

Ashes of Justice: The Collapse of International Humanitarian Law in Gaza

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Abstract:

In this contribution, we critique the failures of international humanitarian law (IHL) during the Gaza War, focusing on the documented violations of humanitarian norms and the insufficiency of existing legal protections.

The study addresses the gap between law and conduct and examines why international law failed to protect civilians effectively. Using a critical analytical approach, it reviews international instruments, official documents, and reports in order to assess recorded violations and evaluate the effectiveness of international protection mechanisms.

The study concludes that the absence of credible accountability mechanisms for IHL violations, combined with weak global political will to prosecute such crimes, has led to a near-complete breakdown of the IHL enforcement system developed through treaties. From this perspective, the paper underscores the urgency of reconsidering implementation and enforcement tools and of introducing international redress instruments to strengthen measures guaranteeing the protection of the civilian population in armed conflicts.

Keywords: International Humanitarian Law; Gaza War (2008–2009); War Crimes; Civilian Protection; Grave Violations.

1. INTRODUCTION

The crisis in Gaza epitomizes one of the most severe tests of international humanitarian law (IHL) today, exposing serious gaps between legal norms and global monitoring and enforcement systems. Since 7 October 2023, the international community has witnessed these norms and principles erode rapidly, amid grave violations of fundamental humanitarian standards and the inability of international bodies to respond decisively. This crisis extends beyond the immediate humanitarian catastrophe in Gaza; it reflects a broader failure of international law to keep pace with the realities of modern armed conflict. It is, as Philippe Sands has rightly noted, a crossroads on which the future credibility of international humanitarian law rests.

As devastating as the humanitarian toll in Gaza is, that is not the only reason why Gaza matters so deeply to international law. The deliberate targeting of civilians, the destruction of critical infrastructure, and the obstruction of humanitarian assistance have once again underscored the widening gap between the protection promised by IHL and its reality in practice. At its core, this research poses the following questions: What does international law (IHL), as applied to Gaza, reveal about the longstanding inadequacy of civilian protection, and what do these failures suggest about states, international organizations, and accountability mechanisms within global humanitarian governance more broadly?

This study is structured around three interrelated axes. First, it reflects on the systemic breakdown of IHL in Gaza and examines structural reasons why legal norms have failed so profoundly to protect civilians. Second, it analyses the conduct of states and international organizations, assessing the extent to which their actions entrench—or undermine—respect for IHL, including the complicity of powerful actors and the ways in which political paralysis can render global institutions ineffective. Third, it addresses accountability instruments and processes, highlights the challenges of enabling victims to “see justice done,” and proposes practical reforms to make IHL more effective on all sides.

This work combines a critical legal perspective with in-depth empirical investigation, drawing on rich documentation, including official reports, legal instruments, statistics, and expert testimony. Its comparative case-study approach offers a new vantage point for engaging with Gaza and the broader phenomenon of enforcement failure in IHL, while also identifying available pathways to systemic reform. The method enables an

examination of both the theoretical foundations and the practical dilemmas of IHL.

In this paper, the findings are organized around interrelated issues of justice, accountability, and reform. Part I sets out the context of IHL in theory and law, including an analysis of its legal foundations and core principles. Part II reviews alleged violations in Gaza, with particular attention to the rules of distinction, proportionality, and civilian protection. Part III examines the responsibility of international organizations—especially the United Nations and its organs, as well as the International Criminal Court—to prevent and respond to such violations. The final section proposes practical modalities for strengthening IHL compliance through institutional reform, more robust accountability systems, and the responsible use of technology.

By examining the breakdown of IHL in Gaza, this work contributes to a broader discussion about the future of international humanitarian law in an increasingly complex world. It seeks to integrate academic scholarship with policy relevance, offering concrete recommendations for policymakers, practitioners, and scholars alike. The contribution advanced here is a comprehensive perspective that focuses on the legal, institutional, and policy dimensions of the Gaza conflict as a case study of humanitarian failure and a potential catalyst for systemic change.

The Gaza war is becoming a major test of the international community's ability to address fundamental questions about the role of IHL in protecting civilians during armed conflict. "Their systematic violations of humanitarian norms also undermine the fundamental principles of civilian protection developed over the past six decades," said Professor Theodor Meron (Meron, 2006, p. 28). The lessons of Gaza should serve as a wake-up call for urgent reform of the international legal system. This article aims to contribute to these efforts by offering a systematic examination of structural gaps in IHL and proposing approaches to ensure that humanitarian norms remain relevant and effective.

