

decision-making, and adaptation. The contrasting tales of Toyota and Walmart show that success hinges not just on a powerful business model, but on the strategic wisdom to adapt it to the world's diverse tapestry. In an era defined by globalization, digital connectivity, and geopolitical shifts, the ability to craft and execute a coherent international strategy is no longer a luxury reserved for a few corporate titans. It is an essential capability for any firm seeking sustained growth, resilience, and long-term success. The global chessboard is set, and ISM provides the rules and moves to play—and win.

References

1. Bartlett, C. A., & Ghoshal, S. (1989). *Managing Across Borders: The Transnational Solution*. Harvard Business School Press.
2. Dunning, J. H. (1979). Explaining Changing Patterns of International Production: In Defence of the Eclectic Theory. *Oxford Bulletin of Economics and Statistics*, 41(4), 269-295.
3. Dunning, J. H. (1988). The Eclectic Paradigm of International Production: A Restatement and Some Possible Extensions. *Journal of International Business Studies*, 19(1), 1-31.
4. Johanson, J., & Vahlne, J.-E. (1977). The Internationalization Process of the Firm—A Model of Knowledge Development and Increasing Foreign Market Commitments. *Journal of International Business Studies*, 8(1), 23-32.
5. Johanson, J., & Wiedersheim-Paul, F. (1975). The Internationalization of the Firm—Four Swedish Cases. *Journal of Management Studies*, 12(3), 305-323.
6. Porter, M. E. (1990). *The Competitive Advantage of Nations*. Free Press.
7. Prahalad, C. K., & Doz, Y. L. (1987). *The Multinational Mission: Balancing Local Demands and Global Vision*. Free Press.

PROTECTION OF THE CIVILIAN POPULATION IN CONFLICTS

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Introduction International Humanitarian Law (IHL), also known as the law of armed conflict or the law of war, represents one of the most crucial branches of international law. It constitutes a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. IHL protects persons who are not or are no longer

participating in the hostilities and restricts the means and methods of warfare. This legal framework is born from a simple but powerful idea: even in the midst of violence and war, humanity must prevail.

Historical Foundations and Sources The codification of IHL as we know it today began in the 19th century, largely spurred by Henry Dunant's experiences at the Battle of Solferino in 1859, which led to the establishment of the International Committee of the Red Cross (ICRC). The four Geneva Conventions of 1949 form the cornerstone of IHL, universally ratified by all 196 states, supplemented by three Additional Protocols and various other treaties like the Convention on Certain Conventional Weapons.

Key Principles and Core Rules IHL is built upon several fundamental principles. The principle of distinction mandates distinguishing between civilians and combatants, and between civilian objects and military objectives. The principle of proportionality prohibits attacks where incidental civilian harm would be excessive compared to the anticipated military advantage. The principle of precaution requires taking all feasible measures to avoid civilian casualties. These principles translate into specific rules protecting prisoners of war, medical personnel, and prohibiting certain weapons.

Good and Bad Examples of IHL Application

Positive Examples of IHL Compliance:

1. Protection of Medical Facilities: During the Syrian conflict, some fighting forces have respected hospitals and medical units, allowing safe passage for medical personnel and patients, in accordance with the First Geneva Convention.
2. Prisoner of War Treatment: The treatment of POWs during the 1991 Gulf War generally followed the Third Geneva Convention, with the International Committee of the Red Cross monitoring conditions and facilitating communication with families.
3. Civilian Evacuation Corridors: In various conflicts, including recent ones in Ukraine, established humanitarian corridors have enabled safe evacuation of civilians from combat zones, demonstrating practical application of the principle of distinction.
4. Weapons Bans: The 1997 Ottawa Treaty banning anti-personnel mines represents successful implementation of IHL principles, with 164 states parties

committing to clear mined areas and destroy stockpiles.

5. Cultural Property Protection: During the 2003 Iraq War, specific measures were taken to protect museums and archaeological sites, implementing the 1954 Hague Convention for cultural property protection.

6. Child Soldier Demobilization: In Colombia, following the peace agreement with FARC, successful reintegration programs for former child soldiers demonstrated compliance with international standards protecting children in conflict.

7. Journalist Protection: In various conflict zones, embedded journalist programs have provided protection to media personnel, recognizing their special status under IHL.

8. Humanitarian Access: In South Sudan, despite challenging conditions, UN and other humanitarian agencies have maintained access to civilian populations in need, with parties to the conflict generally respecting humanitarian space.

9. War Crimes Prosecutions: The conviction of former Liberian president Charles Taylor by the Special Court for Sierra Leone demonstrated effective accountability mechanisms for serious IHL violations.

10. Military Training Programs: Many states, including Switzerland and Germany, have implemented comprehensive IHL training for their armed forces, ensuring better compliance during operations.

Negative Examples of IHL Violations:

1. Chemical Weapons Attacks: The use of chemical weapons in Syria, particularly the 2013 Ghouta attack, constituted a clear violation of the Chemical Weapons Convention and basic IHL principles.

2. Targeting Cultural Heritage: The destruction of ancient sites in Timbuktu, Mali by extremist groups in 2012 represented a grave breach of cultural property protection under IHL.

3. Attacks on Humanitarian Workers: The 2016 bombing of a MSF hospital in Kunduz, Afghanistan demonstrated the vulnerability of protected medical facilities and personnel.

4. Civilian Infrastructure Targeting: The systematic destruction of civilian

infrastructure including schools and hospitals in various conflicts violates the principle of distinction.

