

The Integrative Dimension of the Fourth Geneva Convention and Its First Additional Protocol with Algerian Legislation in Promoting Human Security Values during Armed Conflicts

البعد التكاملي لاتفاقية جنيف الرابعة وبروتوكولها الإضافي الأول مع التشريع الجزائري في تعزيز قيم الأمن الإنساني زمن النزاعات المسلحة

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Abstract:

The integration between the provisions of the Fourth Geneva Convention of 1949, Additional Protocol I of 1977, and the Algerian legislative framework constitutes a legal foundation for promoting the values of human security during armed conflicts. The significance of this integration lies in ensuring the effective transformation of international obligations into domestic implementation, thereby guaranteeing the effective protection of civilians in accordance with the rules of international humanitarian law. This requires an analysis of the conceptual and legal dimensions of human security within the framework of international humanitarian law, as a legal regime aimed at safeguarding human dignity during armed conflicts, followed by an examination of the legislative incorporation of the principles of international humanitarian law through the constitutional and legislative framework that reflects Algeria's commitment to the international conventions it has ratified.

Key words: Fourth Geneva Convention; Additional Protocol one; Algerian legislation; Protection of civilians in times of armed conflict; Human security.

ملخص:

يعدّ التكامل بين أحكام اتفاقية جنيف الرابعة لعام 1949 والبروتوكول الإضافي الأول لعام 1977 والمنظومة التشريعية الجزائرية أساساً قانونياً لتعزيز قيم الأمن الإنساني زمن النزاعات المسلحة، وتتجلى أهمية هذا التكامل في ضمان الانتقال من الالتزام الدولي إلى التطبيق الوطني الفعال بما يكفل الحماية الفعالة للمدنيين وفق قواعد القانون الدولي الإنساني، ويقتضي ذلك تحليل البعد المفاهيمي والقانوني للأمن الإنساني في إطار القانون الدولي الإنساني، بوصفه منظومة قانونية تهدف إلى صون كرامة الإنسان أثناء النزاعات، ثم بيان التجسيد التشريعي لمبادئ القانون الدولي الإنساني من خلال الإطار الدستوري والتشريعي الذي يعكس التزام الجزائر بالاتفاقيات الدولية المصادق عليها.

الكلمات المفتاحية: اتفاقية جنيف الرابعة؛ البروتوكول الإضافي الأول؛ التشريع الجزائري؛ حماية المدنيين زمن النزاعات المسلحة؛ الأمن الإنساني.

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Introduction:

The protection of civilians during armed conflicts has become one of the fundamental objectives of contemporary international humanitarian law and an essential component of the broader concept of human security. In contemporary armed conflicts, the protection of human dignity extends beyond traditional military considerations to encompass legal, humanitarian, and institutional safeguards designed to protect the lives, rights, and welfare of affected populations. Within this framework, the Fourth Geneva Convention of 1949 and the First Additional Protocol of 1977 constitute the principal international legal instruments governing the protection of civilians during armed conflicts.

The effectiveness of these instruments, however, depends not only on their international legal force but also on the extent to which their principles are incorporated into domestic legal systems through legislative, institutional, and judicial implementation frameworks. Against this background, the present study examines the relationship between the Fourth Geneva Convention, the First Additional Protocol, and Algerian legislation in advancing the values of human security during armed conflicts. The study is founded on the premise that human security has evolved beyond a purely political or security-oriented concept into a comprehensive legal and humanitarian framework, the effective implementation of which requires the incorporation of international humanitarian law norms into national legislation. Accordingly, the study adopts an analytical approach, supplemented by an applied examination of the Algerian legal experience, to evaluate the effectiveness of aligning international humanitarian obligations with domestic legislative mechanisms for the protection of civilians and the preservation of human dignity during armed conflicts.

The significance of this study derives from both its academic and practical dimensions, from an academic perspective; it contributes to the scholarly discourse on international humanitarian law by examining the relationship between the provisions of international humanitarian law and their incorporation into the Algerian legislative framework through a critical and comparative legal analysis. In particular, it explores the legislative mechanisms through which fundamental humanitarian principles including non discrimination, proportionality, protection against forced displacement and starvation, and legal accountability are incorporated into domestically binding legal provisions. From a practical perspective, the study provides an objective assessment of the effectiveness of Algerian legislation and national institutions in ensuring the effective protection of civilians during armed conflicts.

The study also proposes legislative and institutional reforms aimed at strengthening prevention and accountability mechanisms while adapting the existing legal framework to the evolving nature of contemporary armed conflicts and modern methods of warfare. Consequently, the findings of this study may assist legislators, judicial and military authorities, policymakers, and national human rights institutions in enhancing the domestic implementation of international humanitarian law.

The study seeks to achieve several interrelated objectives. It first examines the fundamental legal principles established by the Fourth Geneva Convention and the First Additional Protocol and analyzes the legal guarantees afforded to civilian populations during armed conflicts. It further evaluates the extent to which these international humanitarian rules have been incorporated into Algerian legislation and identifies the institutional implementation mechanisms established to ensure their effective application. In addition, the study assesses existing legislative and institutional gaps affecting implementation and accountability and proposes appropriate legislative and

procedural measures capable of strengthening the integration of international humanitarian law into domestic legislation, Ultimately, it aims to provide practical recommendations for harmonizing military legislation, military regulations, and civilian administrative practices with the requirements and values of human security.

The study is founded upon the central premise that the effectiveness of protecting human security during armed conflicts depends on the degree to which international humanitarian law is effectively incorporated into domestic legislation and supported by institutional and judicial mechanisms capable of ensuring its implementation and enforcing legal accountability.

Accordingly, the present study seeks to answer the following central research questions: To what extent does the Algerian legal system achieve effective integration with the provisions of the Fourth Geneva Convention and the First Additional Protocol in promoting the values of human security during armed conflicts? Which legal mechanisms ensure the effective incorporation of international humanitarian obligations into the national legislative framework?

