

TOOLS FOR HUMANIZING ARMED CONFLICTS IN INTERNATIONAL LAW

FERRAMENTAS PARA HUMANIZAR OS CONFLITOS ARMADOS NO DIREITO INTERNACIONAL

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Abstract

By examining their philosophical and legal underpinnings and evaluating the function of international legal norms and institutions in reducing the humanitarian effects of armed conflicts, this study investigates the instruments for humanizing armed conflicts within the framework of international law. Along with the function of international organizations and international criminal justice, the study focuses on international humanitarian law and international human rights law as the main tools for humanization. It also provides a critical evaluation of these instruments' efficacy and prospects for the future, highlighting the primary obstacles they face in modern armed conflicts.

Keywords: Armed Conflicts. International Law. Underpinnings. International Organizations. International Criminal.

Resumo

Ao examinar seus fundamentos filosóficos e jurídicos e avaliar o papel das normas e instituições jurídicas internacionais na redução dos efeitos humanitários dos conflitos armados, este estudo investiga os instrumentos para a humanização dos conflitos armados no âmbito do Direito Internacional. Juntamente com a função das organizações internacionais e da justiça penal internacional, o estudo enfoca o direito internacional humanitário e o direito internacional dos direitos humanos como as principais ferramentas para a humanização. Ele também apresenta uma avaliação crítica da eficácia desses instrumentos e de suas perspectivas para o futuro, destacando os principais obstáculos que enfrentam nos conflitos armados modernos.

Palavras-chave: *Conflitos Armados. Direito Internacional. Fundamentos. Organizações Internacionais. Direito Penal Internacional.*

1 INTRODUCTION

Today's armed conflicts are undergoing fundamental transformations in terms of their nature, their parties, and the means of managing them, which have created unprecedented challenges to the international legal system, particularly with regard to the protection of human beings during conflict. Wars are no longer limited to conventional military confrontations between states, but have taken more complex forms, including



non-international conflicts, the overlap of state and non-state actors, and the use of sophisticated means of warfare with serious humanitarian implications.

In this context, the idea of humanizing armed conflict has emerged as one of the fundamental pillars that international law has sought to entrench, based on the principle that war, whatever its justifications, should not be left unchecked by legal constraints that protect human dignity and limit unnecessary suffering. This idea was embodied mainly in the norms of international humanitarian law and later expanded to include contributions from international human rights law and international institutional and judicial mechanisms.

However, the expansion of the normative framework for the humanization of armed conflict has not necessarily been matched by similar success in practice, as contemporary conflicts have exposed a clear gap between legal texts and realities on the ground. This gap raises fundamental questions about the effectiveness of the legal and institutional instruments adopted in achieving the humanitarian purpose for which they were designed, and about the limits of their ability to influence the behavior of parties to the conflict.

2 RESEARCH PROBLEM

The problem of this research stems from the following main question:

To what extent have the instruments of international law contributed to the humanization of armed conflicts and the reduction of their inhumane effects on human beings?

This question is divided into a number of sub-questions, the most prominent of which are:

What is meant by the humanization of armed conflict within the framework of international law?

What legal and institutional instruments have been adopted by the international community to achieve this humanization?

How effective are these tools in contemporary armed conflicts?

What are the main challenges that impede its effective implementation?

2.1 Research objectives

This research aims to:

Rooting the concept of the humanization of armed conflict in international law and explaining its development.

Analyze international legal instruments that contribute to reducing the humanitarian impacts of armed conflict.

Highlight the role played by international organizations and the international criminal justice system in promoting humanization.

Assess the effectiveness of these tools in practice, highlighting shortcomings.

Foreseeing the prospects of developing the system of humanizing armed conflict in light of contemporary challenges.

2.2 The importance of the research

The importance of this research is evident in the fact that it addresses a central theme in contemporary international law, which touches on the essence of the relationship between war and man. It is also of practical importance in assessing the commitment of the international community to the protection of human dignity during armed conflicts, and in providing a critical reading that may contribute to the development and effectiveness of existing legal frameworks.

2.3 Research methodology

The research relied on the analytical approach in the study of the relevant international legal texts, especially the Geneva Conventions and their Additional Protocols, the inductive method in tracking the evolution of the rules of humanization of armed conflicts, as well as the critical approach in evaluating the effectiveness of legal and institutional tools in practice. The research also used a comparative approach where appropriate, especially in analyzing the relationship between international humanitarian law and international human rights law during armed conflicts.

