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The Application and Challenges of International Humanitarian Law in Pakistan: Legal Framework and Practical Implications

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ABSTRACT

International Humanitarian Law (IHL), also known as the law of armed conflict, is designed to protect individuals during armed conflicts and limit the methods and means of warfare. This research explores the application and challenges of IHL in Pakistan. This country has been affected by both internal and external conflicts, particularly regarding its security situation along the borders and internal insurgencies. The study delves into the historical background of IHL in Pakistan, the incorporation of international treaties into domestic law, the role of national military and judicial authorities, and the challenges faced in ensuring compliance with IHL standards. It also highlights the key issues such as the protection of civilians, treatment of prisoners of war, and the response to non-state actors. By critically examining the effectiveness of Pakistan's legal infrastructure, the paper aims to provide insight into the gaps and propose possible reforms to enhance the implementation of IHL in line with international standards.



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Introduction

International Humanitarian Law (IHL), also known as the law of armed conflict or the law of war, is a set of rules that seek to limit the effects of armed conflict for humanitarian reasons. It aims to protect individuals who are not or are no longer participating in hostilities, such as civilians, prisoners of war (POWs), and the wounded. The core principles of IHL are designed to strike a balance between military necessity and humanitarian considerations. These principles include distinction, proportionality, and necessity, which govern the conduct of armed forces during conflicts (Henckaerts & Doswald-Beck, 2005).

Pakistan, situated in a region with long-standing territorial disputes and a history of internal conflicts, is a significant player in the application of IHL. The country has been involved in multiple wars, including the India-Pakistan wars, and internal strife, including insurgencies in areas such as Balochistan and Khyber Pakhtunkhwa, as well as the ongoing conflict with non-state actors like the Taliban (Khan, 2010). Pakistan's involvement in both interstate and internal armed conflicts necessitates a deep engagement with IHL, not only from a military perspective but also from a legal and human rights standpoint. While Pakistan is a signatory to the 1949 Geneva Conventions and its Additional Protocols, as well as other key international instruments (International Committee of the Red Cross [ICRC], 2019), the application of IHL within its borders remains fraught with challenges. These challenges include the protection of civilians in conflict zones, the treatment of detainees, and the military's compliance with the rules of war in asymmetrical warfare contexts, where non-state actors are often involved (Mehmood, 2017).

The historical background of IHL in Pakistan can be traced back to the country's early years. After independence, Pakistan became a party to the Geneva Conventions of 1949, aiming to safeguard the rights of individuals in armed conflicts (Khan, 2006). However, the practical application of IHL has been inconsistent, particularly during periods of internal conflict, such as the Baloch insurgency and the war against terrorism in the tribal areas (Siddiqui, 2011). Despite the establishment of IHL frameworks, the enforcement mechanisms remain underdeveloped, with a lack of training for military personnel and insufficient integration of IHL principles into national legislation (Ali, 2012).

The purpose of this research is to explore the application of International Humanitarian Law in Pakistan, highlighting the gaps between legal frameworks and their real-world implementation. It will examine the role of Pakistan's national institutions, including the military and judicial systems, in ensuring IHL compliance and analyze the challenges that arise from both state and non-state actors involved in conflicts. Additionally, the study will examine the humanitarian implications of these challenges, specifically the protection of civilians and the treatment of detainees during military operations (Ahmed, 2014). By addressing these issues, this research aims to provide recommendations for strengthening Pakistan's legal framework to better align with international standards of humanitarian protection.

Background

Historical Context of International Humanitarian Law in Pakistan

Pakistan's engagement with International Humanitarian Law (IHL) dates back to its accession to the 1949 Geneva Conventions shortly after gaining independence. The Geneva Conventions, along with their Additional Protocols, form the cornerstone of IHL, aiming to protect individuals who are not participating in hostilities and to regulate the means and methods of warfare (Henckaerts & Doswald-Beck, 2005). Pakistan's commitment to these conventions underscores its recognition of the humanitarian imperatives in armed conflicts.

