

ANNOTATED BIOBLOGGRAPHY FOR CONFERENCE ON ISRAEL/PALESTINE; THE GRAVEYARD OF INTERNATIONAL HUMANITARIAN LAW?

I. AGENDA:

- A. The principle of national self-determination as applied to the Jewish and Palestinian peoples. The international consensus is that both Jewish and Palestinian people are entitled to self-determination and statehood to accomplish that goal.
- B. The importance of adherence to the international humanitarian law principles and the doctrine of reciprocity. See Manual at 3.6.2
- C. The Status of the parties and “class of persons” to this conflict under IHL. See Manual at Section 3.3 and 4.0 et seq.
- D. Jus in Bellum and the causes/rationales for use of force in this war. See Manual at Section 3.4 and 1.11.4
- E. Jus ad Bello and the conduct of the war by all combatants: the distinction between Jus in Bellum and Jus ad Bello. Manual Section 3.5 and 5.0 including
 - a. The protection of civilian populations (especially children) , medical facilities, schools and infrastructure in the conduct of war. See Manual at 4.8.2 and 5.2
 - b. The use of population displacement, cutting off food, power and water in this war. Manual at 17.9 et seq.

- c. The use of civilians as human shields and IHL.
See Manual 5.16
 - d. The use of hostages as pawns in the conflict.
See Manual 17.6.2
 - e. How the doctrine of proportionality applies in this conflict. See Manual Section 3.6 and 5.10. “Proportionality may be defined as the principle that even where one is justified in acting, one must not act in a way that is unreasonable or excessive.” Manual at Section 2.4
- F. The Law of Genocide: What is Genocide and does this concept apply? The Genocide Convention defines genocide as committing specified acts “with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.” The “group” is what must be targeted, on grounds including nationality or ethnicity; and it is the “group” that is protected. The “part” targeted for destruction can be represented by a subgroup, for example, in a specific geographic area. Does the concept of “complicity to commit genocide” apply and if so to whom?

II. TOPICS:

A. General International Law Instruments, Briefs and Commentary:

Department of Defense Law of War Manual, June 2015 (Updated June 2023) Office of General Counsel, Department of Defense
<https://media.defense.gov/2023/Jul/31/2003271432/-1/-1/0/DOD-LAW-OF-WAR-MANUAL-JUNE-2015-UPDATED-JULY%202023.PDF>.

Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 75 UNTS 287
<https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>.

Protocol (I) Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts, Jun. 8, 1977, 1125 UNTS 3 (AP I)

<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and>

Protocol (II) Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts, Jun. 8, 1977, 1125 UNTS 609 (AP II)

<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and-0>

Jean S. Pictet, Geneva Convention Relative to the Protection of Civilian Persons in Time of War: Commentary (International Committee of the Red Cross, 1958) (GC COMMENTARY)

<https://www.legal-tools.org/doc/7d971f/pdf>

Jean S. Pictet, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field: Commentary (International Committee of the Red Cross, 1952) (GWS COMMENTARY)

https://tile.loc.gov/storage-services/service/ll/llmlp/GC_1949-I/GC_1949-I.pdf

Charter of the United Nations, Jun. 26, 1945, 59 Stat. 1031

<https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

Convention on the Prevention and Punishment of the Crime of Genocide Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948 Entry into force: 12 January 1951, in accordance with article XIII

https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

Israel's Unfolding Crime of Genocide of the Palestinian People and U.S. Failure to Prevent and Complicity in Genocide (Oct. 18, 2023)(Center for Constitutional Rights)

South Africa's Lawsuit in the World Court (International Court of Justice or ICJ)

<https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf> APPLICATION INSTITUTING PROCEEDINGS To the Registrar of the

International Court of Justice, the undersigned, being duly authorised by the Government of the Republic of South Africa, state as follows: In accordance with Articles 36 (1) and 40 of the Statute of the Court and Article 38 of the Rules of Court, I have the honour to submit this Application instituting proceedings in the name of the Republic of South Africa (“South Africa”) against the State of Israel (“Israel”). Pursuant to Article 41 of the Statute, the Application includes a request that the Court indicate provisional measures to protect the rights invoked herein from imminent and irreparable loss.

6 UN OHCHR, Gaza: UN experts call on international community to prevent genocide against the Palestinian people (16 November 2023), <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>.

