



INTERNATIONAL HUMANITARIAN LAW AND THE CHALLENGES OF CONTEMPORARY ARMED CONFLICTS

BUILDING A CULTURE OF COMPLIANCE FOR IHL TO PROTECT HUMANITY
IN TODAY'S AND FUTURE CONFLICTS

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
INTRODUCTION.....	6
I. THE PROHIBITION OF NUCLEAR WEAPONS: PROTECTING HUMANITY FROM UNSPEAKABLE SUFFERING	10
1. Nuclear weapons and IHL.....	12
2. The Treaty on the Prohibition of Nuclear Weapons.....	12
II. CLARIFYING THE LEGAL FRAMEWORK: ‘GREY ZONES’, ‘COMPETITION’, ‘HYBRID WARFARE’ OR ‘PROXY WARFARE’	14
III. TOWARDS MORE EFFECTIVE PROTECTION FOR PEOPLE IN THE HANDS OF PARTIES TO ARMED CONFLICT	18
1. People deprived of liberty in armed conflict.....	19
A) Detention by states	19
B) Non-state armed groups and the prohibition against arbitrary detention.....	22
2. Separated family members, missing people and the dead and their families.....	24
A) Respecting family life	25
B) The ‘right to know’ under IHL.....	25
C) Recording and providing information on separated family members, missing people and the dead.....	26
D) Respecting the dead	27
3. The separation of children from their families.....	28
A) Key legal provisions in international and non-international armed conflict.....	29
B) Legal grounds and safeguards.....	29
4. Protecting diverse people.....	31
A) Reflecting gendered impacts of armed conflicts in applying IHL.....	31
B) Interpreting and implementing IHL in a disability-inclusive manner	33
IV. BALANCING IN GOOD FAITH THE PRINCIPLES OF HUMANITY AND MILITARY NECESSITY IN THE CONDUCT OF HOSTILITIES	36
1. The urbanization of armed conflict.....	37
A) Heavy explosive weapons in populated areas: A change in mindset is urgently required	38
B) Protection of critical infrastructure enabling essential services to civilians.....	40
2. The protection of medical facilities.....	42
A) Acts harmful to the enemy and their consequences	43
B) The warning requirement	43
C) Further constraints on attacks against medical facilities that have lost their protection.....	44
3. Food security	45
A) The prohibition against using starvation of civilians as a method of warfare.....	45
B) Objects indispensable to the survival of the civilian population	46
C) Other pertinent rules.....	47
D) Challenges to effective protection in practice.....	48
4. Protection of the natural environment	49
A) Implementing IHL to protect the natural environment during armed conflict	49
B) Protection of the natural environment by the general rules on the conduct of hostilities	50
C) Clarifying the “widespread, long-term and severe” threshold of prohibited damage to the natural environment	51
D) Protected environmental zones in armed conflict.....	51

5. Reinforcing the stigma associated with anti-personnel mines and cluster munitions	52
A) Faithfully implementing the APMBC and the CCM.....	53
B) Reinforcing the humanitarian norms underpinning the APMBC and the CCM.....	54
V. APPLYING IHL TO NEW TECHNOLOGIES OF WARFARE.....	56
1. Cyber operations, information operations and other digital threats.....	57
A) IHL limits on cyber operations.....	57
B) IHL limits on information operations.....	58
C) Risks and legal limits when civilians are drawn closer to hostilities through the use of digital technology.....	59
2. Autonomous weapon systems	60
A) Humans must determine the lawfulness of attacks.....	61
B) Challenges in assessing the lawfulness of attacks carried out using AWS.....	61
C) The need for new international law rules on AWS.....	63
3. Artificial intelligence in military planning and decision-making	64
A) Under IHL, humans must make legal determinations.....	64
B) AI is not suited to all tasks.....	65
C) Potential for AI-decision-support systems to support compliance with IHL and mitigation of civilian harm.....	66
D) Preserving time and space for human deliberation.....	66
4. Reducing the human cost of military operations in outer space	67
A) Existing limits under international law on military operations in, or in relation to, outer space	67
B) Working together to prevent and address the risk of civilian harm due to military space operations	68
VI. PROTECTING AND FACILITATING IMPARTIAL HUMANITARIAN WORK IN EVOLVING CONFLICTS	70
1. Maintaining space for humanitarian action in sanctions and counter-terrorism measures.....	71
A) Considering IHL in sanctions and counter-terrorism measures.....	71
B) Remaining challenges in sanctions frameworks	72
C) IHL compliance when implementing counter-terrorism measures.....	73
2. Protecting humanitarian organizations against digital threats.....	73
A) Cyber operations that breach and disrupt the IT systems of humanitarian organizations.....	74
B) Disinformation that undermines the reputation and operations of humanitarian organizations	74
VII. BUILDING A CULTURE OF COMPLIANCE WITH IHL	76
1. Bringing IHL home: States' implementation of IHL and the repression of violations	78
A) Ratifying core IHL treaties.....	78
B) Adopting national implementation measures.....	78
C) Investigating and suppressing IHL violations.....	79
D) Investing in IHL education.....	79
E) Sharing good practices	80
2. Building bridges for IHL through dialogue with cultural and legal frameworks.....	80
3. Ensuring respect for IHL in the transfer of weapons	81
A) The international legal obligation to respect IHL in arms-transfer decisions.....	82
B) Closing the gap between commitment and practice: Ensuring respect for IHL in arms-transfer decisions.....	82
4. Respect for IHL and easing the path to peace	83
CONCLUSION	84



IV. BALANCING IN GOOD FAITH THE PRINCIPLES OF HUMANITY AND MILITARY NECESSITY IN THE CONDUCT OF HOSTILITIES

The suffering and devastation caused by contemporary armed conflicts is almost beyond words. It flattens entire cities and leaves hospitals in ruins; civilians struggle to survive without adequate food, water, electricity or medical care, and people are wounded, permanently disabled, severely traumatized, and killed. Armed conflicts also destroy ecosystems and further deepen the rapidly intensifying global environmental and climate crisis.

IHL principles and rules on the conduct of hostilities aim to protect civilians and civilian objects against the dangers of military operations. To do so, they carefully balance between what is necessary to achieve a legitimate military purpose and the imperative to limit death, suffering, injury, and destruction during armed conflict. This framework, however, is under strain. Overly permissive interpretations of IHL rules on the conduct of hostilities risk upsetting this delicate balance and thwarting its purpose, which is to save lives and spare civilians and civilian objects, including the natural environment. Hard-fought gains are now being questioned: use of anti-personnel mines and cluster munitions has grown alarmingly, as have the resulting casualties. These weapons maim and kill indiscriminately, and continue to cause widespread human suffering long after conflicts have ended.

In this chapter, the ICRC presents some of its legal views on how good faith compliance with IHL rules on the conduct of hostilities may prevent or alleviate civilian harm in urban warfare, protect the life-saving care provided in medical facilities, prevent extreme food crises, and safeguard the natural environment. It also recalls how implementing and upholding weapon-related treaties may prevent destruction of human lives and livelihoods.

1. THE URBANIZATION OF ARMED CONFLICT

Urban fighting across the world – for instance, in Mariupol, Gaza and Khartoum – continues to cause immense suffering and devastation for civilians. The consequences of urban warfare are cumulative, immediate and long-term, and widespread. They include staggering numbers of civilian deaths; extensive physical and mental suffering; prolonged disruption of essential services within the urban area itself and beyond; mass displacement; outbreak and spread of infectious disease; reduced livelihoods; environmental damage; and developmental setbacks that last for decades and make many urban areas uninhabitable.⁸³ In 2022, the Movement adopted the Action Plan to Prevent and Respond to the Humanitarian Impacts of War in Cities.⁸⁴ It is working towards issuing a *Solemn Appeal on War in Cities* at the 34th International Conference.⁸⁵ The ICRC, the broader Movement and other humanitarian organizations continue to reinforce their capacity to prevent and respond to the devastating consequences of war in cities, but the scale and complexity of humanitarian needs always extend beyond the technical, practical, and financial capacities that can be mustered by a collective humanitarian response.⁸⁶

In its 2019 Challenges Report, the ICRC called for better protection for civilians, and greater respect for IHL, in urban warfare. Since then, we have seen things get far worse for people affected by urban warfare, sieges, and weapons that are indiscriminate when used in populated areas.

83 See ICRC, *War in Cities: Preventing and Addressing the Humanitarian Consequences for Civilians*, ICRC, Geneva, 2023.

84 Council of Delegates of the International Red Cross and Red Crescent Movement, *Resolution 6: War in Cities*, Annex: Movement Action Plan to Prevent and Respond to the Humanitarian Impacts of War in Cities, CD/22/R6, Geneva, June 2022, pp. 6–11: https://icrcconference.org/app/uploads/2022/06/CD22-R06-War-in-cities_22-June-2022_FINAL_EN.pdf.

85 See Council of Delegates of the International Red Cross and Red Crescent Movement, *War in cities: A Solemn Appeal from the International Red Cross and Red Crescent Movement Draft Zero Resolution*, CD/24/DRX.X, April 2024.

