

PROTECTION OF VICTIMS OF ARMED CONFLICT VIS-A-VIS VULNERABLE GROUP THROUGH RESPECT FOR THE RULES OF INTERNATIONAL HUMANITARIAN LAW IN NIGERIA: AN APPRAISAL*

Abstract

International humanitarian law is aimed at protecting the civilian population in general from dangers arising from military operations or situations of armed conflict. However, in recent conflicts around the world, the principles of International Humanitarian Law governing the treatment of civilians and non-combatants have been largely ignored and violated. This article is concerned with the fact that increasing number of civilians have been killed, treated without dignity, arbitrarily detained and/or separated from their families. They have been targeted on purpose, forced to leave their homes and deprived of their basic rights as human beings. The object of this article is that part of this unwarranted treatment suffered by unarmed civilians can be attributed to the states monopoly on the use of force eroding and leading to a rise in armed groups or factions and bandits who do not hesitate to take law and order into their hands. The article concludes that most armed groups during armed conflict have a loose chain of command and coupled with their lack of responsibility, has left unarmed civilians as the actual target of hostilities. It suggests that effort to enhance adequate respect for the rules of international humanitarian law should be implemented by state because civilians are entitled to and should expect adequate care and respect in any event of armed conflict. The methodology used is the doctrinal study of the key subject of this research, and appropriate references made accordingly. Reliance was also placed on other international instruments relevant to the research topic

Keywords: International Humanitarian Law, Armed Conflict, Nigeria, Rules of Armed Conflict

1. Introduction

International humanitarian law forms a major part of public international law and it comprises the rules which in times of armed conflict, seek to protect people who are not taking part in hostilities while also restricting the methods and means of warfare employed.¹ For humanitarian reasons those rules restrict the right of the parties in conflict to use the methods and means of warfare of their choice, and protect people and property affected or liable to be affected by the conflict.² The objective of international humanitarian law is to limit the suffering caused by warfare and to alleviate its effects. Its rules are the result of a delicate balance between the exigencies of warfare, military necessity on one hand and the laws of humanity on the other. Humanitarian law rules are of a sensitive nature which must be respected in all circumstances, for the sake of the survival of human values and quite often, for the sheer necessity of protecting life.³ In order to spare the civilian population, armed forces shall at all times distinguish between the civilian population and civilian objects on the one hand, and military objectives on the other hand. Neither the civilian population as such nor civilian objects shall be the target of military attacks⁴ At the heart of International Humanitarian Law (IHL) lies the protection of civilians, detainees, the wounded and sick, and others not participating in hostilities. Accordingly, international humanitarian law rules advocate that all persons not taking a direct part in hostility shall be treated humanely in all circumstances, without any adverse distinction. They are entitled to respect for themselves, their honor, family right, religion convention and practices.⁵ The protection of civilian in armed conflict is the cornerstone of international humanitarian law. The protection extends to their public and private property. It is this shared humanity that gives International Humanitarian Law its relevance, its legitimacy, and its universal sense.⁶ The best way to counter the long-term impact of protracted armed conflicts, violence and hatred, which can affect whole generations, is to prevent violations of international humanitarian law. Suffering is often wrongly seen as an inevitable consequence of the armed conflict, when in fact it frequently arises as a result of the violation of international humanitarian law rules.⁷

*By **Maureen Obiageli UGWU, LL.B, BL, LLM, Lecturer**, Department of Public and Private law Faculty of Law, Nnamdi Azikiwe University Awka. Email: maureenugwu18@gmail.com, om.ugwu@unizik.ed.ng. Tel: +2348036860338 .

¹ [Http://www.oas.org/dil/introductory_course_on_international_humanitarian_2007_ihl_doctrine.pdf](http://www.oas.org/dil/introductory_course_on_international_humanitarian_2007_ihl_doctrine.pdf) accessed on the 22nd of September 2021

² *Ibid*

³ Hans-Peter, International Humanitarian Law and the Protection of War Victims. http://www.oas.org/dil/esp/XXXVI_curso_International_humanitarian_law_protection_war_victims_Nils_Melzer.pdf accessed on the 6th of November 2021

⁴ *ibid*

⁵ Article 3 Common to the Four Geneva Convention 1949, Article 27 of the Fourth Geneva Convention of 1949 Article 4 of additional Protocol II of 1977

⁶ E Fillion, International Committee of Red Cross ICRC in Nigeria January to June 2019 ICRC Head of Delegation for Nigeria.

