

INTERNATIONAL HUMANITARIAN LAW

What is it?

International public laws regulate the conduct of national and international armed conflicts by limiting the means and methods of war and its brutality.

Principles applied to parties to an international or non-international conflict

International Humanitarian Law (IHL) protects people who do not, or no longer, take part in the hostilities. States and armed groups must recognize and apply IHL.

Parties in control must meet the essential needs of civilian populations. If they are unwilling or unable to do so, Parties must allow impartial humanitarian actors to intervene by providing them with quick and unhindered access to the affected civilian populations but keep a right of control.

IHL protects civilians and the resources essential for their survival.

Principles applied to the impartial humanitarian actors

Common Article III, and Additional Protocol II (if ratified) Art. 18 – Relief organizations may offer services. Offer shall not be considered as interference. Offer must be exclusively humanitarian and impartial.

Impartial humanitarian organizations must get consent by the relevant party to the conflict (which may not be arbitrarily denied, of course).

Sources of international law

IHL is not the only element of the international legal framework. Other applicable texts were signed and ratified by many countries. Those strengthen the framework of humanitarian action and even protect humanitarian workers (e.g. the Rome Statute). Here are a few examples to go further.

- **CUSTOMARY LAW:** rules which stem from a “general practice accepted as law”, and which exist alongside treaty based IHL. It fills various gaps in treaty-based law (especially in non-international armed conflicts), thus providing stronger protection for victims.
- **UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR):** While not a treaty itself, the Declaration was explicitly adopted for the purpose of defining the meaning of the words “fundamental freedoms” and “human rights” appearing in the United Nations Charter, which is binding on all member states. https://en.wikipedia.org/wiki/Fundamental_freedom
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (also called the **Ottawa Treaty**).
- **The Rome Statute of the International Criminal Court (ICC)** defines the international crimes over which the ICC has jurisdiction, including war crimes, crimes against humanity and crimes of aggression if committed in the territory of a State Party or by one of its nationals. NB: “intentionally directing attacks against humanitarian personnel and material is a war crime if these attacks take place during (or in connection with) an international or non-international armed conflict.”

- International human rights law and international treaties on human rights, also reflected in the **Universal Declaration of Human Rights**.
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (**The Kampala Convention**).
- The International Convention on the Rights of the Child explicitly recognizes people below the age of eighteen as full human beings who have social, economic, civil, cultural and political rights – basic, compulsory and non-negotiable rights.
- NB: “National legal, traditional, and customary rules and norms can usefully reinforce the international normative framework relating to humanitarian access, when those rules and norms are consistent with or exceed the scope of the provisions of the international normative framework.”

#NotATarget

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- Protects civilians and the resources essential to their survival.
 - Humanitarians must obtain the consent of parties for humanitarian access.
 - Humanitarians must be strictly neutral and impartial.
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