To answer these questions, the study employs the descriptive and analytical approach as its primary methodological framework; this approach is complemented by the comparative legal method through a systematic legal analysis of the provisions of the Fourth Geneva Convention and the First Additional Protocol alongside the relevant Algerian legislative framework. The analysis encompasses the presidential decrees relating to Algeria's ratification of the Geneva Conventions and their Additional Protocols, the legal instruments establishing the National Committee for International Humanitarian Law, the Penal Code, the Code of Criminal Procedure, and other legislative texts directly relevant to the implementation of international humanitarian law, The comparative analysis is intended to identify areas of legislative compatibility, assess the degree of legal harmonization, and evaluate the effectiveness of domestic implementation mechanisms.

For analytical purposes, the study is organized into two main sections, The first examines the legal foundations of human security within the framework of the Fourth Geneva Convention and the First Additional Protocol by analyzing the legal guarantees afforded to civilians during armed conflicts, with particular emphasis on the principles of distinction, proportionality, precaution, and the protection of civilian persons and civilian objects, and the second section examines the legal mechanisms through which Algerian legislation incorporates the principles of international humanitarian law and promotes human security during armed conflicts. It further analyzes the extent to which the provisions of the Fourth Geneva Convention and the First Additional Protocol have been integrated into Algerian legislation and evaluates the complementary relationship between international humanitarian law and domestic legal provisions in strengthening the values of human security. These issues are examined in detail in the following sections.

Section I: Legal Basis for Human Security in Light of the Fourth Geneva Convention and Additional Protocol I

The concept of human security has emerged as one of the modern legal concepts within the evolution of international legal thought, placing the individual at the center of international legal protection rather than viewing human beings merely as subjects of State sovereignty. The Geneva Conventions of 1949, particularly the Fourth Geneva Convention, together with Additional Protocol I of 1977, laid the legal foundations for the shift from the traditional concept of State security to the broader concept of human security by establishing a legal framework that balances military necessity with the protection of human dignity during armed conflicts.

The two World Wars and the serious violations committed against civilians during those conflicts constituted a turning point that prompted the international community to reconsider the legal framework governing the conduct of parties to armed conflicts, this led to the adoption of the Fourth Geneva Convention as a comprehensive legal instrument for the protection of civilians who do not take a direct part in hostilities. Consequently, the protection of civilians during armed conflicts became a binding obligation under international law rather than merely a moral duty. Civilians were thereby afforded legal guarantees aimed at protecting their lives, physical and mental integrity, and human dignity under all circumstances.

Additional Protocol I of 1977 further strengthened this legal framework by developing fundamental principles, including distinction between civilians and military objectives, restricting the use of force, and prohibiting indiscriminate methods of warfare. It also reinforced the implementation of international humanitarian law by clarifying the legal responsibilities of parties to armed conflicts and strengthening mechanisms of accountability, this development reflects the international community's recognition that human security depends upon effective legal protection during armed conflicts.

Accordingly, this section examines the legal foundations of human security through an analysis of the Fourth Geneva Convention (First) and Additional Protocol I (Second), while highlighting the substantive and procedural guarantees they provide for the protection of civilians during international armed conflicts. It also examines their contribution to promoting respect for human dignity and strengthening the principle of international legal responsibility, Understanding these legal foundations provides the basis for assessing their implementation within the Algerian legal system, these issues are examined in the following subsections:

A) The Fourth Geneva Convention of 1949 is the Cornerstone of the International Guarantees Stipulated in the Geneva Convention for the Protection of Civilians in Times of Armed Conflict:

The Fourth Geneva Convention constitutes a cornerstone of the contemporary international humanitarian legal framework, this Convention serves as the principal international legal instrument governing the protection of civilians during armed conflicts, The Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) was adopted and opened for signature, ratification, and accession by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August 1949. It entered into force on 21 October 1950 following the devastating effects of the First and Second World Wars on civilians, including forced displacement, indiscriminate attacks against civilians, systematic starvation, pillage of property, and violations of fundamental human rights¹.

The practical reality at the time demonstrated that the provisions of international law in force before 1949 were insufficient to protect civilians and other persons not taking part in hostilities, as they focused primarily on protecting prisoners of war and members of the armed forces, while civilians were left vulnerable to violations without effective legal protection. Accordingly², the importance of the adoption of the Fourth Geneva Convention stems from the fact that it was the first international treaty to define the legal rights of civilians and the obligations of parties to an armed conflict towards them, and to establish a comprehensive set of legal guarantees aimed at protecting their lives and preserving their dignity.

Among the fundamental provisions of the Fourth Geneva Convention is the protection of the life and physical integrity of civilians, article 27 provides that "Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault. Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war"³.

The aforementioned provision establishes that civilians must be treated humanely in all circumstances and that their lives, physical integrity, dignity, and fundamental rights must be respected, including protection against torture and inhuman or degrading treatment. This provision reflects the principle of human security, as it links the protection of the safety and dignity of individuals with the lawful conduct of military operations. It further affirms that civilians must remain the primary beneficiaries of legal protection while prohibiting all forms of physical or psychological abuse. Accordingly, it reinforces the principle that civilians shall not be the object of attack, which constitutes a fundamental rule of international humanitarian law.

In the same context, the Fourth Geneva Convention prohibits collective punishment and acts of reprisal, as confirmed by Article 33, which provides that "No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism"⁴, are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.

The above provision clearly establishes that any form of collective punishment, intimidation, terrorism, pillage, or reprisals against protected persons is prohibited. It further emphasizes that any restrictions or measures imposed on civilians must be consistent with the requirements of international humanitarian law and justified by military necessity, this reflects the principles of legality and the prohibition of arbitrary measures, thereby directly contributing to the protection human security.