⁷ *Ibid*

During recent armed conflicts around the globe, increasing numbers of civilians have been killed, wounded, treated without dignity, arbitrarily detained and/or separated from their families.⁸ One of the most important principles underlying humanitarian law is that of distinction between the civilian population and combatants, and between civilian objects and military objectives.⁹ Attacks must be limited to military objectives, that is, those objects which, by their nature, location, purpose or use, make an effective contribution to military action, and whose total or partial destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.¹⁰ Unfortunately however, such distinctions are usually ignored in armed conflicts and this has led to millions of people across the world being forced from their homes or displaced, their vulnerability increasing in the process, consistent also with the findings over the years is the appalling sexual and gender-based violence women and girls are subjected to.¹¹

Direct or indiscriminate attacks by parties to armed conflict in many countries have damaged and destroyed homes, schools, hospitals, markets, places of worship and essential civilian infrastructure, which are expected to be protected under the rules of war.¹² In Nigeria, specifically, Attacks by armed groups on markets, towns and even places of worship in some instances led to the death of a lot of civilians.¹³ In the far north of Cameroon, attacks by armed groups resulted in the destruction of 700 houses and 7 churches and the killing of more than 200 civilians in 2019, In the Syrian Arab Republic, 29 pumping stations were attacked, which affected water availability for tens of thousands of civilians across the country in 2019.¹⁴ Civilians were also killed or injured by improvised explosive devices, ground engagements, and air strikes resulting also in the deaths of Women and children, as they generally represented 42 per cent of the civilians who were killed or injured.¹⁵ In Yemen, 3,217 civilians were reported to have been killed or injured, with children accounting for 25 per cent. In South Sudan, fighting between March and December 2019 led to 1,405 civilians being killed or injured.¹⁶ In Somalia, 1,459 civilian casualties were recorded in 2019, Various civilian objects were also damaged or destroyed in 2019.¹⁷ In Libya, an air strike on an immigration detention facility in July 2019 killed at least 53 migrants and refugees and injured 87 others, the use of explosive weapons in populated areas accounted for at least 17,904 civilian casualties in 2019.¹⁸ For the ninth consecutive year, over 90 per cent of those killed and injured by the use of explosive weapons in populated areas were civilians.¹⁹ This statistic again underlines the need for parties in conflict to avoid the use of explosive weapons with wide-area effects in populated areas. Libya, for example, saw a significant increase in civilian casualties resulting from air strikes, with 409 civilians killed and injured in 2019, compared with 17 civilians the previous year.²⁰ In Afghanistan, improvised explosive devices remained the leading cause of death and injury, accounting for 42 per cent of civilian casualties.²¹ The Independent International Commission of Inquiry on the Syrian Arab Republic reports that countless children have been killed by cluster munitions, barrel bombs, improvised rocket-assisted munitions and chemical weapons, often used against civilians and civilian objects.²²

Indiscriminate attacks on both military objectives and civilians or civilian's objects without distinction are prohibited under international humanitarian law.²³ When launching an attack, two combined principles of

⁹ International Committee of the Red Cross, *Protection of victims of armed conflict through respect of International Humanitarian Law* 16-09-1999 Reference Document – 27th International Conference of the Red Cross and Red Crescent, Geneva, 31 October to 6 November 1999 file:///C:/Users/ACER/Downloads/Protection of victims of armed conflict through respect of International Humanitarian accessed on the 12th of November 2021.

⁹ Article 48 of additional Protocol I of 1977, Article 13 par. 2 of Protocol II of 1977

¹⁰ *Ibid*

¹¹ *Ibid*

¹² *Ibid.*

¹³ Y Oke, 'Insecurity Challenges in Nigeria-Boko Haram Insurgency, Bakassi Resettlement Crisis and the Niger Delta Militancy: A Thesis for Lasting Peace', *International and Comparative Journal of Peace and Environment*; 2014, Vol 1, p.79-81.

