

# Lights and Shadows of International Humanitarian Law from Spain and Türkiye

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## Abstract

The evolution of International Humanitarian Law (IHL) has been fundamental in the construction of a normative framework that seeks to limit the effects of armed conflicts and protect those affected by them. Through instruments such as the Geneva Conventions, the Additional Protocols and Customary International Law, IHL has established norms to regulate the methods and means of warfare and to guarantee humane treatment of civilians, prisoners of war and others affected in conflict situations. This body of law is vital in contexts of humanitarian crisis and mass displacement, where the principles of protection and assistance to the most vulnerable are essential.

Spain and Türkiye, two countries with diverse geopolitical and cultural contexts, represent distinct examples of how IHL is implemented and promoted. Both have played an active role in promoting these norms, although their approaches and priorities differ according to the political, social and security realities they each face. Türkiye's strategic location in a region in conflict and its involvement in the management of borders and migratory flows require an IHL approach focused on national security. Spain, for its part, has concentrated its efforts on international cooperation and peace missions, promoting respect for and application of IHL in situations of external conflict and humanitarian aid.

This comparison between the two countries allows us to understand how IHL adapts to different contexts and needs, illustrating the flexibility of these regulations and their capacity to respond to the specific demands and challenges faced by each country. This analysis examines the roles and contributions of Spain and Türkiye in promoting IHL, focusing on its application and the factors that influence its interpretation in different geopolitical contexts.

**Keywords:** International humanitarian law, human rights, protection of civilians, armed conflicts, peace missions.

## IHL and Its Normative Framework

International Humanitarian Law, formerly known as “the law of armed conflict” or “the law of war”, is a branch of international law that establishes rules to protect persons affected by armed conflict and to regulate the methods and means of warfare. Its main objective is to limit the effects of armed conflict and to ensure humane treatment of those not taking an active part in hostilities, such as civilians, prisoners of war, wounded and shipwrecked persons.

The main IHL instruments are based on a series of international treaties and conventions that establish the rules and principles for regulating armed conflicts and protecting those affected by them. These instruments fall mainly into two groups: the Geneva Conventions and their Additional Protocols, and the Hague Conventions. There are, of course, other specific treaties that regulate the use of biological weapons, chemical weapons and other treaties that prohibit and/or restrict the use of certain weapons, mines and ammunition because of the risk they generate for those who are not part of the conflicts or because of the indiscriminate, unnecessary or inhumane impact that characterizes them.

Customary international law has also been considered an important part of the evolution of IHL, as it is an important source of rules based on general practices accepted as law, regardless of whether States have ratified the treaties (ICRC, 2005). These norms are binding on all States and actors in armed conflict and are reflected in international studies such as that of the International Committee of the Red Cross (ICRC).

These are, therefore, IHL instruments that seek to establish a legal framework to protect people, regulate the use of force in conflicts and restrict the means and methods of combat, helping to reduce suffering and harm in armed conflicts.

IHL is essential in the protection of victims of armed conflicts, and its role is amplified in the context of humanitarian crises, such as the case of the Syrian conflict and its impact on Türkiye (Fernandez-Souto, 2018) or as the migratory crisis in the Mediterranean towards Spain. Through its principles and rules, IHL establishes a framework of protection for individuals who do not directly participate in hostilities, such as civilians, refugees and combatants outside combat, ensuring their humane treatment and safeguarding their fundamental rights during war.

One of the critical aspects of IHL is the regulation and limitation of the methods and means of warfare, the normative framework aims to balance military necessity with humanitarian considerations, to minimize collateral damage and avoid unnecessary suffering of people affected by conflict. In the case of Türkiye, for example, the protection of millions of Syrian refugees under the “temporary protection” system is a measure that reflects efforts to align with the principles of IHL, adapting assistance and rights policies in a context of massive influx of people.

