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International Humanitarian Law Violations and Somali Armed Conflict; A Review

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Abstract

The main causes of the persistent Somali armed conflict are clannism, tribalism, economic hardship, and extreme poverty coupled with a protracted absence of legitimate governing institutions responsible to deliver the affairs of the state in the comity of nations. As such, various external actors intervene in an effort to mitigate the effects of the conflict and restore peace. Given that neither the Additional Protocol II of 1977 nor Article 3, Common to the Conventions, describe what an armed dispute is, there has been inherent confusion regarding whether or not a non-international armed conflict exists in the national territories of States experiencing internal violence occurrences since the 1949 Geneva Conventions were issued. However, over 30 articles have been reviewed, whereas such articles study the international humanitarian law principles in war atmosphere under the international law in the atmosphere of war and armed conflicts in order to acknowledge its impacts on fragile civilians and provide access to humanitarian aid workers operating in the region. However, the review articles uncovered numerous violations, breaches, and atrocities of IHL by the national and international peacekeeping missions in conflict-affected areas in order to grasp the magnitude of the catastrophe. This article's goal is the issue of the confusion brought about by the lack of an accurate definition of armed conflict. The aforementioned problem hurts the hors de combat or protected population protection that must constantly be provided during armed conflicts.

Keywords: Somalia; Armed conflict; International humanitarian law.

1. Introduction

One of the most volatile geopolitical epicenters for domestic upheaval and foreign conflict has historically been the Eastern African region. African persisted and protracted civil wars occurred in such regions (Assefa, 2020). In this case, the targets of the Eritrean freedom war were Ethiopian Leaders. The civil war in Sudan is a different civil battle that is somewhat related to the region. Nations states have disintegrated in the Horn of Africa. The emergence of Eritrea and Somalia`s persistent absence of a recognized government are the main causes of concern for the regional community of nations in Africa. States that are experiencing a conflict usually work to increase their security while undermining those countries they believe are eroding their sovereignty. The incapacity of the nations to interact with each other is one of the root causes of armed conflicts and the involvement of people in civil armed conflict. The perceptions, actions, and activities of the players in multiple wars influence the militarization of the region. Nation neglect to admit that they developed a significant internal problem. Discrimination victims are forced to engage in a life-or-death struggle. Where instability escalates into armed confrontation, a neighboring state or other outside power is typically to blame. Beyond the initial player's control, the disputes worsen. In a major departure from the Cold War era, the region has witnessed inter-state conflicts between diverse socio-ethnic and cultural aggregations within the national boundaries. Such conflicts have resulted in state disintegration in countries like Somalia, which are characterized by genocide, ethnic cleansing, and a tremendous humanitarian catastrophe in the shape of internally displaced people (Best, 2009).

The worldwide community then gathered in Geneva after World War II to develop a set of rules designed to prevent the atrocities perpetrated during the war from occurring again. The immortal words of General Dwight D. Eisenhower (1953-1961), commander of the Allied Forces in Europe and potential candidate president of the United States, after the liberation of the Nazi concentration camps, served as the inspiration for this idea; "the world must know what happened, and never forget" (The Geneva Conventions of 1949) As such, the Geneva Conventions were founded, in order to codify the recognized law of war into four dependent treaties (Additional Protocol (AP I). These treaties also brought about important developments, such as giving civilians the same fortification as other

victims of war and for the first time in history, establishing a minimal set of humanitarian laws to be implemented during internal armed conflicts (Rylance, 2019).

One of the world's best-positioned countries is Somalia, which is situated in Eastern Africa and links the Red Sea, the Indian Ocean, and the Gulf of Aden. Five provinces comprise colonial Somalia; French-ruled Djibouti, British and Italian Somaliland, and portions of Kenya and Ethiopia. These divisions spurred pan-Somali nationalism when the country gained independence in 1960, leading to secession wars with Ethiopia and unstable relations with Kenya. Despite having a shared language and religion, Somalis are divided into clans, which serve as the primary social structure and identifier in Somalia. After 1960, Somalia was under military occupation for more than three decades. In 1991, a civil war overthrew Siad Barre`s dictatorship, and the country quickly plunged into a protracted state of lawlessness. Clan conflict that followed ultimately led to the collapse of the state (Menkhaus, K. 2006). Since then, Somalia has experienced vicious crime, political upheaval, and catastrophic starvation that have all had a terrible effect on the country`s economy and population (Belay, 2019).

Additionally, a Transnational National Government (TNG) was founded in 2000 due to several regional and international initiatives aimed at promoting peace and reconciliation. The TNG was subsequently replaced by the Transitional Federal Government (TFG), which was created in 2004 as an interim government and later changed its name to the Somali Federal Government (SFG) in 2012. Even while the federal government and its institutions have made significant strides, Somalia`s peace and firmness remain elusive. The SFG still faces several challenges, such as dealing with al-Shabaab, breaking the strident clan-based politics, and building firm institutions that can efficiently provide security and services. As a result, the government is in a precarious situation and depends on outside aid to maintain its economy and security (Belay, 2019). The conflict intensified and became widespread, with respect to its severity, the sort of players participating, as well as its magnanimity and dynamics. Clan politics and rivalry among numerous warlords subsequently triggered and sustained the conflict, which grew and took on the shape of a conflict between those who claimed to spread a variety of Islam ideals in more recent times.

Moreover, it becomes prevalent when the conflict spread from inland areas to the sea off the coast of Somalia. The development that Somalia`s coastal waters are presently the most pirate-infested sea poses a severe danger to maritime security and trade. There have been numerous attempts to put an end to this extraordinary protracted conflict. There have been 15 international-supervised peace processes thus far. The United Nations (UN) launched a new peace process in early 2008. A small-scale peacekeeping force called AMISOM is also still supported by the African Union (AU). At the end of January 2009, a new president was chosen and the TFG parliament was extended as a result of the signing of an agreement between the TFG and ARS-Djibouti. As the Somalia dispute persisted, the instability continued to test the ingenuity and good intentions of those attempting to end it. Such type of dispute did not suddenly manifest itself. Instead, the interlinks of diverse historical, political, and social forces have carved Somalia`s socioeconomic and political system (Dersso, 2009). The study aims to explore past study`s on the implication and scope of international humanitarian law (IHL) violations in the Somalia armed conflicts, in order to uncover the detrimental impacts of IHL violations in an armed conflict.