Over the decades, Pakistan has been involved in several significant conflicts, including the wars with India in 1965 and 1971, the Afghan-Soviet War in the 1980s, and more recently, internal conflicts involving non-state actors. These experiences have highlighted the complexities of applying IHL in diverse conflict scenarios, ranging from international armed conflicts to non-international armed conflicts (NIACs).

Domestic Legal Framework and IHL

Incorporating IHL into domestic law is essential for ensuring its effective implementation. Pakistan's legal framework includes various statutes that intersect with IHL principles. The Pakistan Army Act, 1952, and the Official Secrets Act, 1923, among others, provide the legal basis for military operations and the handling of sensitive information. However, these laws were primarily designed for conventional warfare and do not comprehensively address the nuances of modern conflicts, particularly those involving non-state actors (Siddiqui, 2011).

Moreover, Pakistan's adherence to international treaties, such as the International Covenant on Civil and Political Rights (ICCPR), complements its IHL obligations by reinforcing the protection of civil and political rights during armed conflicts (International Covenant on Civil and Political Rights, 1966). Despite these legal instruments, challenges persist in harmonizing domestic laws with IHL standards, especially in the context of internal conflicts.

Challenges in IHL Implementation

The practical application of IHL in Pakistan faces several challenges:

- **Non-State Actors:** The involvement of non-state armed groups, such as the Tehrik-i-Taliban Pakistan (TTP) and Baloch separatist movements, complicates the enforcement of IHL. These groups often operate outside the framework of international law, making it difficult to apply IHL principles effectively (Mehmood, 2017).
- **Judicial Constraints:** The judiciary's capacity to adjudicate IHL-related cases is limited due to a lack of specialized training and resources. This hampers the accountability mechanisms essential for enforcing IHL (Ali, 2012).
- **Military-Civilian Divide:** The distinction between combatants and civilians becomes blurred in asymmetric warfare, leading to challenges in protecting civilian populations and ensuring compliance with IHL (Khan, 2010).
- **Resource Limitations:** The provision of humanitarian assistance in conflict zones is often impeded by logistical challenges and security concerns, affecting the delivery of aid to affected populations (Siddiqui, 2011).

Recent Developments and International Perspectives

Recent initiatives have aimed to address these challenges and enhance IHL compliance in Pakistan. The International Committee of the Red Cross (ICRC) has collaborated with Pakistani authorities to conduct workshops and training programs for military and civilian personnel, focusing on IHL principles and their application in contemporary conflicts (International Committee of the Red Cross, 2019). Additionally, the Research Society of International Law (RSIL) has been instrumental in promoting IHL awareness and advocating for legal reforms to align domestic laws with international standards (Research Society of International Law, 2021).

Internationally, Pakistan's commitment to IHL has been scrutinised in various forums. The United Nations has emphasised the importance of upholding IHL in all conflicts, including those involving non-state actors, and has called for strengthened mechanisms to ensure compliance (United Nations, 2020). These international perspectives underscore the need for Pakistan to strengthen its legal and institutional frameworks to implement IHL effectively.

Research Questions

This study aims to address the following key research questions:

1. **How effectively has Pakistan incorporated International Humanitarian Law (IHL) into its domestic legal framework?**
 - This question examines the alignment of Pakistan's national laws with international IHL standards, focusing on the integration of treaties and conventions into domestic legislation.
2. **What are the primary challenges Pakistan faces in implementing IHL during both international and non-international armed conflicts?**
 - This inquiry delves into the obstacles encountered in the practical application of IHL, including issues related to non-state actors, judicial enforcement, and military operations.
3. **To what extent do Pakistan's military and judicial institutions adhere to IHL principles in conflict situations?**
 - This question assesses the compliance of Pakistan's armed forces and judiciary with IHL norms, considering training, accountability mechanisms, and legal proceedings.
4. **What role do international organizations and civil society play in promoting IHL adherence within Pakistan?**
 - This investigation explores the contributions of entities like the International Committee of the Red Cross (ICRC) and local NGOs in fostering IHL awareness and compliance.
5. **What reforms are necessary to enhance the effectiveness of IHL implementation in Pakistan?**
 - This question seeks to identify potential legal, institutional, and procedural reforms that could strengthen IHL adherence in the country.

