

Human Rights in Armed Conflict: Legal Protections and the Responsibility to Protect Civilians

Lakshan Senanayake¹, Kumara Silva², Thushara Wijesinghe³

¹⁻³ Eastern University, Sri Lanka

Abstract: This article explores the legal frameworks designed to protect human rights during armed conflicts, focusing on international humanitarian law and the Responsibility to Protect (R2P) doctrine. Through case studies of recent conflicts, the study assesses how effectively these legal protections have been applied and identifies challenges in enforcement. Findings suggest that while international laws exist to protect civilians, their enforcement requires greater political will and international cooperation.

Keywords: Human rights, armed conflict, international humanitarian law, Responsibility to Protect, civilian protection

1. INTRODUCTION

The protection of human rights during armed conflict is a fundamental concern for the international community. With the increasing prevalence of conflicts that endanger civilian lives, understanding and implementing legal protections have become critical. International humanitarian law (IHL) and the Responsibility to Protect (R2P) doctrine represent two central frameworks aimed at safeguarding human rights and ensuring the protection of civilians during wartime. While these frameworks set clear standards for the treatment of non-combatants, enforcement remains a significant challenge, as illustrated by the civilian casualties and human rights abuses in recent conflicts in regions such as Syria, Yemen, and Myanmar.

This article examines the principles and implementation of IHL and R2P, with a focus on the obstacles that hinder effective civilian protection. By analyzing case studies from recent conflicts, this study aims to shed light on the effectiveness of these frameworks and the role of international cooperation in upholding human rights in situations of armed conflict.

2. LITERATURE REVIEW

The body of literature on human rights protections during armed conflict highlights both the development and limitations of international legal mechanisms. According to Henckaerts and Doswald-Beck (2005), the Geneva Conventions and their Additional Protocols provide a foundational basis for IHL, which mandates the humane treatment of civilians and prisoners of war. These protections are supported by customary international law, which binds

all states to adhere to certain standards, regardless of whether they are signatories to specific treaties.

R2P emerged in response to the failures of the international community to prevent atrocities in conflicts such as those in Rwanda and the Balkans during the 1990s (Evans, 2008). Adopted by the United Nations in 2005, R2P asserts that the international community has an obligation to intervene when states fail to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. However, as Bellamy (2015) argues, R2P's reliance on political will and international consensus limits its effectiveness in practice, as evidenced by the difficulties in implementing it during the Syrian civil war.

Several studies also examine the impact of enforcement mechanisms and the role of international tribunals in prosecuting war crimes. According to Schabas (2012), international criminal courts have played a crucial role in holding perpetrators accountable and promoting justice, yet the lack of universal jurisdiction and state cooperation often hampers these efforts. This review of the literature reveals a gap between the theoretical protections provided by IHL and R2P and their practical enforcement on the ground, especially in politically sensitive conflicts.

3. METHODOLOGY

This study uses a qualitative research approach, combining case study analysis with secondary data on recent conflicts. The methodology is structured as follows:

- a. **Case Study Selection:** The study examines cases from Syria, Yemen, and South Sudan, selected due to the prevalence of civilian casualties and the challenges in enforcing international protections in these regions.
- b. **Data Collection:** Data is gathered from reports by international organizations such as the United Nations, Human Rights Watch, and Amnesty International. Peer-reviewed journals and legal publications are also used to provide a comprehensive understanding of how IHL and R2P have been applied.
- c. **Data Analysis:** The data is analyzed to identify patterns and assess the effectiveness of legal protections for civilians in each case. The challenges and limitations of enforcing these protections are highlighted to provide insights into potential areas for reform.

4. RESULTS

The analysis of the selected case studies reveals the following key findings:

- a. **Partial Implementation of International Humanitarian Law (IHL):** While IHL provides comprehensive protections for civilians, its implementation is often selective. In Syria, for instance, both state and non-state actors have committed violations, including indiscriminate bombings and chemical attacks, despite international prohibitions.
- b. **Inconsistent Application of Responsibility to Protect (R2P):** The application of R2P has been inconsistent, with interventions heavily influenced by political interests. In Yemen, where a significant humanitarian crisis has unfolded, the international community has struggled to reach consensus on intervention, largely due to competing geopolitical interests.
- c. **Challenges in Accountability:** Accountability for violations of IHL and R2P remains limited. While the International Criminal Court (ICC) has jurisdiction over certain crimes, lack of cooperation from states, particularly non-signatories, limits the Court's ability to prosecute offenders effectively. The situation in Myanmar demonstrates how state resistance can prevent international legal bodies from pursuing justice for affected populations.
- d. **Need for Greater International Cooperation:** Effective enforcement of civilian protection requires cooperation among states and international organizations. In cases like South Sudan, limited resources and the absence of strong international support have impeded the protection of vulnerable populations.