2. Methodology

A general review of the research methods was provided in this section. Several modifications to research methods that are pertinent to reviews of the literature have emerged over the last few decades. Due to such changes, review article writers need to be familiar with modern publishing standards. In this regard, Creswell (2014) asserts that the qualitative research approach scrutinized an issue, and advances a profound comprehension of that particular through probing a problem. The study adhered to the qualitative technique and used a narrative evaluation of the literature, which incorporates data obtained from manual searches, searches from digital databases, and searches from reliable sources.

The present paper provides a profound assessment of the past literature on international humanitarian law (IHL) and its proper application in an armed conflict in volatile nations such as Somalia in order to grasp the magnitude of the atrocities of the warring parties and peacekeeping missions during armed conflicts on the weaker and fragile citizens such children, women and humanitarian workers. The significant challenges it poses on the innocent non-conflict participants, and its stance on the international law under the Four Geneva Conventions. In order to address the knowledge gap as well as formulate an effective strategy to bring the culprits of such atrocities to justice in accordance with international law.

3. Empirical Literature Review

The literature review is created by reading books, papers, journal articles, and other reputable and related materials. Each literature work has its advantages and skillfully conveys information about the military situation in Somalia. A vast number of pertinent materials on international humanitarian law (IHL) have been produced. However, there has not been much academic writing specifically on the topic of this study. Though, the past studies available such as reports, and documents, only offer general insights, relevant data, and figures concerning civilian and humanitarian worker fatalities attributed to both state and non-state parties in the Somalian armed conflict[1]. Under the subject of the present study, neither international armed conflict nor non-international armed conflict is critically discussed in the accessible literature. Although past studies have made clear the state of the conflict in Somalia, it does not go into details about the issue of applying IHL norms in its entirety to the conflict or of putting an end to all the IHL breaches committed in the conflict. For instance, this study administered Fleck`s outstanding

work on IHL, which has sufficiently and thoroughly examined the subject, yet it makes no mention of the longest armed conflict in Somalia (Fox *et al.*, 2018).

It is crucial to understand that a confluence of internal and foreign factors led to the dissolution of the Somali State. The legacy of European colonialism, which resulted in the division of Somalia into five states, the consequences of Cold War politics, which supported a predatory nation, and the cumulative impact of wars with neighboring countries, the worst of which was the 1977-1978 Ogaden war with Ethiopia, are all external factors. Domestically, there was instability between centralized official institutions, a disputed familial system, and the power-disbursed Somali rural culture. The Isaaq clan supported the 1982 founding of the Somali National Movement (SNM), which came next. In 1988, the SNM confronted government garrisons in Burco and Hargeisa, sparking a full-fledged civil war that has now lasted for more than decades. In retaliation, the government launched a vicious attack on the Isaaq clan, which resulted in the deaths of 50,000 civilians and the migration of 650,000 others to Ethiopia and Djibouti.[3] The end of the Cold War expedited Somalia`s demise. Foreign assistance that had supported Somalia was cut off as its strategic significance to the West decreased. Barre lost control of the nation and the army because he lacked the resources to keep patronage politics in place. He was overthrown out of Mogadishu by the United Somali Congress (USC) in January 1991, with the aid of the Hawiye clans in south-central Somalia (Fleck and Dieter, 2008).

The period from December 1991 to March 1992, when the nation was separated by clan-based disputes and factions pillaged the remnants of the nation and fought for dominance of rural and urban assets, is referred to by the Somali name burbur (catastrophe). An estimated 25,000 people are murdered, 1.5 million people migrate out of the country, and at least 2 million people were internally displaced during the four months of warfare in Mogadishu alone between 1991 and 1992.[5] Clan identification was a divisive tactic employed by the Siyad Barre`s government (1969-1990) (African Development Bank). His rule is frequently held responsible for Somalia`s destructive clannism, which made cooperation and reconciliation much more challenging to attain after 1990. A clan may unify against external aggression, but they may succumb to internal conflict the next. Clans provide their members with several advantages, such as physical and societal safety net, and a substantial body of customary law (xeer), which is designed to lessen and manage conflict. Bloodline is also the foundation of blood payment (diya) institutions, which discourage crime and prevent retaliatory violence. Clan, in the vein, has the potential to cause division and dissolution, particularly when employed for political purposes (Bradbury and Healy, 2010).

It is rational that in a nation where clannism is perceiving a profound recognition and is regarded as a basic channel of identity, representatives of each clan or family share and safeguard their family goals against another and it is a spot in which nationalism and patriotism begin to lose values and national unity. However, Afyare Elmi and Abdullahi Barise have offered an insightful analysis of the conflict`s underlying causes, and challenges, and suggested peace-building tactics for Somalia. An in-depth discussion of the causes of the armed conflict has been done in their work. These comprise but are not limited to power-thirsty clans that are only interested in politicizing and controlling the country`s resources. They have claimed that all Somalis are Muslims and that the sole clan known as Majerteen comprises the majority of the country`s rulers, including the police and other policing positions. The study went on to state that the Somalis were unable to agree on equitable resource distribution because of conflicting interests over the nation's resources. In the same vein, one clan ruled over and had control over the rivers and the portion of its natural resources. As such, the opposition employed it as a political instrument to organize the populace and bring about a revolution. This caused Mohammed Siad Barre, who had been in charge of Somalia since 1969, to attack the Majerteen tribe without discrimination. This development marked the start of the ongoing armed conflict in Somalia, which made it impossible to construct a functioning government (Bradbury and Healy, 2010).

Furthermore, the government effort does offer some long-lasting peace-building alternatives, but it does not address how to implement IHL or examine the Somali armed conflict from the perspective of IHL norms. Literature also supports the idea that, despite the international recognition of Somalia as an independent nation, the federal government of Somalia has been completely unsuccessful in enforcing its rule over the whole territory since the dispute began. The Al-Shabaab faction has persisted in posing significant governance issues to the point that some other regions are no longer able to be governed. The literature demonstrates that some clans founded and funded the Al-Shabaab faction in order to ensure their survival and to sabotage the Federal Government`s governing structure. This is due to the fact that Somalis adhere to their ancient form of government, in which each clan asserts independence and ownership over their natural resources. It is also because Somali citizens believe in their tradition that civilians and soldiers are treated equally in Somalia`s traditional warfare. IHL does not apply to such type of traditional combat. It becomes incredibly challenging to safeguard civilians as a result. Although clans still engage in this ancient warfare, the report reveals that Somalis do not generally approve of conflict in which soldiers and civilians are treated equally Mutuma and Waweru (2022).

