

## Compliance with International Humanitarian Law IHL) in U.S.–Israel Military Operations



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**Abstract:** *This study examines compliance with International Humanitarian Law IHL in U.S.–Israel military operations, focusing on principles of distinction, proportionality, and precaution. Using doctrinal and analytical research methods, it evaluates legal frameworks, state practice, and reported conduct in recent conflicts. The findings indicate partial adherence alongside credible allegations of violations, highlighting gaps between legal obligations and operational realities, and underscoring challenges in accountability and enforcement mechanisms. This research article examines the extent of compliance with IHL in military operations involving the United States and Israel, particularly in the context of recent conflicts in Gaza and the broader Middle East. It evaluates key legal principles such as distinction, proportionality, and precaution, and analyses allegations of violations, the role of U.S. military assistance, and mechanisms of accountability. The study argues that while both states formally commit to IHL norms, significant concerns persist regarding their practical implementation, enforcement, and the politicization of compliance assessments.*

**Keywords:** Armed Conflict Regulation, Civilian Protection, Military Assistance, State Responsibility, War Crimes

### Introduction

The regulation of armed conflict remains one of the most critical functions of international law, particularly in an era marked by protracted hostilities, asymmetric warfare, and increasing civilian vulnerability. IHL provides a normative framework governing the conduct of parties during armed conflict, with the primary objective of limiting human suffering and protecting non-combatants. Contemporary military engagements involving technologically advanced states and non-state armed groups have, however, raised serious concerns regarding the effectiveness and enforcement of these legal norms. Within this broader context, military operations involving cooperation between the United States and Israel have attracted sustained legal and scholarly scrutiny, especially in light of recent conflicts in Gaza and the wider Middle East. The purpose of this study is to critically examine the extent to which IHL principles are observed in such operations, with particular emphasis on the rules of distinction, proportionality, and precaution. The study situates itself within the broader debate on compliance with the law of armed conflict, addressing the tension between military necessity and humanitarian considerations. It also explores the implications of external military support, including arms transfers and strategic assistance, on the legal responsibility of states under international law. The scope of the research is confined to an analysis of relevant treaty law, customary international law, and documented practices associated with recent military operations. It focuses on publicly available reports, legal opinions, and institutional findings relating to the conduct of hostilities, without purporting to establish definitive factual conclusions in contested cases. The significance of this inquiry lies in its attempt to bridge the gap between normative legal standards and their practical implementation, particularly in politically sensitive and high-intensity conflicts (Corn & Smotherman, 2025; Ahmed, et al., 2025).

This article proceeds on the hypothesis that, while formal adherence to IHL is consistently affirmed by the states involved, there exists a discernible gap between declared commitments and operational conduct, reflected in recurring allegations of civilian harm and insufficient accountability. Accordingly, the central research questions guiding this study are: to what extent do military operations comply with the core

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principles of IHL; how does external support influence legal responsibility; and what challenges impede effective enforcement of humanitarian norms? The article is organized into several sections. Following this introduction, the second section outlines the legal framework of IHL and its core principles. The third section examines the nature of military cooperation and its legal implications. The fourth section analyses allegations of violations in recent conflicts. The fifth section discusses existing accountability mechanisms, while the sixth section identifies key challenges to compliance. The article concludes with a critical evaluation and recommendations for strengthening adherence to international humanitarian norms. IHL, also known as the law of armed conflict, governs the conduct of hostilities and aims to minimize human suffering during war. Rooted in the Geneva Conventions, it imposes obligations on states to protect civilians, regulate means and methods of warfare, and ensure accountability for violations. Geneva Conventions form the backbone of these obligations. The involvement of the United States in supporting Israeli military operations through arms transfers, intelligence sharing, and diplomatic backing has intensified scrutiny of compliance with IHL. Recent conflicts, particularly in Gaza (2023–2025), have triggered widespread debate regarding whether these operations adhere to established legal norms or constitute violations of international law (Richter, et al., 2024; Gul, et al., 2025).

### **Research Methodology**

This study adopts a analytical research methodology to examine compliance with IHL in U.S.–Israel military operations. Primary sources, including the Geneva Conventions Additional Protocols, customary international law, and relevant state practice, were analysed to establish the legal framework. Secondary sources, such as reports from the International Committee of the Red Cross