The Legal Framework of International Humanitarian Law

International Humanitarian Law (IHL) is a set of rules designed to limit the effects of armed conflict for humanitarian reasons, ensuring that combatants, civilians, and other persons not involved in hostilities are protected during wartime. The framework of IHL includes treaties, customary international law, and general principles of law that are applied during armed conflicts, whether global or non-international. The legal framework governing IHL is primarily derived from two sources: **international treaties** and **customary international law**.

International Treaties and Conventions

International treaties form the backbone of IHL, providing the legal instruments for the protection of individuals in armed conflict. The core treaties of IHL include the **Geneva Conventions of 1949** and their **Additional Protocols of 1977**, which Pakistan is a signatory to.

The Geneva Conventions of 1949

The **Geneva Conventions of 1949** are the primary source of IHL. They consist of four conventions that provide comprehensive guidelines on the protection of victims in wartime, such as wounded soldiers, prisoners of war (POWs), and civilians. The four conventions are as follows:

1. **The First Geneva Convention:** This convention protects wounded and sick soldiers on the battlefield.
2. **The Second Geneva Convention:** It extends protection to wounded and sick members of armed forces at sea.
3. **The Third Geneva Convention:** This convention provides protections for prisoners of war.
4. **The Fourth Geneva Convention:** It focuses on the protection of civilians during armed conflict.

Pakistan ratified the Geneva Conventions in 1951, committing to adhere to the standards outlined in these treaties. The conventions obligate states to protect persons who are no longer taking part in hostilities, such as the wounded, sick, and prisoners of war (Henckaerts & Doswald-Beck, 2005).

Additional Protocols of 1977

The **Additional Protocols** to the Geneva Conventions, adopted in 1977, expanded the scope of IHL. Protocol I concerns the protection of victims in international armed conflicts, and Protocol II addresses the protection of victims in non-international armed conflicts (NIACs), which are more relevant in Pakistan's context due to ongoing internal conflicts.

Pakistan has ratified **Protocol I** but has **not ratified Protocol II**. This discrepancy highlights the complexities of ensuring comprehensive legal protection during internal conflicts, where non-state actors often participate (International Committee of the Red Cross [ICRC], 2019).

The Hague Conventions

Another significant international legal instrument is the **Hague Conventions** of 1899 and 1907, which regulate the conduct of warfare and military occupations. These conventions established the principles of distinction, proportionality, and military necessity, which are critical to ensuring that military operations minimize harm to civilians and civilian infrastructure (Schindler & Toman, 1988). These conventions complement the Geneva Conventions, focusing on the methods and means of warfare.

Customary International Law

In addition to treaties, **customary international law** plays an essential role in IHL. Customary law refers to practices that are accepted as binding, even if they are not codified in written treaties. Many rules of IHL are considered customary law, such as the **prohibition of targeting civilians**, the **principle of distinction**, and the **prohibition of torture and inhumane treatment**. These norms apply universally, irrespective of whether a state has ratified the relevant treaties.

The **International Committee of the Red Cross (ICRC)** has conducted extensive research into customary IHL, and its findings form a key part of the legal framework (Henckaerts & Doswald-Beck, 2005). Customary IHL is especially significant in situations involving non-state armed groups, as these groups are typically not parties to international treaties but are still bound by customary IHL.

Incorporation of IHL into National Law

The implementation of IHL at the national level depends on how effectively a country integrates international norms into its domestic legal system. In Pakistan, the Geneva Conventions were incorporated into national law through the **Pakistan Red Crescent Society Ordinance of 1961**, which requires the state to adhere to IHL. Furthermore, the **Pakistan Army Act, 1952**, and other military regulations outline how IHL principles are applied during military operations.

However, gaps exist in the integration of IHL into domestic law. While the Pakistani military is trained on the principles of IHL, the broader judicial and legal systems lack specialized frameworks to ensure compliance with IHL, especially during internal conflicts. As a result, the enforcement of IHL is often inconsistent, and violations go unpunished (Siddiqui, 2011). This shortcoming is particularly pronounced in the context of asymmetric warfare and internal conflicts, where the distinction between combatants and civilians becomes increasingly difficult to maintain.