The literature concerning the Somali armed conflict and what led to its escalation is quite consistent. However, the report created by Ploughshares stated that the fatal insurgency conducted by the Supreme Council of Islamic Court (SCIC) throughout 2007 over the Transition Federal Government (TFG) and Ethiopian forces is what led to the prevalence of the present persistent Somali armed conflict. The study claims that the 2007 SCIC insurgency resulted in the largest civilian casualties ever recorded and forced the displacement of more than a million Mogadishu residents. It was the national catastrophe that compelled the UN to name Somalia as Africa`s worst-ever humanitarian catastrophe. Contrarily, the topic of enforcement measures that the international community may use in accordance with IHL to bring those who violate IHL norms and international human rights norms to justice is not covered in this important report (Vienna Convention).

On the same development, the study confirms what has been mentioned in prior reports about the Somali crisis by mentioning various nearby nations as being participating in the fight in Somalia. This repeatedly demonstrates that even though both international and domestic players are involved in this conflict, the legal situation nonetheless supports non-international armed conflict. This is due to the Somali Federal Government only inviting those foreign forces to assist in the conflict against al-Shabaab and other militant organizations. The division that broke out within the Federal Government in 2005, where two opposing groups waged war against one another, complicated the situation, which was already worse. This could be considered the initial event that negatively impacted the Federal Government`s ability to administer Somalia. The level of inter-clan disputes increased throughout the nation. The use of foreign forces fighting their own battle has contributed to the dominance of this kind of dispute in various regions of the nation. This study will explore these issues thoroughly and offer guidance on how IHL might be used in these situations.

Moreover, in Accord, issue 21, published in February 2010, Conciliation Resources Organization (CRO) laments the failure of nearly two decades of international engagement in Somalia to ease tensions and advance stability. There`s no government established in Somalia as a consequence of a peace process that has established legitimacy. Somalis, on the other hand, have used traditions of conflict settlement to reestablish security in numerous locations. By signing the accord, Somalis will have stronger linkages to international law and practice. As evidenced by various personalities and stakeholders, Somalia is known for its carnage, warlord-ism, hunger, terrorism, jihadism, and piracy. Foreign interventions, including diplomatic, military, and state-transformation efforts, have failed for more than 20 years to bring peace to the area. As such, with all the peace initiatives supported by the international community, no administration has been able to successfully establish a legal authority among Somalis for decades.

Similarly, other circumstances, including international cooperation with the UN, are to blame for the failure of the international organization's interventionist activities in applying IHL norms to the armed conflict in Somalia. The initial goal of the international community intervention in Somalia was to safeguard humanitarian aid and halt the famine that was ravaging southern Somalia. Almost 30,000 forces were involved in the initial international intervention, which was led by the United States and approved by the UN. In May 1993, the operation was formally turned over to the UN. The goal of the mission was to assist Somalis in fostering national cohesion, reestablishing a central government, and reviving the economy. At first, the intervention was successful in putting an end to the armed conflict all over the country. Commanders in the United States opted against starting a disarmament campaign out of concern that it would incite armed resistance and cost them lives. The Addis Ababa Declaration of March 1993, which outlined the parameters for a transitional national government and the basis of national reconciliation, was drafted as a result of the cessation of hostilities between the actual 15 Somali factions. The objectives of various militia commanders and their clans, who had taken control of significant riverine and urban real estate via conquest, were directly threatened by UNOSOM`s striving mandate to revive a Somali government via locally nominated district councils. Such clans perceived UNOSOM`s program as an attempt to marginalize them.

Relatively, conflicts were certain to occur. In June 1993, not long after the UN took over the operation, General Aideed`s militia-representing the Haber Gedir/Hawiye clan attacked UN personnel. Following that, a four-month conflict between the UN and General Aideed`s militia resulted in 24 casualties from the crossfire. The UN`s nation-transformation efforts were hampered by the US and UN troop's failure to capture Aideed, and the "Black Hawk Down" incident on October 3, which led to an abrupt destruction, put an end to the UN mission, and leaving Somalia in a state of armed conflict and anarchy. The conceptualization and incorporation of overly weak states have proven to be quite challenging in a mostly state-centered international order that emerged after two world wars and was primarily intended to rein in overly powerful nations. States without a centralized government are unable to manage on a global scale in addition to performing crucial domestic functions of governance. The ramifications of this are extensive. A nation will therefore lack the authority to participate in international agreements or to request and approve urgently required third-party interventions if there is no government; diplomatic frequencies will be idle, and any international representation will be at its most basic. Therefore, weak, unable, and particularly failed regimes are more likely to experience global isolation. The absence of the Somali people from intergovernmental and international fora was noted by the UN Security General in 1999 (Report of the Secretary-General on the Situation in Somalia, 1999; ICC Statute).

Additionally, the traditional approaches that are typically used to channel foreign aid are referred to as "state-centered." On the issue of financial aid, they focus on well-known government institutions like ministries and national or central banks. Perhaps it is significant that the UN Secretary-General requested flexibility from international financial organizations like the World Bank and the European Development Fund as early as 1999 when there was no central government or established political structure. The latter is a severe problem responsible for the inconsistent distribution of humanitarian aid. For instance, the Cotonou Agreement clearly specifies ht the field tow to help states who have been unable to sign or ratify the Agreement because they lack fully established government structures. Although governmental organizations frequently have the predisposition to interact with other governmental organizations and recognized state institutions as a result of their operating procedures, it seems that the field-level readiness to interact with several different (non-state) organizations could still be enhanced, particularly under the auspices of whole-of-government strategy (OECD, 2006).

Relatively, when it comes to the drawbacks of a failed state, a state that lacks a governing body is at a severe disadvantage. For example, in the event of bilateral relations, the problem of who would represent the country for negotiation in matters such as diplomatic, trade, or economic agreements arises if it needs aid from the international body. There is no donor, humanitarian representative, or mediator willing to bargain with a non-state player over a

national solution or peace talks in international relations. In light of this, all possibilities of involvement by any agent or state appear improbable. That is why the conflict in Somalia grew worse, and it is regretful that stakeholders discovered there was no official actor to represent the state because lawlessness was the norm. Due to a lack of harmonization and the actor in charge of coordinating specific plans in governance for a result that could be advantageous to the citizens of the country, the atmosphere of statelessness brought on by endless violent conflicts was not one in which IHL could work positively.