¹⁴ United Nation, Security Council, *Protection of civilian in armed conflict*- report of the Security General S/2020/ 366 general 6th may Original: English S/2020/366. file:///C:/Users/ACER/Downloads/S_2020_366_E.pdf accessed on the 12th of November 2021

¹⁵ *Ibid*

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ United Nation Action on Armed Violence, *Explosive Violence in 2019* (7 January 2020).<http://www/relefweb.int> accessed on the 31st of Dec. 2021

¹⁹ *Ibid*

²⁰ *Ibid*

²¹ United Nation, Security Council, *Protection of civilian in armed conflict*- report of the Security General S/2020/ 366 general 6th may Original: English S/2020/366. file:///C:/Users/ACER/Downloads/S_2020_366_E.pdf accessed on the 12th of November 2021

²² *Ibid*

²³ *Ibid*

proportionality in the military action and due precaution before deciding to launch the attack have to be respected. Numerous factors also have to be taken into account before launching an attack, for example, the military importance of the target, the density of the civilian population, the likely effects of the attack, including the possible release of hazardous substances, the types of weapon available and the accuracy, mode and timing of the attack especially in the case of a mixed target.²⁴ Unfortunately indiscriminate attacks in recent armed conflict has continue to be perpetrated, and this apparent abuse and lack of respect for the basic rules of International Humanitarian Law has, in no little way, endangered the lives of civilian populations especially the vulnerable groups.

2. The Essential Rules/Principles of International Humanitarian Law (Rules of Armed Conflict)

Principles of Military Necessity

One of the most important principles underlying humanitarian law is that of distinction between the civilian population and combatants and between civilian objects and military objectives, the modern law of armed conflict with its strongly humanitarian emphasis requires careful distinction between military and civilian targets.²⁵ Military necessity is a fundamental principle of international humanitarian law, it has been invoked by military operators to justify any violence measure deemed necessary to win a given conflict.²⁶ It has however been dismissed by human right groups, non-governmental organization and other critics of armed force as a typical excuse to explain shocking collateral damage in modern military operations.²⁷ Fundamentally, and in its broadest interpretation, military necessity means that armed forces can do whatever is necessary provided always that it is not otherwise harmful under humanitarian law to achieve their legitimate military objectives in warfare²⁸ An attack must be limited to military objectives, that is, objects which by their nature, location, purpose or use make an effectives contribution to military action, and whose total or partial destruction or capture in the circumstances ruling at the time, offers a definite military advantage²⁹ A more restricted approach to the doctrine of military necessity however interprets it as always placing limitation on military actions in the sense that no such action may be undertaken (regardless of its legality or otherwise under the law of armed conflict) unless it is necessary in military terms.³⁰ It can also be defined as the requirement in any set of circumstances for the application of armed force (in accordance with the other rules of the law of armed conflict) to achieve legitimate military objectives.³¹ The parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare the civilian population and civilian property. Neither the civilian population as a whole nor individual civilian may be attacked. Attacks must be made solely against military objectives. People who do not or can no longer take part in the hostilities are entitled to respect for their lives and for their physical and mental integrity. Such people must in all circumstances be protected and treated with humanity, without any unfavorable distinction whatsoever.³² It is forbidden to kill or wound an adversary who surrenders or who can no longer take part in the fighting, Neither do the parties to the conflict nor members of their armed forces have an unlimited right to choose methods and means of warfare, It is also forbidden to use weapons or methods of warfare that are likely to cause unnecessary losses or excessive suffering.³³ The wounded and sick must be collected and cared for by the parties to the conflict which has them in its power. Medical personnel, and equipment must be spared, the Red Cross or Red Crescent on a white background which is the distinctive sign indicating that such persons and objects is to be respected at all times, Captured combatants and civilians who find themselves under the authority of the adverse party are entitled to respect for their lives, their dignity, their personal rights and their political, religious and other convictions. They must be protected against all acts of violence or reprisal.³⁴ Each Party to the conflict shall be bound to apply, as a minimum, ensure that Persons taking no active part in the hostilities,

²⁴International Committee of Red and Red Crescent ICRC Protection of victims of armed conflict through respect of International Humanitarian Law 16-09-1999 Reference Document – 27th International Conference of the Red Cross and Red Crescent, Geneva, 31 October to 6 November 1999

²⁵ Article 48 Of additional Protocol I of 1977, Article 13 Para 2 Of additional Protocol II of 1977

²⁶ International Committee of Red and Red Crescent :*Journal Of The History Of International Law(J Hist Int:I law)*(2003) 165 p.167 [Http://www.icrc.org/eng/who-wew-are/history/since-1945-history-ihloverview-development-modern-international-law.htm](http://www.icrc.org/eng/who-wew-are/history/since-1945-history-ihloverview-development-modern-international-law.htm) accessed on 28th December 2021

