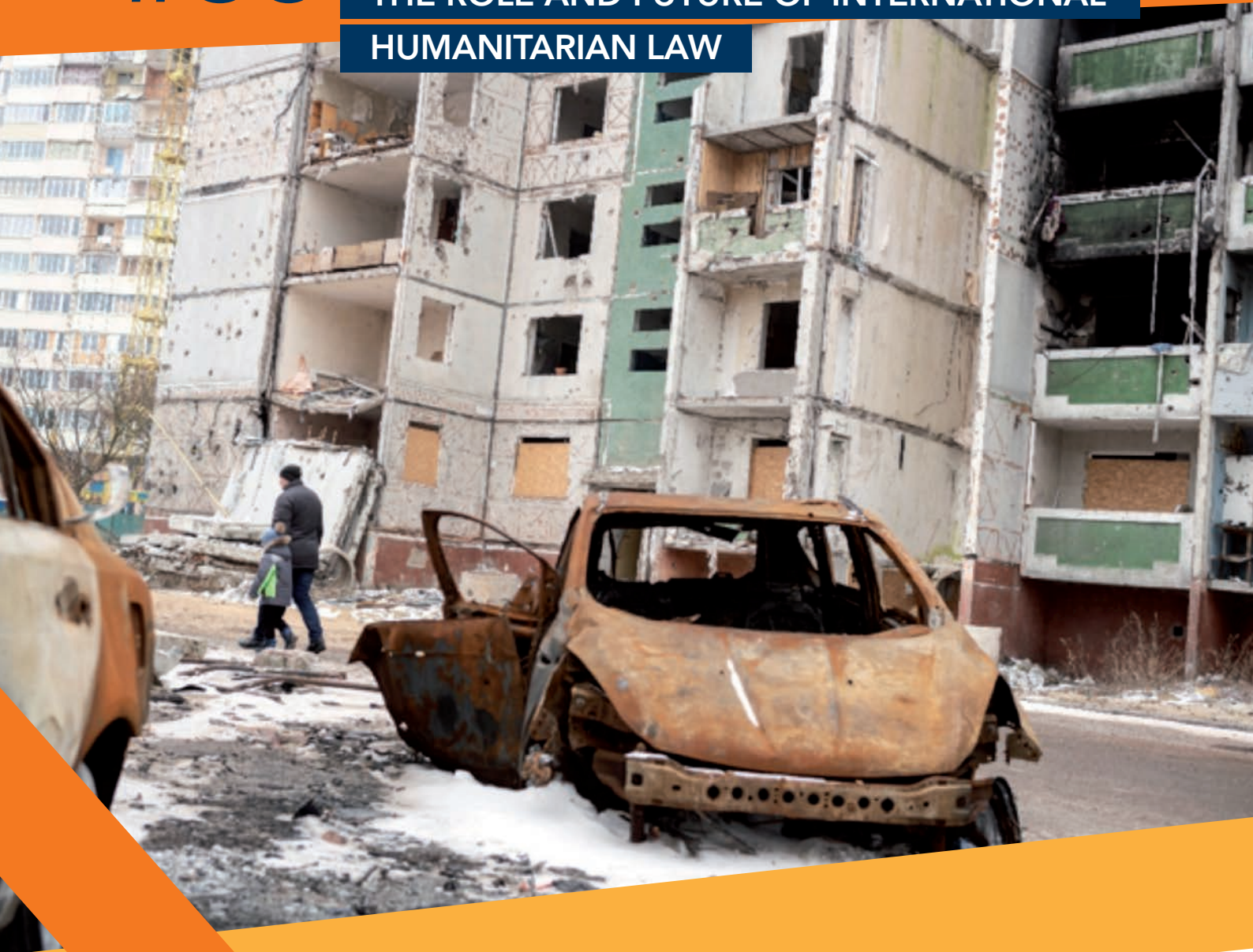


VOICE OUT LOUD

#38

UPHOLDING HUMANITY

THE ROLE AND FUTURE OF INTERNATIONAL
HUMANITARIAN LAW



VOICE

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VOICE OUT LOUD #38

**UPHOLDING HUMANITY -
THE ROLE AND FUTURE OF
INTERNATIONAL HUMANITARIAN LAW**

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Sofia Busk, DanChurchAid

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contributors of this issue.
Views expressed herein do
not necessarily reflect those
of the VOICE network.

Editorial



As conflicts globally become more protracted and more violent, the core principles of International Humanitarian Law (IHL), meant to protect civilians from the effects of war, are facing growing threats. Impunity for violations of the laws of armed conflict underscores the urgent, vital need for decision makers to show political will, accountability, and collective action to ensure women, men and children across the world are protected. This edition of the VOICE out loud highlights key challenges as well as opportunities to uphold IHL amidst the mounting crises we are facing.

DanChurchAid sheds light on the erosion of IHL compliance, emphasizing the role of Third States in preventing violations and addressing issues like arms transfers that fuel conflicts. Their call for renewed political leadership and robust international commitments resonates across all humanitarian efforts.

Action Against Hunger France warns that 2024 could become the deadliest year for aid workers, urging stronger measures like enhanced Security Risk Management and initiatives such as the “Protect Aid Workers” mechanism to safeguard frontline responders.

The plight of children in conflict zones is starkly illustrated by **Terre des Hommes Italy**, which reports a 155% surge in violations against children in Palestine. They call on the EU to enforce IHL compliance and halt arms exports to violators. Similarly, **Oxfam’s** focus on Yemen highlights persistent IHL breaches, including attacks against aid workers and restricted humanitarian access, demanding stronger EU-led action for accountability and conflict resolution.

Diakonia emphasizes the critical role of accountability mechanisms, from the International Criminal Court (ICC) to universal jurisdiction, in addressing impunity and preserving global legal standards. Their insights underline the importance of collaboration and advocacy in mitigating human suffering.

The “A Closer Look” section features an article on Myanmar, advocating for investing in local agriculture as a sustainable solution to combat food insecurity exacerbated by conflict and economic instability.

Finally, VOICE had the privilege to interview former **EU Commissioner Janez Lenarčič**, who underscores the EU’s commitment to IHL through humanitarian diplomacy, partnerships with key organisations, and support for international justice mechanisms. While progress has been made during his five-year mandate, particularly in areas like humanitarian exemptions in sanctions regimes, he highlights the need for sustained efforts to ensure accountability, protect aid workers, and strengthen global adherence to IHL.

Collectively, these perspectives echo a common theme and call for action: the urgent need for unwavering, united action to uphold IHL, protect civilians, and address the underlying causes that perpetuate humanitarian crises. The humanitarian sector is facing exceptional crises today, and the stakes for civilians have never been higher: but we firmly believe that with renewed focus and determination, the international community can still uphold the laws that safeguard humanity.

Pauline Chetcuti

VOICE President

INTERNATIONAL HUMANITARIAN LAW VERSUS INTERNATIONAL POLITICAL WILL

THE ISSUE

UPHOLDING HUMANITY - THE ROLE AND FUTURE OF INTERNATIONAL HUMANITARIAN LAW



The aftermath of a bombing in Chernihiv. January 2023. Photo: Sofia Busk, DanChurchAid

“International humanitarian law is a set of rules that seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not, or are no longer, directly or actively participating in hostilities.”