In addition to strong statements from the African Union (AU) and the inter-Government Authority on Development (IGAD), resolutions of the United Nations Security Council, precisely resolution 1844 of November 20, 2008, declared a zero-tolerance policy toward anyone who impedes the peace process. This helped keep the momentum of the negotiations going. Sanctions, whether targeted-wide, continue to be a challenging issue for regional organization issue for regional organizations to address, despite the fact that this was a significant leverage point in the Djibouti process. Whether this prevents such organizations from serving as mediators once sanctions are put in place is still up for debate. In certain cases, the factions were unable to reach a peace deal, which increased the notion that state actors might not be constituted right away. The conditions of this new alliance's operation in terms of the day-to-day management of affairs, which were not determined at the time, served as the foundation for the Djibouti peace deal between the warring factions. The most pressing problem of concern, the cohabitation of two antagonistic groups led to the failure of several power-sharing agreements. Making sure that such committees conduct their daily work and ensuring that both parties consult on both major decisions and other aspects of government, such as important appointments like ambassadors, may have been the most challenging aspects of such a power-sharing model (Meredith Preston McGhie).

Additionally, Salvador Santino, Fulo Regilme, and Elisabetta Spoldi (2021) explored why, despite the codified quantity of public international law on children`s rights and armed disputes, armed organizations and national forces employed children in armed conflict, specifically in Somalia. The study`s findings show that it is a result of compulsory recruitment practices employed by commanders of armed organizations, where children partake in the army due to a lack of alternative sources of income and labor. A group`s participation in armed conflict gives them a fleeting and false sense of stability and belonging. They continued by stating that many Somali kids were up in an environment of constant instability and material insecurity, which caused them to view joining the military as both morally suitable and necessary for existential survival.

Similarly, Nash (2020) investigates the issue of children taking part in armed combat throughout Somalia`s protracted history of instability. It is necessary to draw attention to this serious violation of a child`s rights that usually goes "under the radar." The study covered the immediate, short-term consequences on children who are now involved in armed conflict as well as those who have already gone through it. According to insightful data released by the Mozambique Ministry of Education, children are the main casualties of violent armed conflict Machel, (1996). As a result of Graca`s expert analysis, which specifically highlighted the problem of child soldiers, the UN Children Fund and UN Center for Human Rights set global agendas for action to protect children. It is challenging for children to defend themselves against compulsory recruitment, and it is even more challenging for humanitarian organizations to locate those who have already taken part, as barely 3% of the population has birth records. The protection of children from those human rights violations is a challenging problem to resolve. For people who are vulnerable to war recruitment, a London-based, international NGO called Peace Direct which works as a peacebuilder in Somalia suggested a better possibility. By starting at the grassroots of the issue, where a child fighter`s journey started, understanding the root triggers of disputes, and engaging in conflict observation to enable early interventions, they help to affirm positive changes. The organizations place a premium on local expertise and understanding. As a result of their domestic management, they are aware of the cultural truth that "people within a society have a higher understanding of the challenges that concern them and a greater possibility to establish and build extensive trust with one another" (Rylance, 2019).

As a result of the protracted unrest in Somalia, Mutuma and Waweru (2022), discovered that millions of citizens had to face unspeakable suffering. Since the fall of the Siad Barre administration, a seemingly constant armed conflict has led to the murder of numerous innocent men, women, and women, and children, including the mutilation and cruelty of terrorist and militias groups. Millions of migrants from Somalia have fled the tragedy in search of safety in Kenya, Ethiopia, and other surrounding countries; some have gone as far as South Africa, Yemen, Europe, and the Americas. Reiterating that the violence in Somalia is dynamic. While atrocities began before and soon after the toppling of the Siad Barre administration in 1991, Al-Shabaab, the faction currently in charge of the worst violations of human rights and humanitarian law, was only created in 2006. The international response to the scale of the conflict has been diverse as the countries engaged and disputed themselves. Additionally, at the start of the 1990s, the UN Security Council gave the United Task Force (UNITAF) the authority to provide security and safeguard humanitarian relief operations. This paves the way for the UNSC to award a roughly comparable mandate to the United Nations Operation in Somalia (UNOSOM). After the UN Security Council freshly authorized the African Mission on Somalia (AMISOM), which lasted for a decade, the African Union Transitional Mission in Somalia was created (ATMIS). However, crimes against humanity and violation of international law have persisted unabatedly during the persistent conflict in Somalia. The study`s goal is to critically examine the Somalian conflict from a range of perspectives that support the many hybrid forms of armed conflict. It gave a critical but fair point of view on the reader's observations, dilemmas, and alternative armed conflict resolution options based on the Somalia crisis, which shed light on the role of non-state armed factions (NSAGs).

On the same development, Basedau and Schaefer-Kehnert (2019), claimed that prejudice increases the likelihood of violence in accordance with relative deprivation theory. They emphasized that the effects of religious

discernment have barely ever been studied, despite the escalation and prevalence of armed religious disputes in sub-Saharan Africa. This development uses the new religion and State dataset as well as other sources to undertake two-level research to address such questions. The analysis yields three main conclusions. First, sub-Saharan Africa continued to have a low level of religious bias compared to other territories, despite the development that it has increased over the past decades. Second, there is a direct correlation between cross-national disputes regarding religious matters and discrimination based on religion. Third, a close assessment of the circumstances in the four pertinent nations of Mali, Comoros, Mauritania, and Gambia reveals that discrimination does not appear to be the primary driver of religious conflicts. High levels of prejudice are ingrained in unsatisfactory state-religion interactions, and geographical differences and international influences encourage existing religious divisions to become more politicized.