### **Legal Framework of IHL**

IHL, also known as the law of armed conflict, is a body of legal rules that regulates the conduct of parties during armed conflict with the aim of limiting human suffering. It seeks to strike a balance between military necessity and humanitarian considerations by protecting individuals who are not participating in hostilities and by restricting the means and methods of warfare. The foundation of IHL lies primarily in the Geneva Conventions and their Additional Protocols, which establish comprehensive protections for civilians, wounded combatants, and prisoners of war, and set out rules governing the conduct of military operations. In addition to treaty-based law, customary international law plays a crucial role in shaping the IHL framework. These customary rules arise from consistent state practice accompanied by a sense of legal obligation and are binding on all states regardless of treaty ratification. The International Committee of the Red Cross has significantly contributed to the identification and codification of these norms, particularly in areas such as the protection of civilians, prohibition of indiscriminate attacks, and humane treatment of detainees. As a result, many core principles of IHL apply universally across different types of armed conflicts. A central component of IHL is its foundational principles, which govern the legality of military conduct. The principle of distinction requires parties to differentiate at all times between civilians and combatants, ensuring that attacks are directed only at legitimate military objectives. The principle of proportionality prohibits attacks that may cause excessive civilian harm in relation to the anticipated military advantage, while the principle of precaution obliges parties to take all feasible measures to minimize harm to civilians and civilian objects. These principles are widely recognized as customary international law and are essential in assessing the legality of military operations, particularly in densely populated areas (Alakash, et al.,2024; Gul, et al.,2025).

IHL also regulates the means and methods of warfare by prohibiting weapons and tactics that cause unnecessary suffering or have indiscriminate effects. Various legal instruments, including the Convention on Certain Conventional Weapons, impose restrictions on specific categories of weapons. Furthermore, IHL prohibits practices such as the starvation of civilians as a method of warfare and attacks on objects indispensable to civilian survival, including water sources, food supplies, and medical facilities, thereby

reinforcing the protection of essential civilian infrastructure. Another important aspect of the IHL framework is the classification of armed conflicts into international armed conflicts and non-international armed conflicts. This distinction determines the scope of applicable legal rules, although many fundamental protections, particularly those contained in Common Article 3 of the Geneva Conventions, apply to both categories. In modern conflicts involving state and non-state actors, this classification becomes increasingly significant in determining the legal obligations of the parties involved. The enforcement of IHL is supported by mechanisms of accountability at both the national and international levels. Serious violations of IHL, including grave breaches of the Geneva Conventions, constitute war crimes and may give rise to individual criminal responsibility. Institutions such as the International Criminal Court play a key role in prosecuting such crimes, while states themselves are obligated to investigate and prosecute violations within their jurisdictions. Despite the existence of these mechanisms, challenges remain in ensuring effective enforcement and preventing impunity (Nabiebu, et al., 2024; Gul, et al., 2025).

### **U.S.–Israel Military Cooperation and Legal Implications**

Military cooperation between the United States and Israel represents one of the most enduring and strategically significant defence partnerships in contemporary international relations. This cooperation encompasses extensive military aid, joint training exercises, intelligence sharing, and the transfer of advanced weapon systems. The United States has consistently provided Israel with substantial financial and military assistance, enabling the development and maintenance of sophisticated defence capabilities. While this partnership is grounded in shared strategic interests and security concerns, it also raises complex legal questions within the framework of international law, particularly in situations where military operations result in significant civilian harm. From the perspective of international law, one of the central issues concerns the potential responsibility of states that provide assistance to parties engaged in armed conflict. Under the rules codified in the Articles on Responsibility of States for Internationally Wrongful Acts, a state may incur responsibility if it knowingly aids or assists another state in the commission of an internationally wrongful act. This principle is particularly relevant in the context of arms transfers and operational support, where the supplying state must assess whether its assistance could contribute to violations of IHL. The legal threshold for such responsibility involves knowledge of the circumstances and a clear link between the assistance provided and the alleged violation. In addition to international obligations, domestic legal frameworks in the United States also regulate military assistance to foreign states. Notably, the Leahy Laws prohibit the provision of military aid to foreign security forces that have committed gross violations of human rights. These laws impose a duty on U.S. authorities to vet recipient units and to suspend assistance where credible evidence of abuses exists. However, the application of these provisions in the context of U.S.–Israel relations has been subject to political and legal debate, with critics arguing that enforcement has been inconsistent or limited (Zabakhidze, 2024).

Another significant legal concern relates to arms transfer regulations under international law. Instruments such as the Arms Trade Treaty establish standards requiring states to assess the risk that exported weapons may be used to commit or facilitate serious violations of IHL or human rights law. Although the United States has signed but not ratified the treaty, its principles reflect broader international expectations regarding responsible arms transfers. In this regard, continued military support in the face of credible allegations of violations raises questions about due diligence and the adequacy of risk assessments conducted by supplying states. Furthermore, the close operational and strategic alignment between the United States and Israel complicates the attribution of responsibility in certain contexts. While Israel retains primary responsibility for its military operations, the extent of U.S. involvement whether through intelligence sharing, logistical support, or diplomatic backing may give rise to debates بشأن indirect participation or complicity. This is particularly relevant where such support may influence targeting decisions or operational planning, thereby intersecting with the application of IHL principles on the ground. The legal implications of this cooperation are further shaped by the broader geopolitical environment, in which strategic alliances often intersect with