The [ICRC’s working definition](#) of International Humanitarian Law (IHL) established a contract that is not always honoured by the same States who agreed to be bound by it. As such, it now represents an intersection where commitments, and the will to uphold commitments, often explicitly diverge.

The humanitarian community has come to regard the laws of armed conflict to be incontrovertible and enduring. However, over recent years, and particularly during the last calendar year, humanitarian actors around the world have responded courageously while watching with disbelief and growing despondency, as the laws of armed conflict failed – on a massive scale - to protect them and civilian populations around the world.

Of course, the laws of armed conflict cannot enforce themselves. Common Article 1 to the 1949 Four Geneva Conventions require State Parties both to respect IHL rules - i.e., to uphold their own legal obligations under the general principle of *pacta sunt servanda* - but also to ensure respect for IHL by others, especially parties to armed conflict.

The ICRC updated [Commentary to the Geneva Conventions](#) further elaborates the negative and positive obligations not only of States involved in armed conflict, but also those of Third States. While not directly implicated in the armed conflict in question, Third States are nevertheless obligated not to aid or assist in violations by others and to do “everything reasonably in their power to prevent and bring violations to an end”.¹ One example offered by the Updated Commentary to fulfil the negative obligation, would be to refrain in transferring weapons if there is an expectation that such weapons would be used to violate the Convention.

1. ICRC, Commentary on the Third Geneva Convention, 2020, available [here](#), para 187 – 216.

“2024, the number of those in need had almost doubled that of those in need 5 years ago. The proliferation of protracted crises has a considerable role to play in this escalation of needs, and in the resulting increase in humanitarian funding needed .”

Positive obligations to bring violations to an end are also expressed as including, inter alia, measures of retorsion such as non-renewal of trade privileges and lawful countermeasures such as arms embargoes, trade and financial restrictions. States remain free to choose between different possible measures, as long as those adopted are considered adequate to prevent violations and to ensure respect.

While recent years have shown some level of adherence across State practice - for example measured taken by Third States in ensuring respect for IHL by the Russian Federation² – such application of Third State obligations has been far from uniform or consistent across other contexts. 2024 has even seen one State taking the worrying and rare step of formally withdrawing from an International Treaty which safeguards norms IHL.³

ACLED, (Armed Conflict Location and event Data) now ranks 50 countries as being exposed to extreme, high or turbulent levels of conflict, with 10 countries now host to extreme levels of conflict including: Palestine, Myanmar, Syria, Mexico, Nigeria, Colombia, Brazil, Sudan, Cameroon and Pakistan. While Ukraine previously held the rank of most violent and deadliest country, Palestine now tops the list, in terms of both deadliness and danger to civilians, followed by Myanmar and Syria.⁴ ACLED also notes a significant increase in conflict activity over recent years with a 13% rate of global exposure to conflict between 2020-2021, now rising to a 64% rate of exposure in 2023-2024, primarily attributed to conflict in Ukraine, Gaza and Myanmar as well as Sudan, Yemen and in the Sahel.



Clearance conducted in Mykolaiv Oblast. August 2024. Photo: Rasmus Emil Gravesen, DanChurchAid

These and other conflicts have a direct impact on sky-rocketing humanitarian needs globally. In 2023, humanitarian response requirements were the highest on record, while as of August 2024, the number of those in need had almost doubled that of those in need 5 years ago.⁵ The proliferation of protracted crises has a considerable role to play in this escalation of needs, and in the resulting increase in humanitarian funding needed. By July 2024, only 18% of funding needed to respond to humanitarian needs globally was received.⁶ Ten years ago, in 2014 – just 29% of interagency humanitarian funding required was directed at protracted crises, while in 2024, 91% of all funding required was for protracted crises.⁷ The vast majority of these are impacted by conflict and many by climate. This makes it abundantly clear – as it was during the World Humanitarian Summit – that the fulfillment of the commitments made by the [signatories to the Grand Bargain](#) requires political leadership and will, to prevent and end conflict and to uphold the norms that safeguard humanity.⁸

During the Annual Meeting of the Grand Bargain signatories in Geneva in October of this year, many Principal-level delegates called attention to the continued need for political will to prevent and end conflict, and to ensure respect for IHL. Some delegates pointed to the apparent inconsistency of committing

2. Consilium, EU Sanctions Against Russia, 28 October 2024, available [here](#).

3. Human Rights Watch, Lithuania Leaving Cluster Munition Ban Undermines Agreement, Threatens Crucial Norms, 1 August 2024, available [here](#).

4. ACLED, Conflict Index Results, July 2024, available [here](#).

5. Development Initiatives, Humanitarian Assistance Report 2024, “Falling Short: Humanitarian Assistance and Reform, October 2024, available [here](#).

6. NRC, Alarming drop in global funding to people in war and crises, 2 July 2024, available [here](#).

7. Ibid.

8. UN General Assembly, Outcomes of the World Humanitarian Summit – Report of the Secretary General, A/71/353, 23 August 2016, para 5, ft 2. available [here](#).

See the 5 Core Responsibilities of the Agenda for Humanity, which include preventing and ending conflict, and respecting the rules of war, available [here](#).

“In the coming year, the humanitarian community looks to our political counterparts, to take urgent action and genuine steps toward upholding their own obligations under international humanitarian law, to ensure respect for IHL and to limit the impact of armed conflict on civilians and humanitarian workers.”



Kateryna, 66, is standing by the house she has lived in for 38 years in Par-tyzans'ke, Mykolaiv Oblast. The house has been reduced to rubble, but she is hoping to rebuild. May 2024. Photo: Rasmus Emil Gravesen, DanChurchAid

to a more localised response, while concurrently failing to protect the local actors the Grand Bargain seeks to empower, as they face attacks across many areas of operation, enabled by weapons supplied by Third States in breach of their international obligations.

In the coming year, the humanitarian community looks to our political counterparts, to take urgent action and genuine steps toward upholding their own obligations under international humanitarian law, to ensure respect for IHL and to limit the impact of armed conflict on civilians and humanitarian workers. Otherwise, we will never be able to fulfil our humanitarian imperative in meeting continually growing needs linked to protracted crises and conflict.

There are some flickers of hope, however, with some Third States taking actions over the last year to promote compliance with IHL, including through triggering international legal mechanisms such as the International Court of Justice, as well as collectively reaffirming legal imperatives at the UN General Assembly level. It is now up to each State, individually and in relevant international fora, to implement those standards and findings.

Six UN Member States have recently launched a global initiative to mobilise political commitment to IHL and are calling for a high-level meeting to uphold humanitarian law in 2026. They call on other High Contracting Parties of the Geneva Conventions to join them in this initiative.⁹

The international community will also continue to turn to the UN Security Council for principled leadership in this regard, motivated by humanitarian rather than political interests. Much will hinge on the role of the incoming UN Security Council members, to support this process in ensuring respect for IHL and safeguarding civilians.

Brona Higgins,
Senior Humanitarian Policy & Practice Advisor
DanChurchAid

9. ICRC, Brazil, China, France, Jordan, Kazakhstan, South Africa launch a global initiative to galvanise political commitment to international humanitarian law and call for a high-level meeting to uphold humanity in war in 2026, available [here](#).