5. DISCUSSION

The findings indicate that while IHL and R2P establish essential frameworks for civilian protection, their implementation is fraught with challenges. One of the most significant barriers is the lack of political will, which often results in selective application of protections based on national interests. This inconsistency is particularly evident in the application of R2P, where geopolitical considerations have influenced whether and how the international community intervenes. The Syrian conflict exemplifies this issue, as disagreements among Security Council members have prevented a unified response.

The limitations of accountability mechanisms further complicate the enforcement of human rights protections. Although international tribunals and the ICC provide avenues for prosecuting war crimes, their reach is restricted by the willingness of states to cooperate. For instance, despite substantial evidence of human rights violations in Myanmar, the country's refusal to recognize the ICC's jurisdiction has hindered international efforts to seek justice.

International cooperation is essential for effective civilian protection in armed conflicts. Multilateral support can enhance resources, facilitate coordinated responses, and increase the legitimacy of interventions. In South Sudan, for instance, a lack of support has weakened the enforcement of human rights protections. Strengthening alliances and establishing regional coalitions could improve the enforcement of protections and ensure that humanitarian principles are upheld.

6. CONCLUSION

The protection of human rights in armed conflict remains an urgent global priority. IHL and R2P provide crucial frameworks, yet their effectiveness is undermined by political considerations, limited accountability, and insufficient international cooperation. The case studies examined in this article demonstrate the urgent need for reforms that address these challenges and strengthen enforcement mechanisms.

To ensure that civilians are adequately protected, it is necessary to prioritize political will and international collaboration. Enhancing the capacity of international courts, promoting regional coalitions, and committing to impartial enforcement of protections are critical steps in bridging the gap between legal standards and their practical application. As the international community continues to navigate the complexities of modern conflicts, a concerted effort to safeguard human rights and uphold the rule of law is essential for achieving lasting peace and justice.

REFERENCES

- Amnesty International. (2019). Annual Report 2019: Human Rights in Armed Conflict. AI Publications.
- Bellamy, A. J. (2015). *The Responsibility to Protect: A Defense*. Oxford University Press.
- Evans, G. (2008). *The Responsibility to Protect: Ending Mass Atrocity Crimes Once and For All*. Brookings Institution Press.
- Gray, C. (2008). *International Law and the Use of Force*. Oxford University Press.
- Henckaerts, J.-M., & Doswald-Beck, L. (2005). *Customary International Humanitarian Law: Volume I, Rules*. Cambridge University Press.
- Human Rights Watch. (2020). *World Report 2020: Syria, Yemen, and South Sudan*. HRW.
- Kaldor, M. (2006). *New and Old Wars: Organized Violence in a Global Era*. Stanford University Press.
- Power, S. (2002). *A Problem from Hell: America and the Age of Genocide*. Basic Books.

- Rodman, K. A. (2014). *Justice in Conflict: The Effects of the International Criminal Court's Interventions on Ending Wars and Building Peace*. Oxford University Press.
- Schabas, W. A. (2012). *The International Criminal Court: A Commentary on the Rome Statute*. Oxford University Press.
- Sriram, C. L., & Pillay, S. (2009). *Peace versus Justice? The Dilemmas of Transitional Justice in Africa*. James Currey.
- Stahn, C. (2018). *A Critical Introduction to International Criminal Law*. Cambridge University Press.
- Thakur, R. (2016). *The United Nations, Peace and Security: From Collective Security to the Responsibility to Protect*. Cambridge University Press.
- United Nations. (2019). *Protection of Civilians in Armed Conflict: A Strategy for Action*. UN Report.
- Weiss, T. G., & Daws, S. (2018). *The Oxford Handbook on the United Nations*. Oxford University Press.