FRITS KALSHOVEN & LIESBETH ZEGVELD, CONSTRAINTS ON THE WAGING OF WAR: AN INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW 11 (International

Committee of the Red Cross, 3rd ed., 2001) (“The law of war nowadays is often referred to by a phrase better suited to express its object and purpose, such as ‘international humanitarian law applicable in armed conflict’ or ‘humanitarian law’ – we shall be using these terms interchangeably, as we do with ‘war’ and ‘armed conflict’.”).

<https://heinonline.org/HOL/P?h=hein.milegres/constwag0001&i=13>

WILLIAM O’BRIEN, THE CONDUCT OF JUST AND LIMITED WAR 16 (1981) (“The decision to invoke the exceptional rights of war must be based on the following criteria: there must be competent authority to order the war for a public purpose; there must be a just cause (it may be self-defense or the protection of rights by offensive war) and the means must be proportionate to the just cause and all peaceful alternatives must have been exhausted; and there must be right intention on the part of the just belligerent.”).

B. Articles on Specific Topics

General Background on International Law of War

In re Guantanamo Bay Litigation, Respondents’ Memorandum Regarding the Government’s Detention Authority Relative to Detainees Held at Guantanamo Bay, Misc. No. 08-442, 4 (D.D.C.,

Mar. 13, 2009) (“Under international law, nations lawfully can use military force in an armed conflict against irregular terrorist groups such as al-Qaida. The United Nations Charter, for example, recognizes the inherent right of states to use force in self the right of self-defense, actions taken in self-defense against non-State actors must comply with applicable international law.

<https://www.justice.gov/archive/opa/documents/memo-re-det-auth.pdf>

L. OPPENHEIM, II INTERNATIONAL LAW 66 (2nd ed., 1912)

(“But if [States] choose to go to war they have to comply with the rules laid down by International Law regarding the conduct of war and the relations between belligerents and neutral States.”).

<https://www.gutenberg.org/files/41047/41047-h/41047-h.htm>

Jus in Bello and Jus ad Bellum

GWS COMMENTARY 27 (“The words ‘in all circumstances’ mean in short that the application of the Convention does not depend on the character of the conflict. Whether a war is ‘just’ or ‘unjust’, whether it is a war of aggression or of resistance to aggression, the protection and care due to the wounded and sick are in no way affected.”).

Consider AP I preamble (“the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,”). Manual: 3.5.2.1 Compliance With Jus in Bello Is Required Regardless of Compliance With Jus ad Bellum. States fighting against one another must adhere to rules relating to the conduct of hostilities (jus in bello), regardless of whether a State may be considered the aggressor or whether the initial resort to force was lawful under jus ad bellum

AP I preamble (“the provisions of the Geneva Conventions of 12 August 1949 and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,”).

Reciprocity

Manual 3.6.3.1 Reciprocity – “Golden Rule”. A principle of reciprocity may be understood to be reflected in law of war rules that reflect the golden rule. See **J. Pictet, The Principles of International Humanitarian Law, 6 INTERNATIONAL REVIEW OF THE RED CROSS 455, 462 (Sept. 1966)** (“Humanitarian law receives its impulse from moral science all of which can be summed up in one sentence, ‘do to others what you would have done to yourself’. This crystallizes the wisdom of nations and is the secret of happiness, or at least, of the best order of society. This fundamental precept can be found, in an almost identical form, in all the great religions, Brahmin, Buddhist, Christian, Confucian, Islamic, Jewish and Taoist. It is also the main prop of the positivists who do not base themselves on precepts of any given religion, but on social facts, considered objectively, through their own reasoning alone.”).)

<https://international-review.icrc.org/sites/default/files/S0020860400011451a.pdf>

Protection of Civilians and civilian properties (hospitals, schools, etc)

Manual 4.8.2 Civilians – Conduct of Hostilities. Civilians may not be made the object of attack, unless they take direct part in hostilities. The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect. Civilians may be killed incidentally in military operations; however, the expected incidental harm to civilians may not be excessive in relation to the anticipated military advantage from an attack, and feasible precautions must be taken to reduce the risk of harm to civilians during military operations. FN 196 **cites AP II art. 13** (“1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.”).