These issues are explored further in subsequent sections, which examine the Gaza case in greater detail and offer specific recommendations for strengthening the international legal order. By criticizing existing failures and proposing purposeful reforms, this project seeks to contribute to the effort to rescue and advance international humanitarian law in the twenty-first century.

2. Killing Justice: A Systematic Erosion of International Humanitarian Law and the Lack of Credible Investigations in Gaza

The conflict in Gaza demonstrates an alarming degree of non-compliance with—and misuse of—international humanitarian law (IHL), contrary to the 1949 Geneva Conventions and their Additional Protocols. The Fourth Geneva Convention and the Additional Protocols sit at the heart of this legal framework: “The four Geneva Conventions and their Additional Protocols form the core of international humanitarian law, which is the body of international law regulating armed conflict” (International Committee of the Red Cross [ICRC], 2014, para. 1). This incremental erosion of legal protections has produced disastrous humanitarian consequences, prompting the United Nations Office for the Coordination of Humanitarian Affairs to report that “over 35,000 people have been killed in Gaza since October 7” (OCHA, 2024, para. 3). The decline of these safeguards is indicative both of a breakdown in implementation and of the failure of international law to sustain its progressive development in response to evolving patterns of warfare (Sassòli, 2019). As Sassòli (2019) observes more generally, “the effectiveness of international humanitarian law depends on correct interpretation and faithful application by all parties” in the conflict (p. 12).

The principle of distinction is a fundamental tenet of *jus in bello*, yet it too has suffered incremental erosion. The ICRC notes that the principle prohibits indiscriminate attacks, including those conducted using cyber means or methods of warfare, and applies across different forms of operation (ICRC, 2020, p. 3). As Dinstein (2016) insists, “the principle of distinction between lawful combatants and civilians is the cornerstone of the law of armed conflict” (p. 62). However, patterns of urban warfare in Gaza demonstrate persistent breaches of this principle. Approximately 1.9 million people—over 85 per cent of Gaza’s population—have been internally displaced, often multiple times (OCHA, 2024, para. 5). Similarly, the principle of proportionality, designed to limit civilian harm, has been subject to relentless challenge. Under IHL, attacks against military objectives “must not result in civilian loss of life that is excessive in relation to the concrete and direct military advantage anticipated” (Henckaerts & Doswald-Beck, 2005, p. 46). The World Health Organization has recorded severe damage to Gaza’s healthcare infrastructure, with most hospitals out of service or functioning poorly due to damage, shortages of water and fuel, and disrupted supply lines (WHO, 2024, para. 8). The harmful effects of continuing hostilities are also visible in schools and other civilian infrastructure. An estimated 625,000 students have been affected because educational facilities have been damaged or destroyed (UNRWA, 2024, p.

12). As Sassòli (2019) notes, the strength of these rules depends not only on compliance by the parties but also on effective means to ensure respect for them (p. 35).

International protection mechanisms have not been able to curb the crisis. A prominent example is the deadlock within the United Nations Security Council, where strategic alignments—above all, those of the United States and its strategic commitment to Israel—have paralyzed the Council’s ability to act. Even resolutions that were adopted have been heavily diluted through political and legal revisions (Security Council Report, 2024). The UN Secretary-General António Guterres invoked Article 99 of the UN Charter for the first time during his tenure, warning that “there is no effective protection of civilians in Gaza” (United Nations, 2023, para. 4). Critics argue that the Security Council does not represent much of the world and that the use of the veto has become debilitating, rendering the Council ineffective in relation to crises such as the wars in Gaza and Ukraine (Council on Foreign Relations, 2024, para. 2). As one delegate stressed, “the situation is not in doubt,” and while the current crisis at the UN has many causes, the Security Council’s persistent failure to do its job properly is among the most acute. The delegate further argued that the Council must be made fit for purpose, including by ensuring that permanent members can no longer hide behind the veto when it comes to conduct by themselves, their allies, or proxies (United Nations, 2024, para. 6).

