of Humanitarian Law Enforcement by International Institutions

The enforcement of humanitarian law faces a number of challenges, including jurisdictional limitations, political resistance from sovereign states, and the lack of effective enforcement mechanisms (Muljana et al., 2025). In contemporary conflicts, non-state armed actors are often not bound by international treaties, making it difficult to ensure compliance.

In addition, differing political interests between states often hinder the effectiveness of international institutions in taking decisive action. However, through multilateral cooperation, advocacy, and the development of international norms and standards, these institutions continue to play an important role in maintaining the supremacy of humanitarian law.

C. RESEARCH METHODOLOGY

This study adopts a qualitative approach with a policy analysis and comparative case study design. This approach was chosen to enable an in-depth understanding of the practice and dynamics of the enforcement of International Humanitarian Law (IHL) by international institutions in the context of concrete conflicts.

Research Design

In the research design stage, a policy study approach was used to examine relevant policy documents and regulations, allowing for a thorough tracing of the mandates, programs, and interventions of international institutions as recommended (Yin, 2018). In addition, a comparative design was implemented by selecting three cases of the Russia–Ukraine, Israel–Hamas, and Yemen conflicts as comparable entities, based on the methodology (Mill, 2006). By comparing common patterns and contextual variables across these three cases, the study aims to identify factors that influence the effectiveness of international humanitarian law (IHL) enforcement in various conflict settings.

Selection of Case Studies

The selection of conflict cases was based on several main criteria: first, the high intensity of IHL violations; second, the involvement of major international institutions such as the United Nations (UN), ICRC, and ICC; and third, the availability of recent published data for the period 2021–2025. This decision is in line with the principle of replication logic in comparative studies, where each case is treated as a “literal replication” aimed at confirming similar findings across conflict contexts.

Data Collection

In data collection, various types of sources were consolidated. Official documents such as UN Security Council resolutions, International Court of Justice (ICJ) decisions, OCHA policies, and ICRC official statements served as the primary basis. In addition, relevant institutional reports including ICRC annual reports, OHCHR human rights monitoring reports, and ICC press releases provided institutional perspectives. Academic literature from international law journals and policy analysis published in 2021–2025, such as the *International Review of the Red Cross* and the *Journal of Humanitarian Affairs*, were also used to assess current theories and findings. Secondary field data such as NGO reports (Amnesty International, Human Rights Watch), international media coverage, and statistics on conflict-affected populations complemented the empirical picture in the field.

Analysis Techniques

Thematic analysis was the main method for processing the data, where thematic codes were identified to find patterns, categories, and relationships between variables according to the framework (Miles & Huberman, 1994). To ensure validity and reliability, each finding was verified through at least three different types of sources, official documents, NGO reports, and academic literature following the principle of source triangulation (Patton, 2002). Furthermore, cross-case analysis was conducted by comparing the results of the analysis of each case so that the driving and inhibiting factors for the enforcement of IHL in various conflict contexts could be revealed.

Validity and Reliability

The validity and reliability of the study were ensured through several mechanisms. First, data triangulation was applied by utilizing various sources and analysis techniques to reduce

bias arising from only one type of source (Bowen, 2009). Second, the entire process of data collection and analysis was documented in an audit trail so that readers could trace the logic of drawing conclusions transparently. Finally, the member checking method was carried out by consulting the summary of the main findings with two ICRC IHL experts and a UN researcher to ensure that the interpretations produced were in accordance with the field context.

With this methodology, the study is expected to produce findings that are credible, verified, and useful for the development of IHL enforcement strategies by international institutions.

D. RESULT AND DISCUSSION

The Role of the United Nations

The United Nations (UN) is mandated to maintain international peace and security through the UN Charter, and is tasked with promoting respect for IHL. In all three conflicts, UN mechanisms – the Security Council (SC), the General Assembly (GA), the specialized agencies (OCHA, UNRWA, UNHCR, etc.) – played a role in humanitarian response and diplomacy.