2.4 Research plan

The nature of the topic necessitated dividing the research into four main topics, the first was devoted to the conceptual and philosophical rooting of the humanization of armed conflicts, the second dealt with international legal tools, the third was devoted to the study of institutional and judicial tools, and the fourth topic dealt with current challenges and future prospects, reaching a conclusion that included the most important findings and recommendations.

3 THE FIRST TOPIC

3.1 The conceptual and philosophical rooting of the humanization of armed conflict in international law

3.1.1 Introduction

The idea of humanizing armed conflict did not arise as a full-fledged legal concept all at once, but was the result of a long historical and philosophical development, linked to repeated attempts to reduce the cruelty of wars and control the behavior of their parties. The transition from the logic of abstract force to the logic of the restriction of armed violence has been one of the most important shifts in international legal thought, where the human being is no longer just an instrument in conflict, but has become the focus and purpose of protection.

Based on this, this topic aims to control the legal concept of the humanization of armed conflicts, and to explain its philosophical and historical roots, in preparation for analyzing the legal and institutional tools adopted by international law to achieve this end.

4 THE FIRST REQUIREMENT

4.1 The humanization of armed conflict in international law

4.1.1 *First: humanization in terms of language and idiomatic*

The word "humanization" is derived from the linguistic root (ANS), which signifies humanity and the opposite of brutality, and refers to the meanings of compassion, intimacy, and human consideration for others. In contemporary usage, humanization refers to the restoration of the human dimension in any activity or system, in a way that ensures respect for human dignity and does not treat the human being as a means or tool.

In legal terms, humanization is understood as the subjection of human behaviour, even in the most extreme circumstances, to moral and legal norms aimed at protecting human beings from unnecessary suffering, which is particularly important in the context of armed conflicts.

4.1.2 *Second: the legal concept of the humanization of armed conflicts*

The humanization of armed conflict within the framework of international law means the set of legal rules and principles that aim to reduce the effects of armed conflict on human beings, whether civilian or combatant who has emerged from the fighting, by restricting the means and methods of warfare and ensuring minimal humanitarian protection¹

Humanization does not mean denying the legality of the use of armed force in situations recognized by international law, nor is it a call for an end to wars as much as an attempt to reduce their brutality. International law does not interfere with the causes of conflict as much as it does with its humanitarian consequences, placing the human being at the centre of legal concern.

¹ International Committee of the Red Cross, *International Humanitarian Law: Answers to Key Questions*, Geneva, 2004, p. 10.

4.1.3 *Third: distinguishing between humanism and concepts close to it*

A distinction should be made between the humanization of armed conflict and other concepts that may be confused with it, such as:

Peace: which aims to end conflict, while humanization assumes its existence.

Human rights: which are concerned with the protection of the individual in peace and war, while humanization focuses specifically on armed conflict.

Military ethics: which is based on often non-legally binding codes of conduct, as opposed to humanization rules of a mandatory legal nature.

5 THE SECOND REQUIREMENT

5.1 The historical and philosophical development of the idea of the humanization of armed conflicts

5.1.1 *First: the philosophical roots of the idea of humanization*

The idea of humanizing armed conflict has deep philosophical roots, dating back to theories of natural law that asserted the existence of supreme moral rules that transcend the will of states and impose respect for human beings even in times of war. Philosophers such as Grotius contributed to the idea that war, while a political reality, does not take its parties out of the circle of law ²

This proposition represented a qualitative leap from the logic of "absolute necessity" to the logic of "restricted necessity", where military necessity has become subject to humanitarian considerations that cannot be overridden.

5.1.2 *Second: the historical development of humanism in international law*

The contours of legal humanization began to take shape in the nineteenth century, as the atrocities of conventional warfare increased, and the St. Petersburg Declaration of

² Hugo Grotius, *De Jure Belli ac Pacis*, Book I, 1625.

1868 was a turning point, as it first endorsed the principle of prohibiting the use of weapons that cause undue pain.

