The Tragedy of War: A Legal and Humanitarian Failure in Protecting the Humanity

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Abstract- This paper explores the profound tragedy of war, emphasizing its devastating impact on civilians, the inexplicable conditions of the vulnerable section of society, the out and out erosion of humanitarian norms, and the inability and susceptibility of the international legal mechanisms to come to the rescue and offer adequate protection to the people and all the non combatants. Through historical and contemporary case studies, the research highlights the glaring gaps in enforcement, the politicization of conflict, and the psychological and generational scars left by war. The study ultimately calls for a fundamental shift from state centric policies to human focused international frameworks that prioritize peace, accountability and the dignity and value for the life, in every war truth becomes a casualty and humanity is wounded, the tragedy of war is not just destruction, It's about what could have been – the lives that were never lived, the futures that were never born.

As a civilized human we must move form glorifying war to remembering its pain as a cautionary tale, as real peace cannot be achieved through victory alone but through compassion reconciliation empathy alone.

INTRODUCTION

War has been a constant presence throughout human history, often justified by states as necessary for defense power, or ideology. However, beyond strategic objectives lies a harrowing truth, war is a profound human tragedy. This paper aims to unpack the tragic dimensions of war, focusing particularly on the failure of international humanitarian law and legal institutions to prevent or mitigate suffering. While laws exist to regulate armed conflict their implementation often falls short, allowing impunity and civilian harm to persist.

THE HUMAN COST OF WAR civilians bear the brunt of modern warfare. In conflicts such as those in Syria, Yemen, and Ukraine civilian casualties often surpass those of combatants. Families are torn apart homes are destroyed, and basic infrastructure schools, hospitals, water supply –is systematically targeted or collateralized displacement is another tragic consequence with millions forced to flee and live as refugees or internally displaced persons often in dire conditions.

Psychological trauma is pervasive. Children exposed to war experience post traumatic stress disorder (PTSD), Anxiety and disrupted development. The long term impact includes lost education, fragmented societies and cycles of violence that span generations.

THE COLLAPSE OF INTERNAITONAL HUMANITIARIAN LAW.

I H L particularly the Geneva conventions and their additional protocols, was designed to protect those not participating in hostilities. Despite its noble intent, IHL us increasingly violated, ignored or undermined by the so called big powerful state. Yet selective adherence and weak enforcement have undermined it s effectiveness. Powerful states often evade accountability due to political interests, veto powers in the UN Security Council or claims of self defense under broad interpretations.

For example despite widespread documentation of violations in Yemen, including airstrikes on civilian targets, accountability remains elusive. In Syria chemical attacks and siege tactics have gone largely unpunished. The bombings of hospitals and schools, and humanitarian convoys, torture, sexual violations and starvations used as weapons of war.

Humanitarian workers and peacekeepers are increasingly targeted. Civilians are deliberately used as human shields and are caught in siege tactics.

Conflicts now involve non state actors, terrorists groups and private militia who may not feel bound by IHL.

Geo political power struggles that ignore humanitarian consequence.

Weak enforcement bodies like and UN, ICC due to lack of funding or political will.

- Impunity for powerful nations, while weaker nations are held accountable. International criminal court while a crucial institution faces limitations due to non cooperation and lack of jurisdiction in many cases. In June 2025, a conflict erupted between Israel and Iran, with the UN urging restraint from both sides. Despite the UN's calls for de-escalation, both nations engaged in missile strikes and military actions, disregarding the UN's advice. Russia, a key ally of Iran, condemned Israel's attacks but also warned the US against military intervention The UN Secretary-General, Antonio Guterres, repeatedly called for an end to the escalating conflict and emphasized the need for diplomacy and peace, stating that the region could not endure another cycle of destruction.
- Despite the UN's calls for de-escalation, the conflict continued with both sides exchanging missile and drone attacks

North Korea's continued development of nuclear weapons, despite UN sanctions, demonstrates the limitations of the UN's enforcement power.

The UN has faced accusations of child sexual abuse and other misconduct within its peacekeeping missions.

The UN's role in the Haiti cholera outbreak has been criticized for inadequate response and lack of accountability.

Member states may not always adhere to UN resolutions or cooperate with UN initiatives, undermining the organization's authority.

The UN has faced accusations of bias in its actions and decisions, particularly regarding the Arab-Israeli conflict.

The UN's ability to enforce its resolutions and decisions is often limited, especially when powerful nations are involved.

While the UN has achieved successes in various areas, including humanitarian aid, development, and decolonization, these criticisms highlight significant challenges in its ability to effectively address global issues and maintain international peace and security.

Serious violations of international humanitarian law are called war crimes. While IHL (jus in bello) concerns the rules and principles governing the conduct of warfare once armed conflict has begun, jus ad bellum pertains to the justification for resorting to war and includes the crime of aggression.