86 See The World Bank, ICRC, & UNICEF, *Joining Forces to Combat Protracted Crises: Humanitarian and Development Support for Water and Sanitation Providers in the Middle East and North Africa*, Washington, DC, 2021: https://www.icrc.org/sites/default/files/document_new/file_list/joining_forces_to_combat_protracted_crisis.pdf; ICRC, *Towards More Effective Humanitarian Operations in Urban Areas of Protracted Armed Conflicts: Lessons Learned from Applying Operational Resilience and Institutional Learning in Gaza*, ICRC, Geneva, 2022: <https://shop.icrc.org/towards-more-effective-humanitarian-operations-in-urban-areas-of-protracted-armed-conflicts-pdf-en.html>.

Protecting civilians caught in urban combat starts with good faith compliance with IHL, and that begins well before the outbreak of hostilities. However, the devastating consequences of fighting in cities raise serious questions about how parties to such conflicts interpret and apply the relevant IHL rules.⁸⁷ To ensure effective protection for civilians, the rules on the conduct of hostilities enshrine a careful balance between military necessity and humanity, as embodied, for instance, in the principle of proportionality, which requires that the incidental harm to civilians not be excessive in relation to the military advantage of an attack; the principle of precautions, which requires that parties take into account all humanitarian and military considerations when taking all feasible precautions to avoid and in any event minimize civilian harm; the obligation to “endeavour” to reach local agreements for the evacuation of certain categories of civilians from besieged areas. The rules on the conduct of hostilities do not require ‘zero civilian casualties’. However, the object and purpose of the basic principles underlying all these rules is to respect the civilian population and civilian objects and effectively protect them from the dangers of military operations.

Yet, the consensus around this careful balance is at risk of being turned on its head because of the way hostilities are being conducted in practice; and because of certain legal interpretations that seek to justify such conduct, leading to manifestly absurd results in view of the rules’ object and purpose. As parties to armed conflicts interpret IHL principles and rules with increasing elasticity, they set a dangerous precedent, which will have tragic consequences for everyone.⁸⁸ This is particularly the case in the continuing use of heavy explosive weapons in populated areas and in the attacks directed against critical infrastructure that enable the provision of essential services to civilians.

A) HEAVY EXPLOSIVE WEAPONS IN POPULATED AREAS: A CHANGE IN MINDSET IS URGENTLY REQUIRED

The use of explosive weapons with a wide impact area (also referred to as “heavy” explosive weapons) by warring parties has continued to cause devastation during urban fighting.⁸⁹

In November 2022, states acknowledged the link between these weapons and the increased risk of civilian harm, by adopting the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the Use of Explosive Weapons in Populated Areas (the Political Declaration). By August 2024 this had been endorsed by 87 states.⁹⁰

The Political Declaration contains a strong reaffirmation of key IHL obligations and their relevance to the use of explosive weapons in populated areas. Beyond this important reaffirmation, the Political Declaration acknowledges that much more is needed to achieve full and universal implementation of IHL and compliance with it.

IHL does not expressly prohibit the use of heavy explosive weapons in populated areas, but the high risk of such weapons having effects that go well beyond the targeted military objective makes it very difficult to use them in compliance with important IHL rules such as the prohibition against indiscriminate and disproportionate attacks and the duty to take all feasible precautions to avoid or at least minimize incidental civilian

⁸⁷ See ICRC, *2019 Challenges Report*, pp. 7–18.

⁸⁸ M. Spoljaric, *Statement for the first international follow-up conference to review implementation of the Political Declaration on explosive weapons in populated areas on Tuesday 23 April 2024 in Oslo (Norway)*, ICRC, April 2024: <https://www.icrc.org/en/document/global-and-collective-failure-to-protect-civilians-in-armed-conflict>.

⁸⁹ As explained in ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, ICRC, Geneva, 2022: <https://shop.icrc.org/explosive-weapons-with-wide-area-effect-a-deadly-choice-in-populated-areas-pdf-en.html>, explosive weapons can have wide area effects because of the large destructive radius of the individual munition used, the inaccuracy of the delivery system, and/or the simultaneous delivery of multiple munitions over a wide area. These weapons include large bombs and missiles, indirect-fire weapon systems, such as most mortars, rockets and artillery, multi-barrel rocket launchers and certain types of improvised explosive device.

⁹⁰ Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, 2022: <https://www.gov.ie/en/publication/585c8-protecting-civilians-in-urban-warfare/>.

harm.⁹¹ Because of this risk, and because of their devastating consequences, the Movement has, for over a decade, been calling on states and parties to armed conflicts to avoid the use of heavy explosive weapons in urban and other populated areas. Heavy explosive weapons should not be used in populated areas unless sufficient mitigation measures can be taken to reduce their wide area effects and the consequent risk of civilian harm.

Crucially, the Political Declaration stipulates a core commitment to “adopt and implement a range of policies and practices to help avoid civilian harm, including by restricting or refraining as appropriate from the use of explosive weapons in populated areas, when their use may be expected to cause harm to civilians or civilian objects”.⁹² The ICRC’s 2022 report, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*,⁹³ provides an in-depth assessment of the use of these weapons from various perspectives: humanitarian, technical, legal, policy and practice. It offers detailed recommendations for political authorities and armed forces of both states and non-state armed groups on measures they can and should take to curb the use of heavy explosive weapons in populated areas and strengthen protection for civilians and civilian objects. It is hoped that states will find these recommendations helpful, including when seeking to operationalize the commitments made in the Political Declaration.⁹⁴

In the Political Declaration, states also committed to “take into account the direct and indirect effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas, and conduct damage assessments, to the degree feasible, and identify lessons learned”.⁹⁵ To help states implement this commitment, in 2023 the ICRC hosted an experts’ meeting to exchange views on the action needed to prevent, mitigate and respond to the indirect effects, on essential services, of the use of explosive weapons in populated areas, and developed detailed recommendations in this regard.⁹⁶

In the ICRC’s view, the Political Declaration sends a powerful signal that belligerents need to change the way they plan and conduct hostilities in populated areas, in order to protect civilians and civilian objects from harm. Effecting such change in mindset and perspective is crucial.

91 See for a more detailed discussion ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflict*, ICRC, Geneva, 2011, 2015 and 2019.

92 Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, Part B: Operative Section, Section 3(3.3), 2022: <https://www.gov.ie/en/publication/585c8-protecting-civilians-in-urban-warfare/>.

93 ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, ICRC, Geneva, 2022: <https://shop.icrc.org/explosive-weapons-with-wide-area-effect-a-deadly-choice-in-populated-areas-pdf-en.html>.

94 ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, Chapter 5, ICRC, Geneva, 2022: <https://shop.icrc.org/explosive-weapons-with-wide-area-effect-a-deadly-choice-in-populated-areas-pdf-en.html>; The ICRC also published handbooks for commanders of state armed forces and non-state armed groups in 2021 and 2023, containing guidance and recommendations on reducing civilian harm during urban warfare. See ICRC, *Reducing Civilian Harm in Urban Warfare: A Commander’s Handbook*, ICRC, Geneva, 2021: <https://shop.icrc.org/reducing-civilian-harm-in-urban-warfare-a-commander-s-handbook.html>; and ICRC, *Reducing Civilian Harm in Urban Warfare: A Handbook for Armed Groups*, ICRC, Geneva, 2023: <https://shop.icrc.org/reducing-civilian-harm-in-urban-warfare-a-handbook-for-armed-groups-pdf-en.html>. See also ICRC, *Childhood in Rubble: The Humanitarian Consequences of Urban Warfare for Children*, ICRC, Geneva, 2023: <https://shop.icrc.org/childhood-in-rubble-the-humanitarian-consequences-of-urban-warfare-for-children-pdf-en.html>; ICRC, *A Decade of Loss: Syria’s Youth after Ten Years of Crisis*, ICRC, Geneva, 2021: https://www.icrc.org/sites/default/files/wysiwyg/Worldwide/Middle-East/syria/icrc-syria-a-decade-of-loss_en.pdf.

95 Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, Part B: Operative Section, Section 3(3.4), November 2022: <https://www.gov.ie/en/publication/585c8-protecting-civilians-in-urban-warfare/>.

96 ICRC, *Preventing and mitigating the indirect effects on essential services from the use of explosive weapons in populated areas: ICRC recommendations*, ICRC, Geneva, 2024: <https://shop.icrc.org/preventing-and-mitigating-the-indirect-effects-on-essential-services-from-the-use-of-explosive-weapons-in-populated-areas-icrc-recommendations-pdf-en.html>.

The ICRC commends the many governments that have already endorsed the Political Declaration and strongly encourages all others to do so without delay. If properly implemented, the Political Declaration has the potential to make a real difference for civilians. The international community – particularly political and military authorities – must now work together to broaden support for the Political Declaration and to implement it effectively. It is time to turn these ambitious commitments into meaningful measures, policies and good practices that will help alleviate human suffering during armed conflicts and in their aftermath.

B) PROTECTION OF CRITICAL INFRASTRUCTURE ENABLING ESSENTIAL SERVICES TO CIVILIANS

One of the gravest risks to lives and livelihoods in urban conflict is the disruption of essential services, such as electricity, health care, water and wastewater treatment and solid waste disposal, as well as the market systems that provide food and other household necessities, telecommunications, financial systems, transportation for people and goods, education – in short, all of the interrelated systems that people need to live safely in cities and other populated environments.⁹⁷ A common cause of such disruption is damage to the critical infrastructure that these services rely on. As just described, this is frequently due to the use of heavy explosive weapons that cause widespread incidental damage to civilian infrastructure.