The Convention also provides for the protection of public and private property belonging to civilians and prohibits its unlawful confiscation or destruction. This reflects the obligation of international humanitarian law to preserve the dignity of civilians and maintain the stability of their daily lives during armed conflicts. Furthermore, the Convention obliges the Occupying Power to ensure the provision of civilians' essential needs, including food, medical supplies, and humanitarian assistance, in cooperation with impartial humanitarian organizations, thereby ensuring minimum living conditions and preventing serious humanitarian violations.

As regards mechanisms of legal accountability, Article 146 provides for the obligation to prosecute and punish persons responsible for grave breaches of the Convention, including military and civilian officials, where applicable. This reflects the international community's commitment to accountability as a mechanism for ensuring compliance with international humanitarian law and promoting human security in practice. From this perspective, it can be argued that the Fourth Geneva Convention is not limited to establishing theoretical rules for the protection of civilians; rather, it establishes a comprehensive and binding legal framework that provides substantive

protection for civilians, imposes corresponding obligations on States, and establishes mechanisms of accountability, thereby making it a fundamental legal basis for any analytical study of human security during armed conflicts⁵.

As regards the concept of protected persons, Article 04 of the Convention provides that "Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals"⁶, According to the above provision⁷, the persons falling within the scope of protection include those who do not take a direct part in hostilities, including women, children, the elderly, and persons with special needs, whereas members of the armed forces and members of organized armed groups are excluded from this category. Accordingly⁸, this definition delineates the category of persons entitled to the special protection afforded by the Convention, thereby ensuring that they are not made the object of attack or subjected to humiliating or cruel treatment.

In cases of occupation, Articles 55 and 59, respectively, impose positive obligations such as providing food and medicine, protecting private property, and organizing humanitarian aid in cooperation with international committees, which shows that international legal obligations towards civilians include effective and proactive protection and not merely the prohibition of violation;

Whereas 55 stipulates that "it is the duty of the occupying state to work, to the maximum extent permitted by its means, to provide the population with food supplies and medical supplies, and it is its duty in particular to import the necessary food, medical supplies, etc. if the resources of the occupied territories are insufficient, and the occupying state may not seize food, supplies, or medical supplies from what is available in the occupied territories except for the need of the occupying forces and members of the administration, It must take into account the needs of the civilian population and the provisions of other international agreements, and the occupying state must take measures to ensure fair payment of everything it seizes⁹, The Protecting Power may verify without any hindrance at any time the state of food and medicine supplies in the occupied territories, unless temporary restrictions are imposed that are required by compelling military necessities".

The contents of Article 59 also stipulate that if all or part of the population of the occupied territories lack sufficient supplies, the occupying state must allow relief operations for the benefit of these populations and provide them with facilities to the extent permitted by its means¹⁰, These operations, which may be carried out by States or an impartial humanitarian body such as the International Committee of the Red Cross, consist in particular of food shipments, medical supplies and clothing.

All Contracting States must authorize the free passage of such shipments and guarantee them protection. A State that allows the free passage of shipments into territory occupied by an opposing party to the conflict may inspect the shipments and regulate their passage according to limited schedules and routes And to obtain from the protecting state a sufficient guarantee that these messages are intended to provide relief to the needy population and that they will not be used for the benefit of the occupying state¹¹.

The Convention adds a fundamental element through Article 49, which prohibits the mass transfer, deportation or forced collective or individual evacuation of civilians to the territory of occupation or any other occupied or non-occupied State except for urgent and compelling military reasons or for their protection, which reflects respect for the right to life and civil stability¹².

Finally, the provisions of Article 146 emphasize the necessity of imposing criminal penalties for violations on persons who commit or order the commission of a serious violation, including military and civilian leaders¹³. This enhances the dimensions of legal accountability and ensures effective protection. In the same context, defendants enjoy, in all cases, guarantees of trial and free defense that are no less adequate than those stipulated in Articles 105 and seq of the Geneva Convention relative to the Treatment of Prisoners of War¹⁴.

From the above, it can be said that the Fourth Geneva Convention combines a legal definition of civilians, a statement of their fundamental rights, as well as the enshrinement of all positive and negative guarantees for their protection, in addition to imposing legal accountability mechanisms. This makes it an integrated framework for embodying the concept of human security in times of armed conflict¹⁵, as it thus constitutes an international basis upon which members of the international community, including Algeria, can rely to create a national legislative system that is consistent with these international principles and obligations.

B) Additional Protocol one as a Strengthening Mechanism for the Protection of Victims of International Armed Conflicts:

The First Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts, adopted on 08 June 1977 and entered into force on 07 December 1978, represents a significant development in the codification of the rules of international humanitarian law. It was adopted to complement the four Geneva Conventions of 1949, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War¹⁶. The Protocol emerged in response to the profound transformations in the nature of international armed conflicts following the Second World War, as developments in military technology and methods of warfare exposed civilians to unprecedented humanitarian risks that were not fully addressed by the existing treaty framework¹⁷.

Its importance lies not only in reaffirming the obligations already established under the Geneva Conventions but also in developing them through the introduction of legal principles governing the conduct of parties to an armed conflict during military operations. In this respect, the Protocol transforms general humanitarian principles into more detailed and operationally applicable legal rules that facilitate implementation and accountability, thereby strengthening the legal protection afforded to victims of international armed conflicts and expanding the practical scope of human security in times of war¹⁸. Accordingly, Additional Protocol I is widely regarded as an instrument that reinforces the preventive dimension of international humanitarian law by requiring parties to a conflict to integrate humanitarian considerations into the planning and execution of military operations, rather than limiting protection to the post-violation stage¹⁹.

In this regard, Article 48 of the Protocol established the fundamental rule governing the conduct of military operations by requiring that the Parties to the conflict shall at all times distinguish between the civilian population and combatants, as well as between civilian objects and military objectives, and shall accordingly direct their operations only against military objectives²⁰. Thus, the principle of distinction has become enshrined as a cornerstone of international humanitarian law, requiring parties to a conflict to identify legitimate military objectives and distinguish them from civilians and civilian objects before undertaking any military action. This shift from the mere recognition of a general humanitarian principle to its codification as a binding legal rule has provided courts, fact-finding bodies, and international accountability mechanisms with an objective legal standard for assessing the legality of the conduct of parties to an armed conflict²¹.

