
The Application of International Humanitarian Law in Non-International Armed Conflicts: Examining the Challenges and Complexities of Applying IHL in Non-International Armed Conflicts

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Abstract

The application of International Humanitarian Law (IHL) in Non-International Armed Conflicts (NIACs) presents a range of legal, practical, and ethical challenges that continue to test the resilience and adaptability of international legal frameworks. Unlike international armed conflicts, NIACs involve state and non-state actors or occur solely between non-state groups, raising complex questions about sovereignty, legal recognition, and enforcement of humanitarian norms. This paper explores the scope and applicability of IHL in such conflicts, with a focus on Common Article 3 of the Geneva Conventions and Additional Protocol II, as well as customary international law. The study critically examines issues such as the threshold for classification of a conflict as “non-international,” the accountability of non-state actors, and the difficulties of implementing humanitarian protections on the ground amid asymmetrical warfare. Moreover, the paper highlights the role of international and regional bodies in monitoring compliance and promoting the protection of civilians. Through legal analysis and case studies, the research sheds light on the evolving nature of modern conflicts and the pressing need to strengthen the operational relevance and enforcement mechanisms of IHL in internal strife. The paper concludes by proposing reforms aimed at enhancing IHL’s effectiveness in addressing the realities of NIACs.

Keywords: International Humanitarian Law, Non-International Armed Conflict, Common Article 3, Non-State Actors, Legal Challenges.

1. Introduction

International Humanitarian Law (IHL), also known as the law of armed conflict, is a body of legal norms and principles designed to regulate the conduct of warfare and mitigate its humanitarian impact. The primary aim of IHL is to limit the effects of armed conflict on both combatants and non-combatants, particularly civilians, while providing legal protections for those who are not directly participating in hostilities. IHL is governed by a combination of international treaties, such as the Geneva Conventions and their Additional Protocols, as well as customary international law. The law encompasses two distinct categories of conflict: international armed conflicts (IACs), which occur between states, and non-international armed conflicts (NIACs), which take place

within a single state, involving either governmental forces and non-state actors or between non-state actors themselves (Tsarenko & Tsapyuk, 2025).

Non-International Armed Conflicts (NIACs) are characterized by their internal nature, where the violence is confined within the borders of a state and typically involves one or more non-state armed groups fighting against the government or against each other. The most common forms of NIACs today include insurgencies, civil wars, and conflicts involving separatist movements. While international armed conflicts have a more well-established legal framework, the application of IHL to NIACs presents unique challenges. The legal instruments specifically addressing NIACs are more limited and less developed, particularly in comparison to those governing international conflicts. This has led to ongoing debates among scholars, practitioners, and international legal bodies about the effectiveness and adequacy of IHL in dealing with the complexities of non-international conflicts (Prasetyo & Embong, 2025).

The significance of IHL in armed conflict cannot be overstated, especially in the context of NIACs. In an ideal world, all parties involved in conflict would adhere to legal norms designed to protect civilians, limit the means and methods of warfare, and ensure humane treatment of those who are no longer taking part in hostilities, such as prisoners of war and the wounded. Unfortunately, the brutal realities of war often lead to violations of IHL, which can exacerbate human suffering and prolong conflict. IHL plays a crucial role in attempting to curb such violations by setting forth clear standards for permissible conduct during armed conflict and establishing mechanisms for accountability. In NIACs, the application of these rules is particularly critical, as such conflicts often lead to widespread civilian casualties, displacement, and destruction of infrastructure, which have lasting socio-economic and political consequences for the affected population.

However, the application of IHL to NIACs presents numerous challenges. One of the primary difficulties stems from the fact that the legal framework for regulating non-international conflicts is relatively underdeveloped when compared to the more comprehensive rules that govern international conflicts. While the Geneva Conventions of 1949 apply to both IACs and NIACs, much of the detailed regulatory framework for NIACs is found in Additional Protocol II of 1977, which remains less detailed and less widely ratified than its counterpart for international conflicts, Additional Protocol I (Manzoor et al., 2025). Furthermore, the diverse and often fragmented nature of non-state actors complicates the identification of clear parties to the conflict, making it more difficult to determine who is bound by IHL and how IHL applies to each party. Another challenge lies in enforcement, as international mechanisms for accountability are limited in NIACs, particularly when state actors are unwilling or unable to take action against non-state groups or when such groups operate in areas outside of governmental control.