THE URGENT NECESSITY TO PROTECT HUMANITARIAN AND HEALTH WORKERS – INCREASING PREVENTION, PROTECTION AND RESPONSE TO ATTACKS

THE ISSUE

UPHOLDING HUMANITY - THE ROLE AND FUTURE OF INTERNATIONAL HUMANITARIAN LAW



Evariste Kajibwami Ndjouy, SMSP programme manager, Agnès Ndokoi psychosocial worker during an SMPS workshop in the Metché camp health centre. Chad. © Christophe Da Silva for Action Against Hunger France

In the Occupied Palestinian Territory, Sudan and other conflicts, this year, attacks against aid workers have reached unprecedented levels. 2023 was the deadliest year on record for aid workers, and 2024 is set to follow the same tragic trend. By now, in 2024, at least 276 staff were killed; 157 injured, 94 kidnapped and 107 arrested.¹ These attacks disproportionately affect national staff, who make up 90% of the humanitarian workforce in conflict zones.² This alarming trend underscores the urgent need for a stronger global response to safeguard those who operate in conflict areas. As humanitarian crises become more complex and the humanitarian space is dangerously shrinking against politicisation of aid and unlawful denial of access by conflict parties, the need for an enhanced international effort – including from the European Union (EU) and its Member States – to protect civilians alongside aid workers is dire.

ROOT CAUSES: WHY HUMANITARIAN WORKERS ARE TARGETED

The scale and intensity of violence against aid workers have risen dramatically over the past 20 years.³ In 2006, 17 of our ACF colleagues in Muttur, Sri Lanka, were shot dead in our office while providing support to people

“The scale and intensity of violence against aid workers have risen dramatically over the past 20 years.”

impacted by the Tsunami. High-profile incidents as in the Occupied Palestinian Territory, Sudan and other locations today, affecting humanitarian and health organizations underline how dangerous the environment has become for aid personnel. It also illustrates the heightened risks for civilians in conflict contexts where disregard of International Humanitarian Law (IHL), the shrinking of humanitarian space and in final, access to population in need is blatantly ignored.

Additionally, several other factors have also contributed to this worrying trend, among them the instrumentalisation of humanitarian assistance to serve geopolitical and military objectives, the collapse of multilateralism and the campaigns of disinformation or misinformation against some humanitarian actors. Overall, they are leading to a suspicious perception of humanitarian actors, and consequently restricting principled access to populations and putting at risk staff’s security and safety.

1. Protect Aid Workers, Data from 2024 Aid Worker KICA – Insecurity Insight. Available at : <https://protectaidworkers.org/>
2. International NGO Safety Organisation (INSO). Available at: <https://ngosafety.org/our-network/>, (accessed 17 July 2023)
3. Aid Worker Security Report, Figures at a glance 2023, [Humanitarian Outcomes ho_aws-preview_july_23_final.pdf](https://www.actionagainsthunger.org/en/our-work/aid-worker-security-report-figures-at-a-glance-2023)

In addition, the impact of sanctions regimes and counter-terrorism measures creates a high level of complexity and risk for humanitarian actors. This can hamper the impartial delivery of aid, ability to negotiate access and acceptance with communities, expose to the risk of attacks and criminalization. This legal complexity puts aid workers at risk of both violence and prosecution, forcing them into a perilous position where they must navigate a highly complex and risky operational environment.



Distribution of drinking water to refugees. Noël Djodinan Djimadoum, Wash programme manager, Zaki Ismail Mahamat, water point guard
Author: © Christophe Da Silva for Action Against Hunger France

STRENGTHENING PROTECTION FOR HUMANITARIAN AND HEALTH WORKERS

In light of the increasing dangers, it is urgent to make swift and concrete operational progress to best protect humanitarian workers, in particular national actors. This requires reinforced prevention, protection and support in the aftermath of attacks, enhanced capacities in humanitarian organizations and stronger diplomatic efforts to ensure aid workers can operate safely. Many of the [recommendations](#) below have been captured in the report on advancing the protection of humanitarian and health workers jointly published by Handicap International/ Humanity and Inclusion, Doctors of the World and Action Against Hunger in 2023.

First, states and donors must provide sustained financial and operational support to ensure the safety of humanitarian workers. Security Risk Management (SRM) systems within aid organizations are essential for preparing workers for high-risk environments, offering necessary security training, providing essential equipment, and establishing support to adapt to volatile environment. Donors should work alongside the humanitarian community to make sure that funds are equally available for both international and local/ national non-governmental organizations and to align



Two ACF staff, Esdrass BYARUHANGA KABAGAMBE (R) and Nathanael MWARABU KILICHO (L), WASH technicians, walk through the Rhoos site where almost 70,000 people are displaced after fleeing attacks by armed groups in recent months. Democratic Republic of Congo
Author: © Alexis Huguet for Action Against Hunger France

their policies to include dedicated budget line to fully cover security costs and avoid detrimental cuts to staff's security and safety as notably by the Global Interagency Security Forum (GISF).

Secondly reinforcing compliance with IHL and accountability framework is a paramount. While the Geneva Conventions and its related protocols, as well as specific UN Security Council Resolutions provide a comprehensive legal and policy framework to protect aid workers and ensure unimpeded humanitarian access to population, parties to the conflict act in persistent impunity, frequently disregarding these laws. The recent resolution 2730 offers an important avenue for the security council and members states to act as well as for UN to step-in further in conflict response. While systematic condemnation of attacks are essential to signal perpetrators that these crimes are not tolerated, this is not sufficient. Long run diplomatic pressure and high-level political engagement are key to monitor and follow up cases, but also ensure parties are accountable for violations of IHL. Accountability and fight against impunity should guide engagements to avoid crimes becoming a norm.

Moreover, there is an urgent need to mitigate the impact of sanctions and counterterrorism measures (SCTMs) to ensure that humanitarian work is not criminalized and that it does not impede the delivery of humanitarian action. These legal frameworks must include standing humanitarian exemptions that protect aid workers from prosecution, criminalization, and other attacks due to unintended impact of SCTMs. A concerted international effort is needed to protect humanitarian action and ensure that aid organizations are not penalized for working in high-risk areas. States must take the lead in ensuring humanitarian access and working capacities are not hindered by overly restrictive legal frameworks and measures and should transpose in national laws and support the implementation of the UN Security Council Resolution 2761 (2024), providing a standing humanitarian exemption for all UN sanction regime.

Finally, there must be concrete support mechanisms for victims and their families (physical protection, legal advocacy, and psychological assistance). Programs such as “Protect Aid Workers” could serve as innovative models, offering immediate support to those affected by violence in the field. States must implement effective accountability mechanisms at global and national levels to ensure perpetrators are held accountable for attacks on aid workers and unlawful denial of humanitarian access through judicial mechanisms.

“As the 10-year anniversary of the World Humanitarian Summit approaches in 2026, the international community has a unique opportunity to reaffirm its commitment to people and the protection of humanitarian and health workers.”



➤ PROTECT AID WORKERS – A LIFELINE FOR HUMANITARIAN STAFF

Protect Aid Workers is a newly established mechanism that provides critical support to aid workers who face life-threatening incidents, arrests, or legal challenges due to their work. Funded by DG ECHO and developed with two partners – GISF and Legal Action Worldwide - it fills a critical gap in the protection of humanitarian workers by offering grants to organizations to respond to incidents. By soliciting applications on its [website](#) through trusted organizations, rather than individuals, Protect Aid Workers ensures that all cases can be validated rapidly. This allows aid workers and their families to receive assistance as soon as possible.