Sometimes, however, civilian infrastructure is directly and deliberately targeted. Critical infrastructure might also suffer incidental damage, especially when heavy explosive weapons are directed against targets in the vicinity of such infrastructure. This has been a concern of the international community for several years.⁹⁸

i. Limits imposed by the definition of ‘military objective’

Cities are, above all, civilian areas: they are full of civilians and civilian objects. Most of what states consider to be ‘critical infrastructure’ is made up of civilian objects under IHL. As such, they are protected against direct-attack, reprisals, and avoidable or excessive incidental harm. They benefit from a presumption of civilian status.⁹⁹ Attacks against these objects for the primary purpose of spreading terror among the civilian population are also prohibited.

One challenge is that infrastructure critical for the delivery of essential services is sometimes used simultaneously by both civilians and the armed forces of the parties to the conflict. This is the case, for instance, for some energy infrastructure, space systems and communication systems; and for logistical lines (such as roads, bridges, transportation systems, airports and airfields, and ports).

This means that under certain circumstances such infrastructure may become liable to attack. However, the mere fact that civilian infrastructure, or a part thereof, is used by the armed forces of a party to an armed conflict does not suffice *per se* for it to qualify as a military objective under IHL. It must fulfil the definition of ‘military objective’.¹⁰⁰ Concretely, this means that: (1) by its nature, location, purpose (intended future use) or use the infrastructure or parts of it must make an effective contribution to *military* action; and (2) its total or partial destruction, capture or neutralization, *in the circumstances ruling at the time*, must offer a definite military advantage. Both prongs of this definition must be fulfilled.

When assessing whether civilian infrastructure – or more likely a part thereof – has become a military objective, the first prong, i.e. the effective contribution that the object makes to the military action of the adversary, requires a close connection between the use of that part of infrastructure and the fighting itself. This link will typically relate to tactical or operational level activities, such as the provision of electricity by a power station to military headquarters or command, control, and communication systems. In some circumstances, there will be a connection to strategic-level activities aimed at achieving direct military effects – for example, targeting a specific piece of energy infrastructure to deny an adversary’s air-defence capabilities – or impacting the production of war matériel.

97 ICRC, *Preventing and Mitigating the Indirect Effects on Essential Services from the Use of Explosive Weapons in Populated Areas: ICRC Recommendations*, ICRC, Geneva, 2024: <https://shop.icrc.org/preventing-and-mitigating-the-indirect-effects-on-essential-services-from-the-use-of-explosive-weapons-in-populated-areas-icrc-recommendations-pdf-en.html>.

98 See for example UN Security Council, Resolution 2573, S/RES/2573 (2021), 27 April 2021.

99 AP I, Arts 48 and 52; ICRC, Customary IHL Study, Rules 8 and 147.

100 AP I, Art. 52; ICRC, Customary IHL Study, Rule 8.

As for the second prong, there must be a concrete and perceptible advantage to the armed forces seeking to attack that piece of infrastructure in the circumstances ruling at the time, not a hypothetical advantage at some time in the future. In other words, sweeping or anticipatory classification, as a military objective, of the entire transportation system, electricity grid, or communications network under the control of an adversary, is incompatible with IHL. It would be contrary to the legal requirement to take all feasible precautions to verify the nature of a proposed target; and subsequent attacks on the basis of such a broad classification would most likely violate the principle of distinction.

Attacks on civilian infrastructure have taken place repeatedly, not for the purpose of degrading an adversary's military capabilities, but for political or economic reasons. Forcing an adversary to the negotiating table, influencing the will of the population, intimidating political leaders, or degrading an adversary's economic capacity: these are not relevant considerations in assessing whether an object is a military objective under IHL, even for objects that contribute to the war-sustaining capability of an adversary. Unless the operation is against a target that is a military objective in the first place, IHL prohibits attacks based on such considerations.

The importance of the definition of military objective, and the restrictions it imposes, cannot be overstated, for the protection of critical infrastructure and more generally for the protection of the population. Interpretations of this notion beyond its ordinary meaning, and contrary to its object and purpose to protect civilians against the dangers arising from military operations, undermine the entire protective framework established by the rules governing the conduct of hostilities.

ii. Can civilian infrastructure be attacked merely because it qualifies as a military objective? Limits imposed by other rules on the conduct of hostilities

Once critical infrastructure or a part thereof is used in such a way that it fulfils the IHL definition of 'military objective', it becomes a military objective. However, that does not provide an unrestricted licence to attack it.

In fact, all IHL rules protecting the civilian population from the effects of hostilities continue to apply. Importantly, this includes the prohibitions against indiscriminate and disproportionate attacks, and the rules on precautions in attack and against the effects of attack.

In connection with the principles of proportionality and precautions, one important question relates to the type of incidental civilian harm that must be considered when planning and deciding upon an attack against a piece of critical infrastructure that has become a military objective. As explained in the ICRC's 2019 Challenges Report, incidental civilian harm is not limited to immediate damage or destruction of civilian objects or injuries and deaths among civilians. It includes all reasonably foreseeable indirect or 'reverberating' civilian harm resulting from the destruction or damage (including loss of functionality) of the targeted objects. Many of these indirect or reverberating effects are well-documented now and entirely foreseeable.¹⁰¹

In addition, IHL affords specific, heightened protection to certain types of critical infrastructure, notably hospitals and other medical facilities and medical transports;¹⁰² objects indispensable to the survival of the

¹⁰¹ For further discussion on what constitutes relevant incidental civilian harm for the purposes of both proportionality and precautions in attack, and when reverberating effects are reasonably foreseeable, see ICRC, *2019 Challenges Report*, Chapter 2.

ICRC, *Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas*, ICRC, Geneva, 2022, pp. 96–102: <https://shop.icrc.org/explosive-weapons-with-wide-area-effect-a-deadly-choice-in-populated-areas-pdf-en.html>.

¹⁰² Medical units (GC I, Art. 19; GC II, Art. 22; GC IV, Art. 18; AP I, Art. 12; AP II, Art. 11; ICRC Customary IHL Study, Rule 28); medical transports (GC I, Art. 35; GC II, Arts 38 and 39; AP I, Arts 21–31; AP II, Art. 11; ICRC Customary IHL Study, Rules 29 and 119); See for more details, ICRC, *The protection of hospitals during armed conflicts: What the law says*, ICRC, November 2023: <https://www.icrc.org/en/document/protection-hospitals-during-armed-conflicts-what-law-says#:~:text=According%20to%20international%20humanitarian%20law,staff%20and%20means%20of%20transport>; ICRC, *Respecting and Protecting Health Care in Armed Conflicts and in Situations Not Covered by International Humanitarian Law*, ICRC, Geneva, April 2021: <https://www.icrc.org/en/document/respecting-and-protecting-health-care-armed-conflicts-and-situations-not-covered>; ICRC, *Protecting Health Care: Guidance for the Armed Forces*, ICRC, Geneva, November 2020: <https://shop.icrc.org/protecting-healthcare-guidance-for-the-armed-forces-pdf-en.html>.

civilian population (see section IV. 3) b.);¹⁰³ works and installations containing dangerous forces (namely dams, dykes and nuclear power plants);¹⁰⁴ cultural property;¹⁰⁵ and the natural environment (see section IV. 4) d.).¹⁰⁶ Each specific protection regime is different, but it often entails additional prohibitions against attacking such objects – even in situations where they would otherwise fulfil the definition of ‘military objective’ – the requirement for more demanding precautions before attacking them, and/or specific protection against operations other than attacks.

When planning and deciding attacks against critical infrastructure, or a part thereof, simultaneously used by military forces and civilians, decisions about target selection, proportionality and precautions in attack need to be based on robust multidisciplinary intelligence assessments that, *inter alia*, comprehensively map not only the anticipated effects of system disruption on the adversary’s military capabilities, but also the impact that may be expected on the provision of essential services to the civilian population. This type of information may be difficult to acquire sometimes, but that does not obviate the legal requirement to take all feasible measures to obtain it before an attack.

2. THE PROTECTION OF MEDICAL FACILITIES

Hospitals and other medical facilities perform a life-saving function for wounded and sick people, be they friend or foe. They should be sanctuaries from fighting. Therefore, the very first IHL treaty included rules on the specific protection of medical facilities. These have been comprehensively codified under the Geneva Conventions of 1949 and subsequent IHL treaties, and are a part of customary IHL.¹⁰⁷ Medical facilities must be respected and protected at all times. Thus, they are specifically protected against attacks and other military interference with their functioning, such as when conducting search or seizure operations or when misusing a medical facility for military purposes. The specific protection also means that a particular safeguard, namely a warning, must be implemented before any attack or other military operation in response to a loss of that protection can be undertaken.

Under IHL, the specific protection of medical facilities is the general rule; loss of that protection is the exception. This protection can be lost only if certain conditions are fulfilled which must be met cumulatively. First, a medical facility must be used to commit an act harmful to the enemy, outside of its humanitarian function; second, a warning with a reasonable time limit to cease such acts must go unheeded. By ensuring that parties have time to take steps to remedy the situation, the warning is thus an additional safeguard to reduce the likelihood of attacks against, and other military interference with the functioning of, medical facilities. In addition, even in the event of an attack or other military operation after such a warning has gone unheeded, wounded and sick people, and medical personnel who are not involved in the commission of acts harmful to the enemy, remain specifically protected – as do medical objects inside the hospital that are not being used to commit acts harmful to the enemy.