Despite these challenges, the importance of IHL in regulating NIACs and protecting civilians remains critical. As the frequency and intensity of non-international armed conflicts increase, there is a growing need for legal frameworks that are better suited to the realities of modern warfare. The gaps in the current system, the challenges of implementation, and the complexity of ensuring compliance are all issues that warrant careful scrutiny.

This paper will argue that the application of IHL in non-international armed conflicts is fraught with significant challenges and complexities. A nuanced understanding of these issues is required to address the gaps in the current legal framework and to ensure that the fundamental humanitarian goals of IHL are achieved in the context of NIACs. The remainder of this paper will explore these challenges in depth, examine the legal instruments involved, and propose potential solutions to improve the effectiveness of IHL in non-international conflicts (Azhar et al., 2025).

2. Overview of IHL and NIACs

International Humanitarian Law (IHL), often referred to as the law of armed conflict or the law of war, governs the conduct of hostilities during armed conflicts and seeks to limit their impact on

both combatants and civilians. IHL is designed to protect human dignity in the midst of war and to ensure that military operations, even in extreme circumstances, remain bound by legal restrictions. Its fundamental aim is to alleviate human suffering and prevent unnecessary harm, particularly to vulnerable groups such as civilians, prisoners of war, and wounded soldiers. The evolution and application of IHL have grown increasingly complex, especially in the context of non-international armed conflicts (NIACs), which present unique challenges and complexities (Akhtar et al., 2025).

i. Historical Development of IHL and Its Application to NIACs

The historical development of IHL can be traced back to the mid-19th century, with the establishment of key treaties such as the Geneva Conventions and the Hague Conventions. The first Geneva Convention in 1864 focused on the treatment of the wounded and sick in armed forces, and subsequent treaties expanded IHL's scope to include the protection of prisoners of war, civilians, and the regulation of the means and methods of warfare. However, these early treaties primarily dealt with international armed conflicts (IACs), where states were the primary actors. The emergence of non-international armed conflicts, however, presented a new challenge for IHL (Marah, 2025).

NIACs typically involve conflicts within a state, either between government forces and non-state armed groups, or between non-state armed groups themselves. The distinction between IACs and NIACs became more pronounced after World War II, as the international community recognized that the legal framework for IACs was inadequate to address the increasing frequency and severity of internal conflicts. The 1949 Geneva Conventions and their Additional Protocols (1977) made some significant strides in addressing NIACs, albeit in a limited way.

Initially, IHL was almost exclusively focused on international conflicts. However, as internal wars and civil conflicts became more common in the second half of the 20th century, the international community began to adopt instruments that addressed the need for regulation in such conflicts. The Additional Protocol II to the Geneva Conventions (1977) was a landmark development in this regard. It provided specific protections for those involved in NIACs, although its application remains limited to conflicts that meet certain criteria. Despite these efforts, the legal framework for NIACs remains fragmented and less robust than for IACs, leading to ongoing challenges in enforcing IHL in internal conflicts (Alfatlawi, 2025).

ii. Key Principles of IHL: Distinction, Proportionality, and Precautions

IHL is grounded in a set of key principles that aim to protect those not taking part in the hostilities (such as civilians) and to regulate the conduct of the parties involved. Three core principles that define IHL's framework are **distinction**, **proportionality**, and **precautions**.

- **Distinction:** This principle mandates that parties to an armed conflict must distinguish at all times between combatants and civilians. Attacks may only be directed at combatants and military objectives, while civilians and civilian objects are to be protected from direct attacks. This principle is vital in preventing indiscriminate violence and ensuring that the harm inflicted during conflict is proportionate to the military necessity.
- **Proportionality:** The principle of proportionality aims to balance military necessity with the protection of civilians. Even if a military target is legitimate, the attack is prohibited if the expected harm to civilians or civilian objects is excessive in relation to the concrete and direct military advantage anticipated. This principle prevents excessive or disproportionate use of force in armed conflicts.
- **Precautions:** The principle of precautions requires all parties to take measures to minimize harm to civilians and civilian infrastructure. This includes verifying that targets are military objectives and taking feasible precautions to avoid or minimize civilian casualties.

Additionally, precautions must be taken in planning attacks, during the attack itself, and in the aftermath.

