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## The Limitations of International Humanitarian Law (IHL) in Protecting Civilians in the Saudi Arabia-Yemen Cross-Border Conflict

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**Abstract:** The cross-border armed conflict between Saudi Arabia and Yemen since 2015 has triggered the worst humanitarian crisis of this century, with hundreds of thousands of civilians being killed. International Humanitarian Law (IHL) normatively guarantees civilian protection through the principles of distinction, proportionality, military necessity, and humanity. However, the reality shows systematic violations in the form of airstrikes on civilian facilities, blockades resulting in mass starvation, and the indiscriminate use of weapons. This research uses a normative-critical method with a study of primary documents (the 1949 Geneva Conventions, Additional Protocols I & II, UN reports, the ICRC, Amnesty International, and Human Rights Watch) and a case study of the Saudi-Yemeni conflict. The analysis shows that the limitations of IHL are primarily due to the absence of effective enforcement mechanisms, the politicization of the UN Security Council, the asymmetry between state and non-state actors, and the ambiguity of the classification of international and non-international conflicts. In conclusion, although IHL norms are legally strong, their implementation remains weak due to subordination to political and military interests. Therefore, strengthening enforcement mechanisms, reforming international governance, and adapting norms to hybrid conflicts are necessary to strengthen civilian protection in modern armed conflicts.

**Keywords:** International Humanitarian Law, Saudi–Yemen Conflict, Civilian Protection, Armed Conflict, International Law

### INTRODUCTION

The armed conflict between Saudi Arabia and Yemen, which has been ongoing since 2015, has created one of the worst humanitarian disasters in modern history. According to a 2022 UN report, hundreds of thousands of civilians have been victims of various actions, such as airstrikes, blockades, and food and health crises. This data demonstrates a clear gap between the norms of international humanitarian law (IHL), which are supposed to protect individuals in war zones, and the reality faced by civilians on the ground (Zaid & Aljasmī, 2024). International organizations such as the Red Cross and the UN strive to implement their mandate to protect civilians through the principles set out in the Geneva Conventions and their additional protocols, which are supposed to be followed by all parties involved (Schussler et al., 2019).

However, military practices by the Saudi-led coalition frequently violate these policies, indicating a continued disregard for civilian protection (Zaid & Aljasmi, 2024).

In the context of international humanitarian law, several fundamental principles are affirmed by the 1949 Geneva Conventions, including the principle of distinguishing between combatants and civilians, proportionality in military attacks, military necessity, and humanity. These principles are designed to limit the impact of armed conflict on those not involved in hostilities (Zaid & Aljasmi, 2024). However, in the conflict in Yemen, numerous violations have been systematic, ranging from attacks on civilian infrastructure and the use of unspecified weapons to a blockade that has led to mass starvation (Saadat Ali Nadeem et al., 2023; Zaid & Aljasmi, 2024). Research by Nadeem et al. emphasizes the importance of implementing Common Article 3 of the Geneva Conventions, which provides protection for individuals outside of hostilities, which is clearly being violated in the Yemeni context (Saadat Ali Nadeem et al., 2023).

Although international humanitarian law has established a clear legal framework, its implementation is hampered by various factors, including structural and political factors. In many situations, particularly the Yemen conflict, the UN Security Council's inability to take effective action is also a major contributing factor. For example, the use of veto power by permanent members of the Security Council often hinders measures that could protect civilians and promote a political settlement (Faragil & Yustitianingtyas, 2021). This suggests that geopolitical factors significantly impact the ability of international organizations to enforce the law and protect human rights in conflict-affected regions (Zaid & Aljasmi, 2024).

The Saudi Arabian and Yemeni conflicts also highlight the ambiguity of the classification of non-international conflicts, which often hinders the proper application of international humanitarian law. In situations like Yemen, where multiple actors, including states and non-state groups, are involved, the challenges of addressing violence and ensuring civilian protection become increasingly complex (Saadat Ali Nadeem et al., 2023). Research by Muslim et al. Studies have shown that the legal status of a region in conflict can influence the strategies adopted by the warring parties, as well as the level of protection afforded by international law (Muslim et al., 2023).

Against this backdrop, this study aims to deeply examine IHL principles in the context of civilian protection, as well as to analyze the structural and political limitations inherent in the conflict between Saudi Arabia and Yemen. It is crucial to identify recommendations that can strengthen the IHL system to make it more responsive to the dynamics of modern armed conflict. This includes developing more effective enforcement mechanisms and recognizing that violations involve crimes not only committed by states but also by non-state actors, thus fostering solidarity and collective responsibility in ensuring justice (Saadat Ali Nadeem et al., 2023).