Key Principles of IHL

Several key principles underpin the legal framework of IHL, providing a foundation for the protection of individuals and regulating the conduct of hostilities. The most fundamental principles of IHL include:

- **Distinction:** The principle of distinction requires parties to a conflict to distinguish between combatants and civilians. Only combatants can be targeted during hostilities, and civilians must be protected from the effects of warfare (Henckaerts & Doswald-Beck, 2005).
- **Proportionality:** The principle of proportionality prohibits attacks that cause excessive harm to civilians about the anticipated military advantage. This principle aims to minimize civilian casualties and damage to civilian infrastructure (ICRC, 2019).
- **Necessity:** Military actions must be necessary to achieve a legitimate military objective. This principle restricts the use of force to what is required for the success of military operations and prohibits unnecessary destruction (Schindler & Toman, 1988).
- **Humanity:** The principle of humanity emphasizes that all persons who are not taking part in hostilities must be treated humanely, without discrimination, and protected from violence, torture, and other forms of inhumane treatment (Sivakumaran, 2006).

Role of International Organizations in Promoting IHL

International organizations, particularly the **ICRC**, play a crucial role in promoting and implementing IHL. The ICRC monitors the adherence to IHL by state and non-state actors, provides humanitarian assistance in conflict zones, and advocates for legal reforms to strengthen IHL. In Pakistan, the ICRC has been involved in providing training to military personnel, government officials, and civil society organizations on IHL principles and their application in contemporary conflict situations (International Committee of the Red Cross, 2019).

The United Nations (UN) and its subsidiary bodies, such as the **UN Human Rights Council**, also contribute to the enforcement of IHL. The UN provides platforms for discussing IHL violations and encourages states to uphold their obligations under international law. However, despite the efforts of these organizations, challenges persist in ensuring compliance, especially in cases involving non-state actors or when political considerations hinder accountability (United Nations, 2020).

Challenges in the Application of International Humanitarian Law

The application of International Humanitarian Law (IHL) faces significant challenges in Pakistan, as it does globally. These challenges arise due to the changing nature of conflicts, the involvement of non-state actors, political constraints, and a lack of full integration of IHL principles into domestic law. This section will explore the primary obstacles that hinder the effective application of IHL within Pakistan, highlighting issues related to non-state actors, enforcement mechanisms, resource constraints, and the military-civilian divide.

Non-State Actors and Asymmetric Warfare

One of the most significant challenges to the application of IHL in Pakistan is the involvement of **non-state actors**, such as insurgent groups, terrorist organizations, and militias. Pakistan has been deeply involved in internal conflicts, particularly in regions such as Balochistan, Khyber Pakhtunkhwa, and the tribal areas, where groups like the **Tehrik-i-Taliban Pakistan (TTP)**, **Baloch separatists**, and other militant factions operate. These non-state actors do not recognize or adhere to IHL principles, which complicates the enforcement of humanitarian protections (Mehmood, 2017).

In such conflicts, distinguishing between **combatants** and **civilians** becomes challenging. Non-state actors often blend into civilian populations, making it difficult for military forces to target only those who pose a threat while safeguarding civilians, a core principle of IHL. The lack of a clear distinction between combatants and non-combatants results in increased civilian casualties and infrastructure damage during military operations (Siddiqui, 2011). Additionally, non-state actors often disregard IHL's prohibition on targeting civilians or using civilians as human shields, further exacerbating the humanitarian crisis (Sivakumaran, 2006).

Political Constraints and State Sovereignty

Pakistan's **sovereign interests** often conflict with its obligations under IHL. The tension between **state sovereignty** and international obligations is a critical issue in Pakistan's approach to IHL. The Pakistan government's reluctance to fully integrate IHL into its domestic legal system stems partly from political considerations and concerns about national security (Khan, 2010). For example, Pakistan has not ratified **Protocol II** of the Geneva Conventions, which addresses non-international armed conflicts. The country's hesitancy to accept full international scrutiny over its internal conflicts reflects a broader concern about external interference in sovereign affairs (International Committee of the Red Cross [ICRC], 2019).