These principles are fundamental to IHL's ability to mitigate the human cost of warfare and ensure that combatants and non-combatants are treated humanely (Seatzu, 2025).

iii. Characteristics of NIACs: Definition, Examples, and Challenges

Non-international armed conflicts (NIACs) are defined as armed conflicts occurring between governmental armed forces and organized armed groups, or between such groups themselves, within the territory of a state. NIACs differ from international armed conflicts (IACs), which involve the armed forces of different states. The defining feature of a NIAC is the involvement of at least one non-state actor in the conflict, leading to unique challenges in the application of IHL. Examples of NIACs include the civil wars in Syria, Yemen, and Colombia, among others. These conflicts are often characterized by their complexity, involving multiple factions, and the blurred lines between combatants and civilians. The presence of non-state actors, such as armed insurgent groups, often complicates the enforcement of IHL because these groups may not adhere to the same legal obligations as state actors. Furthermore, non-state actors may lack the organizational capacity to comply fully with IHL standards, leading to violations of the law (Strobel, 2025).

The challenges of applying IHL in NIACs are multifaceted. First, the distinction between combatants and civilians is often difficult to maintain in internal conflicts, where fighters may blend into the civilian population. Second, many non-state actors are not parties to international treaties and may not recognize IHL as binding, making enforcement challenging. Third, the nature of NIACs often leads to protracted and fragmented conflicts, further complicating efforts to protect civilians and ensure compliance with IHL. Lastly, the lack of a clear framework for accountability and enforcement in NIACs means that violations of IHL often go unpunished, undermining the effectiveness of the law.

IHL's application to NIACs remains a challenging area of international law. While significant progress has been made through legal instruments like Additional Protocol II, the complexities inherent in non-international conflicts require continuous adaptation of legal frameworks and more effective mechanisms for accountability and enforcement (Francis, 2025a).

3. Challenges in Applying IHL to NIACs

The application of International Humanitarian Law (IHL) to Non-International Armed Conflicts (NIACs) presents several challenges, both legal and practical, due to the unique nature of these conflicts. Unlike International Armed Conflicts (IACs), which involve states as primary parties, NIACs typically involve non-state actors (NSAs) fighting against state forces or other armed groups within a single state. The distinction between IACs and NIACs is critical for determining the applicability and scope of IHL, but several difficulties arise in the classification of conflicts, the accountability of non-state actors, and the tactics employed in asymmetric warfare.

i. Classification of Conflicts: Distinguishing between IACs and NIACs

One of the primary challenges in applying IHL to NIACs lies in the classification of the conflict itself. IHL distinguishes between IACs and NIACs based on the parties involved, but this distinction is not always clear-cut. The Geneva Conventions and their Additional Protocols provide specific criteria for identifying NIACs, such as a conflict involving armed groups fighting against a state or between two or more non-state actors. However, in practice, determining whether a conflict qualifies as an IAC or NIAC can be a complex and subjective process.

For instance, situations where state forces intervene in a conflict involving non-state actors, or where foreign powers provide military support to one of the parties, complicate the classification. A conflict involving a non-state actor against a state may sometimes involve interventions by other states, leading to blurred lines between international and non-international dimensions. The difficulty in classification can lead to uncertainty about the legal obligations of the parties and the

precise scope of IHL protections, especially in cases where international involvement does not transform the conflict into an IAC (Francis, 2025b).

Furthermore, there is no universally agreed-upon definition of what constitutes an "armed conflict" under IHL. The threshold of violence required to trigger IHL protection is often debated, and different legal scholars and courts have interpreted the application of IHL in varying ways. This lack of clarity can impede the consistent application of IHL principles in NIACs, leaving gaps in the protection of individuals and creating challenges for humanitarian organizations attempting to provide assistance.

ii. Non-State Actors: Challenges in Holding Them Accountable for IHL Violations

Another major challenge in applying IHL to NIACs is the difficulty of holding non-state actors accountable for violations. Unlike states, non-state actors do not possess the same institutional structures or obligations under international law. They may lack centralized leadership, clearly defined military structures, or a legal framework that recognizes their responsibility under IHL. As a result, the enforcement of IHL standards and accountability mechanisms is complicated.

In many cases, non-state actors in NIACs operate outside of recognized international legal systems, which makes it harder to prosecute individuals for IHL violations. While individuals can be held criminally responsible for violations of IHL under international law, non-state actors often lack the infrastructure to facilitate criminal prosecutions. This creates a situation where violations may go unpunished, and perpetrators of war crimes may evade justice (Francis, 2025c).