Rusia–Ukraina

Since the Russian invasion of Ukraine (February 2022), the UNSC has been hampered by Russia's own veto. Instead, the GA has used the Uniting for Peace mechanism to issue resolutions condemning aggression. For example, A/RES/ES-11/1 (March 2022) “deplored the invasion” of Russia and demanded the complete withdrawal of Russian troops (United Nations, 2022). However, GA resolutions are recommendatory in nature and are not enforced. UN peacekeeping operations are not implemented in Ukraine; the UN focuses more on humanitarian assistance through OCHA and fundraising. According to the ICRC report, the Red Cross/Red Crescent movement plays a significant role in providing assistance in various conflict zones in and around Ukraine (ICRC, 2023b). However, in terms of IHL enforcement, the UN is limited to monitoring violations through the Office of the UN High Commissioner for Human Rights (OHCHR) – for example, the UN Commission has been investigating alleged Russian war crimes since 2022 (Nichols, 2022). The main challenges are the lack of physical enforcement without an international agreement and the veto of the permanent members of the Security Council which hampers further action.

Israel–Hamis (Gaza)

The UN has been very active politically and humanitarily in the Gaza conflict. The General Assembly adopted several emergency resolutions through its tenth emergency session calling for a humanitarian ceasefire. For example, on 27 October 2023 the GA called for an “immediate and sustained humanitarian ceasefire” and demanded that “all parties comply immediately with their obligations under international law, including humanitarian law” (United Nations, 2023). In addition, the GA emphasized the importance of safe access for UNRWA and other UN agencies to Gaza. Meanwhile, the Security Council has repeatedly failed to pass similar resolutions due to the US veto. For example, the October–November 2024 Security Council resolution on a ceasefire was immediately vetoed by the US (Brunstrom & Lewis, 2024). This rejection was highly controversial; Reuters reported in November 2024 that by Israel's military operations in Gaza “nearly 44,000 people have been killed and almost the entire population of Gaza has been displaced at least once”. In this humanitarian crisis, the UN (through OCHA) coordinates aid; but the blockade experienced by the people of Gaza is mostly implemented by the state party (Israel), while the UN can only voice criticism. UN Secretary-General António Guterres and various UN agencies

continue to urge an end to the violence and the delivery of aid, but the international political structure limits concrete steps.

Yaman

The UN is involved through de-escalation resolutions and humanitarian action. In 2020, the Security Council praised the unilateral ceasefire announced by the Saudi Arabian coalition to focus on dealing with the COVID-19 pandemic (Mawangi, 2020). Similarly, the UN special envoy for Yemen (Martin Griffiths) tried to mediate a ceasefire. However, overall, the Security Council has not referred Yemen to the ICC due to the veto of permanent members. Once (2017), the UN Human Rights Council authorized the establishment of a Group of Eminent Experts (GEE) to investigate violations in Yemen. However, the GEE's mandate failed to be extended in 2021 due to political pressure (Crawford, 2024). The UN's real output in Yemen is limited to humanitarian assistance via OCHA and other UN agencies (WFP, UNICEF), while law enforcement relies more on international coordination and moral resolutions. As found in the literature, the UN system is often defeated by political dynamics: moreover, studies show that there is no effective way to enforce accountability in Yemen due to the lack of international consensus.

In general, the UN's role in all three cases includes normative advocacy (calls for ceasefire and protection) and aid distribution. However, structural constraints (SC veto power, lack of coercive mechanisms) mean that the results of humanitarian law enforcement are more recommendatory and symbolic (Daulay, 2024). There is no coercive legal safeguard, so IHL is often violated with little direct consequence from the UN.

The Role of the International Committee of the Red Cross (ICRC)

The ICRC has a specific mandate to protect and assist victims of conflict and to promote IHL. As part of the Red Cross Movement, the ICRC is neutral and active in all three conflict zones.

Rusia–Ukraina

Since 2022, the ICRC and the Ukrainian Red Cross have been carrying out a major humanitarian operation. They are providing food, medicine, clean water, evacuation of vulnerable people, legal services and reconstruction efforts for separated families (ICRC, 2023b). According to the ICRC, the Red Cross movement is providing “food, clothing, hygiene kits, clean water, cash and voucher assistance, evacuation, legal and protection services and restoration of family links” to Ukrainians (ICRC, 2023b). The ICRC is also monitoring the treatment of prisoners of war and training soldiers on IHL compliance on both sides. While the ICRC stresses the ‘rules of war’, they report that civilian casualties remain high and continue to call on all parties to comply with IHL.