¹⁰³ AP I, Art. 54; AP II, Art. 14; ICRC, Customary IHL Study, Rule 54; for more details, see ICRC, *Starvation, Hunger and Famine in Armed Conflict: An Overview of Relevant Provisions of International Humanitarian Law*, ICRC, Geneva, 2022: <https://shop.icrc.org/starvation-hunger-and-famine-in-armed-conflict-pdf-en.html>.

¹⁰⁴ AP I, Art. 56; AP II, Art. 15; ICRC, Customary IHL Study, Rule 42.

¹⁰⁵ ICRC, 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict and Its Protocols, ICRC, Geneva, 2021: <https://www.icrc.org/en/document/1954-convention-protection-cultural-property-event-armed-conflict-and-its-protocols-0>.

¹⁰⁶ AP I, Arts 35(3) and 55(1); ICRC, Customary IHL Study, Rules 44 and 45; for more details see ICRC, *Guidelines on the Protection of the Natural Environment in Armed Conflict: Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law, with Commentary*, ICRC, Geneva, 2020 (hereafter *ICRC Environmental Guidelines*): <https://shop.icrc.org/guidelines-on-the-protection-of-the-natural-environment-in-armed-conflict-pdf-en.html>.

¹⁰⁷ See, especially, GC I, Arts 19, 21 and 22; GC IV, Arts 18 and 19; AP I, Arts 12 and 13; AP II, Art. 11; ICRC Customary IHL Study, Rule 28.

Despite the specific protection, hospitals are, with alarming frequency, subjected to attacks or armed entry accompanied by threats against medical personnel, and misused for military purposes. Such acts not only cause deaths and – sometimes additional – injuries among wounded and sick people or medical personnel and obstruct the treatment of patients inside hospitals, but also result in indirect and cumulative harm: hospitals are no longer functional for entire populations, medical personnel are no longer available, and fragile health systems are further weakened.

A) ACTS HARMFUL TO THE ENEMY AND THEIR CONSEQUENCES

The ICRC has previously addressed the notion of acts harmful to the enemy and the legal consequences that follow such acts.¹⁰⁸ When medical facilities are used to interfere directly or indirectly in military operations, and thereby cause harm to the enemy, the rationale for their specific protection under IHL is removed. Such acts endanger the wounded and sick in the facility, or lead to mistrust. IHL does not contain a general prohibition of using medical facilities for military purposes, but, depending on the circumstances, such acts may amount to specific IHL violations, including violation of the obligation to respect and protect medical facilities; of passive precautions; of the prohibition of using human shields or using medical facilities in an attempt to shield military objectives from attack; of the prohibition of improper use of emblems where medical facilities display a red cross, red crescent or red crystal; and of the prohibition of perfidy.

IHL does not define ‘acts harmful to the enemy’, or the consequences of such acts. It singles out a few acts that it expressly recognizes as *not* being harmful to the enemy, such as the carrying or using of individual light weapons in self-defence or in defence of the wounded and sick; the use of armed personnel to guard a medical facility; or the presence in a medical facility of sick or wounded combatants no longer taking part in hostilities.¹⁰⁹ Acts that have been recognized by states as harmful to the enemy include use of a hospital as: a base from which to launch an attack; an observation post; a weapons depot; as a command-and-control centre; and as a shelter for able-bodied combatants.

A key question for determining the response to a medical facility’s loss of protection is whether acts harmful to the enemy turn a medical facility into a military objective. The ICRC has previously expressed the view that the loss of specific protection of a medical facility in case of acts harmful to the enemy does not necessarily permit an attack against that facility; whether a medical facility may be the object of an attack depends on the fulfilment of both cumulative criteria for classifying it as a military objective.¹¹⁰ If those criteria are not met, parties would have to adopt measures short of an attack on the facility itself, such as seizure of the facility.

The overall state of affairs creates an environment in which assertions by attackers that such acts have been committed, are easily made and hard to refute, as such claims are rarely accompanied by information about how the existence of an act harmful to the enemy was verified and whether a good faith determination of the facility’s status as a military objective has been made. It also underscores the importance of not using medical facilities for military purposes, so as to avoid the possibility of a loss of protection.

B) THE WARNING REQUIREMENT

Attacks or other military operations against medical facilities that are being used to commit acts harmful to the enemy must be preceded by a warning. The issuing of such warning is distinct from that found in the principle of precautions protecting civilians and civilian objects from attacks: the warning to be given before launching any military operation against hospitals is not subject to the general caveat “unless circumstances do not permit”. Where appropriate, the warning needs to be accompanied by a reasonable time limit which must have gone unheeded before any action is taken.

¹⁰⁸ See, for example, the *International Humanitarian Law and the Challenges of Contemporary Armed Conflict*, ICRC, Geneva, 2015, (hereafter *2015 Challenges Report*) pp. 31–32; ICRC, *Commentary on the First Geneva Convention*, 2016, on Art. 21, paras 1837–1859.

¹⁰⁹ GC I, Art. 22; AP I, Art. 13.

¹¹⁰ See ICRC, *2015 Challenges Report*, p. 33; ICRC, *Commentary on the First Geneva Convention*, 2016, para. 1847. For an exploration of the challenges in interpreting the notion of military objective see section IV. 1) b. i. of this report.

The specific warning requirement for medical facilities provides a safeguard, especially against attacks based on insufficiently substantiated information. The purpose of this warning is not only to allow those committing an act harmful to the enemy to terminate such acts or – if they decide not to – to ultimately allow for safe evacuation of the wounded and sick. An additional purpose is to afford those in charge of a medical facility an opportunity to reply to any unfounded allegations that acts harmful to the enemy are being committed and provide evidence to the contrary, if they can.¹¹¹ In some cases, the warning may also serve to empower hospital staff to appeal to military authorities to remove a military objective or cease military use of the medical facility.

The obligation to warn should therefore render attacks against medical facilities even more exceptional. When a warning is heeded, or when it is clarified that the assumptions by an attacker were erroneous, no attack may be launched.

Despite the stringency of this obligation, it is currently unclear whether parties to armed conflict systematically issue such warnings. It is also not clear whether and how they meet the requirements for specificity; nor is there sufficient information on how parties to armed conflict adapt the format of these warnings to ensure their accessibility, or on the parameters guiding the timing and expiry time granted for ceasing acts harmful to the enemy. Further clarity on the practical implementation of this requirement, and on what is necessary to enable such warnings to serve their purpose, is highly desirable.

C) FURTHER CONSTRAINTS ON ATTACKS AGAINST MEDICAL FACILITIES THAT HAVE LOST THEIR PROTECTION

Even when the most extreme response, namely an attack against a medical facility that has lost its specific protection, can be justified, it is subject to further constraints. First, where a hospital compound is composed of several buildings, only the specific building – or the separable parts thereof – from which an act harmful to the enemy is committed can be considered a military objective liable to attack, provided that building also meets the two-pronged IHL definition of a military objective. Second, the effect of any such attack on wounded and sick persons and medical personnel uninvolved in the commission of acts harmful to the enemy must be duly taken into account, in accordance with the obligations to respect and protect the wounded and sick and medical personnel, as well as the principles of proportionality and precautions under the general IHL rules on the conduct of hostilities.¹¹² Compliance with these rules remains crucial in this context, because even if a warning may have permitted safe evacuation of some wounded and sick persons before an attack, that may not be practicable in all cases, as some of them may not be in a condition to be transported elsewhere. It must be presumed that wounded and sick persons and medical personnel will remain in a hospital that has lost its protection.

Severe consequences of any attack on a hospital are foreseeable: for instance, injuries or deaths among medical personnel or the destruction of vital components of a hospital, such as intensive care units, or of medical equipment inside a hospital, will have a devastating impact on life-saving medical care for wounded and sick people. Indirect and cumulative consequences of such attacks are also well known: hospitals may become inoperable and no longer fulfil their vital function for entire populations; and medical personnel may leave or become unavailable to provide their services. Hence, in applying the principle of proportionality, the concrete and direct military advantage anticipated from an attack on medical facilities that have lost their protection must be carefully weighed against the severe incidental harm that is foreseeable, which must also include the foreseeable reverberating effects.

¹¹¹ ICRC, *Commentary on the Geneva Conventions of 12 August 1949*, Vol. 1: *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, ICRC, Geneva, 1952, p. 202; and J.S. Pictet (ed.), *Commentary on the Geneva Conventions of 12 August 1949*, Vol. 4: *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, ICRC, Geneva, 1958, p. 155.

¹¹² This applies to wounded and sick people and medical personnel, whether civilian or military. For more details on the scope of specific protection in relation to medical personnel, as well as the question of the scope of the notions of acts harmful to the enemy compared with that of direct participation in hostilities, see, for example ICRC, *2015 Challenges Report*, pp. 30–33.