5. Torture and Ill-treatment: The abuses at Abu Ghraib prison in Iraq revealed serious failures in implementing POW protections and humane treatment standards.

6. Use of Cluster Munitions: The extensive use of cluster munitions in populated areas during the 2006 Lebanon conflict caused disproportionate civilian harm.

7. Siege Warfare Tactics: The siege of Sarajevo (1992-1996) involved deliberate targeting of civilians and civilian objects, violating multiple IHL provisions.

8. Child Recruitment: The ongoing use of child soldiers by various armed groups in Central Africa represents persistent violation of child protection standards.

9. Sexual Violence in Conflict: Systematic sexual violence used as a weapon of war in numerous conflicts constitutes a grave breach of IHL.

10. Indiscriminate Attacks: The use of improvised explosive devices in crowded market places by various non-state armed groups demonstrates clear disregard for the principle of distinction.

Application and Contemporary Challenges IHL applies in both international and non-international armed conflicts, binding all parties including non-state armed groups. Current challenges include cyber warfare, autonomous weapons systems, and ensuring compliance by non-state actors. The interface between IHL and International Human Rights Law also presents ongoing interpretive challenges.

Implementation and Enforcement Enforcement mechanisms include the International Criminal Court, universal jurisdiction principles, and the monitoring role of the ICRC. However, implementation gaps remain significant, with political will often determining compliance levels.

Conclusion International Humanitarian Law represents humanity's collective effort to impose limits on warfare. While violations persist, the framework provides essential protections and accountability mechanisms. The examples above demonstrate both the potential for compliance and the devastating consequences of violations. Strengthening IHL implementation remains crucial for protecting human dignity in armed conflict.

References

1. African Union. (2009). Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).
2. Akande, D., & Liefländer, T. (2013). Clarifying the Concept of Non-International Armed Conflict in International Humanitarian Law. *Virginia Journal of International Law*, 53(3), 575-602.
3. Best, G. (1994). *War and Law Since 1945*. Clarendon Press.
4. Chemical Weapons Convention. (1993). Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.
5. Convention on Cluster Munitions. (2008). Convention on Cluster Munitions.
6. Council of Europe. (1950). European Convention on Human Rights.
7. Dinstein, Y. (2016). *The Conduct of Hostilities under the Law of International Armed Conflict* (3rd ed.). Cambridge University Press.
8. Dunant, H. (1862). *A Memory of Solferino*. International Committee of the Red Cross.
9. Geneva Call. (2020). Deed of Commitment for the Protection of Children from the Effects of Armed Conflict.
10. Geneva Convention (I). (1949). Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.
11. Geneva Convention (II). (1949). Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea.
12. Geneva Convention (III). (1949). Geneva Convention relative to the Treatment of Prisoners of War.
13. Geneva Convention (IV). (1949). Geneva Convention relative to the Protection of Civilian Persons in Time of War.
14. Henckaerts, J.-M., & Doswald-Beck, L. (2005). *Customary International Humanitarian Law* (Vol. I: Rules). Cambridge University Press.
15. Human Rights Watch. (2022). *World Report 2022: Events of 2021*.
16. Inter-American Commission on Human Rights. (2018). *Report on Terrorism and Human Rights*.
17. International Committee of the Red Cross (ICRC). (2018). *Guidelines on the Protection of the Natural Environment in Armed Conflict*.
18. International Committee of the Red Cross (ICRC). (2019). *The Potential Human Cost of Autonomous Weapons*. *International Review of the Red Cross*, 101(910), 1-24.
19. International Committee of the Red Cross (ICRC). (2020). *Commentary on the Third Geneva Convention: Convention (III) relative to the Treatment of Prisoners of War*.
20. International Committee of the Red Cross (ICRC). (2021). *Strengthening Compliance with International Humanitarian Law*.
21. International Court of Justice. (1996). *Legality of the Threat or Use of Nuclear Weapons* (Advisory Opinion).
22. International Criminal Court. (2012). *Prosecutor v. Thomas Lubanga Dyilo*

(Case No. ICC-01/04-01/06).

23. International Criminal Tribunal for the former Yugoslavia. (1997). Prosecutor v. Duško Tadić (Case No. IT-94-1).

24. International Criminal Tribunal for the former Yugoslavia. (2009). Prosecutor v. Dragomir Milošević (Case No. IT-98-29/1).

25. Kalshoven, F., & Zegveld, L. (2011). Constraints on the Waging of War: An Introduction to International Humanitarian Law (4th ed.). International Committee of the Red Cross.

26. Meron, T. (2000). The Humanization of International Law. Martinus Nijhoff Publishers.

27. NATO. (2020). Legal Deskbook for NATO-led Operations.

28. Ottawa Treaty. (1997). Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

29. Protocol Additional to the Geneva Conventions. (1977). Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I).

30. Protocol Additional to the Geneva Conventions. (1977). Protocol Additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

31. Rome Statute of the International Criminal Court. (1998).

32. San Remo Manual. (1994). San Remo Manual on International Law Applicable to Armed Conflicts at Sea.

33. Sassòli, M. (2019). International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare. Edward Elgar Publishing.

34. Schmitt, M. N. (2017). Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations. Cambridge University Press.

35. UN General Assembly. (2005). World Summit Outcome Document (A/RES/60/1).

36. United Nations Commission of Inquiry on Syria. (2021). Report of the Independent International Commission of Inquiry on the Syrian Arab Republic.

PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

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Law refers to the many and varied laws, rules and customs which govern, impact and deal with the legal interactions between different nations, their governments, businesses and organizations, to include their rights and responsibilities in these dealings.