²⁷ *Ibid*

²⁸C J Craig forest California international law journal volume 37 springs numbers p. 2. International Committee of Red and Red Crescent The doctrine of military necessity and protection of cultural property during g armed conflict. ICRC 2007 [http/ casebook.icrc.org/case/study-US-military-tribunal united states v Alfred-Krupp-Et-At](http://casebook.icrc.org/case/study-US-military-tribunal-united-states-v-Alfred-Krupp-Et-At) accessed on the 29th December 2021

²⁹ *Ibid*

³⁰ International Committee of Red and Red Crescent The doctrine of military necessity and protection of cultural property during g armed conflict. ICRC 2007 [http/ casebook.icrc.org/case/study-US-military-tribunal united states V Alfred-Krupp-Et-At](http://casebook.icrc.org/case/study-US-military-tribunal-united-states-V-Alfred-Krupp-Et-At) accessed on the 29th December 2021

³¹ *Ibid*

³² *Ibid*

³³ *Ibid*

³⁴ *Ibid*

including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.³⁵ To this end, the following acts are and shall remain prohibited at any time and any place whatsoever with respect to the above-mentioned persons:

- I. Violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- II. Taking of hostages Outrages against personal dignity, in particular humiliating and degrading treatment;
- III. The passing of sentences and the carrying out of executions without judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- IV. The wounded and sick shall be collected and cared for, nn impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. ³⁶

Principles of Distinction

The fundamental principles underlying the legal framework applicable to conduct of hostilities is that of distinction. Parties to a conflict must at all times distinguish between civilian object and military objectives and between civilians and combatants. Operations maybe directed only against military objectives and combatant, this principle was stated in the *ICTY Prosecutor v Boskoski* were it was held that it is prohibited to target civilian objects in an armed conflict.³⁷ Thus any targeting operations directed at a civilian object or civilian is prohibited,³⁸ unless they are entitled to have been suspended due to the civilians directly participating in hostilities or a civilian object is used to engage in acts that are harmful.³⁹ A civilian object is defined as objects that are not military objects. Military object are those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization offer a definite military advantage⁴⁰ Numerous factors have to be taken into account for example, the military importance of the target, the density of the civilian population, the likely effect of the attack, including the possible release of the hazardous substance, the type of weapon available and the accuracy, mode and the timing of the attacked especially in the case of a mixed target. ⁴¹ Thus, hospital, medical unit, markets, place of worships and other places meant for the public benefit are to be offered the same protection accorded to civilians. Medical personnel are to be accorded the same protection as long as they do not directly participate in hostilities⁴²

Principles of Proportionality

The principles of proportionality prohibit the launching of an attack that may be expected to cause incidental loss of civilian life, injury to civilian, damages to civilian object or combination thereof which would be excessive in relation to the concrete and direct military gain anticipated⁴³ Prior to targeting a military object, if damage to civilian object or death or injury is anticipated, then an assessment must be undertaken in which the anticipated military gain is weighed against the collateral damage to protected civilian or civilians object as anticipated⁴⁴ Thus under IHL, studies have shown that each party to the conflict must do everything feasible to access whether the attack maybe expected to cause incidental loss of civilian life, injury to civilians, damage to civilian object or combination thereof.⁴⁵ In the context of carrying out military operations, parties to a conflict must ensure that the means and methods employed are of such a nature as to avoid indiscriminate targeting. IHL requires an attacker to undertake feasible precautions to avoid and or minimize any incidental loss of civilian life, injury to civilians and damage to civilian object⁴⁶. Additionally, parties undertake to take all feasible precautions in selecting the means and method of combat they use with the view to avoiding and in any event to minimize incidental loss of

³⁵ Common Article 3 Of The Geneva Convention Of 1949 , I. Ogunniran, Protection Of The Rights Of Children Victims Of Armed Conflicts In North -Eastern Nigeria Under International Humanitarian Law, *NAU Journal of International Law J 12* (1) 2021

³⁶ *Ibid*

³⁷ Article 51, First Additional Protocol, Article 13 Second Additional Protocol of 1977. International Criminal Tribunal for the Former Yugoslavia ICTY. *The Prosecutor v Boskoski ICTY Trial Chamber Case No 1t-04-82 110th July 2008* Australian International Laws Journal 2009 p 259

