

DELMAR INTERNATIONAL

FOR UNDERADUATE AND POSTGRADUATE
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Professional Research

*The role of international law in resolving armed
conflicts – (Sudan as a model).*

The Researcher

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Dedicated

To those whose supplications are the secret of success, and whose heartbeat is life in my heart...

To our pure martyrs, who watered the soil of the homeland with their pure blood, immortalized by history and elevated by God...

To my father, my tender shadow and the safety of my heart...

To my mother – may God have mercy on her – her prayers are my companion, and her memory is the spring of my giving...

To my brothers and sisters, you have always been an unwavering support and a hand that never fails.

To my children, the light of my path and the most beautiful gift of the days...

And to my esteemed professors, who illuminated my path with a word and taught me that giving is a mission...

To all of you, I dedicate the fruit of my effort, in gratitude and love that words cannot limit.

Introduction.

The international arena today witnesses a noticeable escalation in armed conflicts, whether internal or international, leaving behind catastrophic humanitarian, social, and economic repercussions. Amid these successive crises, International Humanitarian Law (IHL) emerges as one of the most important legal frameworks aimed at alleviating the severity of these conflicts and protecting the most vulnerable groups, primarily civilians. This law constitutes a set of rules derived from treaties and international customs, seeking to establish a minimum level of humanity even in the darkest circumstances, by imposing restrictions on the means and methods of warfare, and protecting persons who do not participate or have ceased to participate in hostilities.

The study of International Humanitarian Law gains utmost importance in the current era, due to the increasing complexity of armed conflicts and the rising rate of serious violations of human rights. With the emergence of new forms of conflicts, such as non-international armed conflicts involving armed groups not affiliated with states, the escalation of violence against civilians, and the growing phenomenon of displacement and refuge, understanding the mechanisms of applying this law and its challenges becomes of paramount importance to ensure accountability and achieve justice.

Sudan serves as a living model for studying the challenges of applying International Humanitarian Law. For decades, Sudan has witnessed multifaceted armed conflicts, ranging from civil wars to internal armed conflicts, up to the recent conflicts that have directly affected the lives of millions. These conflicts, with all their complexities, provide fertile ground

for examining the effectiveness of international legal frameworks in protecting civilians, addressing accountability issues, and promoting peace and security.

This study aims to shed light on these challenges and to analyze the legal framework for applying International Humanitarian Law in Sudanese armed conflicts, while evaluating the effectiveness of international mechanisms in confronting violations. The study covers several key aspects, starting from the nature of armed conflicts in Sudan and their impact on civilians, to the role of international organizations and criminal courts in ensuring respect for International Humanitarian Law.

The study relies on a comprehensive review of the literature and previous studies that have addressed this topic, with a focus on research that analyzed the impact of conflicts on civilians in Sudan, regional and international mediation efforts, and the legal frameworks upon which these efforts were based. For example, a study conducted by researcher Angela Murray (2020) indicated that the success of conflict resolution efforts in Sudan was limited, attributed to weak political commitment, insufficient implementation mechanisms, and the absence of accountability for serious violations. This underscores the need for stronger and more effective legal frameworks that ensure justice and accountability.

The study also focuses on international legal instruments and their importance to Sudan, including Security Council resolutions related to peacekeeping operations, sanctions, and accountability. The Security Council established, under Resolution 1591 (2005), a Sudan Sanctions Committee and an expert panel to monitor violations in Darfur. In 2024, Resolution 2750 reaffirmed the extension of the expert panel's mandate to

monitor arms flows and humanitarian violations. Despite these efforts, the Security Council expert panel's 2024 report revealed the continued supply of arms to warring parties and systematic violations of civilians' rights, indicating gaps in implementation and accountability mechanisms.

The study delves deeper into the nature of violations committed against civilians in Sudan, such as forced displacement, sexual violence, and the destruction of civilian infrastructure. The literature review highlights that children are the most affected, suffering from psychological trauma, interruption of education, and forced recruitment. These devastating effects extend beyond direct human losses to include profound and long-term psychological and social impacts, hindering communities' ability to recover and build lasting peace.

This study aims to provide a comprehensive analysis of the legal and practical challenges facing the application of International Humanitarian Law in Sudan, with a focus on international accountability mechanisms and the role of criminal courts. Through reviewing past experiences and analyzing current developments, the study seeks to offer recommendations that contribute to enhancing civilian protection, ensuring accountability for violations, and achieving justice for victims in Sudanese armed conflicts.