IHL also promotes the principle of distinction, which obliges parties to the conflict to differentiate between combatants and civilians (non-combatants), protecting the latter from direct attacks. Furthermore, the principle of proportionality prohibits attacks that may cause excessive damage to the civilian population in comparison with the military advantage gained. Türkiye has seen the need to adapt these international standards to its protection system to ensure the dignified treatment of refugees. Despite the “guest” status refugees receive, they enjoy humanitarian assistance, education and access to health services.

In conflict situations, the importance of IHL lies in its ability to provide a normative framework that humanizes war and protects the most vulnerable, promoting a balance between military necessity and respect for basic human rights. This balance is particularly relevant in protracted crisis situations, such as the one faced by Türkiye with the Syrian refugee crisis, where IHL allows host states to maintain their sovereignty and national security, while complying with their international commitments to respect and protect the rights of displaced persons.

## Comparison and Importance of IHL in Spain and Türkiye

### **Spain and the tradition of IHL.**

Spain has a strong tradition in the application and promotion of IHL, reflected both in its legal framework and in its participation in international peace missions under the framework of the UN and other international organizations. This commitment has led Spain to adopt and comply with the Geneva Conventions and their Additional Protocols, ensuring that the rules of protection in armed conflict are integrated into its national regulations and the training of its Armed Forces.

In terms of legislation, Spain has incorporated the rules of IHL into its legal system, allowing it to act in accordance with these principles in situations of armed conflict and peace missions. Spanish military personnel receive IHL training as part of their preparation, which empowers them to act in accordance with the principles of distinction, humanity, and proportionality in the use of force during their international deployments (Spanish Ministry of Defense, 2015).

Spain's participation in peace missions, especially under the United Nations framework, is another pillar of its commitment to IHL. The Spanish Armed Forces have played a key role in peacekeeping operations in areas such as Bosnia, Lebanon, and Afghanistan. In these missions, Spanish personnel not only act in peacekeeping and security, but also provide humanitarian assistance to conflict-affected populations (Cortés, 2019). This duality of roles - peacekeeping and humanitarian support - underscores Spain's approach towards a comprehensive implementation of IHL, which prioritizes the protection of civilians and assistance to war victims.

Thus, Spain's tradition in IHL reflects a consistent commitment to international peace and security, aligning its actions in the military and humanitarian sphere with the standards established by international treaties on rights and protection in armed conflict.

As a reference, history can confirm Spain's adherence to IHL as in the case of the Mission in Bosnia and Herzegovina (UNPROFOR and EUFOR Althea) where the Spanish military performed functions of protection of the civilian population and supervised compliance with peace agreements, acted in accordance with IHL, protecting displaced persons and civilians in high-risk areas. Their actions included the protection of humanitarian convoys and monitoring the disarmament of armed groups, both essential aspects of IHL, which helped reduce hostilities and facilitated the reconstruction and stabilization of the country and demonstrated Spain's commitment to the protection of civilians in accordance with IHL.

It can also be confirmed in the study of the Mission in Afghanistan (ISAF and Resolute Support) in 2002, Spain participated in NATO's International Security Assistance Force (ISAF) in Afghanistan, whose objective was to support the stabilization of the country after the fall of the Taliban regime. Subsequently, in 2015, Spain became part of the Resolute Support mission, aimed at training and assisting Afghan security forces. During the deployment of the force in Afghanistan, Spanish forces applied the principles of IHL, especially those of distinction and proportionality; they focused on protecting civilians, offering humanitarian assistance in conflict zones and training Afghan forces in respect for IHL (Zegarra & Martín, 2017). The Spanish contribution to ISAF and Resolute Support reinforced respect for IHL in a complex conflict, helping to establish civilian protection and medical care practices in an environment of ongoing instability.

In Spain's participation as an active part of the International Coalition against ISIS in Syria and Iraq in 2014, Spain supported its military forces to combat the ISIS terrorist group in Syria and Iraq. Although Spanish forces did not participate in direct combat operations in Syria (Toka & Karacas, 2020), their contribution included training and logistical support to Iraqi security forces. This training contemplated the protection of civilians and the implementation of combat practices respectful of humanitarian principles; essential training to ensure that military operations in the region minimize harm to the civilian population and respect international norms, which allowed the considerable

reduction of civilian damage through the professionalization of local forces, promoting compliance with IHL in a conflict where numerous human rights violations had been recorded.