³⁸ *Ibid*

³⁹ Rules 9 International Committee of the Red Cross, *Customary International Humanitarian Law Study* 2005

⁴⁰ *Ibid*

⁴¹ 27th International Committee of the Red Cross , Geneva, 31 October to 6 November 1999

⁴² Rule 8 International Committee of the Red Cross ICRC customary international law study 2005. article 52 additional protocol 1977

⁴³ International Committee of the Red Cross ICRC Rule 14 Customary International Humanitarian Law Study 2005 Article 51 Additional Protocol 1

⁴⁴ *Ibid*

⁴⁵ *Ibid*

⁴⁶ International Committee Of The Red Cross, Rule 11 *Customary International Law Study*. Article 51 Additional Protocol

civilian life, injury and damages to civilian objects⁴⁷. Participants are also obliged to do everything feasible to cancel or suspend an attack if the party learns that the target is either

- I. Not a military objective or
- II. The attack would violate the principle of proportionality⁴⁸
- III. In case of doubt as to whether an individual is a civilian, that person shall be considered to be a civilian⁴⁹
- IV. In case of doubt as to whether an object that is normally dedicated to civilian purpose is being used to make an effective contribution to military that object shall be presumed to still be a civilian object⁵⁰

Generally therefore parties to armed conflict must take all feasible precaution to protect the civilian population and object under their control against the effects of armed attacks⁵¹

Principles of Humanity

The principles of humanity stipulate that all humans have the capacity and ability to show respect and care for all, even their sworn enemies. The principle demonstrates that even during armed conflict, there is common sense and respect for humanity. Modern IHL is not naïve and accepts that harm destruction and death can be lawful during armed conflict, it however simply looks to limit the harm and the principle of humanity is very much at the heart of this ambition. In the vision of principles of humanity, all human beings who suffer must be helped;⁵² the principles generally represent doing what can be done to make a world not so unjust or vicious.⁵³ The goal of these principles lies in the encouragement of good neighborhood and also consists in living up to the progressive requirement of the civilization. It's generally endeavors to avoid the effect of armed conflict which could mean a threat to people that don't take part in the war, exposure to excessive pain or even death of the people without protection and also the infringement of human equality and human dignity.

3. Violation of International Humanitarian Law Rules in Nigeria

Under IHL, the High Contracting Parties shall in peacetime endeavor to train qualified personnel to facilitate the application of the Conventions and of its Protocol,⁵⁴ they shall also undertake to respect and to ensure respect for the Geneva Convention in all circumstances.⁵⁵ Parties to a given humanitarian treaty have to comply with obligations arising out of that treaty. Generally, States have to respect their international commitments and have to take all measures necessary to facilitate implementation of the law. If a party fails to do so, the State may be held responsible for an international wrongful act. The Geneva Conventions and the Additional Protocols require the State parties to adopt a number of measures in order to ensure compliance with these treaties. Some of these measures have to be taken in peacetime, others in the course of an armed conflict.⁵⁶ Some of these measures include:

- I. Instructions to and training of the armed forces: the complex set of obligations arising out of the Conventions and the Protocols must be translated into a language which is clearly understandable to those who have to comply with the rules, in particular the members of armed forces, according to their ranks and their functions. Good manuals on humanitarian law play a decisive part in effectively spreading knowledge of that law among military personnel. Rules which are not understood by or remain unknown to those who have to respect them will not have much effect.⁵⁷
- II. Domestic legislation on implementation: Many provisions of the Geneva Conventions and of their Additional Protocols imperatively require each State Party to enact laws and issue other regulations to guarantee full implementation of its international obligations. This holds particularly true for the obligation to make grave breaches of international humanitarian law crimes under domestic law. In the same way, misuse of the Red Cross or the Red Crescent distinctive emblem must be prosecuted under domestic law.⁵⁸

⁴⁷ International Committee Of The Red Cross Rule 12 *Customary International Humanitarian Law Study*. Article 51 Additional Protocol I.1977.

⁴⁸ Article 51 Of Additional Protocol I 1977

⁴⁹ Article 50 additional protocol I 1977

⁵⁰ Article 52 additional protocol I 1977

⁵¹ Rule 22 International Committee of the Red Cross ICRC customary international humanitarian law study.