Israel–Hamis (Gaza)

The ICRC has been present in the Palestinian territories for a long time. In the latest escalation, the ICRC continues to provide assistance in Gaza while demanding access. In a May 2025 press release, the ICRC warned that after six weeks of intense fighting and two months of full blockade, “the humanitarian response in Gaza is close to complete collapse” and millions of civilians are lacking food and medicine (ICRC, 2025). The ICRC stressed that under IHL, Israel is obliged to “use all available means to ensure that the basic needs of the civilian population under its control are met”. In addition to emergency assistance, the ICRC has repeatedly condemned attacks that are in clear violation of IHL. It stressed that civilians remain a protected category regardless of political status; the ICRC states that “protected persons remain protected regardless of any annexation” (ICRC, 2024). However, significant structural obstacles remain: the ICRC admits that it is difficult to reach the besieged territory and faces limitations with the authorities’ permits. At the same time, the ICRC focuses its efforts on easing the humanitarian blockade and treating war victims (war wounded,

rehabilitation). Despite its efforts, the ICRC still faces a lack of respect for the conflict, as Amnesty reported finding strong evidence of genocide against the population of Gaza (Amnesty International, 2024), which confirms the level of IHL violations. The ICRC's role in Gaza is crucial to mitigating suffering, but it is not sufficient to stop IHL violations by the warring parties.

Yaman

The ICRC has been active in Yemen since long before the conflict began. Its activities during the war have included the provision of food and non-food items, the rehabilitation of health and water facilities, and support for people with disabilities caused by mines and violence. For example, the ICRC's 2021 report mentions the distribution of food aid, the repair of infrastructure, visits to physical rehabilitation centers, and the distribution of Red Cross messages to refugees (ICRC, 2022). In addition to its humanitarian activities, the ICRC maintains an ongoing dialogue with the coalition and the Houthis to improve military conduct on the battlefield. The ICRC's report states that it "engages in ongoing dialogue with the parties to the conflict on the conduct of their forces during hostilities and on promoting respect for the rules of international humanitarian law." Despite the ICRC's activities, legal progress has been hampered by the fact that the Arab coalition and the Houthis have not accepted full UN jurisdiction; as noted, there is no effective international criminal remedy in Yemen. The ICRC plays a more humanitarian role and serves as a reminder of its IHL obligations, but access challenges and political resistance (from the accused) limit the effectiveness of its legal advocacy.

In general, the ICRC carries out its IHL mandate by providing direct protection and assistance in the field (ICRC, 2022). It reminds parties to comply with the rules of war, affirms victims' rights, and provides core assistance (e.g. soup kitchens, medical services). However, the main obstacle is access and compliance of the warring parties. Without coercive power, the ICRC can only rely on negotiation and moral pressure. Nevertheless, the ICRC's role is considered vital in reducing the humanitarian impact of conflict (ICRC, 2023b), even though IHL is still widely violated by the warring parties.

The Role of the International Criminal Court (ICC)

The ICC is an international criminal law enforcement body that prosecutes war crimes and crimes against humanity. Its role is different from the UN and the ICRC in that it can formally issue arrest warrants and prosecute individuals. However, its effectiveness depends largely on the jurisdiction and support of states.

Rusia–Ukraina

Ukraine is not a state party to the Rome Statute, but in 2014 and 2015 the Ukrainian government filed two declarations accepting the ICC's jurisdiction for crimes committed on its territory. Following the 2022 invasion, many states supported the investigation: the ICC opened a formal investigation on 2 March 2022. In October 2023, Ukrainian authorities formally ratified the Rome Statute (entered into force on 1 January 2025) (ICC, 2022). This allows the ICC to pursue perpetrators of violations on Ukrainian territory. The ICC prosecutor has gathered evidence of alleged war crimes and crimes against humanity, particularly alleged shootings of civilians. However, systemic challenges exist: Russia has not yet recognized itself as a party to the ICC (including not ratifying the statute), leaving the Russian head of government out of reach. So far there have been no arrests by the ICC in relation to the Ukraine case due to the lack of cooperation of powerful states. The differences between the cases: in the Ukraine conflict, there is an active legal process (an ICC investigation recognized by Ukraine) that could theoretically lead to prosecution, whereas the Gaza and Yemen conflicts do not have direct jurisdiction without a UN referral.