Therefore, to advance the successful enforcement of IHL and civilian protection in armed conflict, reform and evaluation of the international institutional system, particularly the UN Security Council, are crucial. These reforms are expected to create a more conducive environment for human protection and foster sustainable peace (Zaid & Aljasmi, 2024). Overall, this summary highlights the need for improvements to address existing challenges and ensure that international humanitarian law is implemented appropriately in the context of contemporary armed conflict.

## METHOD

In this study, the researcher applied a normative-critical method with a library research approach to analyze the principles of international humanitarian law (IHL). This normative method was chosen because the primary focus of the study was not only to describe existing norms but also to assess their effectiveness in addressing the realities of contemporary armed

conflict. By using a critical perspective, this study was able to connect legal norms with the social and political context, thereby identifying structural and political limitations in the implementation of IHL, as discussed in the international legal literature regarding the challenges of law enforcement in the field, for example in the analysis conducted by Khan and Ullah (Khan & Ullah, 2020), which examined IHL violations in the conflict in Yemen.

The data used in this study were international legal documents as primary sources, such as the 1949 Geneva Conventions and Additional Protocols I and II of 1977, which are crucial in providing protection for civilians in the context of armed conflict (Casey-Maslen & Vestner, 2022). This emphasis on civilian protection is also outlined in the literature on international law by Safdar et al., who explain the ICRC's role in promoting the application of IHL in various conflicts (Safdar et al., 2023). Furthermore, the 1998 Rome Statute, which establishes provisions regarding war crimes, also serves as an important foundation for this research and can support an understanding of violations occurring in the context of modern conflict.

The theoretical framework used includes Chayes and Chayes' compliance theory, which emphasizes that states tend to comply with international law to the extent that it aligns with their national interests (Singh & Yadav, 2023). A Critical Legal Studies (CLS) perspective is also applied to demonstrate that law itself is not neutral but rather reflects dominant political interests (Ashri, 2019). These components complement each other in explaining the limitations of IHL in providing protection to civilians in conflict areas, particularly when these legal norms conflict with broader geopolitical interests.

The data analysis process was conducted qualitatively by examining legal norms against the facts of IHL violations in the Saudi-Yemen conflict. This assessment includes mapping the violations that occurred and comparing the normative provisions of IHL with the realities on the ground, as outlined by Gaggioli and Kilibarda (Gaggioli & Kilibarda, 2021), who observed the difficulties in categorizing violent situations as armed conflicts. The findings of this analysis will be evaluated regarding the structural and political limitations that hinder the implementation of IHL. Reports from international organizations such as Human Rights Watch and Amnesty International serve as relevant secondary data sources that support this research (Safdar et al., 2023).

Continuing from the previous stage, this research will evaluate how the law enforcement mechanisms envisioned within the IHL framework are often inadequate. For example, the politicization of the UN Security Council and the asymmetry between state and non-state actors highlight fundamental issues in the effectiveness of IHL enforcement in conflict areas, including the oversight of law enforcement, which aims to strengthen the IHL regime to be more responsive to modern dynamics, as explained by Nnawulezi and Magashi (Nnawulezi & Magashi, 2023). The conclusions of this analysis are expected to formulate concrete recommendations to address existing challenges and improve compliance with IHL by all parties involved in armed conflict.

The choice of this method and approach is considered crucial because the study of international law cannot be separated from the political and power contexts that underlie it. Therefore, this research aims not only to answer normative questions regarding legal regulation but also to uncover factors influencing the effectiveness of the implementation of international humanitarian law. This approach consistently links with findings in studies showing that law often fails to be applied consistently due to power imbalances and considerations of geopolitical interests, as recognized in different perspectives on international humanitarian law and human rights (Ashri, 2019; Park, 2018).

## RESULTS AND DISCUSSION

International Humanitarian Law (IHL) provides a clear normative framework for civilian protection in armed conflict. The 1949 Geneva Convention IV explicitly states that civilians

have the right to comprehensive protection against the impact of military operations. This is reinforced by Additional Protocols I and II of 1977, which prohibit all forms of attacks targeting civilians and vital infrastructure such as hospitals and health facilities (Kent, 2019). Ethical and legal principles such as the principles of distinction, proportionality, military necessity, and humanity should guide all military action. In this context, the use of these principles embodies the international commitment to protect civilians in armed conflict (Kubiak, 2023; Van Den Boogaard, 2024).