normative legal obligations. Political considerations may affect the willingness of states to rigorously apply legal standards or to impose restrictions on military assistance. As a result, the enforcement of both international and domestic legal norms governing military cooperation may be uneven, contributing to perceptions of selective accountability and undermining the credibility of the legal framework. U.S.–Israel military cooperation presents a complex intersection of strategic interests and legal obligations. While such cooperation is not inherently unlawful, it carries significant responsibilities under both international and domestic law. Ensuring compliance with IHL requires not only adherence by the state conducting military operations but also careful scrutiny by supporting states to prevent complicity in potential violations (Marshanian & Mebagishvili, 2025).

### **Allegations of IHL Violations in Gaza**

Military operations in Gaza have generated extensive allegations of violations of IHL, particularly in relation to the protection of civilians and civilian infrastructure. Various international organizations, human rights groups, and investigative bodies have documented incidents involving large-scale civilian casualties, destruction of residential areas, and damage to essential services. These allegations raise serious concerns regarding adherence to core IHL principles, especially in a densely populated territory where the effects of military operations are significantly amplified. One of the most prominent concerns relates to the principle of proportionality. Reports have suggested that certain attacks resulted in civilian harm that may be excessive in relation to the anticipated military advantage. The scale of destruction in urban areas, including entire neighbourhoods being reduced to rubble, has intensified scrutiny over whether proportionality assessments were adequately conducted. Critics argue that the repeated occurrence of high civilian casualties indicates potential systemic issues in targeting practices, while the responding state maintains that such outcomes are an unfortunate consequence of operations against embedded non-state actors. Closely linked to proportionality is the principle of distinction, which requires parties to differentiate between civilians and combatants at all times. Allegations have been raised بشأن the targeting of civilian objects, including homes, schools, hospitals, and places of worship. While it is acknowledged that non-state armed groups may use civilian infrastructure for military purposes, thereby complicating the identification of lawful targets, concerns persist regarding whether sufficient evidence existed to classify certain sites as legitimate military objectives at the time of attack. Another significant area of concern involves the destruction of critical infrastructure indispensable to civilian survival. Damage to water systems, electricity networks, healthcare facilities, and food supply chains has contributed to a severe humanitarian crisis. Under IHL, such objects are afforded special protection, and their targeting is generally prohibited unless they are being used for direct military purposes. The cumulative impact of such destruction has raised questions about whether adequate precautions were taken to minimize harm to the civilian population (Richter, et al., 2024).

Allegations have also been made regarding restrictions on humanitarian access. Limitations on the entry and distribution of essential supplies, including food, medicine, and fuel, have been criticized as potentially violating the obligation to allow and facilitate rapid and unimpeded humanitarian relief. In situations where civilians are heavily dependent on external assistance, such restrictions may exacerbate suffering and raise concerns about the use of starvation or deprivation as a method of warfare. At the same time, it is important to note that allegations of IHL violations are not limited to one party. Armed groups operating within Gaza have also been accused of indiscriminate attacks, including the firing of rockets into civilian areas, which inherently violate the principle of distinction. The use of tactics such as locating military assets within or near civilian infrastructure further complicates compliance with IHL and increases the risk to civilians. Despite the volume of reported incidents, the legal assessment of these allegations remains complex and often contested. Determining whether a violation has occurred requires detailed factual investigation, including access to operational data, intelligence assessments, and decision-making processes that are not always publicly available. Consequently, while numerous allegations raise credible concerns بشأن compliance, definitive legal conclusions often depend on thorough and independent investigations. The situation in Gaza illustrates the

profound challenges of applying IHL in modern, high-intensity conflicts characterized by urban warfare and asymmetric tactics. The persistence of allegations underscores the need for greater transparency, effective accountability mechanisms, and a consistent commitment by all parties to uphold the fundamental principles of humanitarian law (Dannenbaum & Dill, 2024).