An attacking party also remains bound by the obligation to take precautions in attack. In particular, it must do everything feasible to avoid or at least minimize harm to patients and medical personnel, and to medical equipment. Following consultations with a number of different armed forces, the ICRC has recommended a series of measures that should inform precautions to minimize the direct and indirect impact of an attack on the provision of health services. These include: preparation of a contingency plan to address the anticipated disruption of health services and to re-establish full service delivery as soon as possible; measures to facilitate the evacuation of patients and medical personnel in order to preserve the continuity of care; stopping the attack if the facility no longer meets the criteria for the loss of protection (e.g. combatants have fled the medical facility); or, after the attack, facilitation or implementation of measures for the rapid restoration of health services (e.g. provision of military medical support for a civilian medical facility).¹¹³

It is unclear whether and how parties to armed conflict are currently taking into account the devastating consequences of attacks against hospitals. Much more must be done to bridge the gap between the law and the declared good intentions of states – including at the highest level as parties to the Geneva Conventions of 1949 and by adopting UN Security Council Resolution 2286 of 2016 – and the grim reality of an alarming scale of death among wounded and sick people and medical personnel, and the destruction and disruption of medical facilities. States and non-state parties to armed conflict must do more to uphold the letter and spirit of the specific protection of medical facilities against attack, armed entry, and misuse for military purposes.

3. FOOD SECURITY

Acute food insecurity affected some 282 million people throughout the world in 2023, owing to the mutually reinforcing impact of conflict, extreme weather, economic shocks and trade disruptions. Conflict and insecurity were the primary driver of hunger for 135 million people and a contributing factor for millions more.¹¹⁴

All too often, states react to the impact of conflict on food security only after a situation has already developed into an acute food crisis, narrowing the focus to the issue of access for humanitarian relief. Respect, from the onset of the conflict, for the full range of IHL rules described below can help prevent situations from developing into extreme food crises in the first place.¹¹⁵

A) THE PROHIBITION AGAINST USING STARVATION OF CIVILIANS AS A METHOD OF WARFARE

IHL prohibits starvation of civilians as a method of warfare. *Starvation* means deprivation of food, water or other things necessary for survival. The deprivation need not be so severe as to cause death; it is enough that it would cause suffering.

To use starvation as a *method of warfare* means to provoke it deliberately. A prominent example is deprivation of food and water during sieges.¹¹⁶ Another is destroying foodstuffs and water supplies, and the means to produce and distribute them, to deprive an adversary of their sustenance value. To conclude that a party is deploying starvation as a method of warfare, one need not wait until civilians are actually starving.

The prohibition applies to starvation of *civilians*. It does not address starvation of *armed forces*. However, this does not mean that the prohibition applies only to acts taken with the *specific purpose* of starving civilians. At minimum, *indiscriminate* use of starvation as a method of warfare is also prohibited, i.e. where the deprivation of food and water or other things necessary for survival cannot be or is not directed *exclusively* at armed forces. For example, a besieging party could not justify deliberate mass starvation of civilians by claiming

¹¹³ See ICRC, *Protecting Health Care: Guidance for the Armed Forces*, ICRC, Geneva, 2020, pp. 41 and 48.

¹¹⁴ Food Security Information Network and Global Network against Food Crises, *2024 Global Report on Food Crises*, GNAFC/FSIN, Rome, 2024, pp. 11–13: www.fsinplatform.org/grfc2024.

¹¹⁵ See also UNSC Resolutions 2417 (2018) and 2573 (2021).

¹¹⁶ For a more detailed discussion of the protection of the civilian population during sieges, see ICRC, *2019 Challenges Report*, pp. 22–25.

that its specific purpose was only to starve enemy fighters who were also in the area. Furthermore, both the besieging and the besieged party must allow civilians to leave and must continue to comply with IHL rules on humanitarian relief and conduct of hostilities, including in relation to any civilians who remain.¹¹⁷

Nothing in the ordinary meaning of the wording of the prohibition indicates that it was meant to allow for indiscriminate use of starvation as a method of warfare.¹¹⁸ Furthermore, such an interpretation would be inconsistent with the intentions reflected in the corollary rule on “objects indispensable” in Article 54(2) and (3) of Additional Protocol I, discussed below. First, Article 54(2) explicitly refers to “the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party” [emphasis added]. Second, the exception in Article 54(3)(b), where an object is being used in direct support of military action, is subject to the overriding provision that “in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.”

The reference to starvation *as a method* of warfare does not cover all starvation caused by warfare. For instance, starvation caused by a general disruption of transportation systems as an incidental result of the armed conflict would not necessarily be covered by the prohibition, unless a party was seeking thereby to provoke starvation. However, acts that could cause starvation but cannot be described as the use of starvation as a ‘method of warfare’ may still be prohibited by other rules of IHL.

B) OBJECTS INDISPENSABLE TO THE SURVIVAL OF THE CIVILIAN POPULATION

IHL gives special protection to “objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works”.¹¹⁹ The types of objects covered by the rule are not limited to these examples. For instance, depending on the circumstances, housing, clothing or fuel could also be included, as well as certain types of energy or communications infrastructure on which objects indispensable to the survival of the civilian population depend.¹²⁰

Attacking, destroying, removing, or rendering useless such objects is prohibited. These terms were meant to cover all possible means, including the use of chemicals to contaminate water reservoirs or defoliate crops.¹²¹ Cyber operations are also covered by this prohibition. The possibility that damage or a disabling effect might eventually be repaired or reversed does not remove it from the scope of the prohibition.

Exceptions to the prohibition exist where the objects are used as sustenance solely for the members of armed forces, or in direct support of military action (such as providing cover).¹²² However, even in these circumstances, “in no event shall actions against these objects be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement”.¹²³

Some states insist that this prohibition applies only to acts carried out for specific purposes. However, even on such a narrow reading, as was noted above, Article 54(2) of Additional Protocol I explicitly includes the purpose of denying the objects’ sustenance value “to the adverse Party”, not only to the civilian population.¹²⁴ In any event, the ICRC’s study on customary IHL did not formulate the relevant rule to include a purpose

117 See ICRC, *2019 Challenges Report*, pp. 22–25; ICRC, Customary IHL Study, explanation on Rule 53, p. 188. In addition to civilians, the parties also have obligations to the wounded and sick and other persons *hors de combat*.

118 See AP I, Art. 54(1); AP II, Art. 14; ICRC, Customary IHL Study, Rule 53.

119 See AP I, Art. 54(2); AP II, Art. 14; ICRC, Customary IHL Study, Rule 54.

120 See, for example, Rule 141, paras 5–6 in Michael N. Schmitt (ed.), *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations*, Cambridge University Press, Cambridge, 2017.

121 ICRC, *Commentary on the Additional Protocols*, 1987, paras 2101 and 4801.

122 See AP I, Art. 54(3); ICRC, Customary IHL Study, explanation on Rule 54.

123 See AP I, Art. 54(3)(b); See ICRC, Customary IHL Study, explanation on Rule 54.

124 AP I, Art. 54(2) refers to “the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive”. AP II, Art. 14 includes the phrase “for that purpose”, in reference to the mention of “starvation of civilians as a method of combat” in the previous sentence.

requirement, commenting that with regard to international armed conflict, most military manuals “do not indicate such a requirement and prohibit attacks against objects indispensable to the survival of the civilian population as such”.¹²⁵ In the view of the ICRC, at a minimum, to ensure that the rule is fully complied with and realizes its intended protective effect, it is essential that no action, whatever its purpose, be taken against “objects indispensable” wherever the action “may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement”.¹²⁶

C) OTHER PERTINENT RULES

Other IHL obligations are also pertinent to food security.¹²⁷ For instance, parties have obligations to ensure the provision of supplies essential to the survival of the civilian population under their control, including food and water.¹²⁸ Parties, and other states, also have obligations to allow and facilitate humanitarian relief, subject to their right of control.¹²⁹

In addition, IHL rules on distinction, proportionality and precautions in attack provide general protection to civilian objects, including civilian transport infrastructure, marketplaces and other civilian objects that contribute indirectly to civilian food supply, even when they do not necessarily constitute objects indispensable to the survival of the civilian population.

IHL also prohibits or regulates the use of certain weapons with a widespread and long-lasting adverse impact on food security, such as landmines and cluster munitions. It provides for protection of the natural environment. Works and installations containing dangerous forces, such as dykes, dams and nuclear power plants, also receive special protection. Rules on naval blockade, and on pillage and other acts in relation to public and private property, are also relevant.

Hostilities conducted intensely and on a continuous basis could make it effectively impossible, for prolonged periods, to deliver adequate humanitarian assistance. Parties must ensure that the manner in which they conduct hostilities is compatible with their obligations to ensure supply of food, water and other essential items to populations under their control and to allow and facilitate humanitarian relief. In situations of occupation, for instance, the Occupying Power must ensure, to the fullest extent of the means available to it, the food and medical supplies of the population, including by bringing in the necessary foodstuffs, medical stores and other items if the resources of the occupied territory are inadequate.¹³⁰ If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power must agree to relief schemes and must “facilitate them by all the means at its disposal”,¹³¹ which in some circumstances could involve adjustments to its military operations. A similar obligation applies in situations other than occupation.¹³² Preventing interference with an ongoing or imminent military operation could in exceptional circumstances justify regulating – but not prohibiting – humanitarian access; however, any legal or practical restrictions

125 ICRC, Customary IHL Study, explanation on Rule 54. The commentary makes no reference to a requirement of purpose in the application of the rule in non-international armed conflict.