Israel– Hamas

Israel is not a state party to the Rome Statute and rejects the ICC's jurisdiction, while Palestine (in a diplomatic dispute) applied to the ICC in 2015 for its territory. The ICC has indeed accepted jurisdiction over the Palestinian territories, and since June 2021 ICC prosecutor Karim Khan has stated that he will open an investigation into war crimes in the Palestinian territories (including Gaza) covering a specific time period. Most recently, in November 2024 the ICC issued arrest warrants for key figures on both sides: Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Galant, as well as Hamas leader Mohammed Deif, on suspicion of war crimes. This was the first significant step in placing Israeli leaders on the international wanted list. However, because Israel (and the US) are not parties to the Statute, their arrests have been extremely difficult to enforce (Quell, 2024). The ICC has been more effective in prosecuting Hamas leaders (who can be arrested in member territories) than Israeli officials. The main challenge is political: the decision was condemned by Israel and the US, and received a negative diplomatic response. However, the role of the ICC here shows that even though the participating countries are limited, international legal demands are still being pursued.

Yaman

None of the parties to the Yemeni conflict have signed the Rome Statute of the ICC, so the ICC has no jurisdiction over Yemen. As an independent analysis has noted, "the ICC has no jurisdiction over Yemen... and a Security Council referral is highly unlikely due to the lack of consensus among the five permanent members" (Crawford, 2024). A UN panel even proposed a referral to the ICC (via the UNSC) in 2020 (Ryan, 2020), but it has never been implemented. This vacuum means that war crimes in Yemen are difficult to prosecute internationally.

There is no ad hoc mechanism established (such as a special International Tribunal). As a result, gross human rights violations in Yemen are rarely prosecuted under international law. In short, the ICC can be a powerful instrument if its jurisdiction is available and supported by political interests (as in Ukraine). However, if key states (Russia, Israel, Saudi Arabia, the US) reject the ICC, its effectiveness is very limited. In the case of Gaza, the ICC managed to issue symbolic arrests. In the case of Yemen, there was no action at all due to jurisdictional constraints. The success of the ICC depends largely on the commitment of states and international cooperation.

Other International Institutions

In addition to the UN, ICRC and ICC, several other international mechanisms contribute. For example, the UN Human Rights Council (UNHRC) has established commissions of inquiry into several conflicts, such as the Independent Commission on the Ukraine conflict and previously for cases in the Middle East. Despite its political status, UNHRC reports often document war violations. The International Court of Justice (ICJ) can also be used; for example, in 2023 South Africa sued Israel at the ICJ for alleged violations of the Genocide Convention in Gaza (the process is still ongoing in 2024) – this step shows the pursuit of justice through inter-state legal channels. In addition, international organizations such as UNHCR (for refugees) and WHO (for health emergencies) and global donor agencies (World Food Programme, UNICEF) play a role in mitigating the impact of conflict. Regional institutions (e.g. the Arab League or the European Union) although politically influential also speak out for efforts to respect IHL. International NGOs (Amnesty, HRW) also press for and report violations, putting moral pressure on governments involved. For example, Amnesty International concluded in late 2024 that there was strong evidence of genocide by Israel in Gaza (Amnesty International, 2024), highlighting state responsibility. However, all of these institutions face similar challenges: dependence on state cooperation, limited enforcement (no

execution power), and political backlash. Overall, while international institutions attempt to enforce IHL, systemic obstacles (great power politics, veto power, lack of law enforcement) limit the results.

E. CONCLUSION

This study shows that the UN, ICRC, and ICC have strengthened the norms of International Humanitarian Law through advocacy, humanitarian assistance, and legal processes, but their effectiveness is still constrained by the Security Council veto, limited jurisdiction, and dependence on the cooperation of state parties to the conflict. To strengthen the enforcement of IHL, it is recommended: (1) limit the use of veto power in cases of serious war crimes, (2) encourage more states to ratify the Rome Statute and provide technical support to the ICC, (3) ensure unhindered access for the ICRC and other humanitarian agencies, and (4) establish a regional coordination mechanism that complements the role of the UN. The limitations of this study include the coverage of only three cases without primary field data and the analysis period until March 2025, so the above suggestions should be re-tested through broader research including field interviews and data updates to make the findings more comprehensive.

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