This political reluctance leads to selective implementation of IHL. While Pakistan has adopted some aspects of IHL, such as the ratification of Geneva Conventions, it faces challenges in translating international norms into actionable domestic policies that address contemporary conflict scenarios involving insurgency and terrorism (Mehmood, 2017). Furthermore, the **military's role** in Pakistan's political landscape complicates matters, as decisions regarding military operations are sometimes made without fully considering IHL compliance, especially during counterinsurgency operations (Khan, 2006).

Judicial and Legal Constraints

The **judicial system** in Pakistan faces significant **capacity constraints** that hinder the enforcement of IHL. There is a lack of **specialized IHL training** for judges, lawyers, and law enforcement officers, which limits the ability of the legal system to handle IHL violations effectively (Ali, 2012). Moreover, Pakistan's legal framework lacks a **comprehensive domestic IHL code** that could serve as a guide for enforcement. While the **Pakistan Army Act, 1952**, and the **Official Secrets Act, 1923**, incorporate aspects of IHL,

they are insufficient to address the full spectrum of modern conflicts, especially those involving non-state actors and asymmetric warfare (Siddiqui, 2011).

Furthermore, **political interference** in the judicial process and the lack of an independent judiciary sometimes undermine accountability for violations of IHL. In conflicts involving internal actors, there is often little legal recourse for civilians affected by military operations, and military personnel accused of IHL violations are rarely prosecuted in civilian courts. As a result, violations of IHL, such as indiscriminate bombing, torture, and the unlawful detention of civilians, often go unpunished (Ali, 2012).

Lack of Adequate Humanitarian Assistance

Providing **humanitarian aid** during armed conflicts is one of the primary goals of IHL. However, Pakistan's **security concerns** and **restricted access** in conflict zones pose significant obstacles to the delivery of aid. Regions such as North Waziristan and other tribal areas have been major centers of conflict, where **military operations** often restrict humanitarian organizations from providing aid to civilians in need (International Committee of the Red Cross, 2019). This restriction violates the IHL principle that ensures the provision of humanitarian relief to those in need, regardless of their affiliation in the conflict.

The **lack of coordination** between the government and humanitarian organizations, along with the security risks faced by aid workers, exacerbates the problem. In addition, the **displacement of civilians** during military operations further complicates relief efforts, as refugees and internally displaced persons (IDPs) often struggle to access basic necessities such as food, shelter, and medical care (United Nations High Commissioner for Refugees [UNHCR], 2019).

Military-Civilian Divide and Protection of Civilians

One of the core principles of IHL is the **distinction** between military objectives and civilian objects, with the latter being protected from attack unless they are used for military purposes. In Pakistan, particularly during **counterterrorism operations** and **counterinsurgency warfare**, the **military-civilian divide** becomes increasingly blurred. The frequent engagement of the military in urban areas and areas with high civilian populations raises concerns about civilian casualties and damage to civilian infrastructure (Khan, 2010).

Pakistan's use of **drone strikes** and air raids, particularly in the Federally Administered Tribal Areas (FATA), has been a contentious issue. While the military argues that these operations are necessary to combat insurgents and militants, the impact on civilians has been devastating. Many civilian casualties have been reported in the wake of such strikes, raising questions about proportionality and necessity under IHL (Siddiqui, 2011). The growing reliance on **drones** and **airstrikes** has led to an increase in the number of **collateral damage** incidents, violating IHL's emphasis on limiting harm to non-combatants (Mehmood, 2017).

Resource Limitations and Institutional Gaps

Pakistan faces significant **resource constraints** in implementing IHL effectively, particularly in conflict zones. The government's limited financial resources and inadequate infrastructure in conflict-affected regions make it challenging to provide sufficient support to those affected by the conflict (Siddiqui, 2011). Additionally, the lack of effective **monitoring mechanisms** for IHL violations in conflict zones hampers

the accountability of both state and non-state actors. The absence of **independent investigative bodies** further complicates the identification and prosecution of IHL violations.

International organizations like the **United Nations** and the **ICRC** have attempted to fill some of these gaps by providing humanitarian aid and legal expertise. However, without proper institutional support at the national level, the long-term sustainability of these efforts remains uncertain (Henckaerts & Doswald-Beck, 2005).