126 See AP I, Art. 54(3)(b). See also ICRC, Customary IHL Study, explanation on Rule 54.

127 For more details, see ICRC, *Starvation, Hunger and Famine in Armed Conflict*, ICRC, Geneva, 2022: <https://shop.icrc.org/starvation-hunger-and-famine-in-armed-conflict-pdf-en.html>.

128 See, for example, GC IV, Arts. 39(2), 55(1) and 89; AP I, Art. 69(1). IHL rules addressing specific situations and populations in this respect are reinforced by broader obligations, including under other bodies of international law: see ICRC, *Starvation, Hunger and Famine in Armed Conflict*, ICRC, Geneva, 2022, p. 4: <https://shop.icrc.org/starvation-hunger-and-famine-in-armed-conflict-pdf-en.html>.

129 See, for example, ICRC, *2015 Challenges Report*, pp. 26–30; ICRC, Customary IHL Study, Rule 55; ICRC, *Commentary on the Third Geneva Convention*, 2020, commentaries on common Articles 3(2) and 9/9/9/10, paras 866–879 and 1348–1363; GC IV, Arts 23 and 59; AP I, Arts 69 and 70; AP II, Art. 18. On the link between the obligation to allow and facilitate relief, and the prohibition against starvation of civilians as a method of warfare, see ICRC, *Commentary on the Additional Protocols*, 1987, para 2805 and para. 4885; and the Rome Statute of the ICC, Art. 8(2)(b)(xxv), referring to the war crime of “[i]ntentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions” (emphasis added).

130 See GC IV, Art. 55(1); See also AP I, Art. 69(1); ICRC, Customary IHL Study, Rule 55 and explanation.

131 See GC IV, Art. 59(1); See also AP I, Art. 69(2); ICRC, Customary IHL Study, Rule 55 and explanation.

132 See, for example, AP I, Art. 70; ICRC, Customary IHL Study, Rule 55 and explanation.

on the freedom of movement of humanitarian personnel must be temporary and geographically restricted so as not to unduly delay relief operations or make their implementation impossible.¹³³ ‘Humanitarian corridors’ (agreements between parties to permit safe passage for a limited time in a specific geographic area) or ‘humanitarian pauses’ (temporary suspension of hostilities) sometimes enable delivery of humanitarian relief and assistance that hostilities might otherwise have made impossible. In the view of the ICRC, however, such mitigatory measures do not necessarily fulfil the ongoing legal obligations of the parties and cannot be used to justify limiting or refusing to implement IHL rules on humanitarian access and activities at other times or places.¹³⁴

D) CHALLENGES TO EFFECTIVE PROTECTION IN PRACTICE

In addition to unduly narrow interpretations of IHL as described earlier, an overarching challenge to preventing food insecurity is simple non-compliance with IHL. Later sections of this report on the implementation of IHL and repression of violations are pertinent and should be acted upon with urgency in this context. Ratification of the Rome Statute amendment bringing the war crime of starvation of civilians in non-international armed conflicts within the jurisdiction of the International Criminal Court could further contribute to increasing respect for the relevant IHL rules.¹³⁵

Beyond their immediate impact, armed conflicts do lasting damage to food systems – for instance, in connection with seed production, irrigation and trade networks – undermining long-term food security. Concerted action is needed before, during, and after conflicts to address points of disruption, and other drivers of food insecurity at all levels of the food system, to reduce risks and strengthen resilience.

Food insecurity magnifies protection concerns, prompting harmful coping strategies and heightening risks of exploitation and marginalization. Support adapted to the needs of individuals or groups who are more vulnerable to food insecurity and malnutrition, owing to societal and situational barriers, must therefore remain a priority: it should take into account factors such as gender, age, disability and sexual orientation.¹³⁶

When global supply chains for food and fertilizer are disrupted by armed conflicts, that can also impact populations far from the actual hostilities. Respect for the relevant IHL rules could indirectly help mitigate the impact of conflict on the international trade in food and fertilizer. However, IHL focuses mainly on the populations in the countries in conflict or directly affected in other ways by attacks and military operations. At minimum, where such external impact is likely, the parties to a conflict and other states should take urgent action to limit the consequences for food security beyond their borders. IHL encourages parties to adopt special agreements or other, similar means to address such practical challenges.¹³⁷

¹³³ See, for example, ICRC, *Commentary on the Third Geneva Convention*, 2020, paras 878 and 1362.

¹³⁴ See ICRC, “How humanitarian corridors work to help people in conflict zones”, 3 June 2022: <https://www.icrc.org/en/document/how-humanitarian-corridors-work>.

¹³⁵ Amendment to Art. 8 of the Rome Statute of the ICC (intentionally using starvation of civilians), Resolution ICC-ASP/18/Res.5, 6 December 2019. The war crime had already been included for international armed conflicts: see Art. 8(2)(b)(xxv).

¹³⁶ See ICRC, *Food security and armed conflict*, ICRC, Geneva, 2022.

¹³⁷ See ICRC, *Commentary on the Third Geneva Convention*, 2020, commentaries on common Articles 3(3) and 6, and paras 880–899 and 1132–1168.

4. PROTECTION OF THE NATURAL ENVIRONMENT

Countries affected by armed conflicts are also coping with the rapidly intensifying global environmental and climate crisis. Armed conflicts themselves deepen the crisis by damaging the environment and reducing people's resilience to erratic weather and climate shocks.¹³⁸ For example, over the past fifty years, natural ecosystems have declined by almost 50% on average relative to their earliest estimates, and around 25% of animal and plant species are close to extinction, with conflict being an indirect driver of the loss.¹³⁹ This is dangerous, among other reasons, because ecosystems and biodiversity are crucial for sustaining human life and supporting people's adaptation to climate change.¹⁴⁰ As ecosystems are damaged, climate adaptation becomes more difficult, causing further distress to conflict-affected communities that are already among the most exposed. Faced with this reality, international legal frameworks have been developed and clarified to better protect the environment during war. The completion of the UN International Law Commission's Principles on Protection of the Environment in Relation to Armed Conflicts (PERAC Principles) in 2022 was a milestone in these efforts.¹⁴¹

A) IMPLEMENTING IHL TO PROTECT THE NATURAL ENVIRONMENT DURING ARMED CONFLICT

To safeguard the environment of conflict-affected communities – and future generations – from the immediate and long-term impact of warfare, states and non-state armed groups should be accelerating the implementation of IHL rules protecting the natural environment. To assist them in this task, the ICRC's updated *Guidelines on the Protection of the Natural Environment in Armed Conflict* set out 32 existing IHL rules and recommendations relevant to reducing wartime environmental damage, together with a commentary to aid understanding and clarify the sources and the applicability of the rules.¹⁴² The aim is to facilitate the adoption of concrete implementation measures. To advance this objective further, in 2023, Switzerland and the ICRC hosted a state expert meeting on international humanitarian law: *Protecting the Environment in Armed Conflicts*. Government experts from over 120 countries shared challenges and good practices in IHL implementation and wartime environmental protection.¹⁴³ The meeting demonstrated that militaries are making progress in grasping the issue – but whether their progress is enough to stave off widespread climate and environmental catastrophe in the wars of today and tomorrow remains unclear.

¹³⁸ See ICRC, *When Rain Turns to Dust: Understanding and Responding to the Combined Impact of Armed Conflicts and the Climate and Environment Crisis on People's Lives*, ICRC, Geneva, 2020: <https://www.icrc.org/en/publication/4487-when-rain-turns-dust>.

¹³⁹ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, *The Global Assessment Report on Biodiversity and Ecosystem Services: Summary for Policymakers*, IPBES Secretariat, Bonn, 2019, pp. 14–15, and 25. See also Thor Hanson *et al.*, "Warfare in Biodiversity Hotspots", *Conservation Biology*, Vol. 23, No. 3, 2009.

¹⁴⁰ Intergovernmental Panel on Climate Change, *Climate Change 2022: Impacts, Adaptation, and Vulnerability: Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change: Summary for Policymakers*, Cambridge University Press, Cambridge, 2022, pp. 12 and 32.

¹⁴¹ UNGA Res. 77/104, "Protection of the Environment in Relation to Armed Conflicts", 7 December 2022, Annex (PERAC Principles): <https://digitallibrary.un.org/record/3998322>. For the ICRC's views on the PERAC Principles, see Statement by the International Committee of the Red Cross at the UN General Assembly, 77th Session, Sixth Committee, in ILC, *Report of the International Law Commission on the Work of its Seventy-Third Session*, UN Doc. A/77/10, 26 October 2022: https://www.un.org/en/ga/sixth/77/pdfs/statements/ilc/25mtg_icrc_1.pdf.

¹⁴² ICRC *Environmental Guidelines*.

¹⁴³ ICRC and Switzerland, *State Expert meeting on International Humanitarian Law: Protecting the Environment in Armed Conflicts: Chair's Summary*, 2023 (Chair's Summary): <https://www.icrc.org/en/document/chairs-summary-report-state-expert-meeting-ihl-protecting-natural-environment-armed>.

The updated *Guidelines* and the meeting of government experts are part of the ICRC's commitment to mobilizing concerted climate action and environmental protection in conflict-affected contexts, and its commitment to helping communities cope with mounting climate and environmental risks.¹⁴⁴ To this end, in 2021, the ICRC and the International Federation of Red Cross and Red Crescent Societies jointly led the development of the Climate and Environment Charter for Humanitarian Organizations, which has been widely endorsed by the humanitarian sector.¹⁴⁵

But humanitarian action alone is no salve for the scale of the risks at hand. The following sections turn to three legal issues of particular relevance for environmental protection in contemporary armed conflicts, regarding which the ICRC urges states and parties to armed conflict to accelerate or update their approaches.