The funding for applicants varies based on the severity of each case, up to a maximum of €10,000. Eligible cases include violence, causing injury or death; kidnapping or abduction; arrests, detention or legal action; and more. Funds are often used to pay for medical bills, legal fees, or to support the family in the event of an aid worker's death. The mechanism can also offer legal advice, ensuring swift, tailored responses for aid workers in regions of high risk. So far, the initiative has received over 80 cases in just a few months, primarily from high-conflict areas like the Occupied Palestinian Territories.

The goal is to provide rapid assistance while raising awareness about the urgent need for better protection of humanitarian workers. Although currently focused on specific regions, there are plans to expand its scope.

ADDRESSING GAPS AND FUTURE STEPS

The international community, with the EU and its Member States as central actors, must take immediate and coordinated action to address the growing threats facing humanitarian workers. The EU's ability to leverage its political and diplomatic influence makes it uniquely positioned to lead global initiatives aimed at strengthening the protection of humanitarian workers.

In addition to legal reforms and sanctions, humanitarian diplomacy must be prioritized. As the lines between humanitarian and political agenda continue to blur, there is an urgent need to work together in putting the protection of civilians at the core of the diplomacy. While the EU and its Member States have been actively committed to this critical issue, the new EU leadership coming in place provides the opportunity to build the momentum. It should set up a dedicated European humanitarian diplomacy strategy to commit all EU institutions alongside with EU Member States in promoting compliance to IHL, ensuring unimpeded access, and enhancing the protection of civilians and critical civilian infrastructure.

As the 10-year anniversary of the World Humanitarian Summit approaches in 2026, the international community has a unique opportunity to reaffirm its commitment to people and the protection of humanitarian and health workers. By strengthening compliance with legal frameworks, enhancing diplomatic engagement, investing in SRM measures, international community can create safer conditions for those working on the front lines of crises. These efforts are essential not only to safeguard aid workers but also to ensure that vulnerable populations continue to receive the life-saving assistance they need.

Protecting humanitarian workers must be seen as a moral and strategic imperative. As conflicts become more complex and the dangers more acute, a comprehensive, multilateral approach is needed to safeguard those who deliver aid to the world's most vulnerable people. This will require a renewed commitment to upholding international law, strengthening diplomatic efforts, and reforming legal frameworks that hinder humanitarian operations. Only through such a coordinated and sustained effort we can hope to address the root causes of violence against aid workers and ensure the continued delivery of humanitarian assistance.

Chibuzo Okonta,
CEO
Action Against Hunger – France

PROTECTING CHILDREN FROM VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW AND ENSURING ACCOUNTABILITY

THE ISSUE

UPHOLDING HUMANITY - THE ROLE AND FUTURE OF INTERNATIONAL HUMANITARIAN LAW



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Children caught in armed conflict represent one of the most vulnerable segments of the population, facing grave risks to their life, safety and well-being.

In 2023 only, violence against children in armed conflicts surged dramatically, with a 21% rise in grave violations and a 35% increase in killings and maiming, reflecting a shocking disregard for the children's rights.¹ Young lives are under attack on a shocking scale. The killing and injuries of children often result from indiscriminate military actions, where the distinction between combatants and civilian population is blurred. In particular, the attacks on schools and hospitals not only jeopardize lives but also disrupt access to humanitarian assistance, education and healthcare, leaving lasting impacts on children's futures.

The European Union recognizes protection of children's rights as central to its work with its member states as well as abroad. The protection of children's rights is a fundamental objective outlined in the Treaty on European Union and the Charter of Fundamental Rights of the EU. The best interests of the child must be a primary consideration in all actions affecting them. The EU's responsibility to actively promote, protect, and fulfill children's rights on a global scale is anchored

in this legal and policy framework and reinforced by international law, including the 1989 Convention on the Rights of the Child, which has been ratified by all EU member states. This obligation is further emphasized by the EU Guidelines on Children and Armed Conflict, which call attention to the urgent need to address the challenges faced by children in conflict zones.

PROTECTION OF CHILDREN'S RIGHTS UNDER INTERNATIONAL LAW

When discussing protection of children under International Humanitarian Law (IHL), it is crucial not to overlook the relevance of International Human Rights Law (IHRL) because the two frameworks overlap significantly. Key instruments like the 1989 Convention highlight obligations that intersect with IHL. IHRL emphasizes the best interests of the child, recognizing their vulnerability and immaturity, while IHL primarily categorizes children as a group to be protected in armed conflict, when it does not compromise 'a military necessity'.² However, IHL has stronger enforcement mechanisms than human rights law because its longer history and violations are taken more seriously and prosecuted more effectively.³

1. Children and armed conflict, 3 June 2024, [A/78/842-S/2024/384 General Assembly Security Council](#)

2. Vesselin Popovski, Protection of Children in International Humanitarian Law and Human Rights Law, p. 385

3. Ibid, p. 384

“In 2023 only, violence against children in armed conflicts surged dramatically, with a 21% rise in grave violations and a 35% increase in killings and maiming, reflecting a shocking disregard for the children’s rights.”

Acknowledging IHRL alongside IHL is essential to provide comprehensive protection for children in armed conflict situations.⁴

In addition to the standard protection of civilians, IHL includes specific standards designed to protect children during armed conflict. The 1949 Geneva Conventions and their Additional Protocols outline several key provisions: for instance, Article 24 of the Fourth Geneva Convention mandates that children under 15 who are orphaned or separated from their families must receive assistance and protection. Article 50 requires occupying powers to ensure the effective operation of childcare and education institutions, while Article 51 prohibits the occupying power from forcing individuals under eighteen to join the military or engage in labor under any circumstances.

Additionally, Article 77 of Additional Protocol I emphasizes that **children must be treated with special respect and protection from all forms of violence**. This commitment extends to non-international armed conflicts as outlined in Article 4 of Additional Protocol II. Key protections include the establishment of safe zones, safe evacuations, prioritization in food and medical care, family reunification, access to education, special care for detained children, and immunity from the death penalty. The Additional Protocols also highlight the crucial need to safeguard children from recruitment into armed forces.

The codification of the IHL is only a small part of its effectiveness, as true **enforcement relies on states ratifying and applying these norms while ensuring accountability for violations**. The challenges of implementing IHL often arise from the need to balance military necessity with humanitarian concerns.⁵ Often, states have attempted to evade their obligations under IHL, particularly in conflict zones, resulting in ongoing violence against children. Finally, the denial of humanitarian access exacerbates the suffering of children, preventing essential aid from reaching those in dire need.

URGENT NEED TO PROTECT CHILDREN’S RIGHTS IN PALESTINE

As armed conflict in the Middle East persists, the impact on children is devastating, underscoring the pressing need for the EU to take immediate and decisive action. “Gaza is the real-world embodiment of hell on earth for its one million children. And it’s getting worse, day-by-day, as we see the horrific impact of the daily airstrikes and military operations on Palestinian children”. (James Elder, UNICEF Spokesperson, Geneva, 18 October 2024).