### **Accountability Mechanisms**

Accountability constitutes a central pillar of IHL, ensuring that violations do not occur with impunity and that perpetrators are held responsible for unlawful conduct. The legal framework provides for multiple layers of accountability, including international judicial institutions, domestic legal systems, and quasi-judicial or investigative mechanisms. These mechanisms are designed not only to punish violations such as war crimes but also to deter future breaches and reinforce compliance with humanitarian norms. At the international level, the International Criminal Court plays a significant role in prosecuting individuals responsible for serious violations of IHL, including war crimes, crimes against humanity, and genocide. The Court operates on the principle of complementarity, intervening only when national jurisdictions are unwilling or unable to genuinely investigate and prosecute alleged crimes. In the context of Gaza, the ICC has initiated inquiries into the situation, although its jurisdiction and effectiveness are often contested due to political resistance and issues of state cooperation. In addition to criminal accountability, the International Court of Justice addresses questions of state responsibility. It adjudicates disputes between states and may issue advisory opinions on legal questions, including those related to compliance with IHL. While the ICJ does not impose criminal liability, its decisions carry significant legal and moral authority, shaping international legal discourse and influencing state behaviour. Proceedings involving allegations of violations in the occupied Palestinian territory have further highlighted the role of the Court in clarifying state obligations under international law. Domestic accountability mechanisms also play a crucial role in enforcing IHL. States are obligated under the Geneva Conventions to investigate and prosecute grave breaches, regardless of where they occur. Israel has established internal military investigative bodies to examine allegations of misconduct during operations, while the United States maintains oversight mechanisms related to the use of its military assistance. However, critics frequently question the independence, transparency, and effectiveness of such domestic processes, arguing that they may fall short of international standards of impartiality and accountability (Graycar & Jurkiewicz, 2023).

Beyond formal judicial mechanisms, various international and non-governmental bodies contribute to accountability through documentation, reporting, and advocacy. Organizations such as the United Nations Human Rights Council and independent commissions of inquiry conduct investigations into alleged violations and publish findings that can inform legal proceedings and public debate. Although these bodies lack enforcement powers, their reports play a vital role in evidence collection, norm development, and pressure-building on states to comply with IHL obligations. Another important avenue of accountability is the exercise of universal jurisdiction by national courts, allowing states to prosecute individuals for serious international crimes regardless of where they were committed. This mechanism reflects the international community's collective interest in addressing grave breaches of IHL. However, its application is often limited by political considerations, evidentiary challenges, and issues of diplomatic immunity. Despite the existence of these multiple mechanisms, significant challenges persist in achieving effective accountability. Political constraints, lack of cooperation from states, difficulties in evidence collection, and the complexity of modern warfare often hinder the pursuit of justice. As a result, there is a persistent gap between the normative framework of IHL and its enforcement in practice. While the architecture of accountability under IHL is well-established, its effectiveness depends largely on political will, institutional independence, and international cooperation. Strengthening these mechanisms remains essential to ensuring that violations are addressed, victims receive justice, and the integrity of humanitarian law is preserved (Han, 2023).

## Conclusion

The analysis of compliance with IHL in the context of U.S.–Israel military operations demonstrate a complex interplay between legal norms, military necessity, and geopolitical considerations. While the foundational principles of IHL distinction, proportionality, and precaution remain firmly established within the Geneva Conventions framework, their consistent application in practice appears uneven. The study highlights that although formal commitments to IHL are regularly affirmed, recurring allegations of civilian harm, destruction of infrastructure, and restricted humanitarian access indicate persistent gaps between legal obligations and operational conduct. These challenges are further compounded by the involvement of external military support, raising important questions بشأن state responsibility and complicity under international law. This research matters because it underscores the continuing relevance and fragility of humanitarian norms in modern conflict. In an era characterized by urban warfare, asymmetric tactics, and advanced military technologies, the protection of civilians depends not only on the existence of legal rules but also on their genuine enforcement. The findings suggest that accountability mechanisms whether through international institutions such as the International Criminal Court or domestic processes remain constrained by political realities, evidentiary limitations, and selective implementation. As a result, strengthening compliance is not merely a legal necessity but also a moral and humanitarian imperative. Looking forward, several measures can enhance adherence to IHL. Greater transparency in military operations, improved independent investigations, and stricter regulation of arms transfers are essential to reduce the risk of violations. Supporting states should adopt more rigorous due diligence standards to ensure that their assistance does not contribute to unlawful conduct. Additionally, reinforcing the independence and effectiveness of accountability institutions can help bridge the gap between law and practice. There is also a need to adapt IHL interpretations to contemporary challenges, particularly in relation to urban and asymmetric warfare, without diluting its protective core.

Future research should focus on empirical assessments of targeting practices, the role of emerging technologies such as artificial intelligence in military decision-making, and the effectiveness of existing accountability frameworks in politically sensitive conflicts. Comparative studies examining compliance in similar conflict settings may also provide valuable insights into best practices and systemic shortcomings. Ultimately, advancing the study and enforcement of IHL is essential for preserving its legitimacy and ensuring that humanitarian considerations remain central even in the conduct of war. The issue of compliance with International Humanitarian Law in U.S.–Israel military operations remain deeply contested. While legal frameworks provide clear standards, their application in contemporary conflicts is fraught with challenges. Evidence suggests partial compliance alongside significant allegations of violations, underscoring the need for stronger accountability mechanisms, greater transparency, and a depoliticized approach to enforcement. Future developments will likely depend on the effectiveness of international institutions, the willingness of states to uphold legal norms over strategic interests, and evolving interpretations of IHL in response to modern warfare dynamics.

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