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International Legal Mechanisms for the Protection of Civilian Populations in Conditions of War

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Abstract: The relevance of this study stems from the growing threats to civilian populations in contemporary armed conflicts and from the need to enhance the effectiveness of international legal mechanisms for their protection. The aim is to provide a comprehensive analysis of such mechanisms within the framework of international humanitarian law. The study characterizes treaty-based, institutional, and jurisdictional instruments, identifies their functional features, and outlines the principal challenges to their implementation. The findings demonstrate that, despite the existence of a well-developed protection system, its effectiveness remains constrained by implementation deficiencies and by political and legal factors, which underscores the need for its further refinement.

Keywords: international humanitarian law, protection of civilians, implementation of international norms, humanitarian monitoring, legal protection of the population, mechanisms for safeguarding human rights in wartime.



Introduction

The problem of ensuring effective protection of the civilian population during wartime remains one of the most pressing challenges of contemporary international law, despite the existence of an elaborate normative framework developed within international humanitarian law. Modern armed conflicts are increasingly characterized by asymmetry, the urbanization of hostilities, the involvement of non-state armed groups, and the use of novel means and methods of warfare, all of which substantially complicate the practical application of legal norms intended to protect civilians. Although the foundational provisions of the Geneva Conventions and their subsequent supplementary instruments establish clear obligations for the parties to a conflict, persistent violations, such as indiscriminate attacks, forced displacement, and the denial of access to humanitarian assistance reveal a marked gap between formal legal commitments and their real-world implementation. These developments raise critical questions regarding the effectiveness, adaptability, and enforcement capacity of the existing international legal mechanisms designed to safeguard civilian populations.

The relevance of this issue is further reinforced by the expanding role of international institutions and accountability mechanisms, in particular the United Nations and the International Criminal Court, which are increasingly called upon to respond to large-scale humanitarian crises and grave breaches of international law. Yet political and jurisdictional constraints, together with selective enforcement practices, frequently undermine their capacity to deliver timely and comprehensive protection. Within this context, the study of international legal mechanisms for the protection of the civilian population acquires particular significance, as it enables a critical assessment of existing instruments of prevention, monitoring, and accountability, as well as the identification of structural deficiencies that impede their effectiveness. Addressing these challenges is of paramount importance not only for strengthening compliance with international humanitarian norms but also for reinforcing the broader system of international peace and security amid ongoing and emerging armed conflicts.

Contemporary scholarly research on the protection of the civilian population in wartime reflects the multifaceted nature of the problem and a range of approaches to evaluating the effectiveness of international legal mechanisms. The literature emphasizes the central role of international humanitarian law in providing fundamental guarantees for the protection of civilians, while simultaneously highlighting a substantial gap between normative provisions and their practical implementation (Khan, 2024). Several studies draw attention to the adverse consequences of institutional interaction, in particular the merging of peacekeeping and counterterrorism approaches, which may weaken the protection of civilians in complex conflict environments (Moe, 2021). Considerable attention is also devoted to the role of international criminal justice, where the activity of international judicial institutions is regarded as an important instrument for ensuring global accountability for war crimes, although its effectiveness remains contingent on the political support of states (Bayz, 2024). In the context of migration crises, researchers examine the temporary protection mechanisms introduced by the European Union, underscoring their significance for the rapid response to mass displacement of civilians while also noting the problem of uneven solidarity among member states (Carrera et al., 2022).

Research Aim and Research Questions

The aim of the article is to provide a comprehensive analysis of the international legal mechanisms for the protection of the civilian population in wartime, including treaty-based, institutional, and



jurisdictional instruments, as well as to assess their effectiveness in ensuring compliance with the norms of international humanitarian law in contemporary armed conflicts.

In accordance with this aim, the following objectives were formulated: to elucidate the theoretical and legal foundations of civilian protection within the field of international humanitarian law; to characterize the treaty-based, institutional, and jurisdictional mechanisms that secure such protection; to analyze the practice of their application in contemporary armed conflicts; and to evaluate the effectiveness of these mechanisms and identify the problematic aspects of their implementation.