This trend was further strengthened by the adoption of the Geneva Conventions, in particular the 1949 Conventions and their Additional Protocols of 1977, which extended protection to civilians, prisoners of war, the wounded and the drowned, and established fundamental principles such as distinction and proportionality.³

5.1.3 Third: from the restriction of war to the centrality of man

The transition from merely restricting the means of war to treating the human being as the center of protection is at the heart of the idea of humanization. Humanitarian norms are no longer an exception to the rule, but have become an integral part of the international legal system, binding all States and parties to a conflict, regardless of the nature or nature of the conflict.

However, this development, as important as it is, has remained dependent on the will and capacity of States to comply, which raises continuing questions about the effectiveness of humanization in light of an international reality characterized by growing conflicts and declining respect for the law.

6 SECOND TOPIC

6.1 International legal instruments for the humanization of armed conflict

6.1.1 Introduction

While conceptual and philosophical development has paved the way for the idea of humanizing armed conflicts, the practical realization of this idea has only been achieved through the establishment of an international legal system aimed at controlling the behavior of the parties to the conflict and reducing its humanitarian impact. This system was developed primarily within the framework of international humanitarian law

³ International Committee of the Red Cross, *Commentary on the Geneva Conventions*, Geneva, 2019.

and was subsequently strengthened by the contributions of international human rights law, which led to a dual legal system that sought, from different angles, to protect human beings during armed conflicts.

7 THE FIRST REQUIREMENT

7.1 International humanitarian law as a key tool for the humanization of armed conflict

7.1.1 First: the legal nature of international humanitarian law

International humanitarian law is the oldest and most specialized legal framework in the field of the humanization of armed conflict, as it is defined as a set of international, customary rules and conventions, which aim to reduce the effects of armed conflict on humanitarian grounds, by protecting persons who do not participate in or have ceased to participate in hostilities, and by restricting the means and methods of warfare.⁴

The peculiarity of this law lies in the fact that it is applied exclusively in situations of armed conflict, whether international or non-international, without regard to the legality of the use of force, which reflects its purely humanitarian nature.

7.1.2 Second: the basic principles of international humanitarian law and its role in humanization

1. Principle of Distinction

The principle of distinction is a cornerstone of the humanization of armed conflict, as it requires parties to the conflict to distinguish at all times between civilians and combatants, between civilian objects and military objects, and to direct attacks only against military objectives. This principle aims to neutralize the civilian population from the scourge of war and to ensure that they do not become direct targets of the conflict.

⁴ ICRC, *International Humanitarian Law: Answers to Key Questions*, Geneva, 2004, p. 7.

2. Principle of proportionality

The principle of proportionality prohibits attacks that are expected to cause accidental loss of civilian life or damage to civilian objects that are excessive in comparison with the anticipated military advantage³. This principle embodies a legal attempt to strike a delicate balance between military necessity and humanitarian considerations.

3. The principle of military necessity

This principle requires that hostilities be limited to what is necessary to achieve a legitimate military objective, without exceeding the limits imposed by international humanitarian law. Although the concept of military necessity is recognized by law, it does not permit its use as a pretext to justify a violation of basic humanitarian norms.⁵

4. The principle of prohibition of undue pain

The use of weapons or means of warfare that cause excessive suffering or pain that does not bring about a real military advantage is prohibited under this principle, a principle that has its roots in the St. Petersburg Declaration of 1868 and is one of the earliest manifestations of the humanization of armed conflict.⁶

7.1.3 Third: scope of protection of international humanitarian law

The protection of international humanitarian law is not limited to civilians, but extends to other groups, such as the wounded, the sick, the drowned, and prisoners of war, as well as the protection of cultural property and the environment in armed conflict. This expansion of protection reflects a marked evolution in the humanitarian vision of international law.

⁵ Additional Protocol I to the Geneva Conventions of 1977, Article 48.

⁶ *Ibid.*, article 51/5/b.

7.1.4 Fourth: the customary character of the principles of international humanitarian law and its impact on the promotion of humanization

International humanitarian law is of particular importance in the field of humanization of armed conflicts through its customary nature, as its basic rules are no longer limited to States parties to international conventions, but have become binding on all parties to the conflict as established customary rules in international law. This customary nature has contributed to the expansion of humanitarian protection, particularly in non-international armed conflicts, which often witness weak adherence to international treaties.