Manual Section 4.20 The GC provides special protection for children in order to protect them against the dangers of war. In addition, certain provisions of treaties and U.S. law seek to restrict the use or recruitment of children in armed conflict. **GC art. 24** (“The Parties to the conflict shall take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their

maintenance, the exercise of their religion and their education are facilitated in all circumstances.”). **425 GC COMMENTARY 187** (“The maintenance of the children concerned means their feeding, clothing, and accommodation, care for their health and, where necessary medical and hospital treatment.”).

Manual Section 5.2 The protection of civilians against the harmful effects of hostilities is one of the main purposes of the law of war. Many of the rules for the protection of civilians are derived from the principles of distinction and proportionality. Specific rules for the protection of civilians may be grouped into two categories: (1) essentially negative duties to respect civilians and to refrain from directing military operations against them; and (2) affirmative duties to take feasible precautions to protect civilians and other protected persons and objects.

Footnote 20 of Manual: ; BOTHE, PARTSCH, & SOLF, NEW RULES 284 (AP I art. 48, ¶2.2) (explaining that “an important share of the responsibility for implementing the principle of distinction rests on the Party which controls the civilian population.”); United States, Statement on Ratification of the 1954 Hague Cultural Property Convention, Mar. 13, 2009, 2575 UNTS 7, 8 (“It is the understanding of the United States of America that, as is true for all civilian objects, the primary responsibility for protection of cultural objects rests with the party controlling that property, to ensure that it is properly identified and that it is not used for an unlawful purpose.”).

Manual 5.2.2 In general, military operations must not be directed against enemy civilians. In particular: • Civilians must not be made the object of attack; Military objectives may not be attacked when the expected incidental loss of civilian life, injury to civilians, and damage to civilian objects would be excessive in relation to the concrete and direct military advantage expected to be gained; • Civilians must not be used as shields or as hostages; and • Measures of intimidation or terrorism against the civilian population are prohibited, including acts or threats of violence, the primary purpose of which is to spread terror among the civilian population.²⁸

Manual Footnote 22 Section 5.2: **U.S. Comments on the International Committee of the Red Cross's Memorandum on the Applicability of International Humanitarian Law in the Gulf Region, Jan. 11, 1991, DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW 1991-1999 2057, 2063** ("The obligation of distinguishing combatants and military objectives from civilians and civilian objects is a shared responsibility of the attacker, defender, and the civilian population as such. An attacker must exercise reasonable precautions to minimize incidental or collateral injury to the civilian population, consistent with mission accomplishment and allowable risk to the attacking force. A defender must exercise reasonable precaution to separate the civilian population and civilian objects from military objectives. Civilians must exercise reasonable precaution to remove themselves from the vicinity of military objectives or military operations. The force that has control over the civilians has an obligation to place them in a safe place.")

<https://2009-2017.state.gov/documents/organization/139394.pdf>

Manual 5.2.3 Affirmative Duties to Take Feasible Precautions for the Protection of Civilians and Other Protected Persons and Objects. Parties to a conflict must take feasible precautions to reduce the risk of harm to the civilian population and other protected persons and objects.³⁵

Footnote 35 See, e.g., **Michael J. Matheson, Deputy Legal Adviser, Department of State, Remarks on the United States Position on the Relation of Customary International Law to the 1977 Protocols Additional to the 1949 Geneva Conventions at the Sixth Annual American Red Cross-Washington College of Law Conference on International Humanitarian Law (Jan. 22, 1987), 2 AMERICAN UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLICY 419, 426-27 (1987)** ("We support the principle that all practicable precautions, taking into account military and humanitarian considerations, be taken in the conduct of military operations to minimize

incidental death, injury, and damage to civilians and civilian objects, and that effective advance warning be given of attacks which may affect the civilian population, unless circumstances do not permit.”)

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1660&context=auilr>; **U.N. GENERAL ASSEMBLY**

RESOLUTION 2675, Basic Principles for the Protection of Civilian Populations in Armed Conflict, U.N. Doc. A/8028 (Dec. 9, 1970) (“In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.”).

<https://www.refworld.org/legal/resolution/unga/1970/en/9952>

Manual 5.4.2 In particular, the following rules must be observed: • Combatants may make military objectives the object of attack, but may not direct attacks against civilians, civilian objects, or other protected persons and objects.⁷⁹ • Combatants must refrain from attacks in which the expected loss of life or injury to civilians, and damage to civilian objects incidental to the attack, would be excessive in relation to the concrete and direct military advantage expected to be gained. ⁸⁰ • Combatants must take feasible precautions in planning and conducting attacks to reduce the risk of harm to civilians and other persons and objects protected from being made the object of attack. ⁸¹ • In conducting attacks, combatants must assess in good faith the information that is available to them.⁸² • Combatants may not kill or wound the enemy by resort to perfidy.⁸³ • Specific rules apply to the use of certain types of weapons.⁸⁴

Footnote 43 **HAGUE IX art. 5 (Convention (IX) Concerning Bombardment by Naval Forces in Time of War, Oct. 18, 1907, 36 Stat. 2351** (“In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for

military purposes.”).