⁵² *Prosecutor v. Blaskicb International Criminal Tribunal For The Former Yugoslavia ICTY Case No IT-95-14-A appeal chamber 29th July 2004 Para b41-72 p. 101-115*

⁵³ *International Criminal Tribunal For The Former Yugoslavia ICTY the Prosecutor v Radovan Karadize* www/http/ICRC case book study org accessed on the 29th Dec. 2021

⁵⁴ Art. 6, Protocol I of the Geneva Convention Of 1977

⁵⁵ Article 1 Common To The Four Conventions of 1949

⁵⁶ G Hans-peter International humanitarian law and the protection of war victims file:///C:/Users/ACER/Downloads/XXXVI_curso_International_humanitarian_law_protection_war_victims_Nils_Melzer.pdf accessed on the 12th of November 2021

⁵⁷ *Ibid*

⁵⁸ *Ibid*

- III. Prosecution of persons who have committed grave breaches of international humanitarian law: Such persons must be prosecuted by any State party under whose authority they find themselves.⁵⁹

Generally these measures and other rules of armed conflict are put in place to specifically reduce the effect of war on mankind, in reality however, far too often, civilians and civilians object such as houses, places of worship and school are targeted on purpose. Attacks are sometimes launched against cities or villages. The attacks result in numerous casualties among the civilian population and damages to civilian object which if excessive to the direct military advantage are unacceptable under the rules of armed conflict.⁶⁰ Each party to the conflict shall give an effective warning prior to an attack which may affect the civilian population unless circumstances do not permit it. Unfortunately however, civilian are attacked on purpose particularly during armed conflicts by paramilitary and rebel forces. In some situations, the regular armed forces as well as the paramilitary and rebel forces continue to subject civilians to countless unspeakable acts of violence. Widespread murders, ethnic cleansing, rape, torture and hostage taking are commonly recorded violations. The warring parties use threats and spread terror among civilian in order to reach their military and political objectives. Nigeria, the most populous country in Africa, has endured decades of political instability and economic inequality. Ongoing violence continues to force people to flee their homes in the northeast and other conflict zones to seek safety in other parts of the country. Since 2014, the deadly militant group, Boko Haram, has killed thousands of people, abducted thousands of women and children, and uprooted over 2.5 million people from their homes.⁶¹ The ability of Boko Haram insurgent group to exercise territorial control over parts of Nigeria suggests that they fulfill the required criterion for the applicability of Protocol II, namely the ability to carry out sustained and concerted military operations; impose discipline; and territorial control enabling them (if they were willing) to implement Protocol II.⁶² Nigeria is also a party to Additional Protocol II applicable to non-international armed conflicts. All parties to the conflict are bound by Article 3 common to the 1949 Geneva Conventions, which provides for the minimum standards to be respected and requires humane treatment without adverse distinction of all persons not taking active parts in hostilities. It prohibits murder, mutilation, torture, cruel, inhuman and degrading treatment, hostage taking and unfair trials. All parties are also bound by customary international humanitarian law applicable to non-international armed conflict.⁶³

In Nigeria's Borno State, the armed conflict has forced an estimation of two million people to flee from their homes, fighting has turned thousands of Nigeria women to widows some have been subjected to sexual violence and mental abuse.⁶⁴ Many of them are now internally displaced persons while others have sought refuge in other neighboring country.⁶⁵ Mostly the vulnerable group like women, children, and elderly persons are more often, terribly affected by any event of armed conflict, basically because of the lack of respect for the rules of IHL by parties in the event of war.⁶⁶ In Maiduguri, the capital of Borno State for instance, the Teachers village camp, built to accommodate a maximum of 10,000 persons, played host to more than 30,000 displaced persons by the end of February 2019.⁶⁷ Along with other humanitarian actors, and in partnership with the Nigerian Red Cross Society (NRCS), the ICRC has supported an emergency assistance for the newcomers in Monguno and Maiduguri, delivering food, cash assistance, essential household items, and improving hygiene conditions,⁶⁸ as a result of the continuous conflict which has forced people to live in camps in remote villages located on the outskirts of Borno state, where they continue to endure violence, poverty and constant insecurity.⁶⁹ Nearly 22,000 Nigerians have been reported as missing to the ICRC during a decade of conflict in northeast Nigeria, the highest number of missing persons registered with the ICRC in any country. Nearly 60 per cent were minors at the time they went missing, meaning thousands of parents don't know where their children are and if they are alive or dead⁷⁰. Families

⁵⁹ *Ibid*

⁶⁰ Article 51 additional protocol rule 1 1977.