The enshrining of fundamental principles, such as the principle of distinction and proportionality, within customary international law is a step towards the promotion of humanization, as non-accession to the Geneva Conventions or their Additional Protocols can no longer be invoked to justify grave violations. International recognition of the customary nature of these principles also contributes to the legal responsibility of all parties to the conflict, whether they are States or non-State armed groups.

However, the effectiveness of customary in humanizing the humanization remains relative, relying heavily on enforcement and accountability mechanisms. The absence of a centralized international organ to enforce respect for customary norms weakens their practical impact and makes compliance with them dependent on the will of the conflicting parties and international pressure, highlighting the need to strengthen the complementarity between customary rules and judicial and institutional mechanisms.

8 THE SECOND REQUIREMENT

8.1 International human rights law and its complementary role in the humanization of armed conflict

8.1.1 First: applicability of international human rights law in armed conflicts

The application of international human rights law in situations of armed conflict has provoked a long jurisprudential and judicial debate, but the prevailing trend in

international jurisprudence and jurisprudence has settled on its applicability in parallel with international humanitarian law, giving priority to the latter as *lex specialis* in cases of conflict⁷

The International Court of Justice has enshrined this approach in a number of its advisory opinions and judgments, emphasizing that armed conflict does not lead to the suspension of human rights entirely, but may justify restricting some of them within the limits established by international law.

8.1.2 Second: inalienable rights and their impact on humanity

Inalienable rights, such as the right to life, the prohibition of torture, and the prohibition of cruel, inhuman or degrading treatment, play a pivotal role in the humanization of armed conflict. These rights remain respectable in all circumstances, including in situations of emergency and armed conflict, thereby strengthening the legal protection of human beings in times of crisis⁸

8.1.3 Third: integration between international humanitarian law and human rights law

The role of international human rights law in armed conflict is not based on competition with international humanitarian law, but rather on its integration with it. While international humanitarian law focuses on regulating the conduct of parties to a conflict, human rights law provides a broader dimension of protection, especially in matters that the former does not address in detail, such as judicial proceedings and legal guarantees for individuals.

However, such integration remains dependent on the willingness of States to respect their international obligations and on the ability of oversight mechanisms to enforce compliance, which reveals one of the practical shortcomings of the humanization system.

⁷ Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict*, Cambridge University Press, 2016, p. 16.

⁸ The St. Petersburg Declaration of 1868.

8.1.4 Fourth: the principle of lex specialis and its limits in the context of humanism

The application of the principle of *lex specialis* in the relationship between international humanitarian law and international human rights law has sparked a wide jurisprudential debate, particularly with regard to the extent to which it has influenced the promotion or restriction of the humanization of armed conflicts. According to this principle, international humanitarian law is the special legal framework applicable in situations of armed conflict, as it is the most specialized in regulating the conduct of parties to a conflict.⁹

However, in some cases, an absolute reliance on the principle of private law may lead to a narrowing of the scope of humanitarian protection, especially if it is misinterpreted in a way that excludes the almost complete application of human rights norms during a conflict. International jurisprudence and the judiciary have tended to adopt a more balanced approach, based on the complementarity of the two legal systems rather than conflict between them.¹⁰

This complementarity contributes to the promotion of humanization by providing additional guarantees for human protection, particularly in matters not addressed in detail by international humanitarian law, such as fair trial guarantees, protection of private life and fundamental procedural rights. Understanding the principle of private law in a flexible and complementary framework is therefore a prerequisite for the effective humanization of armed conflicts.

8.1.5 Fifth: critical evaluation of the effectiveness of legal tools in achieving humanization

Despite the remarkable development in international legal norms aimed at humanizing armed conflicts, assessing their effectiveness requires a distinction between normative progress and practical reality. While the legal framework has seen a clear

⁹ International Court of Justice, Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 2004.

¹⁰ International Covenant on Civil and Political Rights, article 4

expansion of humanitarian protection, serious violations of international humanitarian law continue to be repeated in contemporary armed conflicts.

This disparity is due, in part, to limited enforcement mechanisms and weak international accountability, as well as the politicization of some legal protections. The lack of political will on the part of some States and the use of the rhetoric of national sovereignty to justify non-compliance also contributed to undermining the humanitarian impact of legal norms.