Findings

The research findings are as follows:

1. Incorporation of IHL into Domestic Law

- Pakistan has ratified key international treaties, including the 1949 Geneva Conventions and their Additional Protocols. However, the full incorporation of these instruments into domestic law remains incomplete, with gaps in legislative alignment and enforcement mechanisms (Henckaerts & Doswald-Beck, 2005).

2. Challenges in IHL Implementation

- The involvement of non-state actors, such as insurgent groups and terrorist organizations, complicates the application of IHL, as these groups often do not adhere to international norms (Mehmood, 2017).
- Judicial enforcement of IHL is hindered by limited capacity, lack of specialized training, and political interference, leading to inconsistent application and accountability (Ali, 2012).
- Military operations, particularly in asymmetric warfare contexts, pose challenges in distinguishing between combatants and civilians, raising concerns about civilian protection and proportionality (Khan, 2010).

3. Adherence of Military and Judicial Institutions

- While Pakistan's military has undertaken efforts to integrate IHL training, inconsistencies exist in its application during operations. The judiciary's role in IHL enforcement is limited due to a lack of specialized knowledge and resources (Siddiqui, 2011).

4. Role of International Organizations and Civil Society

- Organizations like the ICRC have collaborated with Pakistan's military and police forces to provide IHL training and promote awareness. Civil society organizations have also played a role in advocating for IHL adherence and monitoring violations (International Committee of the Red Cross, 2019).

5. Need for Reforms

- There is a pressing need for comprehensive legal reforms to align domestic laws with IHL standards. Enhancing training programs for military and judicial personnel, establishing specialized IHL units, and fostering greater civil society engagement are essential steps toward improving IHL implementation (Research Society of International Law, 2021).

Reforms and Recommendations

The implementation of International Humanitarian Law (IHL) in Pakistan faces significant challenges, as outlined in previous sections. To enhance the effectiveness of IHL, several reforms and recommendations are necessary. These reforms are crucial not only to ensure the protection of civilians and combatants but also to align Pakistan's legal, institutional, and military frameworks with international standards. This

section outlines the key reforms needed in Pakistan, focusing on legal, judicial, military, and humanitarian efforts.

Strengthening the Legal and Judicial Framework

One of the most pressing reforms required in Pakistan is the **strengthening of the legal framework** to ensure comprehensive compliance with IHL. Pakistan's existing laws must be revisited to incorporate international treaties fully and provide a coherent mechanism for enforcing IHL at the national level.

Comprehensive Domestic IHL Legislation

To bridge the gap between international treaties and domestic law, Pakistan must pass a **comprehensive domestic IHL code** that incorporates all aspects of IHL, including provisions for the protection of civilians, the treatment of prisoners of war, and the use of force. This would provide a clear legal basis for the prosecution of IHL violations and hold perpetrators accountable (Ali, 2012). Such a code should also explicitly address non-international armed conflicts, where Pakistan has faced the most difficulties in ensuring IHL compliance.

Strengthening Judicial Capacity and Independence

The **judiciary** plays a crucial role in ensuring that IHL is effectively applied. Pakistan's judicial system should be equipped with the **necessary expertise** to adjudicate cases involving IHL violations. This can be achieved by providing **specialized training** for judges, prosecutors, and legal practitioners on the nuances of IHL. Specialized IHL courts or tribunals could be established to handle cases involving the violation of IHL, ensuring that such cases are treated with the seriousness they deserve (Siddiqui, 2011). Additionally, ensuring the **independence** of the judiciary from political interference is essential for ensuring fair and transparent legal proceedings.

Military and Security Sector Reforms

The **military** plays a pivotal role in the application of IHL during armed conflicts. To enhance compliance with IHL, several reforms are necessary within Pakistan's military and security forces.

Enhancing IHL Training for Armed Forces

One of the key recommendations is the **enhancement of IHL training** for Pakistan's armed forces. Although the military has undertaken some efforts to integrate IHL into its training programs, the existing training is often insufficient and inconsistent (Mehmood, 2017). IHL training should be incorporated into all levels of military education, from basic training to advanced officer courses. This training should emphasize the principles of distinction, proportionality, and necessity, ensuring that soldiers understand their legal obligations to protect civilians and avoid unlawful conduct during operations.