The significance of Article 48 extends beyond establishing a general obligation of distinction, as it constitutes the legal foundation upon which the rules governing the conduct of hostilities are built. The effective implementation of the principles of proportionality, precautions in attack, and the protection of civilian objects presupposes compliance with the principle of distinction²². Consequently, the inability to distinguish between military objectives and civilian persons or objects inevitably increases the risk of unlawful attacks and undermines the humanitarian purpose of international humanitarian law.

From the perspective of human security, the principle of distinction serves not merely as a military operational requirement but as a preventive legal guarantee aimed at minimizing civilian casualties and preserving civilian infrastructure indispensable for the survival of the population²³. By restricting the lawful use of force to legitimate military objectives, Article 48 contributes to safeguarding fundamental human values, including the right to life, physical integrity, and human dignity armed conflicts²⁴. Accordingly, the principle of distinction has become one of the essential indicators used by international judicial and monitoring bodies in determining whether military operations comply with the requirements of international humanitarian law.

In the same context, the Protocol enshrined the rules governing the protection of the civilian population through the provisions of Article 51²⁵, which reformulated the general obligation of protection, prohibited indiscriminate attacks, and reinforced the absolute prohibition against directing attacks against civilians. The Article provides that the civilian population "shall enjoy general protection against dangers arising from military operations", thereby imposing upon the parties to the conflict both legal and practical obligations to avoid unjustified harm to civilians. From this perspective, the Protocol links the prohibition of direct attacks against civilians with procedural obligations relating to the planning of military operations, the selection of appropriate means and methods of warfare, and the assessment of proportionality, thereby translating the principle of distinction into practical operational conduct.

The legal significance of Article 51 lies in the fact that it moves beyond the mere recognition of civilian immunity by establishing detailed rules governing the manner in which military force may lawfully be employed. In particular, the prohibition of indiscriminate attacks requires parties to a conflict to ensure that every attack is directed exclusively against a lawful military objective and that the means and methods of warfare employed are capable of distinguishing between military objectives and civilians. Consequently, attacks that are incapable of being directed at a specific military objective or whose effects cannot be limited as required by international humanitarian law are prohibited because of their foreseeable impact on the civilian population²⁶.

Furthermore, Article 51 reinforces the principle of proportionality by prohibiting attacks that may be expected to cause incidental civilian loss or damage that would be excessive in relation to the concrete and direct military advantage anticipated. This requirement obliges military commanders to undertake a prior legal assessment before authorizing an attack, balancing military necessity against humanitarian considerations. Accordingly, proportionality operates as an essential safeguard against the excessive use of force and constitutes one of the principal legal mechanisms through which international humanitarian law seeks to minimize civilian suffering during armed conflicts²⁷.

From the perspective of human security, Article 51 represents one of the most comprehensive legal guarantees for the protection of civilians during hostilities. It not only prohibits intentional attacks against civilians but also imposes positive obligations aimed at preventing

foreseeable civilian harm throughout the planning and execution of military operations. In this respect, the Article reflects the preventive nature of modern international humanitarian law²⁸, which seeks to reduce the humanitarian consequences of armed conflict before violations occur rather than merely establishing responsibility after the damage has been inflicted.

It should also be noted that the Protocol further developed the principle of the protection of civilian objects and expressly prohibited the use of starvation as a method of warfare. In particular, Article 54 prohibits attacks against, destruction of, removal of, or rendering useless objects indispensable to the survival of the civilian population, including foodstuffs, agricultural areas, crops, livestock, drinking water installations, and irrigation works, where such acts are intended to deprive civilians of essential means of survival.

Consequently, the Protocol established clear legal limits distinguishing lawful attacks against legitimate military objectives from unlawful acts that inflict widespread harm upon the civilian population, thereby reinforcing the protection of human security during armed conflicts²⁹. This provision reflects the preventive approach of international humanitarian law by safeguarding the basic conditions necessary for civilian survival, rather than merely prohibiting attacks after the resulting harm has occurred³⁰.

The Protocol also strengthened the fundamental guarantees afforded to persons affected by armed conflict by establishing a minimum standard of protection applicable in all circumstances, thereby ensuring that no individual may be deprived of his or her dignity or fundamental rights regardless of the nature of the conflict. Article 75, in particular³¹, establishes a set of non-derogable guarantees, including the prohibition of torture and cruel, inhuman or degrading treatment, the right to humane treatment, and fundamental judicial guarantees applicable to detained persons. The Protocol therefore reinforces the application of fundamental human rights principles during armed conflict and provides a comprehensive legal framework for safeguarding human dignity throughout military operations. In this respect, Article 75 serves as a residual guarantee protecting all persons who may not otherwise benefit from more specific protections under the Geneva Conventions, thereby filling important gaps in humanitarian protection.

With regard to legal protection and accountability, the Protocol complements the mechanisms established under the Geneva Conventions by introducing provisions defining the responsibilities of military commanders and other superiors, while establishing legal rules upon which national and international criminal courts may rely in prosecuting serious violations of international humanitarian law. These provisions contributed to the development of the concept of grave breaches and established legal standards for determining conduct giving rise to individual criminal responsibility under both national and international law. Consequently, the Protocol strengthened deterrence mechanisms and reduced opportunities for impunity, thereby reinforcing one of the essential legal foundations of human security³². By emphasizing individual criminal responsibility alongside State obligations, the Protocol enhances compliance with international humanitarian law and promotes greater accountability for violations committed during armed conflicts³³.