Thus, achieving effective humanization of armed conflicts depends not only on the development of legal texts, but also requires the activation of oversight mechanisms, the strengthening of international cooperation, and the linking of legal norms to practical actions that ensure their respect on the ground.

9 THIRD TOPIC

9.1 Institutional and judicial tools for the humanization of armed conflict

9.1.1 Introduction

The system for the humanization of armed conflict is not complete once objective legal norms, no matter how precise and broad, are adopted, unless they are supported by institutional and judicial mechanisms capable of monitoring their implementation and ensuring their respect. In this spirit, international organizations and judicial bodies have played a pivotal role in transforming humanitarian principles from mere theoretical obligations to enforceable and accountable rules, thereby enhancing human protection during armed conflict.

10 THE FIRST REQUIREMENT

10.1 The role of international organizations in the humanization of armed conflict

10.1.1 First: the role of the united nations

The United Nations is the broader institutional framework with multiple responsibilities in the humanization of armed conflict, both through its principal organs and subsidiary bodies. In particular, the Security Council has contributed to the integration of the humanitarian dimension into its mandate for the maintenance of international peace and security, through the adoption of resolutions obliging parties to the conflict to respect international humanitarian law and protect civilians¹¹

The General Assembly also plays an important role in the development of humanitarian standards by adopting declarations and resolutions that enshrine the principles of humanitarian protection, although they lack direct legal binding. The Secretariat, through peacekeeping and mediation missions, contributes to the integration of humanitarian considerations into its field operations.

However, the effectiveness of the United Nations in this area remains dependent on political factors, most notably considerations of national sovereignty and balances of interest within the Security Council, which often limit its ability to enforce respect for humanitarian norms.

10.1.2 Second: the role of the international committee of the red cross

The ICRC occupies a unique position in the system for the humanization of armed conflict, as the neutral humanitarian actor and internationally authorized under the Geneva Conventions to monitor the application of international humanitarian law. The Commission carries out multiple tasks, including the protection of civilians, visits to

¹¹ Security Council, resolution 1265 (1999) on the protection of civilians in armed conflict.

prisoners of war, and the provision of humanitarian assistance, as well as raising awareness of the rules of international humanitarian law among parties to the conflict¹²

The special role of the Commission lies in its reliance on the principles of neutrality and confidentiality, which enable it to reach conflict areas and establish direct dialogue with its parties. However, while effective in practice, this approach exposes the Commission to criticism of the lack of transparency and the lack of public accountability of violators.

The ICRC is distinguished by its impartial and confidential approach to dealing with parties to the conflict, which has enabled it to access closed conflict zones and provide protection and assistance to victims away from political tussles. This approach has been one of the most important factors in the success of the Commission in the performance of its humanitarian tasks, particularly in non-international armed conflicts.

However, this method is not without limitations, as it is sometimes criticized for indirectly contributing to the impunity of some perpetrators of serious violations from public accountability. Relying on confidential dialogue with parties to a conflict, while humanitarian, may limit the international pressure needed to deter violations and weaken the deterrent effect of international humanitarian law.

The question arises as to whether it is possible to strike a balance between the requirements of impartial humanitarian action and the need for accountability, in order to ensure that secrecy does not become an obstacle to the realization of genuine humanization of armed conflicts.

10.1.3 Third: the role of regional organizations

In addition to international organizations, regional organizations have contributed to the humanization of armed conflicts within their territories by adopting mechanisms and rules that complement the general international order. This role has been clearly demonstrated in some regions that have developed regional human rights protection systems, which are applied in part during armed conflicts.

¹² The International Committee of the Red Cross (ICRC), *The Role of the International Committee of the Red Cross (ICRC) in Armed Conflict*, Geneva, 2010.

However, this role remains uneven from region to region and is influenced by the degree of regional integration, institutional capacity and political will of Member States.

11 THE LIMITS OF THE SECURITY COUNCIL'S ROLE IN THE HUMANIZATION OF ARMED CONFLICTS AND THE PROBLEM OF POLITICIZATION

The Security Council is one of the most important international actors in the humanization of armed conflicts, by virtue of its primary mandate in the maintenance of international peace and security. Through its successive resolutions, the Council has contributed to the integration of the humanitarian dimension into its approach to armed conflicts, in particular by emphasizing the protection of civilians, ensuring humanitarian access, and respecting the norms of international humanitarian law.