Access to relief aid has also been continually restricted. OCHA reported that only a small portion of the necessary humanitarian assistance reached the civilian population due to access limitations and ongoing hostilities (OCHA, 2024). Nor have UN institutions and facilities been sanctuaries. UNRWA has recorded multiple instances in which its sites were struck, even after coordinates had been shared with all parties to the conflict (UNRWA, 2024). Speaking on behalf of the Arab Group, Ambassador Alrowaiei argued that there was “an urgent need for real reform of the Council,” underlining that the arbitrary use of the veto had challenged its credibility, and calling on Member States to strengthen conflict-prevention efforts in ways that are “more representative, transparent, neutral and credible” (United Nations, 2024, para. 3).

Accountability for abuses reported in Gaza remains a major challenge. Despite abundant evidence of grave violations of IHL, the International Criminal Court (ICC) has faced substantial political and legal obstacles on its path to justice. As Human Rights Report (2023) explains, the ICC in The

Hague has jurisdiction over war crimes and other serious international crimes committed in or from the occupied Palestinian territory (OPT), and the Prosecutor has opened an investigation that began in 2021 for possible crimes in Palestine (p. 12). The UN Human Rights Office has similarly highlighted the need to ensure accountability. A report released in February 2024 called “for accountability and justice across the board for serious violations of the laws of armed conflict and other gross human rights violations committed by all parties” (Office of the High Commissioner for Human Rights [OHCHR], 2024, para. 1). The UN Independent International Commission of Inquiry reported that “there is already clear evidence that war crimes may have been committed” in the latest outbreak of violence in Israel and Gaza, and that all those who violated international law—particularly through attacks targeting civilians—must be held accountable (OHCHR, 2023, para. 1).

Notwithstanding these findings, significant political and legal hurdles remain. The ICC “recently dismissed an Israeli request to halt its Gaza war-crimes investigation,” with judges declining “to overturn a lower court decision allowing the ICC prosecutor to investigate alleged offenses,” thereby paving the way for potential arrest warrants issued in November 2024 on suspicion of war crimes and crimes against humanity (Al Jazeera, 2024, para. 2). As the ICRC stresses, “States must be willing and able to prosecute alleged offenders when violations of IHL are committed,” whether before international criminal tribunals or national courts (ICRC, n.d., para. 1). UN High Commissioner for Human Rights Volker Türk has urged “due reckoning” for violations and stated that “the trends and patterns of violations, and of applicable international law as clarified by the International Court of Justice, must guide steps to end the current crisis” (OHCHR, 2024). In addition, when a state supplies military aid, questions of legal responsibility may arise where there is knowledge of a serious risk that the assistance will contribute to IHL violations. These issues are sharpened by claims that Israel has ignored the ICJ Advisory Opinion delivered on 19 July 2024, which “established that its continued presence in the OPT is unlawful and must end as soon as possible” (International Humanitarian Law Centre, 2024, para. 2).

The Gaza conflict demonstrates that the enforcement architecture of IHL is in urgent need of reform. As Cambridge academics observe, the extreme level of human suffering in this “senseless conflict” underscores the need for international law to perform three distinct but related functions: *ex ante* action-guidance, concurrent third-party assessment, and *ex post*

accountability (AJIL, 2024, para. 14). The fallout from this war, they warn, threatens to expose IHL as anything but an effective brake on warfare and may trigger legal backsliding. A broader structural problem is that “IHL lacks an enforcement mechanism, and compliance depends chiefly on the degree to which militaries have internalized the rules through training and disciplinary methods, with a sensitivity to criticism or public shaming by the international community, including allies” (Judicature, 2024, para. 4). UN human rights experts have likewise cautioned that impunity sends a dangerous message to states in the region and beyond regarding IHL obligations, since a culture of impunity enables states to dismiss their legally binding duties (OHCHR, 2024, para. 1). There has also been increasing pressure on the UN Security Council to enforce its resolutions more robustly. As UN proceedings state, “the Council needs to do more in enforcing its own resolutions and preventing further crimes of aggression and acts that constitute genocide, to ensure Israel's respect for—and compliance with—its international obligations under law” (UN Security Council Open Debate, 2024, para. 2).

Critics maintain that Israel and some of its supporters have sought to undermine institutions created in the name of international law—institutions intended to bring justice for the most egregious human rights abuses. As analysts observed as early as 2018, “Israel has certainly hit the maximum it can get away with through legal arguments” (Al Jazeera, 2024, para. 3). They describe this as a move away from legal constraint and towards open disregard for institutions attempting to apply international law (Al Jazeera, 2024, para. 3). They further note that a team of scholars affiliated with Essex, Oxford, and Georgetown is already considering legal and policy reforms to better regulate accumulated civilian harms that escape traditional proportionality calculations (Judicature, 2024, para. 2). The impact of this conflict is likely to influence the evolution of IHL in the coming decades.