As the prolonged occupation and protracted military conflict in the Occupied Palestinian Territory (OPT) continues, the rights of all Palestinian children are increasingly under threat from indiscriminate attacks. We witness a devastating impact on Palestinian children of the ongoing military assaults in the OPT with an alarming 155% increase in grave violations against children.⁶ International community indicates that an unprecedented number of Palestinian children have been killed or maimed by Israeli armed and security forces in the Gaza Strip and the West Bank, including East Jerusalem.⁷ In 2023 the United Nations verified 371 attacks on schools and hospitals, disrupting education for over 625,000 Palestinian children who have been denied their right to learn.⁸ Humanitarian access has been severely restricted, preventing children from receiving critical medical care and assistance.⁹ In 2024, the alarming reports from the Gaza Strip stated that a death toll rose to 40,988 persons and at least 94,825 injured, including children (September 2024, the Ministry of Health in Gaza). Thousands of people remain buried under the rubble and are presumed dead. This highlights the urgent need to protect children caught in the crossfire, as their safety and futures hang in the balance.

“Finally, the denial of humanitarian access exacerbates the suffering of children, preventing essential aid from reaching those in dire need.”

4. Ibid, p. 385

5. Ibid, p. 389

6. Children and armed conflict, [A/78/842-S/2024/384 General Assembly Security Council](#), para 8.

7. Ibid., para 115

8. Ibid, para 111

9. Gaza Humanitarian Access Snapshot #5: (27 August - 10 September 2024), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-humanitarian-access-snapshot-5-27-august-10-september>

“Children in Palestine and all other places suffering under armed conflicts face immense risks, highlighting the urgent need for stronger protections and effective legal measures to safeguard their rights and well-being.”

CALL FOR CONCRETE MEASURES AND ACTION TOWARDS PROTECTION OF CHILDREN

Children in Palestine and all other places suffering under armed conflicts face immense risks, highlighting the urgent need for stronger protections and effective legal measures to safeguard their rights and well-being. The Updated EU Guidelines on promoting compliance with IHL outline key actions the EU can take to reinforce its commitment.¹⁰ When violations of IHL occur, the EU must take a firm stand. Public statements followed by potential sanctions against perpetrator convey a crucial message: such actions will not be tolerated.



© Luca Tommasini for Terre des Hommes

Collaboration with international community is vital for monitoring violations affecting children. Together, we can advocate for accountability, ensuring that perpetrators face justice.

The EU must guarantee that there is no impunity for war crimes and potential crimes against humanity by promoting visible prosecutions in relevant states, encouraging third countries to enact national legislation against IHL violations, and urging its Member States in strengthening their support for the international bodies investigating those crimes, for instance the International Criminal Court (ICC).

Finally, under the Council Common Position 2008/944/CFSP, the EU must assess an importing country's compliance with IHL before granting military export licenses. The EU should halt arms exports to Israel due to a clear risk that these weapons could be used to violate IHL, as indicated by the UN experts' findings on extensive civilian casualties and disproportionate and indiscriminate attacks in the Gaza Strip. This need for an arms embargo is further heightened by the International Court of Justice's ruling on January 26, 2024, which identified a plausible risk of genocide.

In the face of ongoing crises impacting children in armed conflict, the EU institutions and member states have a unique opportunity to lead by example.

Josina Bothe,
Advocacy Advisor
Anna Paluszek,
Country Delegate

Terre des Hommes Italy Delegation in Palestine

10. Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL) <https://www.onlinelibrary.iihl.org/wp-content/uploads/2021/06/EU-Guidelines-Compliance-IHL.pdf>

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.
© Oxfam International

“Access is often our priority in humanitarian advocacy, yet it is conditional on the parties’ willingness to accept aid agencies and comply with IHL.”

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.
© Oxfam International

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.

Vittorio Infante,
IHL Policy Lead
Oxfam International

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>

UPHOLDING ACCOUNTABILITY FOR INTERNATIONAL HUMANITARIAN LAW

THE ISSUE

UPHOLDING HUMANITY - THE ROLE AND FUTURE OF INTERNATIONAL HUMANITARIAN LAW



Destruction following Israeli airstrikes in Gaza (ACT Alliance Mediabank - Credit DSPR)

INTRODUCTION

The purpose of International Humanitarian Law (IHL) is to limit human suffering during all armed conflicts whilst allowing legitimate military aims to be pursued. Its rules apply to all parties involved in the fighting, and irrespective of the reasons underpinning the conflict.

The current global situation is dire. Protracted and devastating armed conflicts are raging in many regions. There is an ever-growing sense that parties to armed conflicts act without regard to fundamental rules of IHL, which require protection of civilians and civilian infrastructure, hospitals and schools, and mandate the provision of humanitarian assistance. The consequences of a lack of adherence to these most basic protections are alarming, as evidenced by skyrocketing numbers of civilian casualties worldwide.

RESPONSIBILITY AND ACCOUNTABILITY MECHANISMS IN IHL

The responsibility for implementing IHL lies firstly with all parties to armed conflict, and encompasses both state and non-state actors (Hamas for example). Additionally, all States, whether or not they are involved in conflict, must respect IHL themselves, and also ensure that it is respected by other States and other parties to armed conflicts.¹

Where IHL is violated, there must be accountability. Some crimes, including particularly serious breaches of the Geneva Conventions, are so grave that they affect the international community as a whole. Therefore, any State may – or sometimes must – prosecute persons on their territory who may have committed such crimes, irrespective of where the crime was committed or the nationality of the accused.² This is referred to as “universal jurisdiction”, and it represents an important way to secure accountability for IHL. To date, 99 cases have been brought before national courts on the basis of universal jurisdiction for serious violations of IHL.³ For instance, Germany and several other EU States have pursued multiple cases involving Syrian officials accused of torture and other war crimes, highlighting that national courts can serve as important avenues for justice.

1. This obligation is contained in Article 1 Common to the Four Geneva Conventions of 1949

2. Articles 49, 50, 129 and 146 Common to the Four Geneva Conventions of 1949

3. Trial International, Universal Jurisdiction Interactive Map, Available at : <https://ujim.trialinternational.org>. Last Accessed 25 October 2024



Woman walking alongside the Separation Wall in the occupied Palestinian territory - Credit Jeffrey

Alongside national courts, international courts and tribunals also play an important role in securing accountability for IHL violations. Examples include two permanent international courts.

The first is the International Court of Justice (ICJ), established in 1945 under the Charter of the United Nations. The ICJ hears cases involving disputes between States, including cases involving alleged violations of IHL. An example is the *Armed Activities* case, brought by the Democratic Republic of the Congo against Uganda, in which the Court concluded that Uganda was responsible for serious violations of IHL, including the pillaging of DRC's natural resources during the conflict.⁴ The ICJ also provides advisory opinions. It was recently requested by the United Nations General Assembly to provide such an opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. In this groundbreaking advisory opinion, the Court declared Israel's occupation of Palestinian territory illegal. It also highlighted other violations, including of IHL, attributable to Israel, such as forcible transfer.

The International Criminal Court (ICC) is another permanent international court that plays a vital role in securing accountability for IHL. Under the ICC, individuals can be prosecuted for serious violations of IHL, as well as genocide, and crimes against humanity. The ICC has made significant strides in cases involving child recruitment, emphasizing the accountability of individuals who exploit vulnerable populations in conflict. For example, in 2012, the ICC convicted Thomas Lubanga for enlisting and conscripting children in the Democratic Republic of the Congo, and sentenced him to 14 years imprisonment for his crimes.