However, the role of the Security Council in this area remains surrounded by fundamental problems, foremost of which is the politicization of humanitarian action. The subordination of the Council's decisions to considerations of the political interests of the permanent members and the use of the veto often disrupts international intervention in situations of serious violations of international humanitarian law. This reality undermines the Council's credibility and limits its ability to play an effective role in the humanization of armed conflicts.

The Security Council's reliance on a selective approach to conflict also contributes to the entrenchment of double standards and renders some humanitarian principles of their practical content. Thus, the Council's role, while theoretically important, remains ineffective unless it is supported by a collective political will that places the protection of the human being above narrow political calculations.

12 THE SECOND REQUIREMENT

12.1 International criminal justice as a tool to combat impunity and promote humanization

12.1.1 First: the development of international criminal justice

The establishment of the International Criminal Court (ICC) came in response to the need to hold accountable individuals responsible for serious violations of international humanitarian law, as one of the most important tools for the humanization of armed conflict. The Provisional Criminal Tribunals, such as the Tribunals for the Former Yugoslavia and Rwanda, have been a transitional phase that has paved the way for a permanent international judicial system.

12.1.2 The limitation of the icc's jurisdiction and its impact on humanization

Despite the critical importance of the ICC in combating impunity, its role in humanizing armed conflict remains constrained by a range of legal and practical constraints. Its limited jurisdiction, both in terms of territorial and personal jurisdiction, weakens its ability to hold all perpetrators of international crimes accountable, particularly in cases where the States concerned are not parties to the Rome Statute.

The Court also faces challenges related to the difficulty of executing arrest warrants and gathering evidence in conflict zones, as well as its reliance on the cooperation of States, which makes its effectiveness dependent on political will. This reality has undermined the Court's deterrent effect in some disputes and called into question its ability to deliver international justice in a balanced manner.

Despite these limitations, the existence of the International Criminal Court remains a step forward towards promoting humanization, as it entrenches the principle of individual criminal responsibility and sends the message that serious violations of international humanitarian law do not lapse by statute of limitations.

12.1.3 Second: the role of the international criminal court

The International Criminal Court (ICC) is the main pillar of permanent international criminal justice, as it is competent to hear the most serious crimes, especially war crimes and crimes against humanity. Its role in humanizing armed conflict lies in consolidating the principle of individual criminal responsibility, which contributes to deterring grave violations and protecting human values¹³

However, the Court faces serious challenges, most notably its limited jurisdiction, the reluctance of some States to accede to its Statute, as well as practical difficulties in executing arrest warrants and gathering evidence in conflict zones.

12.1.4 Third: the principle of non-impunity and its humanitarian impact

The principle of impunity is one of the main pillars of the humanization of armed conflict, as it contributes to breaking the cycle of violence and fosters confidence in international justice. However, its effectiveness remains contingent on political will and international cooperation, revealing a gap between legal ambition and practical reality.

12.1.5 Fourth: integration between institutional and judicial instruments: a critical reading

An analysis of institutional and judicial tools for the humanization of armed conflict shows that their effectiveness is not achieved in isolation, but through their complementarity. International organizations play a preventive and humanitarian role, while international criminal justice contributes to strengthening accountability and deterrence. However, the lack of effective coordination between these instruments weakens their collective impact and limits their ability to achieve the desired humanitarian protection.

Promoting the humanization of armed conflict therefore requires a holistic approach, based on the link between humanitarian action, political pressure, and judicial

¹³ Rome Statute of the International Criminal Court, preamble and article 5.

accountability, in order to ensure the protection of human beings at various stages of the conflict.

13 FOURTH TOPIC

13.1 Contemporary challenges and future prospects for the humanization of armed conflict

13.1.1 Introduction

Despite the remarkable development of international law in the humanization of armed conflicts, the practical reality reveals structural and contemporary challenges that undermine the effectiveness of existing legal and institutional instruments. These challenges are becoming more complex as the nature of armed conflicts, their parties and the means of managing them are becoming more complex, which calls for a serious reassessment of the capacity of the international legal system to respond to the requirements of humanitarian protection.