In a similar vein, Singh *et al.* (2021), revealed that armed conflict frequently has an unjustifiable negative effect on mothers, infants, children, and teenagers. The study presents findings from a sample of ten country case studies in order to assess the availability of interventions for women`s and children`s health, or WCH, in conflict-affected territories of Colombia, Afghanistan, Nigeria, the Democratic Republic of the Congo, Syria, South Sudan, Pakistan, and Yemen. The study also found that despite substantial differences in context and approaches to decision-making, antenatal care, basic emergency obstetric and newborn care (BEmONC), comprehensive emergency obstetric and newborn (CEmONC), immunization, treatment of common childhood illnesses, infant and young child feeding (IYCF), and poor nutrition treatment and evaluation were priorities in these ten unstable territories. The majority of WCH services that are life-saving are not reported as being offered in ten conflict scenarios. International funders continue to be the primary factors influencing the what, where, and how of implementing WCH interventions. Given the many intricate parts that conflict is made up of and how they interact, how WCH is interpreted in a conflict scenario depends on the surrounding circumstances. In addition, data quality and quantity are still limited in conflict settings. Due to the energetic nature of modern conflict and the growing impact of Non-State Armed organizations across wide geographical areas, providing WCH services poses extra challenges. However, the humanitarian system is innovative and pluralistic, and it has developed several ground-breaking strategies to bring life-saving WCH services closer to communities by utilizing new delivery techniques. When carefully considered, these solutions might provide a workable solution to the implementation challenges of today's volatile armed conflicts.

Similarly, Ingiriis (2018) revealed that governmental atrocities and clan disputes are confounded in the scholarly literature that is currently available on the Somali conflict. The thin line separating the two forms of unrest has astounded, if not downright perplexed, pundits and political scientists who have studied the Somalia state culture. This self-examination raises the following two sets of questions; is clan conflict more invisible that government aggression, and if so, what are the causes and effects of this different unrest? The study looks at the ongoing struggle and the connections between clan and state conflicts. The study fills the gap by offering an in-depth analysis of the Somalian conflict and argued that government viciousness in the 1970s and 1980s encouraged clan unrest in the 1990s. As such, the study establishes a novel conceptual distinction between state unrest and clan violence. During General Mohamed Siad Barre`s military rule (1969-1991), state disputes that were committed on a clan level but supported by official authority persisted.

In a related development, Mustapha and Yerima (2021), found that the incessant proliferation of illicit Small Arms and Light Weapons (SALWs) in the wake of the persistent instability has been intensely linked to the collapse and volatility of the Somalian state. Evidently, Somalia and the Horn of Africa are inundated with weaponry, which feeds violence and the war industry. It will be very challenging to stop the proliferation of SALWs throughout the territory because of the permeable borders, bad administration, and a deficient national security apparatus. Initiatives by nations and regions to control the expansion of unlawful SALWs in the Horn of Africa and the Great Lakes area, such as the Nairobi Declaration, have not been able to stop the calamity. The Somalian nation was exposed to the dangers of illicit arms trade as a result of the dominance of unchecked territories and the revival of vicious non-state factions. The study scrutinized the historical causes of Somalian SALW proliferation, and explore the historical antecedents, including the disintegration of the post-Barre state, the rise of radical Islamist groups like Al-Shabaab, as well as local intricacies, regional predispositions, and international intersections. The main obstacles to disarmament and peacemaking continue to be the issue of weak governance entities, the lack of security apparatus reform, the absence of post-conflict renovation programs by external donors to stem the tide of impoverished and poverty, the absence of centrally harmonized strategy, and the lack of global cooperation on a mechanism to regulate the flow of SALWs, precisely management of illegal arms prevalence in Somalia.

Furthermore, Bangura (2021), argues that Somalia has been enmeshed in a brutal civil war since 1991 that has inflicted havoc on both the country and its neighbors. Women and Children are among those harmed by the violence due to the torment they continue to suffer at the hands of the warring parties. The study argues that centuries of entrenched patriarchy have had an impact on how gender dynamics and relationships developed during the war. Atrocities committed during disputes, including sexual are meant to harm and demoralize women, girls, and children as well as clans and the society. The study addresses the struggles girls and women in Somalia confronted, but it also makes the case that the patriarchal approach to settling the conflict has stymied both personal and societal advancement.

Similarly, Farah (2022), made an argument and investigated the concept of "failed state" from both a theoretical and empirical aspect. The term "failed state" has proven problematic for analyzing countries like Somalia due to the inherent inconsistencies and differences that render it ineffective as a tool for political analysis while having substantial and immediate effects on state-building. The study aims to theoretically debunk the notion of a "failed state" by exposing the legacy of colonialism in statehood and the impact of foreign influences in destabilizing

Somalia. Local state-building efforts in Somalia are usually damaged and unstable because the term "failure" has restricted the concept of government to matching a Western ideal. The context of Somalia shows that Islam and clan, a local source of socio-political order, are legitimate sources of government and security outside the purview of the state. By focusing heavily on clannism and the Islamic Court Union (ICU) movement, as well as looking at local state-building projects, Somalia emerges as a theatre for conflicting political processes, proving that the situation is more difficult than initially perceived. The study also examines the ramifications of using the idea of the "failed state" as a framework and concludes that while state-building practices are Western and exceedingly distinctive, the Somali identity must be actively embraced. As a result, it is necessary to reconsider how governance is conceptualized.

Relatively, Samah (2021), corroborates that child soldiers are an increasingly global issue, although they are particularly common in Africa, especially in Somalia, where systematic child recruitment has been going on for decades. Due to the state failure followed by persistent violence and the lack of an effective state, significant numbers of Somali children have been enforced and employed by both state and non-state armed players. As a result, Somalia has consistently been listed as one of the nations where children are violated during armed conflict. The study investigates the scope, scale, and intensity of child soldiers in Somalia in relation to terrorism. It claims that in addition to being a concern for human rights, juvenile soldiers constitute a severe threat to Somalia`s effort to maintain peace and security. It also looked at the challenges of reducing the usage of child soldiers in Somalia and proposes that the best course of action going forward is the effective employment of an all-encompassing tactic that addresses the processes underlying basic causes given the lower improvement made in ending it.

In the same vein, Mutuma (2020), emphasized that, with the exception of the Shifta war in the country`s north, Kenya has mostly experienced similar stability in its post-colonial history. As such, the quantity and capacity of knowledge about Kenya`s state implementation of international humanitarian law have been impacted. The International Committee of the Red Cross (ICRC) researched customary international humanitarian law in 2005 using sources such as military manuals, state laws, and case law. However, there have been two noteworthy events that have had a direct effect on the country`s IHL state practice since 2005. First is the 2010 adaptation of a new structure by Kenya, and the second is the incursion of Somalia by Kenyan armed forces to combat the Al-Shabaab group. The study looks at the important routes via which such two instances have influenced Kenya`s practice under the four main issues of military booklets, national legislation, court cases, and related sources.