Research Results

The theoretical and legal foundations for the protection of the civilian population in international law have been shaped primarily within the framework of international humanitarian law, which establishes a system of norms aimed at mitigating the consequences of armed conflicts and ensuring humane treatment of persons not taking part in hostilities. Within international humanitarian law, the concept of the "civilian population" occupies a central position and is defined through an indirect criterion, namely as the aggregate of persons who do not belong to the armed forces or other organized armed groups of the parties to a conflict. This principle is enshrined, in particular, in the provisions of the Geneva Conventions (International Committee of the Red Cross) and is elaborated in detail in Additional Protocol I, which specifies that civilians enjoy protection from the dangers arising from military operations, except when, and for such time as, they take a direct part in hostilities (International Committee of the Red Cross). Accordingly, the legal status of the civilian population is characterized by a presumption of protection, inviolability, and the right to respect for life, dignity, and fundamental human rights even under the exceptional conditions of armed conflict.

The protection of the civilian population rests on a number of fundamental principles that constitute the normative core of international humanitarian law. Among these, the principle of distinction is of paramount importance, as it obliges the parties to an armed conflict to distinguish at all times between civilians and combatants, as well as between civilian objects and military objectives, and to direct their operations exclusively against the latter. Closely linked to it is the principle of proportionality, which prohibits attacks that may be expected to cause incidental civilian losses disproportionate to the anticipated concrete and direct military advantage. These are complemented by the principle of precaution, which requires the parties to take all feasible measures to avoid or minimize harm to the civilian population and civilian objects, including in the choice of means and methods of warfare and the issuance of advance warnings whenever circumstances permit. Although codified in treaty law, these principles have also acquired the status of customary norms and are therefore legally binding even on states that are not parties to specific instruments (Carrera et al., 2022).

The normative and legal framework governing the protection of the civilian population is multifaceted and comprises both treaty-based and customary components. The core of this framework consists of the four Geneva Conventions of 1949, in particular the Fourth Convention relative to the Protection of Civilian Persons in Time of War, which establishes detailed rules for the treatment of civilians in occupied territories and under the control of a party to the conflict. The development of this legal regime was substantially reinforced following the adoption of the Additional Protocols of 1977, especially Additional Protocol I, which introduced comprehensive provisions on the conduct of hostilities and strengthened the protection of the civilian population from the effects of military operations (Office of the United Nations High Commissioner for Human Rights). At the same time, customary international law plays an important role in filling regulatory gaps and securing the universal application of fundamental protective norms, as evidenced by the codification efforts of the



International Committee of the Red Cross, which has identified a broad range of customary rules on the protection of civilians. Together, these sources form a coherent and operative system of international legal regulation aimed at striking a balance between military necessity and humanitarian considerations, thereby reinforcing the imperative of protecting the lives and dignity of civilians in armed conflict. The international legal mechanisms for ensuring the protection of the civilian population in wartime constitute a complex, multilevel system that combines treaty-based obligations, institutional structures, and enforcement procedures designed to translate normative standards into practical guarantees. A central role in this system is played by the treaty-based mechanisms of supervision and implementation that derive from states' participation in the international agreements regulating the conduct of hostilities and the protection of persons affected by armed conflict (Khan, 2024). The system of state parties is not confined to the formal ratification of legal instruments; rather, it entails an ongoing obligation to respect and to ensure respect for these norms, including through the adoption of domestic legislation, military manuals, and administrative procedures. National implementation mechanisms therefore serve as the principal interface between international legal standards and domestic practice, encompassing the criminalization of violations, the training of armed forces, and the establishment of accountability procedures within national jurisdictions. In parallel, international humanitarian monitoring functions as an essential element of compliance oversight, enabling the assessment of state conduct and the identification of violations through both formal reporting processes and field-based observation conducted by neutral actors.