<https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-ix-1907/article-5>

Manual 5.4.3.4 **Article 52(3) of AP I** provides that “[i]n case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used.” Article 50(1) of AP I provides that “[i]n case of doubt whether a person is a civilian, that person shall be considered to be a civilian.”

Manual 5.5.2 **Persons, Objects, and Locations That Are Protected From Being Made the Object of Attack.** Persons, objects, and locations that are not military objectives may not be made the object of attack. In particular, the following persons and objects may not be made the object of attack, unless that protection is specifically forfeited under the circumstances:

- Persons, such as o individual civilians and the civilian population;¹⁶⁴ o military medical and religious personnel, including military medical units; ¹⁶⁵ o combatants placed hors de combat; ¹⁶⁶ and o parlementaires; ¹⁶⁷ and
- Objects and locations, provided they are not military objectives, such as o military medical transport, facilities, and equipment;¹⁶⁸ o cultural property;¹⁶⁹ o historic monuments, museums, scientific, artistic, educational and cultural institutions; ¹⁷⁰ places of worship; o undefended villages, towns, or cities; ¹⁷¹ o hospital and safety zones, and persons and objects within these zones; ¹⁷² and o neutralized zones, and persons and objects within neutralized zones.

Protection of Journalists in Combat

Manual 5.8.3.2 independent journalism or public advocacy (e.g., opinion journalists who write columns supporting or criticizing a State’s war effort);³⁰³ Independent Journalists are not a legitimate target of military operations.

Footnote 303 **Office of the Prosecutor, ICTY, Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, ¶47 (Jun. 13, 2000)** (“Whether the media constitutes a legitimate target group is a debatable issue. If the media is used to incite crimes,

as in Rwanda, then it is a legitimate target. If it is merely disseminating propaganda to generate support for the war effort, it is not a legitimate target.”).

<https://www.icty.org/en/press/final-report-prosecutor-committee-established-review-nato-bombing-campaign-against-federal>

Use of “Human Shields”

Manual 5.12.3.4 Enemy Use of Human Shields. Adversary use of human shields can present complex moral, ethical, legal, and policy considerations.⁴⁶⁵ Use of civilians as human shields violates the rule that protected persons may not be used to shield, favor, or impede military operations.⁴⁶⁶ The party that employs human shields in an attempt to shield military objectives from attack assumes responsibility for their injury, although the attacker may share this responsibility if it fails to take feasible precautions.⁴⁶⁷

Footnote 467: **2004 UK MANUAL ¶2.7.2** (“Even where human shields are being used, the proportionality rule must be considered. However, if the defenders put civilians or civilian objects at risk by placing military objectives in their midst or by placing civilians in or near military objectives, this is a factor to be taken into account in favour of the attackers in considering the legality of attacks on those objectives.”) (footnote omitted). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/27874/JSP3832004Edition.pdf

Footnote 477: **AP I art. 58** (“The Parties to the conflict shall, to the maximum extent feasible: ... (b) Avoid locating military objectives within or near densely populated areas;”).

Manual 5.16 Parties to a conflict may not use the presence or movement of protected persons⁵³⁸ or objects⁵³⁹: (1) to attempt to make certain points or areas immune from seizure or attack; (2) to shield military objectives from attack; or (3) otherwise to shield or favor one’s own military operations or to impede the adversary’s military operations.

Footnote 538 and 539 **10 U.S.C. § 950t (“(9) USING PROTECTED PERSONS AS A SHIELD.**—Any person subject to this chapter who positions, or otherwise takes

advantage of, a protected person with the intent to shield a military objective from attack. [sic] or to shield, favor, or impede military operations, shall be punished, if death results to one or more of the victims, by death or such other punishment as a military commission under this chapter may direct, and, if death does not result to any of the victims, by such punishment, other than death, as a military commission under this chapter may direct.”)