Moreover, non-state actors may not have the same incentives to comply with IHL as state actors. In some instances, they may operate in areas where the state has little control, further complicating efforts to enforce IHL and ensure that the rights of civilians are protected. In cases where these armed groups are not recognized as legitimate parties to a conflict, it becomes even more challenging to apply the legal frameworks meant to protect non-combatants and prisoners of war (Querton, 2025).

iii. Asymmetric Warfare: Tactics and Strategies Employed by Non-State Actors

A key feature of many NIACs is the use of asymmetric warfare tactics, where non-state actors employ unconventional methods of fighting against more powerful state forces. These tactics can include the use of guerrilla warfare, suicide bombings, improvised explosive devices (IEDs), and civilian-targeting strategies that are difficult to address within the current IHL framework. The use of such methods can blur the lines between combatants and non-combatants, leading to significant challenges in distinguishing between legitimate military targets and civilian objects or individuals. For instance, non-state actors often operate in densely populated urban areas, using civilians as human shields or blending into civilian populations to avoid detection. While this tactic may offer some strategic advantage, it directly contravenes IHL principles that protect civilians and civilian infrastructure from the effects of armed conflict. Similarly, the use of suicide bombings or other terror tactics that intentionally target civilians complicates the enforcement of IHL, as such tactics are designed to instill fear and terror rather than achieve traditional military objectives (Puspoayu et al., 2025).

In response, states may adopt counterinsurgency strategies that exacerbate the risk of civilian harm. Aerial bombardments, drone strikes, or other heavy-handed tactics can violate the principles of distinction and proportionality, leading to widespread harm to civilians. The asymmetric nature of these conflicts often results in a cycle of violence that is difficult to regulate within the constraints of existing IHL, as non-state actors and state forces alike may engage in actions that undermine the protection of civilians.

Applying IHL to NIACs involves navigating complex challenges related to conflict classification, the accountability of non-state actors, and the tactics employed in asymmetric warfare. As these conflicts continue to evolve, there is an urgent need for greater clarity in legal frameworks, more

effective accountability mechanisms, and adaptive strategies to protect civilians and ensure compliance with IHL in the face of unconventional warfare tactics (Nasu, 2025).

4. Complexities in Applying IHL to NIACs

The application of International Humanitarian Law (IHL) in Non-International Armed Conflicts (NIACs) presents a number of challenges that stem from various contextual factors and the interaction of multiple legal frameworks. While IHL is designed to regulate the conduct of parties in armed conflicts, its application to internal conflicts is fraught with complexities that are not as prevalent in International Armed Conflicts (IACs). These challenges arise from the nature of the conflict, the actors involved, and the broader political, social, and legal environment in which the conflict occurs (Shiroma & Niriella, 2025).

i. Contextual Factors: Cultural, Social, and Economic Contexts

One of the key complexities in applying IHL to NIACs is the diverse and often intricate cultural, social, and economic contexts in which these conflicts take place. In contrast to international conflicts, NIACs often involve multiple, non-state actors, such as insurgent groups, militias, or terrorist organizations, who may have deeply entrenched social or ideological motivations for their participation in the conflict. The dynamics of these groups are shaped by their local context, which can be influenced by historical grievances, ethnic or religious divides, and the socio-political environment.

For instance, cultural and social factors can play a significant role in shaping the behavior of armed groups. In certain regions, armed groups may view certain acts of violence as acceptable or even justified based on their interpretation of local traditions or beliefs. Such contexts challenge the uniform application of IHL, which is built upon principles like distinction, proportionality, and humanity. The application of these principles requires sensitivity to the local context, as groups engaged in conflict may not share the same values as the international community, making enforcement more complicated (Pandie, n.d.).

Additionally, economic conditions often exacerbate the challenges of implementing IHL in NIACs. Many internal conflicts are driven by economic factors, such as the control over natural resources, land, or trade routes. In such environments, armed groups may view the targeting of civilian infrastructure or economic assets as an integral part of their strategy, disregarding IHL's prohibitions on attacks against civilian objects. Addressing these concerns requires understanding the economic dynamics at play and how they influence the behavior of combatants, further complicating efforts to ensure compliance with international law (Bradley et al., 2025).

ii. Overlapping Legal Frameworks: IHL, Human Rights Law, and Domestic Law

Another significant complexity in applying IHL to NIACs is the overlap of multiple legal frameworks, primarily IHL, human rights law, and domestic law. IHL governs the conduct of hostilities during armed conflicts, but in non-international conflicts, human rights law and domestic legal frameworks often come into play as well. The interaction between these legal frameworks can create ambiguities and contradictions that complicate enforcement and compliance.