14 THE FIRST REQUIREMENT

14.1 Challenges facing the humanization of armed conflict

14.1.1 First: A. non-international armed conflicts

Non-international armed conflicts are one of the most prominent challenges facing the humanization system, given their expansion in recent decades, compared to traditional international conflicts. Although this type of conflict is subject to some rules of international humanitarian law, in particular Common Article III of the Geneva Conventions, the level of protection established remains less detailed and weakly implemented.

The application of humanitarian norms in this context also faces additional difficulties, represented by the absence of clear legal regulation of some parties to the

conflict, and the invocation by states of the principle of sovereignty and non-interference in internal affairs, which limits the effectiveness of international oversight¹⁴

14.1.2 B. the problem of obliging non-state armed groups to humanize rules

The issue of binding non-state armed groups to the rules of humanization of armed conflict is one of the most complex issues in contemporary international law. While they are active parties to non-international armed conflicts, these groups do not have full international legal personality, which raises questions about the legal basis for their commitment to the rules of international humanitarian law.

International jurisprudence has attempted to overcome this problem by relying on the customary nature of basic humanitarian rules and on the idea of substantive obligations that arise *de facto* rather than by legal recognition. However, these approaches, while theoretically important, face practical difficulties in the absence of effective mechanisms to enforce compliance, particularly in light of the decentralized nature of these groups and their multiple ideological and organizational references.

This reality undermines the humanitarian protection of civilians in conflict zones and highlights the need to develop innovative mechanisms of communication and commitment, without this being understood as political legitimization of these groups.

14.2 Second: non-state armed groups

Contemporary conflicts have produced new non-state actors with advanced military and organizational capabilities, without being directly subject to traditional international obligations. This reality poses a legal problem of how these groups are obliged to respect the rules of the humanization of armed conflicts, in the absence of international legal recognition of them.

¹⁴ Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law*, Vol. I, Cambridge University Press, 2005, p. 12.

Despite attempts to integrate these groups into the humanitarian system through special agreements or customary obligations, practical results remain limited, weakening the protection of civilians in conflict zones.

14.3 Third: technological development in means and methods of warfare

Rapid development in military technology, particularly the use of drones, smart weapons, and autonomous combat systems, has created unprecedented challenges to traditional humanized bases. In some cases, it has become difficult to apply the principles of distinction and proportionality accurately, as a result of the increasing reliance on algorithms and automated decisions.

This development raises profound legal and ethical questions about the extent to which current international law can keep pace with these developments, and about the need to develop special rules to ensure that the human being remains at the center of the military decision-making process¹⁵

14.4 Artificial Intelligence and autonomous weapon systems: a new challenge to the humanization of armed conflict

The rapid development of AI technologies has created unprecedented legal challenges to the rules of humanizing armed conflict, especially with the advent of autonomous weapon systems that rely on algorithms to select targets and carry out attacks. This development raises fundamental questions about the extent to which these systems can adhere to the principles of distinction and proportionality, which require a complex human assessment of the context and potential consequences of an attack.

The use of these systems also poses the problem of determining legal liability in the event of serious violations, as the responsibilities of designers, operators, and military commanders overlap, weakening traditional accountability mechanisms. This ambiguity undermines the deterrent effect of international humanitarian law and threatens to render the idea of humanization of its practical content.

¹⁵ Boothby, W. H., *Weapons and the Law of Armed Conflict*, Oxford University Press, 2009, p. 312.

Urgent international intervention is therefore needed to establish clear legal frameworks governing the use of AI in the military sphere and ensure that humans remain a critical element in the decision to use force

15 THE SECOND REQUIREMENT

15.1 Future prospects for promoting the humanization of armed conflict

15.1.1 First: development of the international legal framework

Meeting contemporary challenges requires a reconsideration of some of the existing legal norms, whether through the development of new customary rules or the adoption of complementary international instruments that address existing gaps, especially with regard to non-international conflicts and modern military technology.

15.1.2 Second: strengthening the supervisory and executive mechanisms

It is not enough to develop legal norms without strengthening oversight and enforcement mechanisms. This requires strengthening the role of competent international organizations, activating accountability mechanisms, and expanding the jurisdiction of international criminal justice in order to reduce impunity.

15.1.3 Third: consolidating the humanitarian culture among the parties to the conflict

Spreading awareness of the rules of international humanitarian law and promoting a legal and humanitarian culture among armed forces and armed groups is one of the key elements for the success of humanization. Legal norms, however precise, remain ineffective unless they are translated into practical behaviour on the ground.