## Türkiye and IHL

Türkiye's complex geopolitical position at the intersection between Europe and Asia makes it an interesting case for studying the application of IHL. Particularly in the Syrian conflict and refugee management, it has had a complex and multifaceted role to play as it has had to balance its own national security interests with its humanitarian commitment in a context of internal tensions and international pressures.

Türkiye is one of the countries that has received the most Syrian refugees, with approximately 3.6 million people displaced since the beginning of the war (UN, 2021). Instead of granting them formal refugee status, Türkiye implemented a "temporary protection" system for Syrians, providing rights such as access to education, health, and employment. This temporary protection system allows Türkiye to grant assistance without granting permanent residency, which has been key to its migration policy and is clear evidence of a commitment to humanitarian and temporary protection for those affected.

This commitment has allowed Türkiye to gain international trust and support, even promoting the implementation of agreements in which the EU committed funds in exchange for Türkiye's containment of the migratory flow to Europe (European Commission, 2020). However, the prolonged presence of millions of Syrians has generated social and economic tensions in Türkiye and has led to an increase in anti-refugee sentiment among the local population. This tension between humanitarian engagement and internal security was reduced following the proposal and creation of "safe zones" in northern Syria controlled by Turkish forces, a move to resettle Syrian refugees in areas outside of Türkiye. Predictably, this proposal was controversial with a few humanitarian organizations and foreign governments expressing concerns about the safety and infeasibility of these zones, as well as the possible involuntary nature of the return

for some refugees, while Türkiye, for its part, allowed the safe return of refugees.

Although not always widely supported, Türkiye has sought the cooperation of regional and international actors to stabilize these areas; the intervention in Syria and the management of resettlement areas have been subject to scrutiny under the IHL framework, especially about the principle of non-refoulement and the protection of civilians in conflict zones. This has generated a complex scenario for Türkiye, as its role in the Syrian conflict and the management of the refugee crisis has been crucial and multifaceted, it has offered humanitarian support to millions of displaced persons, while its military interventions in Syria respond to both security objectives and the creation of zones to reduce the pressure of the refugee crisis; actions that have generated significant challenges in terms of compliance with IHL and in the management of the humanitarian response, in a context of growing internal political and social tensions.

Initially, Türkiye had adopted an open-door policy underpinned by a temporary protection framework set out in the 2013 Aliens and International Protection Law, which provided temporary protection to Syrian refugees; however, as the conflict dragged on and economic and social pressure increased, this approach was to shift towards facilitating the return of refugees to Syria, a transition that is framed in a narrative of safe and voluntary return is not without controversy.

This policy of supporting the return of refugees has required the reopening of border crossings such as Yayladagi, and investment in infrastructure in the areas of northern Syria controlled by Türkiye and its allies; which has been criticized by various international organizations by pointing out a possible breach of the international principles of return established in the 1951 Convention Relating to the Status of Refugees; additional to the perception of insecurity in Syria as a deterrent and significant factor for many refugees (Chatty, 2017).

The strategy developed by Türkiye of establishing safe zones in northern Syria seeks to address two main objectives: facilitating the return of refugees and

ensuring border security from perceived threats, such as the Kurdish YPG militias. These areas have materialized following military operations such as “Euphrates Shield” (2016) and “Source of Peace” (2019); areas could host up to one million refugees if international funding for their development is secured (Phillips, 2020).

Looking at the facts from an objective point of view, Türkiye must also generate measures to ensure its own national security, the tensions between Türkiye and the United States, and its own national security.

Türkiye between balancing national security and humanitarian norms in refugee policy.