This, therefore, is not a sporadic violation of IHL; it is evidence of a systematic collapse of compliance, oversight, and accountability. As Yale Law Professor Oona Hathaway has observed, “the laws of war are under tremendous pressure,” and contemporary armed conflicts have exposed “an existential threat to the norms governing civilian protection” (Hathaway, 2017, p. 412). Philippe Sands has similarly examined the tension between legal principles and political exigencies, asking why international law appears powerless in certain instances to stop atrocities even when the evidence is overwhelming (Sands, 2016, p. 370). Sands also emphasizes

that advisory opinions, while not binding on states, may nonetheless carry significant persuasive authority as “authoritative statement[s] of law,” particularly in light of the ICJ’s rulings on Israel’s occupation policies. The choice for the international community is stark: pursue meaningful reform now, or accept the dangerous consequences of a world in which protecting civilians in armed conflict remains little more than an aspiration.

3. The Ashes of Justice: The Failure of International Humanitarian Law to Serve War Victims in Gaza’s Rubble

The breakdown of existing legal frameworks in the face of contemporary warfare is visible with particular clarity in Gaza. A persistent challenge is that IHL lacks a dedicated enforcement tool, and compliance depends largely on the extent to which individual militaries have internalized its rules through training and disciplinary processes, as well as their exposure to criticism or public shaming by the international community. By interpreting the basic provisions of IHL with increasing flexibility—often in defense of the legal acceptability of expedient policy choices—states risk normalizing loopholes and permissive standards that future actors may exploit to inflict harm beyond what is militarily necessary or compatible with basic humanitarian limits. The International Committee of the Red Cross (ICRC) reiterates the need to foster a culture of compliance and to remind parties to conflict that adherence to IHL can help sustain minimum restraints and reopen channels of dialogue. The ICRC’s *Challenges Report* highlights recurring areas of concern, including nuclear weapons; grey zones and hybrid warfare; the protection of detainees held by an adversary; the conduct of hostilities; new technologies of warfare; and humanitarian action. These gaps underscore the need for innovative approaches to strengthening IHL and improving civilian protection.

Among the most crucial reforms is the development of stronger compliance and enforcement mechanisms. The International Criminal Court (ICC) is an independent, permanent tribunal designed to prosecute serious international crimes where states are unable or unwilling to do so. A key question is whether a similarly rapid-response mechanism should be created, focused specifically on grave violations of IHL. Accountability for the most serious breaches of international law is essential if the United Nations system is to function credibly, and the Security Council should support and strengthen mechanisms that enable such accountability. UN investigative mandates also remain central to the documentation of serious violations of international human rights law, humanitarian law, and international criminal law, and can provide an evidentiary foundation for

prosecutions. The UN General Assembly has recognized the need to adapt international mechanisms to address the realities of the modern world, and recent ICRC reporting has likewise emphasized that engagement with IHL challenges must include concrete measures to enhance compliance and enforcement.

New technologies also offer significant potential to enhance compliance with IHL. Digital technologies, cyberspace, and large-scale data analysis are transforming societies and reshaping conflict. They generate new risks but may also support stronger humanitarian protection. Rapid advances in military technology have raised questions about the application of IHL to cyber operations, military AI, autonomous weapons systems, and drones. The Geneva Academy and the ICRC's policy work on the digitalization of conflict stresses that further restrictions on the use of AI in military decision-making may be necessary to mitigate risks to affected populations and ensure compliance with IHL. At the same time, AI systems may strengthen civilian protection—for example, by improving warning systems for civilians fleeing hostilities, detecting targeting errors, or identifying protected emblems. Yet technology-enabled warfare also highlights the need for renewed accountability tools to address persistent gaps in enforcement. SIPRI, for example, analyses how new weapons technologies affect respect for fundamental IHL rules, including distinction, proportionality, and precautions in attack.

