

INTERNATIONAL HUMANITARIAN LAW: GLOBAL COMMITMENTS VERSUS LOCAL REALITIES

THE ISSUE

UPHOLDING HUMANITY - THE ROLE AND FUTURE OF INTERNATIONAL HUMANITARIAN LAW

In August, diplomats and practitioners marked the 75th Anniversary of the Geneva Conventions, a cornerstone of International Humanitarian Law (IHL). They protect the wounded and the sick, prisoners of war, and civilians - establishing clear parameters to contain and mitigate the harm caused by conflict. Every State has signed up to them and they apply to non-State armed groups as well. The anniversary, however, took place just as serious violations were taking place across a variety of conflicts: in Gaza, civilians and aid workers have been targeted; in Ukraine, essential infrastructure has been hit; rebels have launched a siege in El Fasher in Sudan. These events might have appeared amid media headlines, yet they were met with diplomatic inertia, or political timidity by decision-makers.

The EU, as other multilateral organisations, has also found itself between a rock and a hard place – referring to legal frameworks but with political action by its Member States lagging behind.

IHL has featured prominently in the EU humanitarian agenda over the past half a decade, as the 2021 Communication shown. Commissioner Janez Lenarcic at a High Level Ministerial Event on the sidelines of UN General Assembly affirmed that the relevance of IHL on international arena must be restored to fully protect civilians. Belgium, Mexico, Jordan and Indonesia supported the Commissioner's statement. But will other Member States listen and act?



High Level Ministerial Event on the sidelines of UN General Assembly.
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At Oxfam, we believe that advocacy by civil society actors, from the grassroots up, should also drive momentum for IHL to be complied with and ultimately spare the worst from happening to civilians. Our work in Yemen alongside civil society actors is a testament to this approach. The people of Yemen have been struggling to survive one of the world's gravest humanitarian crises, which was fully man-made. The conflict that broke out in March 2015 has killed more than 19,000 civilians, forced over 4.5 million to flee their homes, amid a hunger crisis. This year 17.8 million people - over 50% of Yemen's population - need water and sanitation assistance. But these indicators will not decrease without taking decisive political action to address their cause- from halting the sale of weapons to investing in conflict resolution mechanisms. Ultimately, there must be a political process occurring to end the conflict, or at the very least the international community should promote better compliance with IHL and end impunity for its violations.

[A recent report from Mwatana for Human Rights](#) documented an extensive list of ongoing violations over 2023, despite a reduction in large-scale military operations. These violations include torture, detentions, disappearances, child recruitment, use of explosives in civilian areas, and looting of civilian property by all parties to the conflict.

Access is often our priority in humanitarian advocacy, yet it is conditional on the parties’ willingness to accept aid agencies and comply with IHL. In Yemen, humanitarian workers operate in a uniquely challenging environment, but women aid workers face even greater obstacles, often subject to movement restrictions requiring male guardians for travel. This issue has been worsened by a recent crackdown on humanitarian workers, resulting in the unlawful [detention of numerous UN, humanitarian, and civil society staff members by the de facto authorities since June](#).



High Level Ministerial Event on the sidelines of UN General Assembly.
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Wameedh Shakir, executive director of Itar Foundation for Social Development, has campaigned for women's rights for over two decades, working on initiatives ranging from establishing local protection committees to [analysing Yemeni women's involvement in political movements](#). During a lobbying effort with Oxfam at the UN General Assembly, Wameedh observed how the disconnect between national monitoring and international diplomacy was impacting Yemenis' safety and well-being, particularly in relation to IHL and human rights compliance – which should start at the national level by the authorities.

“Many EU Member States have spoken out about respecting IHL, yet as a priority, they should urgently advocate for the release of detained aid workers in Yemen and demand all parties uphold IHL.”

At the UN General Assembly, several Member States¹ drew attention to the crisis in Yemen in their statements, but translating statements into action remains to be seen if impunity is allowed to go unchecked. Many EU Member States have spoken out about respecting IHL, yet as a priority, they should urgently advocate for the release of detained aid workers in Yemen and demand all parties uphold IHL. While some of this has been reflected in the EU-Gulf Cooperation Council statement, Member States should also re-establish an accountability mechanism to provide justice and remedy to civilians impacted by the conflict at the UN. On this crisis, Europe should become a player, not just be a payer.

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1. Malta: <https://gadebate.un.org/en/79/malta>
Estonia: https://gadebate.un.org/sites/default/files/gastatements/79/ee_en.pdf
Poland: <https://gadebate.un.org/en/79/poland>
Sweden: <https://www.government.se/speeches/2024/09/swedens-national-statement-at-the-79th-session-of-the-united-nations-general-assembly/>
Denmark: <https://gadebate.un.org/en/79/denmark>
Slovenia: <https://www.gov.si/assets/vlada/Fotografije/PV-Golob/09-2024/GS-OZN/Address-of-PM-Robert-Golob.docx>