Accountability for IHL violations can also be promoted through the use of investigative bodies. These include commissions of inquiry mandated by the United Nations or regional organizations. Examples include the Independent International Fact-Finding Mission for the Sudan, established in October 2023 and the Independent International Commission of Inquiry on Ukraine, established in March 2022. These commissions and others like them play a vital role in gathering evidence, raising awareness, amplifying the voices of survivors and informing international responses to IHL violations. One investigative mechanism has been established under IHL itself - the International Humanitarian Fact-Finding Commission (IHFFC).⁵ Despite its potential, it has only been activated once, to investigate the facts surrounding the death of a Polish citizen, who, together with seven other humanitarian workers, was killed during an Israeli attack on a World Central Kitchen convoy.⁶ The underuse of the IHFFC is a source of frustration for many in the international community and can be attributed to several factors, including political complexities, security concerns, lack of awareness of the mechanism, and the challenging nature of garnering support from states to activate the Commission.

Other accountability mechanisms include sanctions—both economic and diplomatic. These serve as tools to hold violators of the law accountable. The European Union's sanctions against Russia, following its annexation of Crimea and its subsequent invasion of Ukraine, exemplify how collective international action can signal disapproval of violations and pressure states and individuals to comply with IHL. Similarly, the U.S. has imposed sanctions on individuals linked to the Assad regime in Syria for their involvement in chemical weapons attacks against civilians.

4. International Court of Justice, *DRC v. Uganda (Merits)*, p. 252, para. 245

5. Established under Article 90 of Additional Protocol I

6. For the Memorandum of Understanding between Poland and the IHFFC, see : <https://www.ihffc.org/index.asp?Language=EN&mode=shownews&ID=934>, Last Accessed 25 October 2024

Accountability mechanisms not only serve to punish past violations but also act as deterrents, signaling to all parties that violations of IHL will not be tolerated. By reinforcing the principles of justice and responsibility, these mechanisms help uphold the integrity of international humanitarian law – and international law more broadly – and contribute to the ultimate goal of maintaining peace and security. The overarching importance of accountability lies in its role in ensuring compliance with IHL, protecting vulnerable populations, and preventing the erosion of legal standards-often referred to as “standard slipping.”

WHAT HAPPENS IF THERE IS NO ACCOUNTABILITY FOR BREACHES OF IHL?

As with other branches of international law, there is no overarching entity charged with the enforcement of IHL. Therefore, the effectiveness of accountability mechanisms hinges significantly on political will and inter-state cooperation. In the current geopolitical environment, characterized by competition, mistrust and tension, such political will and cooperation have proved hard to secure. The result is that those that violate IHL often enjoy impunity while victims remain without redress. A recent trend also of great concern is the manipulation and improper interpretation of IHL by parties to conflict to serve their own military interests. The consequences of an IHL accountability deficit are profound – the erosion of legal protections and norms that are essential for protecting humanity – on all sides of the conflict. This erosion matters greatly; not only does it impact the lives, livelihoods, physical integrity of persons caught up in conflict, hamper humanitarian access and contribute to a culture of impunity, it also threatens the broader integrity of international law and global governance. A lack of adherence to IHL undermines the principle of good faith and creates unpredictability in international relations, ultimately jeopardizing sustainable peace and reconciliation efforts.

THE ROLE OF THE EU AND ITS MEMBER STATES

EU Member States and EU institutions, including the European Parliament, have a role to play in promoting accountability for IHL violations. This includes providing political support to the accountability mechanisms detailed above.

“Increased compliance with the rules of IHL, and a meaningful commitment to accountability for violations of those rules will reduce the level of human suffering and contribute to strengthening the legal order and securing sustainable peace.”

Furthermore, encouraging collaboration among states, NGOs, and international bodies, including courts and tribunals, is vital for strengthening compliance with IHL. Such collective efforts can enhance accountability mechanisms and reinforce the importance of adhering to international legal standards.

To support humanitarian actors and promote accountability, Diakonia’s International Humanitarian Law Centre offers rapid, free and tailored legal and policy advice on international humanitarian law through its IHL Advisory Service. We provide guidance to stakeholders, such as international and civil society organizations, as well as governmental actors, to facilitate their use of IHL in protection advocacy. The Advisory Service enables humanitarian actors to respond to urgent needs and queries by providing rapid and in-depth legal analysis as well as carrying out capacity building and training activities centered on IHL. The IHL Advisory Service is available at: <https://www.diakonia.se/ihl/advisory-service/>

CONCLUSION

Millions of people worldwide are affected by armed conflicts, with incalculable human suffering as the result. Increased compliance with the rules of IHL, and a meaningful commitment to accountability for violations of those rules will reduce the level of human suffering and contribute to strengthening the legal order and securing sustainable peace. European institutions and humanitarian organizations have a very important role to play, especially in the current global context. Diakonia’s IHL Centre stands ready to support these institutions to reach our shared objective of achieving greater protection for all persons affected by armed conflicts around the world.

Yvette Issar,
Senior Legal Adviser
Diakonia International Humanitarian Law Centre
(member of ACT Alliance EU)

THE URGENT NEED TO INCREASE LOCAL FOOD PRODUCTION IN MYANMAR TO ENSURE FOOD SECURITY

A CLOSER LOOK



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IMPACT OF FLOODING IN MYANMAR

In early September, Typhoon Yagi unleashed devastating flooding and landslides across Myanmar, affecting more than 69 townships in nine central, eastern, and southeastern states and regions. Among the hardest hit were the Mandalay region and Shan State. Nearly a million people have been affected, losing homes, crops, and even family members. This natural disaster has intensified an already critical situation, marked by ongoing conflict, widespread insecurity, and internal strife, further deepening the country's vulnerability.

“While humanitarian efforts are focused on immediate relief and cash assistance, these strategies are not sustainable without strengthening the local agricultural sector.”

CHALLENGES IN LOCAL FOOD PRODUCTION

Myanmar's food security is facing mounting pressure as transportation of essential goods, including food, becomes increasingly difficult due to insecurity and heightened security measures. In the past, rice and other staple crops were grown in key regions, processed, and distributed nationwide. However, the worsening security situation, crumbling infrastructure, and a myriad of barriers have crippled this process. Local markets, now struggling under the weight of these challenges, have become increasingly dependent on domestic food production to meet the needs of the population.

Adding to the burden, fuel prices have surged by 350% since 2020, driving food prices to unsustainable levels for many. The overall food security situation has sharply deteriorated, leaving Myanmar's most vulnerable populations grappling to secure enough food. This scenario underscores the urgent need for bolstering local food production as a critical solution to address Myanmar's growing food insecurity.

With the impact of Typhoon Yagi still unfolding, there are serious concerns about local food availability in the longer term, particularly as we look toward 2025.

MOUNTING PRESSURES ON LOCAL FARMERS

Myanmar's farmers are confronting increasing challenges in accessing essential agricultural inputs, such as fertilisers and quality seeds. Many are also reluctant to invest in farming due to the rising risks tied to the country's unstable conditions. The growing uncertainty has led to a significant strain on local food production. With rising labour costs, many farmers can only cultivate limited portions of their land using family labour, leaving the rest fallow.

This precarious situation has escalated the reliance on local food production as a key to survival. However, international aid efforts have largely focused on cash-based programs, which depend on functioning markets—markets that are faltering due to disrupted supply chains and logistics.