National security is a central component of Türkiye's Syrian refugee strategy. According to Kirişçi (2020), the massive influx of refugees has intensified security concerns on the southern border, especially due to the activity of armed groups such as the Kurdistan Workers' Party (PKK) and the People's Protection Units (YPG). The development of the military operations reflects a clear state narrative that justifies the creation of these safe zones both to ensure border security and to facilitate the orderly return of refugees. However, studies such as those by Lund (2020) suggest that these operations have generated international tensions and questioned the legality of safe zones under international law, further complicating the balance between national interests and global commitments.

Despite prioritizing security, Türkiye has maintained an official discourse that underscores its commitment to humanitarian norms; the 2013 Temporary Protection Law establishes a legal framework for the provision of basic rights, such as access to health services and education to Syrian refugees, which has also been praised by international observers as a model of humanitarian response during a protracted crisis (Simsek, 2016). This commitment is constrained by practical and political challenges; domestic economic pressure and growing social discontent towards refugees have led the government to take measures to balance the rights and freedoms granted, including mobility and access to employment during the described scenario.

Türkiye faces an unstable balance between its national security objectives and its humanitarian commitments. While it has made significant progress in managing the refugee crisis, it is forced to ensure internal security needs. As Kaya and Tsourapas (2019) argue, a sustainable response will require a more integrated approach that addresses the root causes of displacement and there is greater international cooperation.

## Two Roads, One Goal

### A geopolitical and cultural commitment.

From a geopolitical point of view, Spain and Türkiye certainly represent opposite ends of the Mediterranean region, which could generate different perceptions regarding the application of IHL, however, both countries actively participate in conflict scenarios that generate a common framework of action for its application, both in the context of internal security and through international cooperation with the North Atlantic Treaty Organization and the United Nations (NATO, 2020) as well as with other non-governmental organizations.

Precisely the geographical location of both countries positions them in two strategic points for Europe, they have had to face security and conflict challenges throughout their histories, which has given them a particular and pragmatic approach to IHL. Spain is a gateway between Europe and Africa, while Türkiye acts as a bridge between Europe and Asia, both maintaining contact with regional conflicts and migratory flows that require a balanced approach between security and respect for international norms, including IHL.

From a cultural perspective, both countries have a diverse and multicultural historical heritage that includes Islamic, Christian and other traditional influences. In Spain, the history of the Reconquest and the coexistence of different cultures over centuries is reflected in a pragmatic approach to human rights and conflict management. In Türkiye, the legacy of the Ottoman Empire and its role as a melting pot of civiliza-

tions have also influenced its perception of IHL, as the country is constantly in a balance between East and West. This rich heritage has forged a cultural vision in both countries that values cohesion and stability, but also recognizes the need for adaptation in conflict contexts, resulting in an application of IHL that attempts to balance the demands of humanitarian protection with national security challenges.

However, both countries face challenges in implementing these commitments due to their internal and regional contexts; for example, Spain has had to apply IHL in situations of internal conflict, such as in the case of terrorism, and Türkiye has managed both internal and external conflicts, especially on its borders with Syria and Iraq. In both cases, IHL becomes a complex tool to apply, as these countries must adjust their security policies to comply with international norms while protecting their geopolitical interests.

Finally, the cultural proximity of Spain and Türkiye to regions in conflict has given them a shared experience in receiving refugees and managing humanitarian crises; both countries have been transited and refuge points for people displaced by conflicts in the Middle East, Africa and Asia. This has prompted Spain and Türkiye to implement IHL in ways that attempt to respect the rights of refugees and displaced persons, although they also face practical limitations due to internal pressures and social tensions that may arise in their territories. In this sense, both countries show a similar approach to the use of IHL as a framework for managing the humanitarian consequences of conflicts in their respective spheres of influence.



# A Normative Framework and the Role of Diversity

Türkiye faces internal and border conflicts that require intensive application of IHL, while Spain has focused its efforts on international peacekeeping missions, which allows for the analysis of IHL in different contexts. Despite sharing common commitments in the field of IHL, they apply their regulations in very different geopolitical and operational contexts. Located in a region characterized by instability and protracted conflicts, Türkiye faces challenges both internally and on its borders. Türkiye's geographical location, at the crossroads between Europe, Asia and the Middle East, places it in a position where security threats are constant, including the Syrian conflict, tensions in Kurdistan and issues of cross-border terrorism. These factors force Türkiye to apply IHL intensively and continuously, especially in military and border control operations, in which security objectives must be balanced with respect for the rights of civilians and combatants in accordance with international law.