Moreover, Onditi (2022), reaffirms that during peacekeeping interventions, military troops have frequently been accused of violating the rights of the weak and vulnerable, particularly women and children. This notion has weakened the significance of the debate over whether these forces could protect the weak from potential harm by belligerents, through working with humanitarian organizations. Though there is a growing demand for joint military-humanitarian operations on the African continent, occurrences of juvenile, women abuse continued to deteriorate in armed conflict countries such as Somalia. What potential opportunities and difficulties exist for military-humanitarian cooperation projects? Using the example of the Eastern African Standby Force, this study will particularly address the major impediments preventing armed troops from effectively safeguarding children`s rights in Somalia (EASF). The study`s conclusion highlights that protecting children`s rights in volatile countries requires fostering civil-military relations through enduring coalitions.

In the same development, Weizmann (2020), reaffirms that nations bear a heavy duty to follow the fundamentals of IHL with regard to humanitarian activities. First, IHL discussed precisely the role that states play in enforcing humanitarian actions. In addition, third-world countries may also take further initiatives to support humanitarian efforts, whether by ensuring IHL compliance or out of an abundance of caution. These actions have been taken by third-world countries through lobbying, distribution, and diplomacy. The United Nations Security Council (UNSC) has adopted a few resolutions that serve as reminders of IHL norms in relation to humanitarian stretch and persuading parties to armed conflict to take various steps. Additionally, a comprehensive list of actions that all nations can take to uphold IHL compliance and promote humanitarian activities is produced by such a large collection of national practices.

Relatively, Breslawski (2022), also clarified that most wars currently take place with nations rather than between them. This frequently means that in order to attain civilians, humanitarians must come into contact with armed non-state actors. Armed factions vary in how much they allow or restrict access, despite the fact that they are commonly perceived as a threat to the distribution of humanitarian aid. The reason why armed parties conform to IHL is the current focus of its breach. Most humanitarians concur that using IHL in negotiations with armed factions for humanitarian access is a fruitless strategy. He argues that in order to broaden their investigation of humanitarian convenience, academics should look into the effectiveness of additional strategies, precisely the tactic of community acceptance. The study discusses the limitations of IHL in access talks with armed organizations, the assurances of community openness, and the effects of such claims. It accomplishes this by drawing from discussions with experts in humanitarian work.

Evidently, based on Syamkumar (2021), the 1990s were a period of humanitarian intervention. The United Nations (UN) has conducted both effective and ineffective humanitarian operations in many parts of the world in order to preserve human rights and uplift international peace and security. Rebuilding political and government systems in conflict zones while providing the bare essentials to individuals impacted by the unrest was the aim of UN humanitarian intervention and aid. The UN has used military activities severally to intervene in humanitarian crises. Somalia saw civil wars in the years that followed the end of the Cold War. The sociopolitical and economic foundations of the country were destroyed by the Somalian civil wars, which made the country`s poverty, malnutrition, and disease problems worse. The Somalian civil war also infringes upon the fundamental liberties and

rights of the Somali citizens. As a result, the UN agreed that it had a moral obligation to take decisive action to put an end to the Somalian civil war and protect Somalia's human rights. The UN Security Council decide to take a variety of steps, including adopting Resolution 751, which created the United Nations Operation in Somalia (UNSOM), in 1992, in an attempt to restore peace and security in Somalia. Additionally, the UNSC adopted resolution 794, allowing the US-led multinational force to use whatever methods were required to protect the distribution of humanitarian aid in Somalia.

Furthermore, Vitus (2020), uncovered that IHL is a subsection of public international law. It is that portion of international law that is driven by human considerations. It strives to lessen the suffering of innocent persons who are not currently involved in hostilities and to make the battle more humane by restricting the employment of inhumane weapons in armed conflict. Despite its inception in the nineteenth century, the principles and practices that make up contemporary IHL are far ancient. The Hague and Geneva Conventions, are the primary origins of IHL, with the former of which outlines restrictions on the means and strategy of combat, and the latter of which protects the particularly vulnerable portion of people. It is widely accepted that many of the principles of IHL are drawn from customary law and in some cases, from peremptory law (Jus cogens). Therefore, regardless of whether a nation has ratified the relevant treaties, it applies to all states. In spite of the fact that law has aided in protecting vulnerable individuals and limiting the tactics and methods by which war is waged, the study`s adaptation of the doctrinal approach led it to the regrettable conclusion that there are unfortunately many instances of IHL breach in armed conflict.

Additionally, Ogwu, (2023), also confirmed how nations globally are heavily getting involved in armed combat with non-state armed factions. Changes in the nature, methods, and features of armed conflict in the twenty-first century reinforced the need to evaluate the adaptability of treaties and the rule of war. Conflict in cities and its consequences on civilian life is a major threat since the world continues to get urbanized, and so does its instability. In recent years, internal disputes have been more frequent than international armed conflicts. The problem, however, is not there are more such disputes; rather, it is that such a new approach to armed conflict has repeatedly wrecked the norm of armed conflict. The armament and tactical decisions of many combatants have not been altered to take into account the unique vulnerability of civilians. Additionally, the future of the principles of armed conflicts is both promising and vulnerable to battle technology advancement. The recent increase in guerrilla warfare and terrorist attacks in Africa has had a substantial impact and weakened the effectiveness of IHL during armed conflict. The study focuses on the challenges to applying IHL`s principles and rules that terrorism poses as a dynamic pattern of unrest across Africa. It contends that IHL`s broad provisions have little bearing on tackling the current threat of international terrorism. The study concludes that both terrorism and the counterterrorism tactics employed by some countries violate international humanitarian law and undermine the core tenants of humanity, with disastrous consequences for the masses. According to international standards and best practices, it was recommended that suitable laws, rules, and plans be created and implemented to combat terrorism and its financing.