Subregional and regional implementing organs also require strengthening. Although the African Union (AU) has established important humanitarian norms and institutions, critics argue that implementation has often lagged behind commitments and that political will remains inconsistent. Nonetheless, the capacity of Africa's peace operations—particularly at the strategic and technical levels—has increased over the past decade and a half, in part because the AU and its partners have invested in the establishment and development of the African Standby Force (ASF) since 2003. Regional and subregional organizations can play a central role in protection, as illustrated by the AU and the Economic Community of West African States (ECOWAS) intervention in The Gambia's post-election crisis in 2017, which helped prevent escalation. Professor Makau Mutua has also argued that the contemporary human-rights edifice is, in important respects, Eurocentric, and has called for alternatives in which regional mechanisms are attentive to cultural difference (Mutua, 2002, p. 15). Corporate responsibility frameworks likewise require serious strengthening. AU Member States should, for

example, implement the OHCHR Human Rights Due Diligence Policy in contexts where the AU is engaged in peace support and counterterrorism missions. Building on the UN Framework and Guiding Principles on Business and Human Rights, John Ruggie—the principal author of those principles—emphasizes that corporations bear responsibilities even in conflict settings: “the responsibility to respect human rights is a global standard of expected conduct” (Ruggie, 2011, p. 13).

There is also a need to institutionalize civil society’s role in compliance and enforcement. Evidence suggests that the involvement of NGOs can strengthen documentation, advocacy, and accountability related to violations (Human Rights Watch, 2020). Professor Beth Simmons argues that civil-society organizations are “of paramount importance for stimulating international human rights standards at the domestic level” (Simmons, 2009, p. 125). In parallel, clearer standards are needed for digital evidence. The Berkeley Protocol provides detailed guidance on gathering and using digital open-source information in international investigations, noting that “digital information can be crucial evidence of international crimes, human rights violations and breaches of international humanitarian law” (UC Berkeley Human Rights Center & United Nations, 2022, p. 4). Standardizing digital-evidence requirements is essential to ensure admissibility and reliability in international proceedings. The ICRC has likewise emphasized the growing importance of digital documentation for monitoring adherence to IHL and has called for training and capacity-building for those involved in evidence collection (ICRC, 2019).

Respect for victims should also underpin all victim-participation frameworks. The Victims’ Rights Working Group (VRWG) has called on international tribunals to develop a consistent, victim-centered approach to outreach that enables two-way communication with affected communities, incorporates feedback, and is resourced from the outset. A victim-centered approach is equally important for reparations to have meaningful impact, including transparency and access to information for victims seeking justice. Victim participation rights are rare in international adjudication, and the ICC must ensure that its decisions are not merely formal pronouncements, but contribute tangibly to improving the lives of those who have suffered grave harm. The OHCHR’s Declaration of Basic Principles of Justice for Victims affirms that victims “should be treated with compassion and respect for their dignity” and that they have “a right to access to justice and prompt redress.” Adequate funding is indispensable. The VRWG has urged states to provide additional support for court

activities connected to victims' rights so that participation is meaningful and efficient. As Andrew Clapham notes, "the effectiveness of protecting human rights is dependent on more than just the legal framework—it also requires adequate institutional capacities and political will" (Clapham, 2015, p. 542). Professor Frédéric Mégret (2019), an expert in international humanitarian law at McGill University, has similarly argued for enforcement frameworks that are more responsive to victims.

These shifts require sustained international focus to be realized. The Geneva Academy of International Humanitarian Law and Human Rights, for example, serves as a research and policy institution whose work focuses on clarifying IHL, protecting human rights, and developing complementarities between IHL and international human rights law. Among its initiatives is the RULAC project, which provides an online resource identifying and classifying situations of armed violence that amount to armed conflict under IHL. The Academy also supports UN Special Procedures by developing methodological frameworks, indicators, and measurement tools designed to enable objective and comprehensive impact assessment. More broadly, proponents of reform argue that strengthening IHL requires both political commitment to legal development and innovative institutional design, including closer integration between legal frameworks and practical enforcement mechanisms (ICRC, 2019). The lessons of recent conflicts should serve as warning and impetus for root-and-branch reform. Ultimately, the future of international humanitarian law will depend on the international community's ability to adapt its institutions and ensure that protection and accountability remain robust in an evolving global landscape (Henckaerts & Doswald-Beck, 2005).