Key areas of IHL failure:

- Attacks on civilians and civilian objects:

This includes direct attacks on civilians, indiscriminate attacks that fail to distinguish between combatants and civilians, and attacks on infrastructure essential for civilian life like hospitals and water supplies.

- Disregard for medical facilities:

Attacks on hospitals and medical personnel, as well as the denial of access to healthcare for civilians, are serious violations of IHL.

- Starvation as a method of warfare:

Sieges that cut off essential supplies like food, water, and medicine, and the intentional use of starvation as a tactic, are prohibited under IHL.

- Protection of prisoners of war and detainees:

Failure to ensure proper treatment, including access to medical care, and the use of torture or other inhumane treatment of prisoners of war and detainees, are violations of IHL.

- Lack of accountability:

When IHL violations occur, there's often a failure to investigate, prosecute, and hold perpetrators accountable. This impunity encourages further violations and undermines the rule of law.
Examples of IHL failures:

- Gaza Conflict:

Ongoing reports of attacks on civilians, civilian infrastructure, and medical facilities in Gaza, coupled with the denial of humanitarian aid, highlight the failure to uphold IHL principles.

- Ukraine Conflict:

Reports of attacks on civilian areas, infrastructure damage, and displacement of civilians, as well as allegations of torture and ill-treatment of prisoners of war, point to IHL violations.

- Syria Conflict:

The prolonged conflict in Syria has resulted in widespread civilian casualties, displacement, and the destruction of essential infrastructure, with ongoing challenges in holding perpetrators accountable.
Addressing IHL failures:

- Strengthening accountability mechanisms:

This includes establishing international criminal tribunals and supporting national prosecutions of those responsible for IHL violations.

- Improving compliance and prevention:

States must take concrete measures to implement IHL obligations, including developing national legislation and policies that protect civilians and ensure accountability.

- Promoting humanitarian principles:

Efforts to educate and raise awareness about IHL are crucial to fostering respect for humanitarian principles. tes are encouraged to use its services. International criminal tribunals and other special courts have been set up to deal with serious violations committed in specific contexts of armed conflict. A permanent international criminal court, with jurisdiction over the most serious crimes, was created by the 1998 Rome Statute. However, it is States that continue to bear primary responsibility for fully implementing the law; they must also adopt pertinent measures at a national level, including means to prosecute and the 1949 Geneva Conventions and their Additional Protocols require the taking of a broad range of measures. These are among the most important ones: 1. to have the Conventions and their Additional Protocols translated into the national language(s) and communicate to other High Contracting Parties the official translations and any laws and regulations adopted to ensure their implementation; 2. to spread knowledge of their provisions as widely as possible, both within the armed forces and the general population; 3. to suppress all violations, and to adopt criminal legislation to punish those guilty of committing violations that are considered to be the most serious, known as “grave breaches” and regarded as war crimes; 4. to ensure that persons, property and places specifically protected by the law are properly identified and marked, and preserved from harm; 5. to adopt measures to prevent the misuse of the red cross, the red crescent, the red crystal and other emblems and signs provided for in the Conventions and their Additional Protocols; 6. to ensure that protected persons benefit from judicial and other fundamental guarantees during armed conflict; 7. to appoint and train persons qualified in IHL to facilitate the application of the Conventions and the Protocols, in particular to ensure the presence of legal advisers within the armed forces; 8. to provide for the establishment and/or regulation of: • National Red Cross and Red Crescent Societies and other voluntary aid societies, • civil defense organizations, • national information bureau;
The duty to implement IHL is primarily that of States, which have an unambiguous obligation to adopt a number of legal and practical measures for ensuring full compliance with this body of law. These measures may need to be taken by one or more government ministries, the legislature, the courts, the armed forces, or other State agencies. There may also be a role for professional and educational bodies, and for the National Red Cross or Red Crescent Society or other voluntary organizations. Measures have also been taken at an international level to deal with serious violations of IHL. An International Fact-Finding Commission has been set up to punish perpetrators of serious violations of IHL.

LEGAL INSTRMENTS VS REALITY.

There exists a significant gap between legal theory and practical enforcement provisions such as proportionality and distinctions are frequently ignored or manipulated. Military necessity is often cited to justify actions that clearly violate humanitarian norm. Moreover legal loopholes and vague definitions enable impunity.

The principle of command responsibility is inconsistently applied a with high ranking officials seldom held liable. War crimes investigations are often politicized or delayed, diluting their impact. Victims meanwhile are left without redress or reparations.

Beyond legal failings, war is perpetuated by political and economic interests. The global arms trade worth billions annually profits from sustained conflict. Defense industries, political lobbies and geopolitical rivalries incentives prolonged warfare. Nationalistic propaganda and media narratives obscure the human cost and desensitize populations.

War becomes a means to an end—resource control, territorial expansion regime change often ignoring the suffering it entails. Civilians become expendable in a larger political game, their pain reduced to statistics.