Moreover, Mazo (2020), performed a study to ascertain the specific IHL principles that guard the right of the people to food and how much weight IHL accords to the protection of access to food as a concern when armed conflict emerges. It is pertinent to conduct an in-depth research assessment on such an area of international law in order to identify the particular IHL principles that, directly or indirectly, work to make sure that the masses do not undergo access limitations to food during armed conflict, whether it be international or non-international. In various military crises, more civilians die from starvation than as a direct result of the unrest. In this position, the International Criminal Court Statute criminalizes acts that, while an armed conflict deteriorates, violate IHL prohibitions regarding food challenges; as such, it will be made public in order to clarify any possible individual criminal liability that may be attributed to the perpetrators of such act. In this study, the legal-sociological method was employed since it was thought to be the most appropriate multidisciplinary method from a legal standpoint, considering the understanding of the principles, their absence, their effectiveness, justification, and so forth. This strategy is based on the idea that law cannot be comprehended in isolation but must instead be looked at as a part of social reality. The advancement of this study, with a multidisciplinary objective, required the use of a variety of methodological methods, including legal and social analysis, legal deduction and induction, and interdisciplinary.

In the same vein, Bam et al. (2020), revealed that all participants in an armed conflict are subject to IHL duties, which are meant to lessen the savagery of conflicts. The Armed Police Force (APF) of the Nepali Army has the power to put a stop to any dispute that has occurred or is anticipated to occur in any region of Nepal. It also has enough force to put a stop to any armed riots or rival activities that occurred or are anticipated to occur in any territory of Nepal and to provide assistance in the event of external aggression. If and when the necessity arises, APF may be required to engage in non-state actor interaction as part of its role in UN peacekeeping deployments. All of them necessitates adherence to IHL by APF troops, whose infractions may lead to additional suffering for people, personal criminal culpability, and command accountability. This brought up to the conclusion that IHL-specific training in APF, Nepal should be maintained and enhanced to ensure deeper and more in-depth awareness and adherence to IHL in the period of armed conflict.

Furthermore, Udeze (2019), concretized the critical topic of how IHL and human rights legislation regard each other in armed conflict and how they imply peacekeeping missions. Another more challenging issue is the mounting allegations of IHL violations by peacekeepers as well as their utter disregard for the rights of people living in unstable areas affected by armed conflict. The study`s objective is to conduct a section-by-section analysis of the legislation governing the state`s and the military`s legal obligations during armed conflict. In this stance, the UN`s and other international organizations' overall legal status is assessed. One of the studies' findings is that there is the debatable UN`s legal personality, which makes it difficult to hold the UN accountable for wrongdoings committed

by its peacekeeping troops and raises the possibility that peacekeepers themselves could be held legally responsible for such actions. The study`s conclusions are supported by laws and other court decisions.

In a related incident, Sahal (2021) exposes the violations of human rights carried out by Somalia`s peacekeeping forces. It should be noted that the dispute in Somalia is not an exception to the contemporary peacekeeper's reputation for violating IHL and human rights regulations. The results of the study demonstrated that several civilians have been subjected to numerous forms of abuse due to the human rights abuses committed by the external peacekeeping forces, including injuries, sexual abuses of women who have been driven from their residents, and acts that violate IHL principles. According to the results of this study, both state and non-state actors have concurrently engaged in extrajudicial killings, sexual and gender-based conflicts, detentions, and numerous kidnappings. These measures all frequently violated international human rights law, and it is particularly alarming that many civilians and journalists have been held for protracted periods without being given a reason to remain there. Many children in the country have also endured significant harm at the hands of the military, as the majority have been subjected to serious wrongdoings during military interventions, including murder and maiming by both the national military and other insurgent organizations.

In a similar vein, Mabeza and Bolus (2022), revealed that in order to better grasp how IHL is used on the African continent, the Regional Delegation of the International Committee of the Red Cross (ICRC) in Pretoria peeked into the relationship between traditional African beliefs and contemporary IHL standards. Evidence of close association would show adherence to the law of war on the African continent. The "Apparatus on African Traditions and the Fortification of Humans during Conflict," which portrays eleven African traditions and related ideas of contemporary IHL`s, is the product of the ICRC`s study. The tool is a dynamic undertaking that will be regularly updated and is offered in many versions for both operational and educational dissemination.

In a related development, Khaldi and Fatihad (2019) emphasized that a range of factors, including the protection of civilian rights, the struggle against insurgency, and others, legitimized and justified foreign military actions in multiple countries. However, the parties authorized to interfere violated IHL`s protections for civilians and their property by erecting camps in urban areas and using weapons that were illegal under international law and had enduring effects. The study examined some instances of breaches committed by those who were authorized or engaged in military operations in some countries, including Iraq, Somalia, and Libya, in an effort to determine who was responsible for such violations, either state, "Authorized entities responsible for the comportment of missions," or the UN since the Security Council was an authority to supervise the application of the intervene.

Furthermore, according to Balarabe (2022), all the countries in Africa, with the exclusion of Eritrea and Somalia, have enacted the Geneva Conventions and are subject to their Additional Protocols I and II, but their implementation in African instability is flawed, and unreliable. Humanitarian standards are flagrantly violated in a variety of ways, including targeted attacks on civilians and kidnapping. The study reveals the current degree of enactment, existing gaps, and potential extralegal factors that impact abidance to the principles, through a thorough examination of the local procedures required to implement the conventions and protocols in African disputes. The magnificent provisions of the instruments were tainted by historical, political, religious, and social factors, leaving a legacy that questions the need for respect. Additionally, persistent political and religious conflicts, as well as the search for identity and significance, have taken the place of the apparatus's humanitarian obligations. To counter such a propensity, an approach that engages and appeals to the continent beyond the traditional justification of giving respect is required.

Relatively, Marishet (2022), unveiled that even though non-state armed sects are still part of the major offenders of international and human rights violations, the prescriptive and theoretical foundations for enforcing commitments to armed factions under international law and the scope of these commitments are still up for a discussion. Additionally, there are no legal avenues available under international law that authorize negotiating directly with armed groups to ensure compliance with rules. But since 1999, the UN developed a thematic method for "children and armed conflict." The strategy, among other issues, engages with non-state armed groups directly and insists that they follow international norms, including by signing agreements. Children's rights are typically explicitly stated in the agreements and are based on current international standards. In a manner similar to this, Geneva Call has been directly engaging armed groups since 2000 through "deeds of commitment" that additionally aim to raise armed organizations' adherence to humanitarian norms. These two approaches are crucial tools for monitoring and normative advancement. The study investigates the normative basis, normative standard, and practical implications of the duties in light of the normative vagueness and the lack of oversight mechanisms for non-state armed organizations, with a fair appraisal of the practices of such two processes.