The study Problem.

Despite the existence of a comprehensive international legal framework embodied in International Humanitarian Law (IHL), aimed at protecting civilians and limiting the effects of armed conflicts, and the growing interest of the international community in accountability issues for violations of this law through Security Council resolutions and international monitoring mechanisms, the recurring and ongoing armed conflicts in Sudan have witnessed and continue to witness serious and systematic violations of International Humanitarian Law. These violations, which include forced displacement, sexual violence, destruction of infrastructure, and child recruitment, have not been met with sufficient and effective international accountability mechanisms to ensure justice for victims and prevent their recurrence.

The research problem lies in the challenge represented by the gap between the theoretical legal framework of International Humanitarian Law and international efforts to strengthen it on one hand, and the practical reality of its application and the effectiveness of international accountability mechanisms in confronting ongoing serious violations in Sudanese armed conflicts on the other, leading to the continued suffering of civilians and the absence of justice for victims.

The importance of studying:

This study holds significant importance in light of the world's escalation and recurrence of armed conflicts, especially in countries suffering from fragility in political and social structures, as is the case in Sudan. The focus on the role of international law in this context stems from the pressing need for a just and effective legal framework that can be relied upon to resolve conflicts, reduce their humanitarian and political effects, and move towards achieving sustainable peace.

Sudan stands out as a living model of prolonged armed conflicts that have caused widespread human suffering, mass displacement, and profound economic and social deterioration, making the study of the Sudanese case a practical entry point for understanding the effectiveness of International Humanitarian Law and international human rights law in dealing with such crises. Moreover, this study contributes to revealing legal gaps and challenges facing the application of international law mechanisms in conflict zones, while highlighting the roles that international and regional organizations can play in mediation and intervention to ensure respect for the law.

In light of the foregoing, the importance of this study lies in its endeavor to link theoretical frameworks with practical reality, through analyzing international legal tools used in resolving armed conflicts and evaluating their effectiveness in the Sudanese case, which may contribute to providing visions and recommendations that enhance the effectiveness of international law as a means to achieve peace and stability in war-torn societies.

Objectives of the study:

- *Analyze the international legal framework related to resolving armed conflicts.*
- *Evaluate the effectiveness of applying international law in the armed conflict in Sudan.*
- *Identify the role of international organizations in resolving armed conflicts in accordance with international law.*
- *Highlight the challenges facing the application of international law in internal conflicts.*
- *Study the extent of commitment by conflict parties in Sudan to International Humanitarian Law.*
- *Explain the impact of international legal interventions in achieving peace in Sudan.*

Study hypotheses and questions.

Hypotheses of the Study:

- *There is a positive impact of international law in mitigating the intensity of armed conflicts in Sudan.*
- *The application of International Humanitarian Law in Sudan faces several challenges that hinder its effectiveness.*
- *International organizations play a primary role in promoting respect for international law during armed conflicts.*
- *Weak adherence to international law by conflict parties exacerbates the continuation and fueling of conflicts in Sudan.*
- *Mechanisms for applying international law can be developed to contribute more effectively to resolving armed conflicts.*

Questions of the Study:

- *What is the international legal framework that regulates the resolution of armed conflicts?*
- *How is international law applied in the armed conflict in Sudan?*
- *What is the role of international and regional organizations in promoting respect for international law in armed conflicts?*
- *What are the challenges facing the implementation of international law in internal conflicts such as the conflict in Sudan?*

Study Approach.

The analytical descriptive method was used to understand "The Role of International Law in Resolving Armed Conflicts (Sudan as a Model)."

The limits of the study:

Spatial boundaries: Republic of Sudan.

Time limits:2005–2025

Study plan.

The plan of the study will be organized into several chapters, sections, subsections, and a conclusion as follows:

Chapter One: Theoretical Framework and Scientific Concepts.

Section One: Introduction to International Humanitarian Law

First: Definition of International Humanitarian Law

Second: Origins and Development of International Humanitarian Law

Third: Stages of Codification of International Humanitarian Law

Section Two: International Humanitarian Law: Its Principles and Mechanisms

First: Basic Principles of International Humanitarian Law

Second: Implementation Mechanisms of International Humanitarian Law

Third: International Humanitarian Law and the World Wars

Section Three: The Role of International Humanitarian Law in Armed Conflicts.