Human rights law, for instance, continues to apply during armed conflicts, including NIACs. However, its application may be difficult to reconcile with the more flexible and context-specific provisions of IHL. While IHL seeks to regulate the conduct of hostilities and protect individuals who are not taking part in the fighting, human rights law primarily focuses on the protection of individuals' rights within a state, regardless of whether there is an armed conflict or not. This overlap creates challenges in terms of determining when and how the different bodies of law should be applied and enforced (Kiyirembere, 2025a).

Furthermore, domestic law plays an important role in NIACs, as states are primarily responsible for implementing IHL within their own territories. In practice, however, many states may lack the

capacity or the political will to enforce IHL effectively, especially when non-state actors control significant portions of the territory. This can lead to inconsistent or inadequate enforcement of IHL, as well as the potential for violations of both IHL and human rights law by the state or non-state actors. In some cases, domestic law may even provide cover for violations of IHL, further complicating the application of international norms.

iii. Capacity and Willingness of States to Implement IHL

The capacity and willingness of states to implement IHL are crucial factors in determining the effectiveness of international law in NIACs. While international legal instruments like the Geneva Conventions and Additional Protocols provide a framework for the protection of persons in armed conflict, their application in NIACs heavily depends on the state's commitment to enforce these standards. However, in many cases, states embroiled in internal conflicts may lack the institutional infrastructure, resources, or political will to ensure compliance with IHL. This is particularly true when a state is either the primary belligerent or where non-state actors are fighting against government forces (Kiyiremba, 2025b).

For example, in states where armed groups wield significant power and control over large areas of territory, the government may struggle to assert authority and apply IHL effectively. In these situations, international actors may attempt to step in, but the enforcement of IHL remains challenging without the cooperation of the state or all parties to the conflict. Additionally, some states may be unwilling to comply with international legal obligations if doing so undermines their own interests in the conflict, further complicating the implementation of IHL.

The complexities in applying IHL to NIACs stem from a range of factors, including the local context, the interaction of overlapping legal frameworks, and the challenges posed by state capacity and willingness. Addressing these complexities requires nuanced approaches that respect the realities on the ground, ensure compliance with international norms, and support the effective enforcement of IHL in non-international armed conflicts (Adeoti, 2025).

5. Case Studies: Applying IHL in Non-International Armed Conflicts

International Humanitarian Law (IHL), also known as the laws of war, is designed to regulate the conduct of hostilities and protect individuals who are not participating directly in the conflict, such as civilians, medical personnel, and prisoners of war. While IHL is traditionally associated with international armed conflicts, its application to non-international armed conflicts (NIACs) has raised complex challenges. NIACs, often involving state forces and non-state armed groups, present unique difficulties for the enforcement and application of IHL. To explore these challenges, this section examines three case studies: the ongoing conflict in Syria, the civil war in Yemen, and the protracted conflict in the Democratic Republic of the Congo (DRC). Each case highlights the difficulties in applying IHL in NIACs and offers insights into lessons learned and best practices (Dahlial et al., 2025).

i. Examples of NIACs: Syria, Yemen, Democratic Republic of Congo

Syria

The Syrian conflict, which began in 2011, is one of the most complex and devastating NIACs of the 21st century. The conflict involves a wide array of actors, including the Syrian government, various opposition groups, Kurdish militias, and terrorist organizations such as ISIS. The intervention of foreign powers like Russia, the United States, and Iran further complicates the situation. The Syrian war has seen numerous violations of IHL, including the use of chemical weapons, indiscriminate bombing of civilian areas, and the targeting of humanitarian convoys. The sheer number of actors and shifting alliances in Syria has made it difficult to maintain adherence to IHL principles such as distinction (differentiating between combatants and civilians) and proportionality (ensuring the military advantage of an attack outweighs the harm to civilians) (Riepl, 2025).