In a related development, Akande and Gillard (2019) looked at IHL concepts that could be used to mitigate or reduce food insecurity as a result of the armed conflict. Considering these rules is essential to understanding the range of protections to which civilians are entitled. Understanding such guidelines is necessary for interpreting relevant aspects of international criminal law, precisely the war crime of starving civilian populations. The study focused on two portions of principles that directly relate to food insecurity; the ban against employing starvation as a strategy in warfare and the rules governing humanitarian relief attempts. The study also investigates whether the restraint under IHL requires that the actor who violated it must have intended to cause hunger in order for it to be considered a breach. It is claimed that while more specific IHL rules meant to minimize food insecurity do not require such a resolution, necessitate general prohibition on starving in IHL. It also included into account how the proportionality laws should be applied to actions that cause starvation. The study also focused mostly on IHL, but it also makes some observations on how that law intersects with the description of starvation as a war crime in the

International Criminal Court Statute. The study briefly departs from IHL by bringing up a normative issue that could hinder humanitarian attempts and exacerbate food shortage.

In the same development, Marshak *et al.* (2023), also emphasized that suffering from serious IHL violations results in significant physical and emotional stress, amplifying poverty and multigenerational trauma and impeding long-term recovery. The study collects from a representative sample of victims in the case of prosecutor V. Dominic Ongwen, which was brought before the International Criminal Court. The victims were in much worse shape than the general war-damaged populace who, thirteen years after the 2004 atrocity, did not experience severe violations of IHL. The gaps in health and well-being increased for individuals and their households, including children born after the tragedy. To obtain therapies and the right medications for their demand, the victims must travel excessively greater distances. These findings drew attention to the needs of IHL violation victims, the necessity of providing care for mental and physical stress to aid in rehabilitation, and a better understanding of the short-and-long-term repercussions of IHL violations.

In contrast, Nwotite (2020), asserts that migration is one of the many global issues caused by armed conflict. Migration happens both in times of peace and war, although conflict-related migration is far more widespread because of the dread and threat that armed conflict poses. The unfavorable repercussions of conflict force civilians to relocate in search of safety. Dispute-related migration raises issues regarding the status and security of innocent individuals under IHL because constantly targeted for attacks, mistreated, and subjected to bad treatment. This study examined the position of migrants impacted by armed conflict within the Geneva Convention`s norms using a doctrinal strategy for legal research. The study argued that persons who fled an armed conflict but are not currently fighting should receive protection. The study concluded that cruel acts committed against migrants fleeing war are prohibited by international humanitarian law. The study found that because of the reality of movement, migrants affiliated with conflicts are more vulnerable and their security is more difficult to maintain. It also offered a variety of remedies for this issue, including peacetime strategies like training military members in IHL to reduce the frequency of transgressions that allow immigration. It also advocated for tougher punishments to be made available through a domestic legal system for violating humanitarian law regulations that encourage migration.

In the same vein, Khan *et al.* (2022), found out that as a result of the result of the privatization of war, new international players known as "private military enterprises" have been given the opportunity to actively participate in numerous armed conflicts throughout the world. They provide a variety of services in return for money, such as border control, intelligence gathering, battle support, and security guard services. Employees of such military enterprises may violate international law, such as IHL, when a war is in progress. Private military firms are not subject to international legal obligations, despite the fact that their employees may be held personally liable for crimes under IHL. Particularly, such enterprises are not subject to the idea of criminal corporate culpability. The study recommends that the idea of commercial criminal liability be enacted at the state level, so as to hold Private Military firms accountable for violations of IHL and human rights legislation. It further claims that particular regulations are required to regulate private military contractors.

4. Discussion

In summary, the early stages of the study process include a literature review on the topic of IHL and more of the current discussions on its violations in armed conflict. According to the literature, clannism and an absence of associative institutions are the root causes of anarchy and the country`s ongoing resistance against legitimate Somalia and influential institutions (Akande and Gillard, 2019; Marishet, 2022). Due to the prevalence of armed conflict, numerous peacekeeping operations are able to attempt to stabilize the combatants in an effort to bring about peace and reconciliation (Onditi, 2022; Sahal, 2021).

As such, heinous atrocities and breaches against defenseless civilians, such as women, girls, and children, as well as the forcible enlistment of children as combatants, restrictions on humanitarian assistance, and barriers preventing humanitarian officials from providing assistance to the needy in the volatile regions of the nation, were committed (Mustapha and Yerima, 2021; Regilme and Spoldi, 2021). All of these forms of abuse prevented the effective deployment of humanitarian aid in Somalia, and they are all prohibited under the Four Geneva Conventions and International Humanitarian Law norms.

However, prior researches such as (Bradbury and Healy, 2010; Fleck and Dieter, 2008), has not completely analyzed why IHL violations have been eliminated and why the government is unwilling to ensure the safety of its citizens and humanitarian officials in accordance with IHL principles under International Law as contained in the Four Geneva Conventions. As such, it is anticipated that this study will fill in a knowledge gap by investigating how International Humanitarian Law (IHL) is applied in the Somalia armed conflict and by offering tactical solutions to lessen the severe impacts of violations on innocent civilians and aid officials as a result of the Somalian armed conflict.

Conclusion

The study reviewed past literature on International Humanitarian Law (IHL) and made a profound assessment of the past literature on international humanitarian law (IHL) and its proper application in an armed conflict in volatile nations such as Somalia in order to grasp the magnitude of the atrocities of the warring parties and peacekeeping missions during armed conflicts on the weaker and fragile citizens such children, women and humanitarian workers. The significant challenges it poses on the innocent non-conflict participants, and its stance on the international law under the Four Geneva Conventions. In order to address the knowledge gap as well as formulate an effective strategy

to bring the perpetrators of such atrocities to justice in accordance with international law. This development will bring about a convenient atmosphere for the affected individuals to lessen the effects of mass migration, and the enormous number of internally displaced persons (IDPs) of civilians, uncovering and amending the large vacuum of IHL violations and breaches in an armed conflict territory.

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