From the foregoing analysis, it is evident that Additional Protocol I was not intended to replace the Fourth Geneva Convention but rather to develop and strengthen its legal framework. It further elaborated the principles of distinction, proportionality, and precautions in attack governing the conduct of military operations, while introducing additional substantive and procedural guarantees aimed at protecting civilian populations, civilian objects, and indispensable resources. Moreover, it reinforced mechanisms of criminal accountability for serious violations. It may

therefore be concluded that Additional Protocol I constitutes one of the principal legal foundations of contemporary international humanitarian law, providing States and judicial bodies with an objective legal framework for assessing compliance with the principles and values of human security during international armed conflicts³⁴.

Section II: Manifestations of the Algerian Legal System in Establishing the Principles of International Humanitarian Law and Enhancing Human Security during Armed Conflicts

The incorporation of the principles of international humanitarian law into the domestic legislative framework is one of the most important indicators of a State's commitment to the requirements of international legality in the field of the protection of human beings during armed conflicts. The domestic legal system represents the primary mechanism for translating international legal rules into binding and enforceable domestic obligations. Thus, international legal norms are transformed into a legislative and institutional reality that reflects the State's level of commitment to the protection of human rights and the promotion of human security. Within this framework, Algeria occupies an important position among States that have sought to incorporate the principles of international humanitarian law into their legislative and regulatory framework, in a manner that balances respect for international obligations with the preservation of the requirements of national sovereignty.

Drawing upon its historical experience and suffering during the colonial period, Algeria has recognized that achieving human security does not depend solely on the security or military dimension but is primarily founded upon the protection of human dignity and the incorporation of the principles of international humanitarian law as a legal and moral framework capable of ensuring a balance between the requirements of national defence and the protection of human rights in times of peace and armed conflict. From this perspective, the Algerian legislative approach reflects the State's practical commitment to these principles through the ratification of the four Geneva Conventions and their Additional Protocols, as well as the incorporation of their provisions into relevant domestic legislation, including the Penal Code, the Military Justice Code, and legislation relating to the protection of persons and property during disasters and armed conflicts.

The importance of this section lies in its examination of the process through which international obligations are transformed into domestic implementation by analysing how the Algerian legislator has incorporated the provisions of the Fourth Geneva Convention and Additional Protocol I into the national legal system (first), and then examining Algeria's integrated approach to promoting the values of human security in accordance with international standards. This approach not only reflects a legal obligation, but also expresses a strategic vision aimed at fostering a legal and humanitarian culture within State institutions, thereby strengthening Algeria's position as a responsible actor within the framework of international humanitarian law (second).

Accordingly, examining the legislative and institutional manifestations of these principles within the Algerian context provides an appropriate basis for understanding the close relationship between international humanitarian law and human security, as well as the manner in which this relationship is implemented within the national legal framework through legislation, regulation, and institutional practice. This contributes to ensuring the protection of persons within Algerian territory from the effects of armed conflicts and the arbitrary use of force, while reaffirming Algeria's continued commitment to the humanitarian standards established under international law. These issues will be examined in detail in the following subsections:

A) Integrating the Provisions of the Fourth Geneva Convention and Additional Protocol I into the Algerian Legal System:

Ratification of the Fourth Geneva Convention and its First Additional Protocol constitutes the initial international legal obligation that binds the State to comply with the protection obligations established therein. However, the legal significance of ratification is fully realized only through effective domestic incorporation and implementation mechanisms. In this regard, a distinction must be drawn between the international obligation arising from ratification and the national implementation of that obligation through legislative incorporation, institutional development, and judicial and administrative practice. Ratification alone establishes the State's commitment under international law, but it does not, by itself, guarantee the effective protection of civilians unless its provisions are translated into enforceable domestic legal rules and institutional practice³⁵.

Accordingly, the implementation of international humanitarian law requires several complementary measures, including the dissemination of the Convention among national authorities and relevant stakeholders, the adaptation of domestic legislation where necessary, and the alignment of the practices of executive authorities, including the armed forces, police services, and local administrative bodies, with the standards established under the Convention³⁶, this process ensures that international legal obligations are transformed from treaty commitments into practical rules governing the conduct of State institutions³⁷.

From the legislative perspective, the State is required to incorporate the provisions of the Convention into its criminal, procedural, and administrative legislation so that serious violations may be investigated and prosecuted before national courts. This includes the criminalization of acts constituting war crimes or crimes against humanity under domestic criminal law, the establishment of legal rules governing the protection of civilian property and humanitarian relief, and the regulation of mechanisms relating to investigation, prosecution, and judicial proceedings, while ensuring respect for the rights of the defence and internationally recognized standards of criminal justice. Such legislative incorporation reflects the principle that the primary responsibility for implementing international humanitarian law rests with States themselves, thereby reinforcing the effectiveness of the national legal system in preventing and punishing serious violations³⁸. Consequently, these measures ensure that the State's international obligations are capable of effective domestic enforcement.

At the institutional level, State authorities, institutions, and agencies, as well as bodies responsible for human rights and international humanitarian law, play a pivotal role in transforming legal commitments into practical implementation through specialized national committees responsible for the harmonization of domestic legislation, as well as monitoring institutions, such as national human rights councils, that monitor violations and prepare reports. Continuous training programmes for the armed forces and security services incorporate the principles of distinction, proportionality, and precautions into the rules of engagement. Cooperation with international humanitarian organizations also provides a practical framework for implementing the rules governing the protection of civilians, organizing humanitarian assistance, and facilitating the exchange of information³⁹.

With regard to legal accountability, the incorporation of the provisions of the Convention into Algerian legislation also entails the implementation of obligations relating to investigation and prosecution. In other words, the State is not limited to preventing violations but also bears the responsibility of identifying persons responsible for such violations and prosecuting them or

extraditing them to the competent judicial authorities⁴⁰, while ensuring compliance with the rules of criminal procedure and international human rights standards. This requires the development of appropriate legal mechanisms, including the establishment of legislative frameworks for criminalization, the application of rules governing judicial jurisdiction, the conclusion of extradition and mutual legal assistance agreements, and the training of judicial authorities to apply the standards of international humanitarian law when assessing acts committed during armed conflict.