On the other hand, Spain has oriented its security and defense policy towards international cooperation and peacekeeping missions under the auspices of organizations such as NATO, the UN and the European Union. In this context, Spain's application of IHL has been predominantly in operations outside its national borders, participating in stabilization and humanitarian aid missions in regions such as Africa, the Middle East and the Balkans. In these missions, Spain's approach to IHL is centered on the protection of the civilian population, the provision of humanitarian assistance and support for peacebuilding. By participating in these international contexts, Spain acts as an intervention or peacekeeping force, which allows for the implementation of IHL in situations where the main objective is the containment and mitigation of conflicts outside its own territory.

The difference in the contexts in which both countries apply IHL allows for an in-depth analysis of how this legal framework adapts to different conflict realities.

In the case of Türkiye, the application of IHL faces complexities inherent to a protracted conflict, where non-state actors and counter-terrorism operations demand a rigorous approach to the distinction and protection of civilians, as well as the treatment of detainees and combatants. This application of IHL at the domestic and border level requires a delicate balance between national security objectives and humanitarian obligations (Rodríguez-Valls & Jiménez, 2020), given that Türkiye, being directly involved in the conflict, faces challenges such as the protection of human rights amid active hostilities and the management of refugees and internally displaced persons that generate additional pressures on compliance with IHL.

In contrast, Spain's approach to international missions offers a context in which IHL is applied in a framework of cooperation and for peaceful purposes, which allows us to observe how this normative body is implemented in situations in which the nation acts as a mediator or peacemaker. In these missions, Spain acts under international mandates that prioritize the protection of human rights and the restoration of peace, a context that facilitates adherence to IHL in the absence of the challenges presented by a conflict in its own territory or on an immediate border. This allows Spain to contribute to IHL from a perspective that prioritizes civil protection and post-conflict rehabilitation, consolidating experience in the humanitarian and reconstruction fields.

Despite the difficulty and limitations of applying IHL in different contexts, Türkiye and Spain illustrate how this set of rules adapts to the nature of the conflict and the role of the actors involved. Türkiye, faced with the need to safeguard its territorial integrity and manage conflicts on its borders, uses IHL as a tool to address the immediate challenges of an active conflict, while Spain, by participating in peace missions, applies IHL in a regulated and cooperative environment, aimed at the containment and peaceful resolution of external conflicts. This difference allows not only a comparison between the applications of IHL in situations of internal conflict versus peacekeeping missions, but also provides a framework for understanding how the geopolitical circumstances of each nation influence the application and compliance with IHL.

# The Role of the European Union (EU) and the North Atlantic Treaty Organization (NATO)

The EU has played a crucial role in promoting and monitoring the implementation of IHL in its Member States and their interaction with Türkiye as a candidate country, which requires both to integrate respect for IHL in all their foreign and security policies, including participation in military operations and management of refugee crises.

Spain has benefited from the legal and political frameworks established by the organization to ensure compliance with IHL. According to Cuyvers (2017), the EU acts as a catalyst for the harmonization of national regulations with international standards, including IHL. This is seen in Spain's participation in missions of the EU's Common Security and Defense Policy (CSDP), where IHL is a central component of the rules of engagement and the training of military personnel.

In addition, the EU has promoted compliance with IHL in Spain through instruments such as the Court of Justice of the European Union (CJEU). This court has issued decisions that reinforce the obligation of Member States to adhere to IHL in their domestic and international activities. The EU's influence is also reflected in the adoption of national laws, such as the Organic Law on International Development Cooperation, which prioritizes respect for human rights and humanitarian standards in the context of international cooperation (Marmolejo-Ramos, 2018).