4. The Shame of the World: The Complicity of States and International Organizations in the Destruction of Humanitarian Protections in Gaza

The international reaction to the conflict in Gaza reveals profound weaknesses in international mechanisms designed to enforce international humanitarian law (IHL) and punish violators. This failure reflects a broader systemic breakdown in the international rule of law. As legal scholar Antonio Cassese contends, "selective application of international law undermines the stability of the whole system" (Cassese, 2005, p. 213). The International Court of Justice recognized in its Advisory Opinion that "all States are under an obligation to ensure respect for international humanitarian law" (International Court of Justice [ICJ], 2004, para. 159). In addition, the International Committee of the Red Cross underscores that "the obligation to respect imposes a duty on States to do everything feasible

to end violations of international humanitarian law” (International Committee of the Red Cross [ICRC], 2016, para. 167). The persistent inability of institutions and states to act decisively has made effective enforcement elusive, exposing the fragility of international legality.

State responsibility under IHL is often difficult to establish in contemporary conflicts, particularly in relation to arms transfers and military assistance. Under the International Law Commission’s Draft Articles on Responsibility of States for Internationally Wrongful Acts, a state that aids or assists another state in committing a breach of international law incurs responsibility where two conditions are met: first, it provides assistance with knowledge of the relevant facts and circumstances; and second, the act would be internationally wrongful if committed by the assisting state itself (ILC, 2001, art. 16). This framework is especially significant for arms-supplying states involved in ongoing conflict. Compounding the problem are structural constraints within international enforcement mechanisms. Since the creation of the United Nations, the permanent members of the Security Council have used the veto repeatedly, often blocking collective action on humanitarian and conflict-related challenges and paralyzing enforcement efforts (Security Council Report, 2023). As Professor Mary Ellen O’Connell emphasizes, international law enforcement ultimately depends on whether powerful states are willing to see the law applied and to uphold its promise of universality; when they are not, universality can appear as an “illusion” (O’Connell, 2008, p. 78). This persistent tension between national interests and universal humanitarian principles continues to obstruct effective IHL enforcement.

The role of third-party states has also proved controversial. ICJ advisory opinions have repeatedly affirmed that all states bear responsibilities to safeguard IHL, and that questions of international responsibility may arise where “one of the States parties to a dispute has incurred international responsibility for a breach of international law, including IHL.” The collective standard reflected in common Article 1 of the Geneva Conventions requires States Parties to take measures to ensure respect for IHL by other states. As the ICRC stresses, “the responsibility to do [what is necessary to ensure respect for IHL] lies with all states and other parties” to armed conflict. In this context, economic tools may provide enforcement opportunities. Sanctions and other economic restrictions can influence state practice and increase compliance with IHL, and states and international organizations have also used advisory

procedures in recent decades, particularly where vital political interests affecting sovereignty are at stake.

Regional efforts to enforce IHL have yielded mixed results. Regional organizations can catalyze the development and reinforcement of IHL in domestic practice, including through regional human rights systems such as commissions and courts. The European Union, as one of the world's largest humanitarian donors, has sought to promote compliance with IHL through guidance and action to protect civilians, including children affected by armed conflict. The EU's guidelines were among the first of their kind at the regional level and signaled a commitment to integrating IHL considerations into policy instruments. More broadly, regional enforcement may also be pursued through bodies such as the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights. Measures ranging from political dialogue and demarches to restrictive measures and sanctions may contribute to compliance. Nonetheless, these experiences suggest that regional mechanisms—while valuable—must be strengthened substantially to compensate for the limitations of global enforcement.

The broader doctrine of the Responsibility to Protect (R2P) has, for its part, faced sustained controversy. Under the doctrine, when a state is unable or unwilling to protect its population, responsibility shifts to the international community, which must be prepared to take timely and decisive collective action in accordance with the UN Charter. Yet the failure to invoke R2P in discussions about responses to Israeli actions in Gaza has been cited as evidence of inherent weaknesses in the doctrine, particularly when information about alleged crimes is widely available and yet political mobilization remains limited. The 2011 intervention in Libya significantly weakened international consensus around R2P, and China and Russia have since used their vetoes to block other interventions, further constraining its practical operation. As the twentieth anniversary of the principal approaches, R2P is no longer universally accepted, and critics argue that it has lost policy traction, with states rarely using it to justify or guide responses in atrocity situations. Opponents highlight inconsistency, hypocrisy, and interest-based selectivity in its application. More broadly, critics of humanitarian intervention since the Cold War argue that it has often been selective, strategically short-sighted, and morally inconsistent—and at times has worsened the situations it sought to address.

Civil society and the media should play a major role in enforcement, yet their potential has not been fully realized. Civil society organizations

are frequently described as critical actors in humanitarian response, documentation of human rights violations, and advocacy for civilian protection, including through engagement with global institutions to press for accountability. Nevertheless, some observers note that the practical contribution of civil society organizations and the media in security-sector reform and accountability efforts has often been less pronounced than it could be, even in contexts with mature democratic institutions.