First: Basic Rules of International Humanitarian Law Governing Armed Conflicts

Second: Cases in Which the Provisions of International Humanitarian Law Apply

Third: Cases in Which the Provisions of International Humanitarian Law Do Not Apply

Chapter Two: International Humanitarian Law and Armed Conflicts.

Section One: Armed Conflicts under International Humanitarian Law

First: International Humanitarian Law and the Regulation of Means and Methods of War

Second: Main Rules of International Humanitarian Law Governing Hostilities

Third: Protection by International Humanitarian Law of Refugees and Internally Displaced Persons

Section Two: Children in Armed Conflicts and the Role of International Law in Protecting Them.

First: Prohibition of Child Recruitment in Armed Conflicts

Second: Legal Protection for Children Participating in Armed Conflicts

Section Three: An Introduction to Understanding the Extent of Application of International Law in Sudan.

First: Analysis of Field Difficulties in Applying International Humanitarian Law in Sudan

Second: Security Challenges and Their Impact on Access to Humanitarian Aid

Third: Examples from Reports of International and Humanitarian Organizations

Fourth: Analysis and Recommendations to Strengthen International Humanitarian Law

Fifth: Challenges and Constraints Facing International Law in Sudan

Conclusion.

In conclusion of this study, it is evident that international law represents the fundamental and guaranteeing framework for regulating armed conflicts and protecting human rights, serving as an essential legal tool for achieving peace and stability in war-affected areas, with Sudan as a prominent model. The study has shown that International Humanitarian Law and related international conventions provide a set of rules and mechanisms aimed at limiting the effects of conflicts on civilians and protecting their basic rights, in addition to regulating the conduct of conflicting parties.

However, the field reality in Sudan reveals a set of essential challenges that hinder the effective application of these rules, including weak national institutions, multiplicity of armed factions, deep political divisions, as well as external influences that complicate the political and security landscape. The study also highlights the vital role played by international and regional organizations, whether in monitoring violations, providing humanitarian support, or attempting to impose peace mechanisms, despite the limitations of their resources and coordination difficulties among active parties.

In light of these challenges, there is an urgent need to develop mechanisms for applying international law, through enhancing international cooperation, raising awareness and commitment to the law among conflicting parties, in addition to supporting the building of national institutions capable of enforcing the law effectively. Moreover, employing successful international experiences in resolving armed conflicts and

adapting them to the specificities of the Sudanese context represents a strategic option for achieving stability and lasting peace.

Based on the foregoing, this study presents practical recommendations aimed at achieving greater effectiveness for international law in resolving armed conflicts, and emphasizing the importance of coordination between the international community and local entities to achieve tangible results. Through this, the study hopes to contribute to enriching legal knowledge and strengthening efforts towards enhancing security and peace in Sudan, in addition to providing a model that can be benefited from in studying armed conflicts in other countries facing similar circumstances.

Giving greater attention to international law as a real and effective tool in resolving armed conflicts represents a fundamental step towards building a more stable and humane future, where law and justice prevail over chaos and violence.

Results:

- *International law forms the basic legal framework for regulating armed conflicts and protecting civilians.*
- *The application of international law in Sudan faces significant challenges related to weak institutions and the multiplicity of armed factions.*
- *There is an effective role for international and regional organizations in monitoring violations and providing humanitarian support.*
- *Weak adherence by conflict parties obstructs the achievement of peace and stability.*
- *International cooperation and strengthening implementation mechanisms are necessary to improve the effectiveness of international law.*
- *Successful international experiences provide important lessons that can be applied in the Sudanese context.*
- *Strengthening the building of national institutions contributes to better application of international law.*
- *The need for comprehensive legal and strategic mechanisms to achieve sustainable peace.*

Recommendations:

- *Enhance international and regional cooperation to support the application of international law in armed conflicts.*
- *Develop national institutional capacities to ensure effective implementation of international laws.*
- *Intensify legal awareness efforts among conflict parties to promote adherence to international law.*
- *Support the role of international and humanitarian organizations in monitoring violations and providing aid.*
- *Adopt clear and effective legal mechanisms to punish violations and ensure accountability.*
- *Benefit from successful international experiences in resolving conflicts and adapt them to the local context.*
- *Promote political dialogue among conflicting parties to achieve sustainable national consensus.*
- *Establish comprehensive strategies that include legal, political, and humanitarian aspects to resolve conflicts.*

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