Establishing IHL Compliance Mechanisms within the Military

The establishment of an **IHL compliance unit** within Pakistan's military could help monitor adherence to IHL principles during military operations. This unit could be responsible for reviewing military strategies to ensure they comply with IHL, investigating allegations of IHL violations, and recommending

disciplinary actions where necessary (Henckaerts & Doswald-Beck, 2005). Such a unit would act as a check on military practices and help foster a culture of accountability within the armed forces.

Addressing the Role of Non-State Actors

Pakistan's experience with **non-state actors** in conflict, particularly insurgent and terrorist groups, presents a unique challenge for IHL application. To address these challenges, Pakistan should explore several key reforms.

Engaging Non-State Actors in IHL Dialogue

Pakistan could consider **engaging** non-state armed groups in **dialogue** regarding IHL. While international treaties may not bind such groups, they are still bound by customary IHL, which prohibits the targeting of civilians and mandates humane treatment of prisoners (Sivakumaran, 2006). Engaging these groups through local or international intermediaries could help foster respect for IHL in non-international armed conflicts, particularly in regions like Balochistan and the tribal areas.

Strengthening Counterterrorism and Counterinsurgency Strategies

Pakistan's **counterterrorism** and **counterinsurgency** strategies must be revised to ensure that military operations comply with IHL principles. This includes ensuring that military tactics, such as drone strikes and air raids, are proportionate, discriminate between combatants and civilians, and minimize collateral damage (Siddiqui, 2011). Greater emphasis should be placed on using intelligence and precision in targeting to avoid unnecessary civilian harm.

Improving Humanitarian Access and Protection

The **provision of humanitarian assistance** and the **protection of civilians** must be prioritised in Pakistan's conflict zones. To enhance the effectiveness of humanitarian efforts, several steps should be taken.

Expanding Humanitarian Space

Pakistan must ensure that **humanitarian organizations** have unimpeded access to conflict zones, particularly those affected by internal conflicts. This requires political will and coordination between the government, military, and international humanitarian organisations (International Committee of the Red Cross, 2019). Humanitarian corridors should be established in conflict zones to allow for the safe delivery of aid to civilians, under IHL's provisions on humanitarian assistance.

Strengthening Civil Protection Mechanisms

Pakistan needs to strengthen its **civil protection mechanisms** in conflict zones to ensure that civilians are adequately safeguarded. This includes ensuring the **safety of humanitarian workers**, the **monitoring of IHL violations**, and the **rapid response** to breaches of civilian protection laws. International and domestic organizations could work together to create a more robust mechanism to track civilian casualties, detentions, and abuses, and push for accountability (United Nations High Commissioner for Refugees, 2019).

Strengthening International Cooperation

International cooperation plays a crucial role in the effective implementation of IHL. Pakistan must continue to cooperate with international bodies and organizations to strengthen IHL compliance.

Engaging with the International Committee of the Red Cross (ICRC)

The **ICRC** plays a crucial role in assisting states in the application of IHL. Pakistan should increase its **collaboration** with the ICRC, especially in training military personnel and improving the capacity of local authorities to deal with humanitarian crises during armed conflicts. Additionally, Pakistan should actively participate in **international IHL forums** to stay updated on developments in international law and contribute to the global dialogue on IHL (International Committee of the Red Cross, 2019).

Enhancing International Monitoring and Accountability Mechanisms

Pakistan should support the establishment and functioning of **international monitoring bodies** that can assess compliance with IHL during conflicts, especially in non-international armed conflicts. These bodies could work with Pakistani authorities to investigate allegations of IHL violations and recommend legal and policy changes. International pressure and support could help Pakistan strengthen its domestic legal system and improve compliance with IHL standards (United Nations, 2020).