B) PROTECTION OF THE NATURAL ENVIRONMENT BY THE GENERAL RULES ON THE CONDUCT OF HOSTILITIES

IHL's rules on the conduct of hostilities are of great relevance for protecting the natural environment.¹⁴⁶ Unlike the prohibition against widespread, long-term and severe damage discussed below, these rules may, depending on the circumstances, render unlawful an attack that would cause damage to the natural environment of lesser gravity or magnitude.

States generally recognize today that, by default, the natural environment is civilian in character. This follows from the fact that under IHL, any object that can be the subject of an attack is either a civilian object or a military objective. As a result, all parts of the natural environment are civilian objects and protected by the principles of distinction, proportionality and precautions, unless they become military objectives as defined in IHL. Recognition of the natural environment's civilian character is reflected in state practice and *opinio juris*, the jurisprudence of the International Court of Justice and others, and PERAC Principles 13(3) and 14.

This means that IHL protects all parts of the natural environment *per se*, even if damaging them would not necessarily have an effect on civilians, their health or survival in a manner that is reasonably foreseeable for IHL purposes.¹⁴⁷ This approach recognizes the intrinsic dependence of humans on the natural environment and the relatively limited knowledge of war's effects on this complex relationship. But today, in light of scientific evidence of the links between planetary and human health, it is also doubtful that environmental damage during hostilities would have no reasonably foreseeable impact on civilian populations. Parties to armed conflict should act accordingly: it is simply untenable in the modern scientific age to destroy forests, pollute groundwater systems, contaminate agricultural lands, or kill ecosystems based on the presumption that damage to these parts of the natural environment has no reasonably foreseeable impact on civilians.

While practice varies significantly, many militaries are taking the environmental impact of their actions seriously. At the 2023 meeting of government experts, states shared good practices in assessing environmental factors and incorporating them in the planning of military operations. For instance, to inject environmental expertise into military planning, some militaries have staff or units with specific environmental expertise and responsibilities, and some seek advice from environmental agencies when feasible. Remote and open-source data could supplement this. During planning, some military commanders and their teams consult maps of

144. These commitments are reaffirmed in ICRC, *ICRC Strategy 2024–2027*, ICRC, Geneva, November 2023, p. 31: <https://www.icrc.org/en/publication/4745-icrc-strategy-2024-2027>. For the ICRC's analysis of the humanitarian consequences of these converging risks, and avenues to address them, see, most recently, ICRC, *Weathering the Storm: Reducing the Impact of Climate Risks and Environmental Degradation on People Enduring Armed Conflicts*, ICRC, Geneva, 2023: <https://www.icrc.org/en/publication/4742-weathering-storm-reducing-impact-climate-risks-and-environmental-degradation-people>.

145. Climate and Environment Charter for Humanitarian Organizations, 2021, in particular the guidance on Commitment 6, which includes examples of IHL-related goals: <https://www.climate-charter.org/guidance/?commitment=6>; and ICRC, *Implementing the Climate and Environment Charter For Humanitarian Organizations: The ICRC's Plan of Action 2021–24+*, ICRC, Geneva, 2022: <https://www.icrc.org/en/publication/4604-implementing-climate-and-environment-charter-humanitarian-organizations-icrcs-plan>.

146. For some of the questions that arise in applying these rules, see also ICRC *Environmental Guidelines*, commentary on Rules 5–9.

147. There is a minority counter view. For a discussion of this, see ICRC *Environmental Guidelines*, paras 19–21.

areas of particular environmental importance or fragility in combat areas. A state in the Sahel region of Africa uses data sheets to record the impact of munitions in environmentally fragile zones, with a view to choosing munitions that would reduce the risk of bush fires. Finally, some states consider environmental impact when they review the lawfulness of new weapons, means and methods of warfare. Military practices like these are crucial for putting IHL into practice – and wider uptake is urgently needed.

C) CLARIFYING THE “WIDESPREAD, LONG-TERM AND SEVERE” THRESHOLD OF PROHIBITED DAMAGE TO THE NATURAL ENVIRONMENT

It is generally well-known that IHL prohibits the use of means or methods of warfare that are intended, or may be expected, to cause widespread, long-term, and severe damage to the natural environment.¹⁴⁸ This prohibition is also the subject of PERAC Principle 13(2). What is less generally understood is that, importantly, this rule sets a *maximum* of permissible environmental damage, regardless of military necessity or proportionality considerations. That is why it imposes a high – cumulative – threshold.

Moreover, while this prohibition is well-known, it is too frequently set aside or dismissed as being either vague or permissive to the point of meaninglessness. Indeed, the meaning of the terms ‘widespread’, ‘long-term’ and ‘severe’ have long been debated. But plenty of sources of interpretation are available; the law is there to be interpreted, and debated meanings should no longer be a barrier to its application. Based on the drafting history, state practice and other sources, the commentary in the ICRC’s *Guidelines* presents a number of considerations that should inform contemporary understanding of the “widespread, long-term and severe” threshold. The ICRC now urges states to interpret these terms in the following ways.

In a nutshell, ‘widespread’ should be understood as denoting damage extending to several hundred square kilometres; ‘long-term’, as covering damage that is not short-term or temporary but lasts in the range of several years; and ‘severe’, as amounting to the disruption of an ecosystem or damage to it, or harm to the health or survival of the population, on a large scale.¹⁴⁹ To further clarify whether damage is “widespread, long-term and severe”, current knowledge, including on ecological processes and climate risks and shocks, must be considered. As the ramifications of conflict-related environmental harm become more fully understood, the use of a given method or means of warfare is more likely to be found to meet the prohibited threshold than when these ramifications were less well understood. Warring parties must inform themselves of potential detrimental effects, and refrain from actions intended or expected to cause widespread, long-term and severe damage.

D) PROTECTED ENVIRONMENTAL ZONES IN ARMED CONFLICT

Finally, in the ICRC’s view it is time that parties to armed conflict paid greater attention to avoiding damage to areas of particular environmental importance or fragility. The ICRC’s *Guidelines* recommend that states and parties to armed conflicts identify and designate such areas – for example, national parks or endangered species’ habitats – as demilitarized zones, thus preventing these from becoming military objectives and reducing the risk of incidental damage to them.¹⁵⁰ The PERAC Principles put forward a similar recommendation to grant additional place-based protection to areas of particular environmental importance and fragility.¹⁵¹ Such area-based demarcation could provide commanders with the clarity needed to avoid conducting military operations within the protected zones when feasible, or to take the zones into account when applying the IHL principles of proportionality and precautions.

As biodiversity plummets and climate resilience ebbs with it, the rationale for clearer, place-based environmental protections during armed conflict is becoming more evident. Delegations at the 2023 meeting of government experts highlighted the value, for present and future generations, of areas of particular environmental

¹⁴⁸ The ICRC *Environmental Guidelines*’ commentary on Rule 2 provides further details on this prohibition, including on applicability, customary status and persistent objectors.

¹⁴⁹ For the sources of these standards, including the drafting history of AP I and state practice, see paras 56–72 of the ICRC *Environmental Guidelines*.

¹⁵⁰ ICRC *Environmental Guidelines*, para. 14 and Recommendation 17.

¹⁵¹ PERAC Principles, Principle 14; Principle 18 protects such areas from attack in addition to any additional agreed protections.

importance or fragility, and the often-irreversible impact that wars have on these areas. They stressed that a narrow focus on protecting civilians – without consideration of the environment – is incomplete, because civilians depend on their environment. States also gave examples of how they identify and designate various categories of protected environmental areas under domestic frameworks, often by reference to multilateral environmental agreements. But the implications of such designations for planning or conducting military operations generally still needs clarification. Some states are leading the way – by guiding their armed forces in identifying protected environmental areas on their own territory, for example by issuing maps to troops that are marked with special symbols to indicate protected environmental areas.

Given the number and variety of protected environmental areas under domestic frameworks, prioritization is going to be important to ensure the practicality of any future measures to enhance protection in armed conflict. The success or failure of such measures will be determined, in the end, by the degree to which they are accepted by armed forces. To start with, states could refine a priority list by choosing from the protected areas already established in their existing frameworks. For instance, during the 2023 meeting of government experts, natural sites under the World Heritage Convention were identified as being particularly relevant, partly because that Convention refers expressly to armed conflict and partly because these sites are vetted by the UNESCO World Heritage Committee, thus giving the designations a degree of objectivity. States could also consider measures beyond full demilitarization to enhance protection for such areas during armed conflict, including a policy to *avoid* placing military objectives in such zones when feasible. They could also coordinate with environmental agencies to better communicate, prevent and remediate damage from operations in these areas. Yet, for now, the main impediment to wider establishment of protected environmental zones in armed conflict is securing agreement between warring parties to respect the designated areas. Some form of multilateral effort is likely the best way to achieve this systematically. There is some good practice from which to draw inspiration, but political will remains an open question.