Yemen

The conflict in Yemen, which escalated in 2014, is another example of a protracted NIAC. It primarily involves the Yemeni government, supported by a coalition led by Saudi Arabia, and Houthi rebels, with various other regional actors, including Iran, indirectly involved. The conflict has resulted in a severe humanitarian crisis, with widespread starvation, disease, and displacement. A key issue in applying IHL in Yemen has been the difficulty of ensuring that the distinction between civilian and military targets is respected. The Saudi-led coalition has been criticized for airstrikes on civilian infrastructure, including hospitals and markets, while the Houthis have been accused of using human shields and launching indiscriminate missile attacks. The humanitarian blockade imposed by the coalition has also led to severe food shortages, contributing to violations of IHL's protections for civilians and prisoners of war (Mohammad et al., 2025).

Democratic Republic of the Congo (DRC)

The DRC has experienced a series of armed conflicts since the 1990s, with ongoing violence in the eastern region. Various armed groups, including local militias and foreign-backed forces, have fought against the Congolese government. The conflict has been marked by widespread atrocities, including mass killings, sexual violence, and the recruitment of child soldiers. The application of IHL in the DRC is hindered by the fragmented nature of the conflict, where numerous non-state actors with differing agendas operate across vast and remote regions. While the DRC government and international actors have made efforts to apply IHL, challenges such as the lack of control over large areas and the failure to effectively engage non-state armed groups in compliance with IHL remain significant obstacles (Chalisey, 2025).

ii. Analysis of IHL Application in Each Case Study

In each of these conflicts, the application of IHL has been challenged by several factors:

- **Complexity of Multiple Actors:** In both Syria and Yemen, the multiplicity of actors—state and non-state—complicates the enforcement of IHL. Non-state armed groups, with varying degrees of control and organization, may not always have the capacity to comply with IHL norms. This is exacerbated by the difficulty in defining their status under IHL and ensuring accountability for violations.
- **Non-International Nature of the Conflict:** IHL applies differently to NIACs than to international armed conflicts. In Syria and Yemen, this has led to gaps in legal protections. For instance, the Syrian government's actions are often shielded by the complexities of regional politics, while non-state groups, particularly those considered terrorist organizations, may not be held accountable in the same manner as state actors.
- **Lack of Effective Monitoring and Accountability Mechanisms:** In all three conflicts, the inability of international institutions to effectively monitor and enforce IHL has been a recurring issue. The UN and other international bodies have struggled to impose meaningful consequences on violators, particularly when political interests of powerful states come into play (Shirajanie, 2025).

iii. Lessons Learned and Best Practices

While the application of IHL in NIACs remains fraught with difficulties, several lessons can be drawn from these conflicts:

- **Increased Efforts to Strengthen Accountability:** In all three case studies, accountability for IHL violations remains a significant challenge. However, international bodies such as the International Criminal Court (ICC) and ad hoc tribunals (e.g., the International Criminal Tribunal for Rwanda) have shown that the pursuit of justice for war crimes in NIACs is possible, though often slow and politically sensitive. The establishment of local accountability mechanisms may also play a role in encouraging compliance with IHL.

- **Better Protection of Civilians:** Humanitarian agencies and peacekeeping forces have a crucial role in ensuring the protection of civilians in NIACs. In the DRC, for example, the presence of UN peacekeepers has helped mitigate some of the effects of violence, even though challenges persist. In Syria and Yemen, international pressure and advocacy by human rights organizations have called attention to the deliberate targeting of civilians.
- **Engagement with Non-State Armed Groups:** Engaging non-state armed groups directly on IHL matters is essential. In the case of Syria, the lack of dialogue between non-state armed groups and international organizations has hampered efforts to apply IHL. Mechanisms for negotiation and mediation that include these groups should be prioritized to ensure better adherence to IHL standards.
- **Adaptation to Changing Warfare:** New technologies and tactics, such as the use of drones and cyber warfare, present additional challenges for the application of IHL in NIACs. These technologies require new frameworks and approaches to ensure compliance with IHL's core principles of distinction, proportionality, and necessity (Lev, 2025).