⁶¹ Rules of Law In Armed Conflict, RULAC: Geneva Academy Non International Armed Conflict In Nigeria 2007 <http://www.Geneva Academic>. accessed on the 31st Dec. 2021

⁶² Additional protocol 3 of the Geneva convention of 1949

⁶³ International Committee of the Red Cross ICRC Nigeria women <https://www.icrc.org/en/where-we-work/africa/nigeria/nigerian-women> accessed on 22nd of November 2021

⁶⁴ *Ibid*

⁶⁵ *Ibid*

⁶⁶ *Ibid*

⁶⁷ *Ibid*

⁶⁸ International Committee of the Red Cross in Nigeria January to June 2019 https://reliefweb.int/sites/reliefweb.int/files/resources/nigeria_jan-june_2019_facts_figures.pdf accessed on the 22nd of September 2021

⁶⁹ *Ibid* I. OGUNNIRAN Protection Of The Rights Of Children Victims Of Armed Conflicts In North -Eastern Nigeria Under International Humanitarian Law 2019 206729-Article Text-514946-1-10-20210505 (1).pdf. Y Oke, 'Insecurity Challenges in Nigeria-Boko Haram Insurgency, Bakassi Resettlement Crisis and the Niger Delta Militancy: A Thesis for Lasting Peace', *International and Comparative Journal of Peace and Environment*; 2014, vol 1, pp.77-81.

⁷⁰ *Ibid*

in north-east Nigeria are often separated while fleeing attacks. Others have had loved ones abducted or detained and remain ignorant of their fate or whereabouts.⁷¹ In addition to International Humanitarian Law, International Human Rights law continues to apply during times of armed conflict. Under human rights law, the territorial state has an obligation to prevent and investigate alleged violations, including violations by non-state actors. Non-state armed groups are increasingly considered to be bound by international human rights law if they exercise de facto control over some areas.⁷² Unfortunately, violation of the various rules of armed conflict has become a common occurrence in present 21st century armed conflict.

4. Conclusion and Recommendations

The objective of international humanitarian law is to limit the suffering caused by warfare and to alleviate its effects. It must be respected in all circumstances, for the sake of the survival of human values and, quite often, for the sheer necessity of protecting life. The state should help in enabling and promoting greater understanding of the main goals of international humanitarian law and its fundamental principles, thereby paving the way for better respect for the rules of international humanitarian law. Better respect for humanitarian law by all States and all parties to armed conflicts will do much to help create a more humane world; state can also promote greater understanding of its main goals and fundamental principles, thereby paving the way for better respect for them. Generally, most parties to an armed conflict especially in situation of non-international armed conflict are completely oblivious of the rules in armed conflict, thus lack of respect for such rules becomes inevitable. It's therefore the responsibility of the state to employ some measures that will enable compliance with the rules of IHL like spreading knowledge of IHL in schools, training qualified personnel to facilitate the implementation of IHL, and the appointment of legal advisers in the armed forces. The National Courts also have the obligation to repress grave breaches considered as war crimes and the duty of military commanders to repress and denounce offences. Apart from the fact that they are inherent in any consistent legal construct, these repressive measures also serve as a deterrent. Spreading knowledge of the Geneva Conventions among all combatants enhances Compliance by armed non-state actors and will facilitate the dissemination of knowledge of IHL principles. It is therefore imperative that such translation of the rules of IHL if not done be encouraged during peacetime in Nigeria, this will help to enlighten and educate the parties and citizens especially the uneducated member of the public of the *dos* and *don'ts* of warfare. Effort should also be made to tackle the root causes of conflicts such as poverty, inequality, illiteracy, tribalism, and lack of employment, the collapse of governmental and social structures, corruption and drug trafficking. Trainings should also be provided to members of armed forces and non-State armed groups on the rules of international humanitarian law and international human rights law.

⁷¹United Nations High Commission For Refugees UNHCR: United Nations Refugee Agency <https://www.unhcr.org/nigeria-emergency.html> accessed on the 21st Dec. 2021

⁷² Common Article 3 of Geneva Convention of 1949