Although Türkiye is not a full member of the EU, its status as a candidate country has required it to align certain policies with European standards, including

IHL. According to Tocci (2011), the relationship between the EU and Türkiye has been a key driver for legal and political reforms related to human rights and humanitarian standards. For example, the EU has supported Türkiye in strengthening its legal frameworks related to the protection of civilians in conflict contexts, although internal political tensions have limited the scope of these reforms.

The management of the Syrian refugee crisis is an area where the EU's influence has been evident. In the 2016 EU-Türkiye Agreement, the Union committed to providing financial support to Türkiye to improve the living conditions of refugees; however, Amnesty International (2020) has pointed out that this agreement has not fully guaranteed respect for IHL given the nature of the conflicts that both are going through.

On the other hand, NATO also plays a fundamental role in the implementation of IHL, given its nature as a military alliance involving both Spain and Türkiye. The organization incorporates IHL principles into its operational doctrine, ensuring that its members' military operations comply with international standards. Spain, as an active NATO member, has participated in missions where compliance with IHL is essential. According to Schmitt (2018), NATO has developed specific guidelines to ensure that its members respect IHL during operations, including rules of engagement that prioritize the protection of civilians. Spain's participation in missions such as Resolute Support in Afghanistan has been an example of how IHL is integrated into operational practices under the NATO framework. NATO has also provided specialized training to the Spanish armed forces on IHL, strengthening their capacity to act in accordance with these norms. This aligns with Spain's commitment to fully implement IHL in its international operations and to promote its respect in multilateral contexts.

In Türkiye, NATO's role in the implementation of IHL has been more complex due to the specific challenges faced by the country. Türkiye has carried out military operations in Syria under the argument of protecting its national security and establishing safe zones. Although these actions are carried out within the framework of collective defense recognized by NATO,



studies such as those by Lund (2020) have pointed out that the application of IHL in these operations has been questioned due to allegations of indiscriminate attacks and forced displacement. NATO, however, has stressed the need for Türkiye to respect IHL in its operations, including the protection of civilians and the provision of humanitarian assistance in Turkish-controlled areas. Although NATO has no direct authority over the domestic policies of its members, its diplomatic pressure and shared norms influence Türkiye's conduct in the international arena.

## An Example of Normative Contribution to the International Community

Both countries have played an active role in promoting IHL, albeit in different areas, which allows us to understand how these regulations adapt to different political and social realities. Despite the geographical and cultural differences described above, they have played significant roles in the promotion and application of IHL, although in different contexts and environments. The analysis of their respective approaches allows us to understand how this set of international norms adapts to different political and social realities, since both countries face specific challenges in the implementation of these regulations, aligned with their own priorities and commitments at the international level. While Türkiye is immersed in a region marked by tensions and conflicts that require an interpretation of IHL oriented towards defense and border management, Spain has adopted a proactive role in peace missions and in the field of international cooperation, which offers a different perspective on the commitment to these humanitarian norms.

In the case of Türkiye, its geographical location and political context have significantly shaped its approach to IHL. Situated at a strategic crossroads between Europe, Asia and the Middle East, Türkiye faces a complex and changing landscape that includes conflicts on its borders, particularly in the context of the war in Syria and tensions with the Kurdish PKK (Kurdistan Workers' Party) group. These realities have led Türkiye to apply IHL not only in terms of protecting civilians and respecting human rights, but also as a tool in its military and security operations. Türkiye's role in promoting IHL largely focuses on the need to balance its internal security priorities with its international humanitarian protection commitments. This has led the country to take an active position in creating legal and operational frameworks that enable it to respond to security threats, but also to adapt to IHL standards, especially in contexts of non-international armed conflict. On the other hand, Spain has opted for a different approach, in which its role in promoting IHL has focused on the field of international cooperation and peacekeeping missions. Spain has been an active member of organizations such as the United Nations, the European Union and NATO, which has allowed it to act in international contexts as a promoter of respect for human rights and civilian protection in external conflicts. In this sense, Spain's commitment to IHL has been manifested mainly in peacekeeping and stabilization missions, where the country participates in humanitarian and post-conflict reconstruction operations. Through these missions, Spain also promotes its importance in international contexts, where collaboration and respect for these norms are essential to guarantee the protection of civilians and the restoration of peace. This approach has allowed Spain to develop an IHL policy oriented towards cooperation and multilateralism, standing out as an actor committed to the defense of human rights at a global level.