It should be noted that Algeria's contribution has not been limited to the formal ratification of international humanitarian law instruments. Through its legislative and institutional mechanisms, as well as its diplomatic engagement and cooperation in international forums, Algeria has sought to protect and promote the rights of civilians by continuously updating its domestic legal framework and strengthening its oversight mechanisms through cooperation with relevant international humanitarian and investigative bodies whenever necessary⁴¹. It has also contributed to regional and international initiatives aimed at promoting and implementing the principles of human security⁴². It may therefore be concluded that reliance on the provisions of the Fourth Geneva Convention and Additional Protocol I within the Algerian legal system is not merely an end in itself but rather a legal means of ensuring the effective protection of civilians and promoting the practical implementation of the values of human security during armed conflicts.

Accordingly, the incorporation of the provisions of the Fourth Geneva Convention and its First Additional Protocol into the Algerian legal system constitutes a pivotal step towards strengthening Algeria's commitment to the principles of international humanitarian law and demonstrates its active participation in the international legal order aimed at protecting human rights during armed conflicts. Algerian legislation has not been confined to the formal ratification of these international instruments; rather⁴³, it has sought to give practical effect to their provisions by harmonizing domestic legislation with international legal standards and ensuring their effective implementation through national legal and institutional mechanisms⁴⁴. This approach reflects a genuine political and legal commitment to making the protection of human dignity a fundamental principle of the domestic legal system and to fulfilling Algeria's obligations under international humanitarian law⁴⁵.

The Algerian government ratified the four Geneva Conventions on 20 June 1960, shortly after the country's independence, in a move that demonstrated its commitment to the implementation of the principles and values of international humanitarian law. It subsequently ratified Additional Protocol I on 16 August 1989, thereby reaffirming its commitment to strengthening the legal framework for the protection of victims of international armed conflicts. These successive ratifications reflect Algeria's intention to align its domestic legal system with the evolving rules of international humanitarian law governing the protection of victims of armed conflict⁴⁶.

Following these ratifications, the Geneva Conventions and their Additional Protocols became an integral part of the Algerian legal system, in accordance with the principle of the supremacy of international treaties over domestic legislation, as enshrined in Article 154 of the 2020 Algerian Constitution, which provides that: "Treaties ratified by the President of the Republic under the conditions prescribed by the Constitution shall prevail over the law"⁴⁷. This constitutional provision establishes the legal basis for the direct incorporation and superior normative status of duly ratified international treaties within the Algerian legal order, thereby reinforcing the domestic implementation of Algeria's international humanitarian law obligations⁴⁸.

In addition, the establishment of the National Committee for International Humanitarian Law, created pursuant to Presidential Decree N° 08/163, constitutes one of the most important mechanisms for the institutional implementation of international humanitarian law. The Committee is a permanent advisory body composed of twenty-four members representing various ministries and national institutions and operates under the authority of the Minister of Justice, Keeper of the Seals. It is entrusted with providing opinions, advisory services, and preparing studies on all matters relating to international humanitarian law. As a national coordination mechanism, the Committee contributes to ensuring coherence between Algeria's international obligations and its domestic legal and institutional framework⁴⁹.

It is also responsible for disseminating the provisions of international humanitarian law conventions, including the Geneva Conventions, incorporating their principles into national legislation, and training both civilian and military personnel on the rules of international humanitarian law. Accordingly, this mechanism illustrates the practical transition from the State's international legal obligations to their effective implementation at the domestic level, thereby contributing to strengthening the culture of respect for human rights in both peacetime and armed conflict.

Article 03 of the aforementioned Decree sets out the principal functions of the Committee, which include proposing the ratification of international conventions and treaties relating to international humanitarian law; organizing meetings, conferences, and seminars on international humanitarian law; proposing the necessary measures for harmonizing national legislation with the rules of international humanitarian law; conducting studies and carrying out all monitoring and regulatory activities necessary for the performance of its functions; promoting cooperation and the exchange of expertise with regional and international organizations active in this field; and facilitating the exchange of information on international humanitarian law with the national committees of other States⁵⁰. These functions demonstrate that the Committee performs not only an advisory role but also an institutional coordination role aimed at promoting the effective implementation and dissemination of international humanitarian law at the national level.

Therefore, it can be concluded that Algeria has adopted an integrated approach to the incorporation of the provisions of international humanitarian law, combining the legislative dimension through the incorporation of the Convention's provisions into domestic legislation and the institutional dimension through implementation and monitoring mechanisms. This makes the Algerian experience a model for the Arab and African regions in reconciling compliance with international obligations and the requirements of national sovereignty⁵¹. Such integration has not been merely formal; rather, it reflects a deep understanding of the relationship between the protection of civilians and the promotion of human security as a central value of the contemporary legal system. From the Algerian perspective, human security is not limited solely to military security; rather, it extends to include the protection of the right to life, human dignity, and physical integrity, even under the most difficult circumstances, such as during armed conflicts.

B) Towards an Integrated Approach to Promoting Human Security Values in Accordance with International Principles and embodying them in National Legislation:

Achieving human security in times of armed conflict can only be effectively achieved through the adoption of an integrated approach that combines the international legal framework embodied in the principles of international humanitarian law with their incorporation into domestic legislation, thereby transforming those principles into binding legal rules and effective institutional mechanisms for their implementation.

The principles established by the Fourth Geneva Convention and Additional Protocol I, particularly the principles of non-discrimination, proportionality, distinction, and precautions in attack, together with the obligation to ensure the humane treatment of civilians of all categories, including women, children, the elderly, persons with disabilities, and unarmed persons, collectively constitute the international legal and humanitarian framework that guarantees the preservation of the minimum standards of human dignity during armed conflicts.

