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ASSESSING THE ENFORCEABILITY AND ENFORCEMENT OF INTERNATIONAL  
HUMANITARIAN LAW: PLUS OR MINUS?

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ABSTRACT

In the old times, it was common to find customs and agreement among various people around the world containing humanitarian elements, albeit primitive, restricted in application and, perhaps, with rather economic objective. Notwithstanding these limitations, the global pattern demonstrates a mutual understanding of the need to regulate conducts during wars and the common feelings that, at all times, human beings, friends or foes, deserve some level of humane treatment. This article examined the sources of IHL, as precursor to advancing argument on IHL enforceability. This article maintained that IHL is enforceable and substantiates argument using various judicial and non-judicial IHL enforcement mechanisms. This article further examined the extent to which ITs are effective in holding accountable those responsible for grave breaches of the four Geneva Conventions (the 'GCs'). For this purpose, some conflict situations, overtime, around the globe resulting in grave breaches of the GCs and international judicial interventions taken to redress same were considered. Whilst identifying some flaws with the international criminal justice, this article believed that the establishment of the International Criminal Court ('ICC'), as a tool to stamp-out impunity, though fraught with much imperfection, is a step in the right direction. Accordingly, it recommends that the ICC requires more time, support and State co-operation to deliver its mandate of ending impunity.

*Keywords:* Enforceability; Sources; International Humanitarian Law; International Criminal Tribunals