These differences in the application and promotion of IHL in Spain and Türkiye are also explained by their respective social and political realities. In Türkiye, the conflict situation and national security concerns have created a public perception where IHL is understood in terms of defending and protecting the State from both internal and external threats. The narrative around national security and the fight against terror-

ism has influenced the interpretation of IHL, where the focus is on managing conflict situations and containing non-state actors, such as insurgent groups and terrorist organizations. Thus, the promotion of IHL in Türkiye is affected by the needs to maintain internal stability and territorial integrity, which has led the country to make adaptations in its application of these norms, although it has also been subject to criticism for possible tensions between its security policies and international humanitarian protection obligations. Spain, on the other hand, by not facing internal armed conflicts of the same magnitude, has been able to focus its promotion of IHL from a perspective more aligned with human rights and support for international peace. Spanish society has developed a perception of IHL that is associated with international solidarity and support for humanitarian causes in conflict contexts in other regions. This vision has allowed Spain to adopt a more proactive role in promoting these regulations as a prevention tool.

## Conclusion

The comparative analysis between Spain and Türkiye in their application and promotion of IHL reveals how this normative framework adapts to the specific political, social and security realities of each country. Spain and Türkiye show a significant commitment to IHL, with approaches and strategies that respond to the different geopolitical contexts and challenges each faces. Türkiye, located in a region of great instability and in a strategic position between Europe and the Middle East, employs IHL as a tool to manage border security, address the challenges of mass displacement and balance its international commitments with its national security interests. Its intensive focus on managing internal and border conflicts has shaped an interpretation of IHL focused on containing threats and protecting its territorial integrity.

On the other hand, Spain, in an environment of greater internal stability, has channeled its commitment to IHL through peacekeeping missions and international cooperation, actively participating in organizations such as the UN, NATO and the European Union. This orientation allows it to apply IHL in contexts of peace-making and humanitarian assistance, emphasizing

the protection of human rights and reconstruction in areas of external conflict. Spain has developed an approach to IHL that aligns with its multilateral and humanitarian vocation, promoting peace and justice in the international arena.

The differences between both countries illustrate the flexibility of IHL to adapt to diverse realities, allowing each nation to fulfill its humanitarian obligations in a manner consistent with its needs and priorities. Türkiye and Spain, in their respective trajectories, contribute to the development and strengthening of IHL in their different fields of action, offering a valuable perspective on the implementation of these regulations in situations of conflict and international cooperation. Ultimately, the analysis of their approaches demonstrates that IHL is more than a set of norms: it is a dynamic tool that allows States to respond to the complexities of the contemporary world, always seeking to protect human dignity in the most critical moments. The analysis of Spain and Türkiye in the implementation of IHL shows how national priorities and geopolitical pressures shape their commitment to these regulations. While Spain excels in promoting humanitarian values through international peacekeeping missions, Türkiye faces internal and border challenges that call for a more adaptive application of IHL. Both nations, from their unique contexts, have demonstrated how these norms can respond to complex demands, striking a balance between the protection of human rights and internal stability. The flexibility of IHL, as a regulatory tool in conflict scenarios, is evident in these divergent approaches.

However, these efforts also expose inherent challenges. Spain, by focusing its engagement on international cooperation, reflects a more universalist perspective of IHL, while Türkiye faces tensions between humanitarian norms and its national security needs, particularly in the context of the Syrian crisis. The interaction of both countries with organizations such as NATO and the EU underscores the importance of international collaboration in strengthening compliance with IHL. This study, therefore, highlights the need for a global normative framework to address these tensions and foster sustainable solutions that recognize both national particularities and universal principles of humanitarian law.

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