6. Implications and Recommendations

The application of International Humanitarian Law (IHL) in non-international armed conflicts (NIACs) presents unique challenges and complexities that require a comprehensive approach to strengthen IHL frameworks and ensure its effective implementation. In light of these challenges, it is crucial to consider the implications of these difficulties and propose recommendations that can help overcome barriers to the full realization of IHL principles. The implications touch upon the legal, operational, and institutional aspects of IHL, while the recommendations focus on enhancing the capacity and willingness of states, and the role of international organizations in supporting IHL application and accountability (Ogechukwu & Abonyi, 2025).

i. Implications for IHL: Strengthening IHL Frameworks and Implementation

One of the primary implications of applying IHL in NIACs is the significant gap between the legal frameworks established for international armed conflicts (IACs) and those applied in NIACs. While the Geneva Conventions and their Additional Protocols primarily address IACs, the rules for NIACs, though codified in Common Article 3 and Additional Protocol II, remain relatively underdeveloped. This lack of specificity and detailed guidelines creates ambiguities that hinder the full and consistent application of IHL in NIACs. Furthermore, the political dynamics of NIACs—often involving non-state actors such as rebel groups, insurgents, or organized criminal organizations—pose additional challenges to the implementation of IHL. These groups may not be willing or able to adhere to IHL norms, which weakens the effectiveness of legal frameworks and raises questions about enforcement mechanisms (Sánchez Frías, 2025).

The limited enforcement capacity within states also complicates the practical application of IHL. Many states involved in NIACs face internal instability, and their legal and judicial systems may be too weak or fragmented to enforce IHL provisions. Additionally, the lack of adequate training for military and law enforcement personnel in conflict zones means that violations of IHL often go unpunished. International humanitarian organizations, such as the International Committee of the Red Cross (ICRC), play a vital role in disseminating IHL knowledge, but their ability to influence non-state actors is limited, especially when those actors do not recognize the authority of international law.

To address these issues, it is essential to strengthen the IHL frameworks for NIACs, ensuring they are more comprehensive and adaptable to the evolving nature of modern conflicts. Furthermore, the international community must focus on ensuring that IHL principles are integrated into the policies of states and non-state actors involved in these conflicts, while encouraging stronger enforcement mechanisms at the national and international levels (Kiye & Ewange, 2025).

ii. Recommendations for States: Enhancing Capacity and Willingness to Apply IHL

States must play a central role in enhancing the effectiveness of IHL during NIACs. A key recommendation is for states to improve their legal and institutional frameworks by incorporating IHL into domestic legislation and ensuring that violations are prosecuted effectively at the national level. States should be encouraged to establish specialized units within their military and law enforcement agencies to monitor compliance with IHL. Additionally, governments should invest in the training of personnel at all levels—military, police, and judicial authorities—so that they can better understand the provisions of IHL and its application in practice.

States should also demonstrate political will to apply IHL consistently. This includes holding state actors accountable for violations and preventing the involvement of non-state actors who commit egregious violations, such as the recruitment of child soldiers or the use of prohibited weapons. State support for international efforts to ensure accountability, such as the International Criminal Court (ICC) or ad hoc tribunals, is also crucial. Furthermore, states must refrain from undermining the application of IHL by engaging in practices such as deliberately blurring the lines between combatants and civilians, or failing to distinguish between military objectives and civilian infrastructure (Hanenko et al., 2025).

Encouraging states to become parties to relevant international treaties, such as the Additional Protocols to the Geneva Conventions and the Rome Statute of the ICC, will further solidify their commitment to IHL. In addition, states should participate in regional and international forums to promote the exchange of best practices and lessons learned regarding the application of IHL in NIACs.

iii. Role of International Organizations: Supporting IHL Implementation and Accountability

International organizations, particularly the United Nations (UN), the ICRC, and other humanitarian bodies, have a crucial role in promoting the implementation of IHL in NIACs and ensuring accountability for violations. The UN, through its Security Council and specialized agencies, must continue to advocate for and support the enforcement of IHL in conflict zones, both through peacekeeping missions and through diplomatic and economic pressure on states and non-state actors involved in NIACs. In particular, the UN should increase its engagement in non-international conflicts to ensure that IHL is more effectively applied in areas where international attention may be lacking (Roithmaier, 2025).

The ICRC, as the guardian of IHL, must continue its essential work of monitoring and providing humanitarian assistance in conflict zones. The ICRC should also be proactive in encouraging non-state actors to respect IHL, despite their lack of formal recognition under international law. Furthermore, international organizations can assist in the capacity-building efforts of states, particularly in conflict-affected regions, by providing technical assistance, training, and resources to improve the implementation of IHL at the national level.