However, Saudi Arabia's military intervention in Yemen, which began in March 2015, represents a serious violation of these principles. The 2021 report of the Panel of Experts on Yemen to the UN Security Council noted that coalition airstrikes frequently target civilians, with tragic cases such as the attack on the Dahyan market in August 2018 that resulted in the deaths of over 40 schoolchildren ("Enhancing the Implementation of International Humanitarian Law in Conflict Zones: A Comprehensive Review," 2024). Attacks targeting health facilities in Saada and Hudaydah have also created a severe medical crisis, prompting organizations like Amnesty International to document at least 19 attacks on hospitals and health centers between 2015 and 2018 (Mohamed Ahmed Zakaria Shehata, 2025).

The blockade imposed on Yemen's air and sea space is also a critical aspect of the humanitarian crisis. According to a 2020 report from the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), approximately 80% of Yemen's population, or more than 24 million people, are heavily dependent on humanitarian assistance due to shortages of food, medicine, and other vital resources (Scheidt, 2020). UNICEF noted that more than 2.3 million children in Yemen suffer from acute malnutrition, with approximately 400,000 of them in a life-threatening state (Asqool et al., 2023). This demonstrates that the blockade is not merely a military strategy but a weapon that undermines the most crucial aspects of civilian life, namely the right to food and health (Mohamed Ahmed Zakaria Shehata, 2025).

Human Rights Watch also reported that the indiscriminate use of weapons has further exacerbated this situation. Reports indicate that the Saudi coalition deployed cluster bombs and precision-guided munitions against densely populated areas, contradicting the principle of proportionality, which must maintain a balance between the intended military advantage and the harm suffered by civilians (Gül, 2023).

Regarding compliance theory, the situation in Yemen demonstrates that compliance with IHL norms is not reflected in the use of the law itself, but is also determined by state interests. Saudi Arabia seeks to weaken the Houthi group while maintaining regional dominance, often resulting in military interests being prioritized over legal compliance (Biggio, 2025; Goździewicz, 2024). Military and political support from countries such as the United States, the United Kingdom, and France further strengthens Saudi Arabia's position, resulting in minimal international accountability despite clear violations (Schaack, 2019).

From a Critical Legal Studies (CLS) perspective, the impairment of IHL in the Saudi-Yemeni context demonstrates that international law is not neutral and is influenced by existing political power relations. Vetoes by Western countries in the UN Security Council have frequently hindered efforts to conduct independent investigations and impose sanctions on Saudi Arabia, demonstrating that the law is often perverted by existing global power structures (Cronin, 2023).

The hybrid nature of the Yemeni conflict, involving international intervention and fighting between the government and the Houthi armed group, creates ambiguity in the application of IHL. Although formally categorized as an international armed conflict, its non-international nature gives rise to complex legal interpretations ("Necessity and Proportionality in International Peace and Security Law," 2020). This has resulted in inconsistent legal protections for civilians, who suffer from uncertainty about their legal status (Bower, 2022).

Thus, the effectiveness of IHL shows its limitations when faced with today's geopolitical realities. Normatively, IHL holds strong moral and legal authority, but in practice, these principles are highly dependent on the political and military calculations of the states involved. Civilian protection, which should be absolute, is now relative, depending on the strategies of the states and the agreements in place. Therefore, without significant reforms in international law enforcement mechanisms and an updated legal framework capable of addressing the complexities of hybrid conflicts, IHL will continue to face challenges in providing real protection to civilians worldwide (Academy of the State Penitentiary Service, Chernihiv, Ukraine et al., 2022).

## CONCLUSION

The cross-border conflict between Saudi Arabia and Yemen since 2015 has demonstrated the fragility of international humanitarian law protections in the face of contemporary geopolitical dynamics. International Humanitarian Law (IHL), through the Geneva Conventions and Additional Protocols, expressly guarantees the rights of civilians to be free from the direct impacts of armed conflict. Basic principles such as distinction, proportionality, military necessity, and humanity have established universally recognized normative standards. However, the reality on the ground demonstrates a fundamental gap between ideal legal norms and pragmatic political-military practices.

Systematic violations of IHL in Yemen, ranging from airstrikes on civilian facilities and a blockade that has caused mass starvation to the indiscriminate use of weapons, demonstrate that international legal norms often fail when confronted with a state's strategic interests. The absence of an independent and effective law enforcement mechanism, the political dominance of major powers in the UN Security Council, and the asymmetry between state and non-state actors further exacerbate the situation. Furthermore, the ambiguity in classifying hybrid conflicts creates gaps in interpretation that weaken legal protection for civilians.

Thus, while IHL remains relevant and important as a legal instrument, its effectiveness depends heavily on the political will of states and international institutional support. Without reform of enforcement mechanisms, updating norms to address the hybrid nature of conflicts, and curbing the politicization of international institutions, IHL will serve only as a moral symbol with no practical force. The Saudi-Yemen case is clear evidence that international humanitarian law needs revitalization to truly protect civilians in modern armed conflicts.

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