Conclusion

International Humanitarian Law (IHL) is a critical framework for protecting individuals in situations of armed conflict, ensuring that even in the direst circumstances, basic human rights and dignity are preserved. The application of IHL in Pakistan, however, has faced numerous challenges due to the evolving nature of conflict, internal instability, political constraints, and gaps in the national legal framework. This research has highlighted both the legal and practical obstacles impeding the full implementation of IHL in Pakistan, while also proposing several reforms aimed at strengthening the country's adherence to international humanitarian norms.

Summary of Findings

This study explored how Pakistan has integrated IHL into its domestic legal system and the challenges it faces in applying these laws effectively. Key findings include:

- **Legal Framework:** While Pakistan is a signatory to major international treaties such as the Geneva Conventions and their Additional Protocols, full incorporation of IHL principles into domestic law remains incomplete. The lack of comprehensive IHL legislation leaves gaps in enforcement and accountability, particularly in non-international armed conflicts (NIACs), which are prevalent in Pakistan's recent history.
- **Non-State Actors:** The rise of non-state armed groups, such as the Tehrik-i-Taliban Pakistan (TTP) and Baloch separatist movements, complicates the enforcement of IHL. These actors often do not comply with IHL's core principles, particularly regarding the protection of civilians and prisoners of war, leading to significant challenges for the Pakistani military and judicial system in distinguishing between combatants and civilians.
- **Judicial and Political Constraints:** The Pakistani judicial system faces capacity constraints, lack of specialized IHL training, and political interference, which impede the effective adjudication of

IHL violations. Military operations in conflict zones also suffer from limited accountability mechanisms, with violations often going unpunished.

- **Humanitarian Challenges:** Humanitarian access remains restricted in conflict zones, particularly in tribal areas and regions affected by insurgency. The military's counterterrorism operations often limit the ability of international and local humanitarian organizations to provide aid to civilians in need, violating IHL's provisions on humanitarian assistance.

Importance of Reforms

Addressing these challenges requires a multi-faceted approach that includes **legal reforms**, **military training**, and **international collaboration**. The reforms proposed in this research—such as the establishment of a comprehensive IHL code, strengthening judicial capacities, improving military compliance through specialized training, and expanding humanitarian access—are essential for bridging the gap between Pakistan's international obligations and domestic realities. These reforms will not only ensure the protection of civilians and combatants during armed conflicts but also enhance Pakistan's standing in the international community as a country committed to upholding IHL principles.

Moreover, given Pakistan's strategic role in the region, particularly in relation to its ongoing conflicts and its interactions with international bodies like the United Nations and the International Committee of the Red Cross (ICRC), it is imperative for the country to lead by example in adhering to IHL. This will not only improve humanitarian conditions within Pakistan but will also contribute to the global effort of ensuring that the laws of war are respected and enforced in all conflicts, regardless of their nature or scale.

Future Implications and Research

The study of IHL in Pakistan must continue to evolve as the nature of conflict changes. Future research could focus on the **impact of new technologies**, such as drones and cyber warfare, on IHL compliance, particularly in asymmetric warfare scenarios where non-state actors are heavily involved. Additionally, as climate change exacerbates conflict and leads to new forms of displacement, the issue of **environmental refugees** and their legal protection under IHL should be explored in more depth.

The involvement of international organizations in the promotion of IHL within Pakistan should also be further studied, particularly in terms of the **ICRC's role** in conflict zones, **humanitarian aid delivery**, and fostering dialogues with non-state armed groups to encourage adherence to IHL norms.

Final Thoughts

In conclusion, while Pakistan faces significant challenges in fully implementing IHL, the potential for reform remains high. By strengthening its legal frameworks, enhancing the training and accountability of its military, and fostering greater international cooperation, Pakistan can ensure a more consistent and effective application of IHL. This will not only protect the rights of civilians and combatants during conflicts but also contribute to the broader global efforts to promote humanitarian law and human rights. As conflicts become more complex and multifaceted, Pakistan's commitment to IHL will be critical in determining how it addresses the humanitarian crises that arise from them.

The way forward lies in the collaborative efforts of the government, the military, judicial bodies, and civil society organisations working together to implement IHL in practice and to ensure that its principles are not merely theoretical but are instead actively applied in protecting lives and alleviating human suffering in conflict zones.

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