15.1.4 Fourth: towards a preventive approach to the humanization of armed conflicts

Promoting the humanization of armed conflict is no longer possible through remedial approaches that focus on addressing the effects of conflict after the fact, but also requires a preventive approach aimed at reducing violations before they occur. This approach is based on the integration of the rules of international humanitarian law into military doctrine, the promotion of prior training of the armed forces, and the widespread dissemination of legal and humanitarian culture.

The preventive approach also requires strengthening cooperation between international and regional organizations, developing early warning mechanisms, and linking respect for humanitarian norms to political and economic incentives. This approach contributes to reducing reliance on subsequent interventions and promoting voluntary compliance with humanitarian norms, which has a positive impact on human protection during armed conflict.

16 CONCLUSION

This research concluded that the humanization of armed conflicts is no longer just a moral orientation or a humanitarian slogan, but has become a well-established legal principle in the structure of contemporary international law, embodied through an integrated system of legal, institutional and judicial rules and mechanisms. The historical development of international humanitarian law, supported by the contributions of international human rights law, has shown the transition of the international legal system from merely waging war to striving to restrict its humanitarian effects and place the human being in a position of legal protection.

However, this normative development has not been sufficient to ensure effective protection in practice, as contemporary armed conflicts have exposed a clear gap between text and practice. The nature of non-international conflicts, the multiplicity of non-state actors, and the growing use of advanced military technology have all contributed to weakening the effectiveness of existing humanization tools and have raised fundamental questions about the ability of current international law to keep pace with these shifts.

The research also showed that the role played by international organizations, especially humanitarian organizations and international criminal justice, is an essential element in promoting humanization, but it remains dependent on political and legal considerations that limit its scope and effectiveness. The humanization of armed conflicts cannot therefore be viewed as a purely legal issue, but rather as the product of a complex interplay between legal norms, political will, and the realities on the ground of conflicts.

Achieving effective humanization of armed conflicts requires a comprehensive approach that is not limited to the development of legal texts, but also extends to strengthening enforcement and accountability mechanisms, and establishing a culture of respect for international humanitarian law among all parties to the conflict, in order to ensure the protection of human beings in the most extreme circumstances.

A comprehensive analysis of the tools for the humanization of armed conflict reveals a fundamental paradox in contemporary international law, which is the contrast between advanced normative ambition and faltering practical reality. On the one hand, the international community has succeeded in building an integrated legal system aimed at protecting human beings during armed conflict, and on the other hand, it continues to suffer from inadequate implementation and weak compliance.

This paradox highlights that the real challenge is not the lack of legal norms, but the limited mechanisms capable of transforming them into actual behaviour on the ground. The future of the humanization of armed conflict therefore depends on the extent to which international law is able to move beyond the declarative nature and move to a stage of practical effectiveness based on accountability and prevention.

16.1 Results

The research reached a number of results, most notably:

The humanization of armed conflicts is one of the fundamental pillars of contemporary international law, and aims to reduce the brutality of war without compromising its legal reality.

International humanitarian law is the main tool for humanization, while international human rights law plays an important complementary role during armed conflicts.

International organizations and international criminal justice have contributed to the strengthening of humanitarian protection, in particular by entrenching the principle of individual criminal responsibility.

The humanization system is facing increasing challenges in light of non-international armed conflicts and the rise of non-state armed groups.

Technological advances in the means and methods of warfare have weakened the ability of conventional bases to achieve the desired humanitarian end.

The gap between legislative progress in the field of humanization and the practical reality of the application of these rules still exists.

16.2 Recommendations

Based on the above, the research recommends the following:

Develop international legal norms to ensure that they respond to contemporary shifts in the nature of armed conflicts.

Strengthen oversight and enforcement mechanisms, in particular by strengthening the role of international criminal justice and combating impunity.

Expand legal protection in non-international armed conflicts, ensuring that civilians are protected more effectively.

Establish clear legal frameworks for the use of modern military technology, ensuring respect for the principles of humanization.

Intensify training programs and spread awareness of the rules of international humanitarian law among armed forces and armed groups.

Supporting independent humanitarian organizations and providing the necessary legal guarantees for their work in conflict zones.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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