These principles are not merely humanitarian aspirations or moral commitments; rather, they constitute legally binding obligations arising from both treaty law and customary international humanitarian law. Accordingly, States Parties are required not only to refrain from violating these principles but also to adopt the legislative, administrative, and judicial measures necessary to ensure their effective implementation within the domestic legal order. This obligation finds its legal basis in Common Article 01 of the four Geneva Conventions of 1949, which requires States Parties "to respect and to ensure respect"⁵², for the Conventions in all circumstances, thereby extending State responsibility beyond formal ratification to include effective domestic implementation.

However, the true value of these principles lies not merely in their codification within international legal instruments but also in the extent to which they are effectively incorporated into domestic legislation and implemented by legislative, judicial, administrative, and military institutions, thereby ensuring compliance with international humanitarian obligations in all circumstances⁵³.

From this perspective, the effectiveness of human security depends upon the complementarity between international humanitarian law and domestic law. While international humanitarian law establishes the substantive legal standards governing the protection of civilians during armed conflicts, national legislation provides the institutional and procedural framework necessary to implement⁵⁴, enforce, and monitor compliance with those standards. Consequently, effective domestic implementation constitutes the practical guarantee through which the humanitarian objectives of the Geneva Conventions are translated into tangible legal protection for individuals affected by armed conflicts⁵⁵.

In this context, the integrated approach is embodied in the organic interaction between international law and national law, whereby the relationship between them is not one of dependency or opposition, but rather one of integration and functional harmony. The Algerian State, as a Party to the Geneva Conventions and Additional Protocol I, bears a dual obligation; an international obligation to respect and implement these instruments, and a corresponding domestic obligation to integrate their principles into its legislative, judicial, and administrative system. This reflects the well-established principle that the effectiveness of international humanitarian law ultimately depends upon its implementation through national legal systems⁵⁶.

From this standpoint, the promotion of human security values requires aligning domestic legal texts, particularly in the areas of criminal law, criminal procedure, and military justice, as well as legislation governing disaster management and the delivery of humanitarian assistance⁵⁷, with international norms concerned with protecting civilians and ensuring their dignity⁵⁸. Such legislative harmonization enables international humanitarian obligations to acquire practical legal effect within the domestic legal order, thereby strengthening the protection afforded to civilians during armed conflicts.

In this regard, Algeria has demonstrated this approach by developing its domestic legislation to ensure the incorporation of international humanitarian law principles within a coherent legal

framework. It amended the provisions of its Penal Code to criminalize serious violations of international humanitarian law⁵⁹, recognized the principle of individual criminal responsibility for international crimes, including crimes against humanity, and established the National Committee for International Humanitarian Law, which performs an advisory and coordinating role in the preparation of legislative proposals, the harmonization of national legislation with international humanitarian law, and the training of national civilian and military personnel in the application of the provisions of international humanitarian law, thereby serving as an institutional mechanism designed to ensure the integration of international obligations into national legal and administrative practice⁶⁰.

In this respect, the establishment of the National Committee reflects the implementation of Article 80 of Additional Protocol I, which requires States Parties and the Parties to the conflict to take, without delay, all necessary measures for the execution of their obligations under the Geneva Conventions and the Protocol. Accordingly, such national committees constitute an internationally recognized mechanism for facilitating the domestic implementation and dissemination of international humanitarian law⁶¹.

This integration extends to the judicial field by enabling the national judiciary to initiate prosecutions for serious violations, even if committed outside the national territory, based on the principle of universal jurisdiction recognized under international law. This approach is consistent with the obligation imposed upon States under the Geneva Conventions to search for persons alleged to have committed grave breaches and either prosecute them before their national courts or extradite them to another competent State for prosecution, thereby strengthening the domestic enforcement of international humanitarian law.

The integration of international humanitarian law is also reflected in the inclusion of humanitarian principles in university curricula and military education and training, as well as in strengthening the role of the military judiciary as an essential institutional mechanism for supervising compliance with the rules governing the conduct of military operations. In this way, the principles of international humanitarian law are transformed from mere international obligations into a national legal culture that guides the conduct of State institutions and individuals during armed conflicts⁶².

At the practical level, the integrated approach requires the development of preventive and monitoring mechanisms that enhance the protection of civilians and prevent violations before they occur. This is achieved through the adoption of public policies that incorporate the humanitarian dimension into crisis and conflict management, while giving priority to the protection of vulnerable groups, such as women, children, and refugees, and ensuring rapid and unimpeded humanitarian access.

Cooperation between national authorities and international organizations, particularly the International Committee of the Red Cross (ICRC)⁶³, represents an effective mechanism for translating this integration into practice, as it provides a common framework for coordination, monitoring, capacity-building, and the dissemination of international humanitarian law among national institutions and executive authorities. This institutional cooperation contributes to strengthening national capacities for implementing international humanitarian law and promotes preventive protection through technical assistance, dissemination activities, and advisory support provided by international humanitarian organizations.

Therefore, the essence of the integrated approach to enhancing human security lies in transforming international principles into continuously evolving national commitments capable of responding to the emerging challenges of contemporary armed conflicts. With the changing nature of warfare and the expansion of its technological and digital dimensions, it has become imperative for national legislation to develop so as to address new forms of violations, such as cyber attacks against civilian infrastructure or the use of artificial intelligence in military operations⁶⁴.

These emerging methods of warfare present new legal challenges concerning the application of the traditional principles of distinction, proportionality, and precautions under international humanitarian law, thereby requiring domestic legal systems to continuously adapt to ensure the effective protection of civilians. Consequently, this requires the Algerian State within the framework of its international obligations to continue developing its legal and institutional system in accordance with the principle of preventive legal protection, thereby making respect for human dignity a fundamental pillar of both national security and human security simultaneously.

Conclusion:

In light of the analysis undertaken throughout this study of the Fourth Geneva Convention and Additional Protocol I, together with the examination of their incorporation into the Algerian legal system, it becomes evident that the Algerian legislator has adopted a complementary and coherent legal approach that reconciles international obligations under international humanitarian law with the requirements of national sovereignty, thereby reinforcing the principles of international humanitarian law and promoting human security during armed conflicts.

