

INTERNATIONAL LAW PHD – RESEARCH PROJECT

International Humanitarian Law and Emerging Challenges in Modern Conflict Zones

Are existing international humanitarian law provisions sufficient to address the complexities of modern conflict zones, and what reforms are necessary to ensure their relevance and effectiveness?

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Summary

International order is built upon foundational values enshrined in international law. International humanitarian law (IHL), as a critical subset of international law, governs the conduct of armed conflicts, seeking to protect individuals who are not or no longer participating in hostilities and to regulate the means and methods of warfare. As conflicts evolve in complexity and scope, existing IHL provisions face challenges in addressing the unique legal and ethical issues posed by modern warfare, including asymmetrical conflicts, cyber warfare, and the use of autonomous weapon systems. This project proposes an in-depth examination of the efficacy of current IHL frameworks and their ability to adapt to contemporary conflict scenarios.

Detailed Explanation

This research project will explore the observance, limitations, and evolving nature of international humanitarian law in addressing modern conflict situations. Using doctrinal and comparative legal research methodologies, it will analyse the adequacy of existing legal frameworks and suggest reforms to strengthen compliance and effectiveness in protecting victims of armed conflict and regulating state and non-state actors. By engaging with international jurisprudence, treaties, customary practices, and scholarly debates, the research aims to bridge the gap between theoretical constructs of IHL and the practical realities of modern warfare. Below is a brief explanation of the proposed areas of potential research. This is not a closed list.

1. Asymmetrical Warfare and Non-State Actors

- Legal and ethical challenges in applying IHL to conflicts involving non-state armed groups and terrorists.
- The implications of state responses to insurgency, terrorism, and hybrid threats on IHL compliance.

2. Technological Advancements in Warfare

- Regulation of autonomous weapon systems, drones, and cyber warfare under existing IHL norms.

- The adequacy of existing provisions to address accountability for war crimes conducted via novel technologies.
- 3. **Protection of Vulnerable Populations**
 - Assessing IHL's effectiveness in safeguarding the rights and dignity of displaced persons, women, children, and other vulnerable groups during armed conflicts.
- 4. **Accountability and Enforcement Mechanisms**
 - Examining the role of international criminal tribunals, universal jurisdiction, and state practice in enforcing IHL.
 - Addressing impunity for violations and promoting adherence to emerging norms.

Research Objectives

1. Evaluate the efficacy of existing IHL frameworks in modern conflict zones.
2. Identify gaps and challenges posed by new forms of warfare and emerging trends in armed conflicts.
3. Propose reforms to enhance compliance with and enforcement of IHL.
4. Contribute to Australia's obligations under IHL by examining its role in addressing global and regional conflicts.

References

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12. International Committee of the Red Cross, *Guidelines on the Protection of the Natural Environment in Armed Conflict* (2020).

Online Resources

13. International Committee of the Red Cross, *International Humanitarian Law Database* (Web Page) <https://ihl-databases.icrc.org>.
14. United Nations, *Audiovisual Library of International Law* (Web Page) <https://legal.un.org/avl/>.
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Abstract

This research project investigates the adequacy of existing international humanitarian law (IHL) frameworks in addressing the evolving complexities of modern conflict zones and proposes necessary reforms to ensure their continued relevance and effectiveness. Rooted in the foundational values of international law, IHL seeks to regulate the conduct of armed conflict, protect non-combatants, and limit the means and methods of warfare. However, contemporary conflicts—characterized by asymmetrical warfare, the proliferation of non-state actors, and rapid technological advancements such as cyber warfare and autonomous weapon systems—challenge the applicability and enforcement of existing IHL provisions.

Employing doctrinal and comparative legal methodologies, this study examines the legal and ethical dilemmas posed by these challenges and evaluates the efficacy of current IHL norms in safeguarding vulnerable populations and regulating the actions of state and non-state actors. Key areas of focus include the impact of technological

innovations on warfare, the protection of displaced persons and other at-risk groups, and the effectiveness of accountability and enforcement mechanisms, such as international tribunals and state practice.

The research aims to bridge the gap between the theoretical constructs of IHL and the practical realities of modern conflicts. It seeks to identify gaps in the current legal framework, propose reforms to enhance compliance and enforcement, and contribute to Australia's obligations under IHL in addressing global and regional conflicts. By addressing these pressing issues, this study aspires to strengthen the legal and ethical foundations of IHL in an era of unprecedented challenges.