THE NEED FOR URGENT SUPPORT IN LOCAL FOOD PRODUCTION

To prevent Myanmar from sliding further into food insecurity and famine, urgent and substantial support for local food production is critical. While humanitarian efforts are focused on immediate relief and cash assistance, these strategies are not sustainable without strengthening the local agricultural sector. Investing in local food production is key to addressing Myanmar's long-term food security.

Despite the immense challenges, Myanmar's farmers and agricultural organisations have shown resilience and determination. However, they need substantial financial and material support to continue producing enough food to meet local demand. Without this support, the food security crisis will worsen, threatening the livelihoods and well-being of countless people across the country.

Strengthening local food production is not just an agricultural necessity - it is the cornerstone of ensuring Myanmar's food security in the face of ongoing conflict, natural disasters, and economic turmoil. Now, more than ever, it is vital to prioritise and invest in local food production to safeguard the nation from a deepening hunger crisis.

“This natural disaster has intensified an already critical situation, marked by ongoing conflict, widespread insecurity, and internal strife, further deepening the country's vulnerability.”



© Jilke Tanis

Note: Due to serious security concerns, the VOICE-member organisation contributing to this article remains anonymous. Public disclosure of their work could lead to expulsion from the country or the arrest of colleagues, jeopardising their life-saving humanitarian efforts.

Interview with Janez Lenarčič, former EU Commissioner for Crisis Management



- > 1. Given the increased violations of IHL over the past decade, how does the EU plan to strengthen its advocacy for IHL compliance in crises like Gaza and Sudan, where humanitarian and medical workers are frequently attacked, and protection of civilians is disregarded? Additionally, what specific role does EU humanitarian diplomacy play in addressing these complex challenges and fostering adherence to IHL?**

Over the five years of my mandate, I have witnessed a steady deterioration in the respect of International Humanitarian Law (IHL). This erosion undermines the fundamentals of basic humanity in conflicts which are multiplying and are now more numerous than at any time since 1945. We also see the highest levels of IHL violations globally, with Sudan and Gaza being two of the most acute cases, where such violations occur on a massive scale.

In this context, the EU considers advocacy one of the key tools. We have consistently raised our voice in every instance where we have credible, corroborated information about IHL violations, calling on perpetrators to cease their actions.

This advocacy involves close collaboration with the European External Action Service (EEAS), engaging in what we call “humanitarian diplomacy.” I have worked closely with High Representative Josep Borrell on this, and he has been consistently supportive. We also coordinate with EU delegations in conflict zones to address these issues directly on the ground.

However, we must acknowledge that the EU alone cannot resolve these challenges. According to the UN Charter, the Security Council bears the primary responsibility for maintaining international peace and security. Unfortunately, this body has largely failed in its mandate, especially considering the current number of conflicts.

We will continue to advocate for compliance with International Humanitarian Law (IHL). My successor, Commissioner-designate Hadja Lahbib, who has been deeply involved in these issues during her tenure as the Belgian Foreign Minister, will undoubtedly build on and strengthen this agenda.

Together, we have already organised events on IHL, featuring prominent participants such as the International Criminal Court Chief Prosecutor, Karim Khan, and the

President of the International Committee of the Red Cross (ICRC), Mirjana Spoljaric.

However, if we are truly committed to preventing violations of IHL, we must focus on preventing conflicts in the first place. This brings us back to the critical role of the UN Security Council, whose decisions can significantly shape outcomes in this domain

- > 2. With attacks on humanitarian convoys and restricted access obstructing essential deliveries of humanitarian assistance, what specific steps is the EU taking to guarantee the safe and unimpeded humanitarian access in conflict zones?**

Organizations that play an especially active role in this domain, such as the International Committee of the Red Cross (ICRC) and Geneva Call, are among our closest partners. We support their actions broadly and specifically on this issue. At the same time, we consistently call on the authorities of concerned countries, reminding them of their obligations under IHL.

Unfortunately, the situation remains deeply concerning and far from improving. We are receiving ghastly reports from Sudan, including massacres and rapes. The humanitarian situation in Gaza is equally dire, with the current level of humanitarian supply being the lowest since the horrific Hamas terrorist attacks on October 7.

We have been clear in urging Israel to uphold its obligations under IHL. This failure is unacceptable, and we expect influential countries like the United States, which possess significant leverage over Israel, to do more to ensure compliance with international law. Similarly, other nations with influence over various warring parties should act decisively.

The European Union, for its part, does not engage in direct communication with certain non-state actors, such as Hamas or Hezbollah. However, other entities do, and some wield considerable leverage. In Sudan, for example, there are multiple countries involved on both sides of the conflict. We expect them to use their influence to ensure warring parties respect IHL.

We also continue to support humanitarian organisations on the ground that work tirelessly with all actors. These organisations not only deliver essential aid but also remind all parties of their obligations under international law.

- > 3. As a leading humanitarian donor, how does the EU utilise its influence to ensure that both state and non-state actors are held accountable for IHL breaches, especially in situations where civilians, refugees, and healthcare facilities are directly targeted?**

We have already mentioned our advocacy efforts to improve the respect of IHL but also accountability is key for the EU. Without it, violations will continue. Impunity perpetuates these breaches, which is why we strongly support international justice mechanisms, such as the International Criminal Court (ICC) and the International Court of Justice (ICJ) that have a critical role in ensuring accountability for IHL violations.

The EU plays a pivotal role, politically, diplomatically and financially in supporting these institutions. This complements our advocacy efforts, forming a dual strategy: advocacy and accountability.

- > 4. The EU has committed to engaging with non-state actors to promote IHL compliance. Could you share examples of recent progress from these engagements, and how does the EU plan to further expand this strategic approach?**

While the EU does not engage directly with all parties, because of our political principles, we rely on partners such as the ICRC and Geneva Call, who have expertise in engaging with difficult actors. ICRC in particular, has a critical role according to the Geneva Convention. It plays a very special role and we see it as a custodian of IHL, and we very strongly support that role.

Geneva Call, is another organisation very active in some of the most challenging environments. Though I cannot name specific actors, their work is critical in reminding all parties of their obligations under IHL in very dangerous places with very difficult interlocutors. They are having a positive impact because of their engagement and this is encouraging.

At the same time, we recognise that advocacy and ground-level engagement alone are insufficient. Accountability remains vital, and we continue to emphasise its importance in all our diplomatic and humanitarian efforts.

- > 5. Considering the increased risk to humanitarians and medical workers over recent years, what additional protection is the EU implementing, or planning to implement, to safeguard these workers and ensure their freedom of movement in conflict areas?**

The safety of humanitarian workers is a growing concern. In response, we recently launched the [Protect Aid Workers](#) initiative, which was launched at the European Humanitarian Forum. A forum that was initiated during my mandate and where we listened to aid workers and created this initiative. The aim is to address the concerns and needs expressed by aid workers, ensuring their security while enabling them to deliver critical assistance. We hope this project will make a difference.

The forum itself has become a significant platform for discussing and advancing IHL. I am glad to see it will continue under the incoming Polish Presidency, and we will have the fourth edition in May. This will offer a space to evaluate initiatives like Protect Aid Workers and identify new opportunities for progress.

- > 6. For the past two years, the EU has made significant progress in protecting humanitarian action from the unintended negative consequences of restrictive measures. How will the EU continue to advance on this agenda, instrumental in enabling principled humanitarian actors to operate in some of the direst humanitarian crises, and to ensure the EU's approach to restrictive measures is better aligned with IHL?**

This has been one of the biggest battles of my mandate, and we are almost there. What really helped was the UN Security Council Resolution 2664. This was adopted in December 2022, introducing humanitarian exemptions in all UN sanctions regimes.