The analysis further demonstrates that this integration is not limited to the formal ratification of international instruments, but extends to the legislative and institutional levels through the incorporation of humanitarian principles into domestic legal rules and implementation mechanisms, thereby transforming international obligations into enforceable national standards. Nevertheless, despite the clarity of this normative and institutional framework, the study confirms that its effectiveness continues to depend upon deeper institutional implementation, enhanced judicial and administrative enforcement, and the continuous development of practical mechanisms capable of translating legal provisions into effective preventive and humanitarian protection for civilians during armed conflicts.

The study demonstrated that Algeria, through its early accession to the principal instruments of international humanitarian law and the incorporation of their provisions into its domestic legal order, has adopted a legislative and institutional approach aimed at reinforcing the protection of civilians and promoting human security during armed conflicts. The analysis further revealed that this approach is based not merely on the formal ratification of international treaties, but also on the gradual integration of their substantive rules into constitutional, legislative, institutional, and administrative frameworks. Accordingly, the principal findings of this study may be summarized as follows:

1. The study confirmed that the embodiment of humanitarian principles in national legislation has been achieved through the incorporation of the provisions of the Fourth Geneva Convention and Additional Protocol I into the Algerian legal system, particularly through the Constitution, the Penal Code, and military legislation, thereby demonstrating Algeria's commitment to fulfilling its international obligations while safeguarding human dignity during armed conflicts.
2. The analysis established that the harmonization of domestic legislation with international humanitarian law has created a complementary legal framework in which national legislation serves

as the principal mechanism for implementing international obligations, thereby strengthening the protection afforded to civilians, prisoners of war, and other protected persons, while reinforcing the concept of human security within the national legal order.

3. The study demonstrated that the First Additional Protocol significantly strengthened the legal protection established under the Fourth Geneva Convention by codifying the principles of distinction, proportionality, precautions in attack, and the protection of civilian objects, thereby transforming general humanitarian principles into detailed and operational legal obligations applicable during military operations.

4. The study demonstrated that Algeria has strengthened the implementation of international humanitarian law through the establishment of specialized institutional mechanisms, particularly the National Committee for International Humanitarian Law, while reinforcing criminal accountability by incorporating war crimes, crimes against humanity, and individual criminal responsibility into its domestic legislation, thereby enhancing compliance with international humanitarian law and combating impunity.

5. Despite these legislative and institutional achievements, the study found that the practical implementation of international humanitarian law still requires further strengthening through enhanced coordination among national institutions, continuous monitoring mechanisms, and the effective enforcement of humanitarian rules during armed conflicts.

6. The study also concluded that greater efforts remain necessary to promote awareness of international humanitarian law, expand specialized education and professional training for judges, prosecutors, military personnel, and law enforcement officials, and strengthen cooperation with international humanitarian organizations, thereby ensuring the effective realization of human security in practice rather than merely at the legislative level.

Through the findings of this study, a number of scientific and practical recommendations may be proposed with a view to strengthening the effectiveness of the Algerian legal framework in implementing international humanitarian law and promoting human security during armed conflicts. These recommendations are directly derived from the analytical findings of the study and are intended to address the principal legal and institutional challenges identified therein:

1. Strengthening the national legislative framework by periodically reviewing and updating the relevant legislative provisions to ensure their continued compatibility with developments in contemporary armed conflicts, particularly those relating to cyber operations, emerging military technologies, and other non-traditional methods of warfare, while ensuring the systematic incorporation of international humanitarian law principles into legislation governing security and military affairs.

2. Enhancing institutional implementation and oversight mechanisms through the establishment of a permanent national mechanism entrusted with monitoring the implementation of Algeria's obligations under the Geneva Conventions and their Additional Protocols, equipped with clearly defined advisory, coordinating, monitoring, and evaluation powers, thereby reinforcing the practical effectiveness of domestic implementation.

3. Consolidating the dissemination of international humanitarian law by strengthening its integration into university curricula, judicial education, military academies, police training institutions, and continuing professional training programmes, while promoting public awareness of humanitarian principles in order to foster a sustainable national culture based on respect for human dignity and the rule of law during armed conflicts.

4. Further reinforcing institutional coordination and international cooperation through expanding technical cooperation with the International Committee of the Red Cross and other relevant regional and international organizations in the fields of legislative harmonization,

professional training, exchange of expertise, and capacity-building, thereby improving the practical implementation of international humanitarian law within national institutions.

5. Developing specialized national mechanisms for the investigation and prosecution of serious violations of international humanitarian law, through strengthening the institutional and technical capacities of judicial authorities and ensuring the effective application of the principles of individual criminal responsibility and accountability for war crimes and crimes against humanity, in accordance with Algeria's international obligations and evolving international criminal justice standards.

6. Encouraging further academic and legislative research on emerging challenges affecting the protection of civilians during contemporary armed conflicts, particularly those arising from cyber warfare, autonomous weapons systems, artificial intelligence, and other technological developments, with the aim of supporting future legislative reforms capable of maintaining the effectiveness of the Algerian legal system in protecting human security under changing patterns of armed conflict.

In light of the foregoing analysis, it may be concluded that the incorporation of the Fourth Geneva Convention and the First Additional Protocol into the Algerian legal system constitutes a significant step towards strengthening the legal protection of individuals and promoting human security during armed conflicts. However, the study demonstrates that the principal challenge lies not in the formal incorporation of international humanitarian law, but in ensuring its effective implementation through strengthened legislative, judicial, and institutional mechanisms.

Accordingly, the findings and recommendations of this study underscore the need to further develop the national legal framework, reinforce institutional oversight, and enhance cooperation with international humanitarian actors in order to respond effectively to the evolving nature of contemporary armed conflicts. Ultimately, respect for international humanitarian law should be regarded not merely as an international legal obligation, but as a fundamental legal and ethical principle for safeguarding human dignity, ensuring accountability, and promoting sustainable peace.

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