International organizations must also support accountability for IHL violations by ensuring that there are mechanisms in place for the investigation and prosecution of war crimes and crimes against humanity in NIACs. This includes strengthening cooperation with the ICC, regional courts, and national legal systems to ensure that those responsible for violations are held accountable. Additionally, international organizations should focus on creating awareness among the global public about the importance of upholding IHL principles in all armed conflicts, further increasing pressure on states and non-state actors to comply (Purswani & Rajesh, 2025).

The application of IHL in non-international armed conflicts requires a multifaceted approach involving states, international organizations, and non-state actors. By strengthening IHL frameworks, enhancing states' capacity and willingness to apply IHL, and supporting accountability efforts, the international community can improve the protection of individuals caught in these conflicts and ensure that IHL principles are respected and upheld (Pandey, 2025).

7. Conclusion

In examining the application of International Humanitarian Law (IHL) in Non-International Armed Conflicts (NIACs), this paper has highlighted a range of key findings that underscore the complexities and challenges in ensuring the effective enforcement and application of IHL in such contexts. Unlike International Armed Conflicts (IACs), where the rules of engagement and the protection of civilians are relatively well-defined and structured under established treaties like the Geneva Conventions, NIACs present a far more fluid and complicated legal landscape. The absence of a single overarching treaty and the involvement of non-state actors often leads to ambiguous legal frameworks that hinder consistent application of IHL principles.

A major finding from this paper is that while customary international law and common Article 3 of the Geneva Conventions provide some legal structure for NIACs, they remain insufficient in providing a comprehensive and enforceable system for the protection of civilians and the accountability of combatants. The gap in legislation and international cooperation regarding non-state armed groups exacerbates these challenges. Furthermore, the variability in how states and international organizations interpret and enforce IHL during NIACs contributes to the inconsistency in its application, often leading to a failure in preventing human rights violations, such as extrajudicial killings, forced displacement, and indiscriminate attacks on civilians.

Additionally, the lack of effective mechanisms to enforce IHL in NIACs has contributed to a culture of impunity. Non-state actors often operate with little fear of prosecution or legal consequence, while states may sometimes use military force against non-state actors without adequately observing IHL principles. Moreover, the legal and political complexities involved in ensuring that non-state actors respect IHL, and the limitations on the role of international courts and tribunals in addressing violations, are critical issues that need to be resolved.

Looking toward the future, there are several directions in which both research and practice can evolve to improve the application of IHL in NIACs. First, more scholarly attention must be paid to the development of new legal frameworks that better accommodate the realities of modern conflicts, which often involve a mix of state and non-state actors. This could involve the expansion of the existing provisions under the Geneva Conventions to cover new forms of warfare, including the growing use of technology such as drones, cyber warfare, and autonomous weapons systems. Researchers should also explore innovative mechanisms for ensuring that non-state actors comply with IHL, such as the creation of binding agreements or peace-building protocols that incentivize respect for humanitarian principles.

On the practical front, states and international organizations must focus on enhancing the enforcement of IHL during NIACs. The establishment of stronger international oversight mechanisms, possibly through regional organizations or new international tribunals dedicated to NIACs, could provide more effective avenues for prosecuting war crimes and ensuring accountability. Furthermore, humanitarian actors and international NGOs must continue to play an active role in monitoring and reporting violations, advocating for the protection of civilians, and offering support for the reintegration of displaced populations in conflict-affected regions.

One of the most pressing calls to action is the need to strengthen the application of IHL in NIACs to better protect civilians and promote accountability for violations. This includes urging states to ratify and adhere to international treaties that address NIACs, as well as strengthening cooperation between international courts, national legal systems, and local communities in conflict zones. Strengthening accountability mechanisms—whether through the creation of specialized IHL courts, enhanced training for military and non-state combatants, or international cooperation to prevent arms flows to non-state actors—will be crucial to reducing impunity. A stronger emphasis on the protection of civilians and the enforcement of IHL norms during non-international conflicts will not only contribute to a more humane response to warfare but will also uphold the dignity and rights of those who are most vulnerable in these complex and violent situations.

In conclusion, while significant strides have been made in recognizing the applicability of IHL in NIACs, substantial challenges remain. To address these, future research and practice must focus on the continued evolution of legal frameworks, improved enforcement mechanisms, and the promotion of accountability for those who breach IHL. By doing so, the international community can work toward ensuring that the principles of IHL are not only a theoretical construct but also an effective and practical tool for safeguarding civilians and maintaining peace in increasingly complex conflict scenarios.

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