Before that, we had already begun advocating for humanitarian exemptions in EU sanctions regimes, but progress was modest. When this Security Council resolution was adopted, I used it as a foundation to push EU Member States. It was not easy, but I think we achieved a lot. Now, we have humanitarian exemptions not only in UN sanctions regimes, which the EU has transposed

into its legislation, but also in mixed regimes - those that combine UN sanctions with EU-specific sanctions. Most importantly, nearly all EU sanctions regimes now include proper humanitarian exemptions. There are still a few ongoing discussions, but we have made significant progress.

These exemptions are crucial because, without them, humanitarian workers cannot operate effectively. When they cannot work, humanitarian needs go unmet, and people in desperate situations do not receive the aid they need. This has been one of the more positive chapters of our efforts over the last five years, and I am genuinely pleased with the progress.

It also highlights the importance of the UN Security Council's decisions. When it acts decisively, as in this case, it can have a profound and positive impact, including saving lives.

> 7. In the 2021 EC's Communication on the EU's humanitarian action: new challenges, same principles the EU emphasised the need to prioritise the promotion and consistent application of IHL in its external actions. How would you assess the EU's progress on this commitment since the Communication?

On this issue, I believe we have a mixed picture. We have made good progress in fostering cooperation with other EU institutions, such as the EEAS and its delegations in the field. We've also raised the importance of IHL with our development partners, both within the EU and externally.

However, there is still much to be done. The EU is often accused of double standards, and we need to work harder to demonstrate that we apply one consistent standard when it comes to IHL. Whether violations occur here or elsewhere, our response should be the same - condemnation and action against violators. There is room for improvement in this area.

Another challenge lies in verifying allegations of IHL violations. Perpetrators often deny such violations, making it essential to rely on hard, reliable data. The problem is that while humanitarian organisations possess this data, they often cannot use it openly.

Speaking publicly about violations and naming perpetrators could lead to humanitarian organisations being expelled from the countries where they operate. This would hinder their ability to provide frontline assistance, a price too high to pay.

In response, we launched discussions at the first European Humanitarian Forum in 2022. We encouraged our humanitarian partners to develop mechanisms to use their data without associating it publicly with their organisations.

At the most recent European Humanitarian Forum, a promising solution emerged: the [IHL in Focus](#) project, led by the Geneva Academy and Oxfam. We have supported this initiative financially because we believe in its potential.

The project recently published its first report, focusing on the use of siege tactics in armed conflicts and their impact on food security and the safety of besieged populations. Going forward, the project plans to release more thematic reports and annual reviews, offering credible snapshots of IHL adherence worldwide. This independent and objective mechanism is exactly what we need to support both advocacy and accountability efforts.

> 8. To conclude, do you have additional recommendations for the future Commissioner on advancing the IHL agenda?

I do not believe my successor needs much advice. As I mentioned earlier, Hadja Lahbib comes into this role with significant expertise and familiarity with the issues. In fact, two years ago, we co-organized an IHL side event on the margins of the UN General Assembly. She performed exceptionally well during the hearings, demonstrating her deep knowledge of IHL and humanitarian aid in general.

My recommendation would be to remain steadfast in advocating for IHL and to continue fighting for its respect. I also encourage her to take full advantage of the excellent partnerships we have with humanitarian organizations, including the NGOs gathered under VOICE. For us at DG ECHO, VOICE and its members are among our most important interlocutors. With 89 member organizations - 79 of which are certified partners - VOICE represents a crucial network for advancing this agenda effectively.

12 November 2024

Interview conducted by Maria Groenewald, VOICE Director, and Francesca Giubilo, VOICE Senior Advocacy Officer

VOICE MEMBERS 2024

AUSTRIA

-  CARE Österreich
-  Caritas Österreich
-  SOS Kinderdorf International

BELGIUM

-  Caritas International Belgium
-  HIAS Europe
-  Médecins du Monde (MDM) Belgium
-  Oxfam Solidarité - Solidariteit
-  Plan Belgium

CROATIA

-  International Medical Corps Croatia

CZECH REPUBLIC

-  ADRA Czech Republic
-  Caritas Czech Republic
-  People in Need (PIN)

DENMARK

-  ADRA Denmark Nødhjælp og udvikling
-  CARE Denmark
-  Dansk Folkehjælp Danish People' Aid
-  DanChurchAid (DCA)
-  Danish Refugee Council (DRC)
-  Mission East Mission Øst
-  Save the Children Denmark

FINLAND

-  Fida International
-  Finn Church Aid
-  World Vision Finland

FRANCE

-  Action Contre la Faim
-  ACTED Agence d'Aide à la Coopération Technique et au Développement
-  CARE France
-  Handicap International Humanity and Inclusion
-  La chaîne de l'Espoir
-  Première Urgence Internationale
-  Médecins du Monde (MDM) France
-  Relief International
-  Secours Catholique - Réseau Mondial Caritas
-  Secours Islamique France
-  Secours Populaire Français
-  Solidarités International
-  Télécoms Sans Frontières (TSF)

GERMANY

-  ADRA Deutschland
-  Aktion gegen den Hunger
-  Arbeiter-Samariter-Bund (ASB) Deutschland
-  CARE Deutschland
-  Deutscher Caritasverband Caritas Germany
-  Diakonie Katastrophenhilfe
-  International Rescue Committee Germany
-  DIE JOHANNITER. Aus Liebe zum Leben
-  Malteser International
-  Medico International
-  Plan International Germany
-  Welthungerhilfe
-  World Vision Germany

ITALY

-  Caritas Italiana
-  CESVI - Cooperazione e Sviluppo
-  COOPI
-  INTERSONS Organizzazione Umanitaria Onlus
-  JRS Jesuit Refugee Service
-  Oxfam Italia
-  Terre des Hommes Italy
-  WeWorld

IRELAND

-  Concern Worldwide
-  GOAL Global
-  Trócaire

THE NETHERLANDS

-  CARE Nederland
-  Cordaid
-  Mercy Corps
-  World Vision Netherlands
-  Oxfam Novib
-  Save the Children Netherlands
-  War Child
-  ZOA

NORWAY

-  CARE Norway
-  Norwegian Church Aid
-  Norwegian Refugee Council (NRC)
-  Save the Children - Redd Barna

POLAND

-  Polish Humanitarian Action (PAH)

SLOVAKIA

-  Habitat for Humanity International

SPAIN

-  Acción Contra el Hambre
-  Alianza por la Solidaridad-ActionAid
-  Ayuda en Acción
-  Caritas Española
-  EDUCO
-  Médicos del Mundo
-  Oxfam Intermón

SWEDEN

-  LM International (Läkarmissionen)
-  PMU Interlife
-  Svenska kyrkan - Church of Sweden

SWITZERLAND

-  Medair

UNITED KINGDOM

-  CAFOD
-  Christian Aid
-  Plan International UK

89 members
18 countries



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VOICE is the network of 89 European NGOs promoting principled and people-centred humanitarian aid. Collectively, VOICE aims to improve the quality and effectiveness of the European Union and its Member States' humanitarian aid. The network promotes the added value of NGOs as key humanitarian actors.

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VOICE

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