Institutional protection mechanisms provide an organized and operational dimension to the implementation of international humanitarian norms, facilitating coordination, the delivery of assistance, and oversight in conflict settings. The principal humanitarian actor in this context is the International Committee of the Red Cross, which operates on the basis of neutrality, impartiality, and independence in order to monitor compliance with humanitarian norms, deliver assistance to victims, and conduct confidential dialogue with the parties to a conflict. Alongside it, the United Nations plays a vital role in shaping collective responses to threats against the civilian population, in particular through the actions of the UN Security Council, which is empowered to adopt binding resolutions, impose sanctions, and authorize peacekeeping operations. Peacekeeping missions established under the auspices of the United Nations are increasingly entrusted with mandates for the protection of civilians, operationalizing legal norms through field presence, deterrence, and the facilitation of humanitarian access. These institutional mechanisms attest to the evolution of international law from a purely normative system into one that actively engages in the management of armed conflict dynamics (Moe, 2021). Jurisdictional accountability mechanisms constitute the cornerstone of the system for ensuring compliance with international legal norms, guaranteeing the punishment of violations of the rules designed to protect the civilian population. The establishment of the International Criminal Court marked a significant step toward the institutionalization of individual criminal responsibility for serious international crimes, in particular war crimes against civilians. This permanent judicial body is complemented by ad hoc and hybrid tribunals, such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, which have contributed to the development of jurisprudence on the protection of civilians and have clarified the limits of prohibited conduct during armed conflicts (Bayz, 2024). At the national level, the principle of universal jurisdiction enables states to prosecute persons suspected of committing serious violations of international humanitarian law irrespective of the place of commission or the nationality of the perpetrator, thereby reinforcing the global character of accountability. Taken together, these



jurisdictional mechanisms strengthen deterrence, advance redress for victims, and consolidate the rules-based international order.

The interaction among treaty-based, institutional, and jurisdictional mechanisms is systematized in Table 1.

Table 1

Systematization of international legal mechanisms for the protection of the civilian population in wartime: treaty-based, institutional, and jurisdictional dimensions (Bayz, 2024; Moe, 2021)

Type of mechanism	Principal components	Functional role in the protection of the civilian population
Treaty-based mechanisms	System of state parties; national implementation mechanisms; humanitarian monitoring	Establishing legal obligations, ensuring domestic compliance, and overseeing adherence to the norms
Institutional mechanisms	International Committee of the Red Cross; United Nations; UN Security Council; peacekeeping missions	Facilitating coordination, delivering humanitarian assistance, and supporting compliance through collective action
Jurisdictional mechanisms	International Criminal Court; ad hoc tribunals; universal jurisdiction of states	Ensuring accountability, prosecuting violations, and preventing future breaches of international humanitarian law

Source: author's own development

Taken together, these mechanisms form an interconnected system that strengthens both the preventive and the responsive dimensions of civilian protection in wartime, attesting to the gradual yet consistent reinforcement of the international legal capacity to respond to the humanitarian consequences of armed conflicts.

Conclusions

A synthesis of the findings supports the conclusion that the international legal mechanisms for the protection of the civilian population in wartime constitute a coherent yet heterogeneous system, within which the norms of international humanitarian law provide the normative foundation, while treaty-based, institutional, and jurisdictional instruments serve as the means of their practical implementation and oversight. It has been established that treaty-based mechanisms create a binding legal framework for states and set the standards for the treatment of civilians, although their effectiveness depends substantially on proper implementation at the national level and on the political will of the parties to the conflict. Institutional mechanisms, particularly the activities of international organizations and humanitarian missions, play a significant role in monitoring, coordinating assistance, and preventing violations, yet they frequently face limitations of mandate and resources. Jurisdictional mechanisms ensure the accountability of perpetrators and produce a preventive effect, while their application is complicated by issues of jurisdiction, evidentiary requirements, and the prevailing international political context. It has further been demonstrated that the current system of international legal protection of the civilian population possesses considerable potential but requires continued refinement in light of the changing nature of armed conflicts, the growing role of non-state actors, and the emergence of novel means of warfare. The prospects for further scholarly research lie in an in-depth analysis of mechanisms for enhancing the effectiveness of the implementation of international humanitarian law norms, expanding the instruments of



international oversight, and improving the models of accountability for violations of the rights of the civilian population.

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