As our environment is increasingly threatened, its protection in armed conflict can no longer be an after-thought. States and non-state armed groups must act urgently, including by integrating legal protections for the environment into military manuals, policies and practices.¹⁵² Good practices exist, but more should be done to make them understood and implemented by all states, and to harness scientific and technological advances.¹⁵³ The ICRC encourages states and non-state armed groups to promote and draw on good practices – including those identified in the chair’s summary of the 2023 state expert meeting – to better implement the relevant IHL obligations domestically. The time is past when the environment was a silent casualty of war.

5. REINFORCING THE STIGMA ASSOCIATED WITH ANTI-PERSONNEL MINES AND CLUSTER MUNITIONS

Since the adoption of the Anti-Personnel Mine Ban Convention (APMBC) in 1997 and the Convention on Cluster Munitions (CCM) in 2008, remarkable progress has been made in protecting lives and livelihoods from the devastating effects of anti-personnel mines and cluster munitions. Many millions of stockpiled anti-personnel mines and cluster submunitions have been destroyed by states party to these treaties. Vast areas of land have been returned to productive uses, and states have made significant efforts to assist survivors and affected communities. In partnership with states and other stakeholders, the ICRC and the broader Movement have contributed to these advances.¹⁵⁴

152 For the ICRC’s key recommendations to advance implementation of IHL rules protecting the natural environment, see ICRC *Environmental Guidelines*, para. 14.

153 See, for example, the pledges submitted at the 33rd International Conference, jointly by the governments and National Societies of Denmark, Finland, Iceland, Norway and Sweden: <https://rcrcconference.org/pledge/protection-of-the-natural-environment-in-armed-conflict-2/>.

154 Movement Strategy on Landmines, Cluster Munitions and other Explosive Remnants of War: Reducing the Effects of Weapons on Civilians, Resolution 6, Council of Delegates of the International Red Cross and Red Crescent Movement, Nairobi, Kenya, 23–25 November 2009.

Today, these hard-won achievements risk being undone by the resurgent use of anti-personnel mines – manufactured and improvised – and cluster munitions, compounding the harm caused by mines, cluster munition remnants and other explosive remnants of war left uncleared after past conflicts.¹⁵⁵ The use of cluster munitions in armed conflicts, most recently in Syria and Ukraine, takes a terrible toll on human lives and livelihoods. New use of anti-personnel mines by states and non-state armed groups has also been reported in recent years, including in Colombia, India, Myanmar, Ukraine, and the Sahel. As a result, casualties have spiked alarmingly. Reportedly, in 2022, at least 4,710 persons were killed or injured by mines and explosive remnants of war: civilians made up roughly 85% of all recorded casualties, and children accounted for almost half of all civilian casualties.¹⁵⁶

A) FAITHFULLY IMPLEMENTING THE APMBC AND THE CCM

In spite of long-standing and novel challenges to achieving the objectives of the APMBC and the CCM, these Conventions continue to provide strong international legal frameworks, rooted in IHL.

To fully realize their humanitarian objectives, state parties must honour their life-saving obligations under these treaties. Every state party must prevent and suppress the use of anti-personnel mines and cluster munitions, and other activities prohibited under these treaties, by its nationals and persons operating in the territory within its jurisdiction or under its control.¹⁵⁷ This may involve the adoption of criminal legislation. It may also require issuing administrative instructions to the armed forces and changing military doctrine. States parties must thoroughly investigate allegations of use and prosecute and punish those responsible.

Ultimately, total elimination of anti-personnel mines and cluster munitions is the only guarantee that these weapons will not continue to maim and kill civilians. State parties must honour their undertakings to destroy or ensure the destruction of stockpiles,¹⁵⁸ and clear contaminated areas within their jurisdiction or under their control “as soon as possible”.¹⁵⁹ This can be challenging in a situation where, for example, a state party has lost control over a portion of its territory owing to an ongoing armed conflict. However, a state party’s failure to fulfil these time-bound obligations in good faith is justifiable only so long as doing so is materially impossible in the circumstances. Even in such a situation, the state party must facilitate mine action and must not impede it.

Use of anti-personnel mines and cluster munitions by states or non-state armed groups not bound by the APMBC or the CCM must, at a minimum, comply with the rules of IHL governing the conduct of hostilities, including the principles of distinction, proportionality and precautions in attack,¹⁶⁰ and the specific requirements on the use of landmines under customary IHL.¹⁶¹ Other instruments, where applicable, impose additional restrictions.¹⁶² Given the indiscriminate effects of these weapons and the well-documented patterns of harm they cause to civilians, the ICRC urges all those who continue to use anti-personnel mines or cluster munitions to cease such use immediately.

155 ICRC, *Preventing and Eradicating the Deadly Legacy of Explosive Remnants of War*, ICRC, Geneva, 2023.

156 Landmine Monitor 2023: https://backend.icblcmc.org/assets/reports/Landmine-Monitors/LMM2023/Downloads/Landmine-Monitor-2023_web.pdf, p. 2.

157 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (hereafter APMBC), 18 September 1997, Art. 9; Convention on Cluster Munitions (hereafter CCM), 30 May 2008, Art. 9.

158 APMBC, Art. 4; CCM, Art. 3.

159 APMBC, Art. 5; CCM, Art. 4.

160 ICRC, Customary IHL Study, Rules 1 to 24.

161 Parties to armed conflict must take particular care to minimize the indiscriminate effects of landmines (ICRC, Customary IHL Study, Rule 81), record their placement, as far as possible (ICRC, Customary IHL Study, Rule 82) and remove or otherwise render them harmless to civilians or facilitate their removal at the end of active hostilities (ICRC, Customary IHL Study, Rule 83).

162 Notably, amended Protocol II to the Convention on Certain Conventional Weapons (1996).

B) REINFORCING THE HUMANITARIAN NORMS UNDERPINNING THE APMBC AND THE CCM

The APMBC and the CCM were instrumental in drawing attention to the fact that anti-personnel mines and cluster munitions were repugnant and should be rejected and stigmatized. Without these treaties, many more people would have been maimed and killed. Both Conventions have, demonstrably, contributed to curtailing the production and use of anti-personnel mines and cluster munitions beyond the states parties. This is testament to the strength of the humanitarian norms enshrined in these instruments against weapons that are victim-activated, have indiscriminate effects, and continue to maim and kill long after hostilities have ended.

Unfortunately, recent developments indicate that some states parties regard these treaties as instruments to be adopted in times of peace and stability but abandoned when confronted with an elevated security threat or during an armed conflict. This notion is fundamentally at odds with the entire concept of IHL and must be rejected.

More generally, anti-personnel mines and cluster munitions continue to be viewed by some as legitimate means of warfare. Proponents attribute security benefits or military value to these weapons. The persistence and possible recrudescence of such perspectives underscore the continuous need to recall that these weapons are still maiming and killing people indiscriminately, and to reaffirm and reinforce the humanitarian norms to which the APMBC and the CCM give formal expression.

Making progress in addressing the devastating effects of anti-personnel mines and cluster munitions is the most tangible means of demonstrating state parties' commitment to freeing the world from these abhorrent weapons. There is, notably, a pressing need to increase the pace of surveying and clearance activities. Extensions of clearance deadlines, originally intended for states that are massively weapon-contaminated, have unfortunately become routine. Such extensions come at a heavy human cost.

Reinforcing the stigma associated with anti-personnel mines and cluster munitions also necessitates denunciation by states parties of conduct that departs from the humanitarian norms of the APMBC and the CCM. It is important that *any* use of anti-personnel mines or cluster munitions by *anyone*, under *any* circumstances, be unequivocally condemned. Silence and inaction exact a heavy price and compromise humanitarian norms; and state parties have, after all, committed themselves to promoting universal observance of these norms.¹⁶³

The APMBC remains one of the most successful humanitarian instruments of disarmament, but reinvigorated efforts are needed to make further progress towards the universalization of the APMBC, the CCM and the Convention on Certain Conventional Weapons' Protocol V on Explosive Remnants of War. The ICRC calls on all states that have not yet done so to join these humanitarian instruments without further delay. In the interim, they should work with states parties to effectively address the harm caused by anti-personnel mines and cluster munitions.

Anti-personnel mines of an improvised nature – a type of 'improvised explosive device' or 'IED' – pose a particular risk to civilians in certain regions, such as the Middle East, West Africa and the Sahel. It is therefore important that states party to the APMBC address weapon contamination of this kind within the framework of the Convention.¹⁶⁴ Use of improvised anti-personnel mines tends to be associated with non-state armed groups, which amplifies the importance of promoting compliance with IHL against these victim-activated weapons among non-state actors. Tools, such as unilateral declarations or Geneva Call's Deed of Commitment,¹⁶⁵ are a means for armed groups to formally express their commitment to the humanitarian norms enshrined in the APMBC.

¹⁶³ Action 12, Oslo Action Plan; Action 11, Lausanne Action Plan.

¹⁶⁴ Action 21, Oslo Action Plan. See also: "Views and recommendations on improvised explosive devices falling within the scope of the anti-personnel mine ban convention", working paper submitted by the ICRC to the Fourth Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, Oslo, 25–29 November 2019.

¹⁶⁵ See Geneva Call: <https://www.genevacall.org/areas-of-intervention>: "54 [armed groups and *de facto* authorities] so far have signed a *Deed of Commitment* to ban AP mines and advanced other preventive measures, such as destroying mine stockpiles".