Civil society has also pressed for accountability by urging states not to lift sanctions against those responsible for serious violations and to maintain the credibility of tools such as Global Magnitsky measures. States may work with civil society, including human rights defenders, to advance justice and accountability for gross human rights abuses and atrocity crimes. Yet human rights organizations are, in many contexts, frequently perceived as threats to state security, resulting in severe restrictions on their operations and shrinking civic space.

Another important component of enforcement concerns corporate presence in conflict settings. Growing geopolitical friction and the expanding power of private businesses have increased corporate involvement in conflict-affected areas and intensified corporate responsibilities. The UN Global Compact has developed guidance to help companies promote responsible business practices in conflict-affected and high-risk areas, grounded in the Compact's Ten Principles. It is widely recognized that the practices of transnational corporations can significantly affect the promotion and protection of human rights in conflict zones and can also contribute to conflict dynamics through relationships with governments or other actors involved in hostilities. A central element of responsible business conduct in such environments is conflict sensitivity, together with baseline compliance with international human rights and humanitarian law and robust due diligence. Beyond the harm to victims, association with breaches of IHL can adversely affect a business's reputation, operations, and finances, and may expose both the company and its personnel to risks of legal liability.

Although the private sector is not directly bound by IHL in the same manner as states and armed groups, it nonetheless has the potential to contribute meaningfully to respect for IHL by parties to an armed conflict. Yet respect for IHL remains one of the most significant challenges in protecting people in armed conflicts. The international community—including UN entities and States Parties to the Geneva Conventions—must

therefore urgently strengthen and reform mechanisms to ensure accountability for breaches of the core principles of humanitarian law.

5. CONCLUSION

The war on Gaza has revealed an unprecedented crisis for international humanitarian law (IHL), one that endangers not only civilians in armed conflict but also the credibility of the international legal order worldwide. This research has shown that the violations committed in Gaza are not isolated incidents; they are symptoms of deeper, structural, and recurring failures in protection, enforcement, and accountability.

The human cost—tens of thousands of civilian deaths, the devastation of essential infrastructure, and the systematic obstruction of humanitarian assistance—is more than a set of statistics. It constitutes an indictment of what must be recognized as one of the most serious moral, legal, and political failures of our time. This miscarriage of justice transcends Gaza and carries grave implications for the broader architecture of international law.

What this crisis has laid bare is a profound divide between IHL as a normative framework and its implementation in contemporary conflicts. This chapter identifies three practical imperatives for strengthening IHL enforcement in the future:

- **Structural reform of enforcement mechanisms:** As demonstrated, existing enforcement arrangements are poorly suited to the multidimensional nature of modern conflicts and have failed to prevent or halt violations. Reform should prioritize rapid, reliable responses that are not contingent on political bargaining, vetoes, or narrow strategic interests. The automatic activation of international engagement mechanisms in situations of mass atrocities should be seriously considered.
- **More robust accountability frameworks:** Accountability must sit at the core of IHL compliance. Universal jurisdiction, enhanced prosecutorial capacity, and sustained support for international courts are essential. National and international accountability must be pursued in parallel; impunity enables recurring violations and undermines deterrence.
- **Technological innovation for real-time monitoring:** Carefully governed technological tools—including AI-assisted monitoring and verification systems—can strengthen early warning, documentation, and evidentiary capacity, thereby improving compliance and

enabling timely intervention and accountability. Investing in such capabilities should be treated as a priority, not an option.

In Gaza, the world confronts not only a humanitarian catastrophe but also a defining moral and legal test. The international community stands at a crossroads: it can undertake serious, system-wide reform to restore the protective function of IHL, or it can allow failures of enforcement to become precedents that weaken civilian protection for generations. Failure to act will not only deny victims in Gaza meaningful justice; it will also corrode the foundations of accountability upon which international law depends.

This paper ends with both an admonition and a plea. The necessary reforms are feasible, and they must be adopted and implemented without delay. The atrocities in Gaza should serve as a catalyst for systemic overhaul—not as a rejection of international humanitarian law itself. Today’s decisions will determine whether IHL remains a living and effective system of civilian protection or is consigned to history as the residue of a collapsed moral consensus. If there is ever a time to act, it is now.

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