<https://www.govinfo.gov/content/pkg/USCODE-2022-title10/html/USCODE-2022-title10-subtitleA-partII-chap47A-subchapVIII-sec950t.htm>; **10**

U.S.C. § 950p (a)(3) (“The term ‘protected person’ means any person entitled to protection under one or more of the Geneva Conventions, including civilians not taking an active part in hostilities, military personnel placed out of combat by sickness, wounds, or detention, and military medical or religious personnel.”). 539 Cf.

<https://www.govinfo.gov/content/pkg/USCODE-2022-title10/html/USCODE-2022-title10-subtitleA-partII-chap47A-subchapVIII-sec950p.htm>; **10**

U.S.C. § 950t (“(10) USING PROTECTED PROPERTY AS A SHIELD.—Any person subject to this chapter who positions, or otherwise takes advantage of the location of, protected property with the intent to shield a military objective from attack, or to shield, favor, or impede military operations, shall be punished as a military commission under this chapter may direct.”); **10 U.S.C. § 950p(a)(3)** (“The term ‘protected property’ means any property specifically protected by the law of war, including buildings dedicated to religion, education, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, but only if and to the extent such property is not being used for military purposes or is not otherwise a military objective. The term includes objects properly identified by one of the distinctive emblems of the Geneva Conventions, but does not include civilian property that is a military objective.”).

Footnote 540: **AP I 51(7)** (“The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations,

in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.”).

Footnote 545: **BOTHE, PARTSCH, & SOLF, NEW RULES 316 (AP I art. 51, ¶2.8.2)** (“The mandatory provisions of para. 7 are intended to prohibit any deliberate use of the physical presence or physical movement of civilians for the purpose of shielding or favouring friendly military operations against enemy action or to impede enemy military operations. ... In practice this means that in some close cases the location of a military objective in the midst of a populated town may violate para. 7 if the purpose of the location is to shield the military unit or facility from attack. On the other hand, the same act could be innocent if it were militarily necessary to so situate the unit or facility. Thus the subjective intent of military commander is the controlling element in determining whether there has been a breach of para. 7, a negligent failure to take the precautions urged by Art. 58, or a legitimate act of war.”).

Footnote 559: **U.S. Comments on the International Committee of the Red Cross’s Memorandum on the Applicability of International Humanitarian Law in the Gulf Region, Jan. 11, 1991, DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW 1991-1999 2057, 2063** (“In no case may a combatant force utilize individual civilians or the civilian population to shield a military objective from attack.

Prohibition on Taking of Hostages

Manual at 5.16.3 Prohibition on Taking Hostages. The taking of hostages is prohibited.⁵⁵³ This prohibition is understood to include a prohibition against threatening to harm detainees whose lives are valued by the adversary in order to induce the adversary not to attack, but is also understood to include the

prohibition against using hostages as human shields.⁵⁵⁴ The taking of hostages is also prohibited in non-international armed conflict.⁵⁵⁵

Footnote 553 **GC art. 34** (“The taking of hostages is prohibited.”). **Cf. 18 U.S.C. § 2441(d)(1)(I)** (defining “Taking hostages” as “The act of a person who, having knowingly seized or detained one or more persons, threatens to kill, injure, or continue to detain such person or persons with the intent of compelling any nation, person other than the hostage, or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of such person or persons.”);

Footnote 554 **GC COMMENTARY 230** (giving as examples of hostage taking: (1) “taking as hostages persons generally selected from among prominent persons in a city or a district in order to prevent disorders or attacks on occupation troops”; (2) “arresting after an attack a certain number of inhabitants of the occupied territory and announcing that they will be kept captive or executed if the guilty are not given up”; and (3) “the practice of taking so-called accompanying hostages consists of placing inhabitants of occupied territory on board lorry convoys or trains in order to prevent attacks by their compatriots”).

Starvation of Enemy Forces vs. Civilian Populations

Manual at 5. 20 .1 Starvation specifically directed against the enemy civilian population, however, is prohibited.⁷⁶¹ For example, it would be prohibited to destroy food or water supplies for the purpose of denying sustenance to the civilian population.

Footnote 761 **See J. Fred Buzhardt, General Counsel, Department of Defense, Letter to Chairman Fulbright, Senate Committee on Foreign Relations, Apr. 5, 1971, 10 INTERNATIONAL LEGAL MATERIALS 1300, 1302 (1971)** (“But an attack by any means against crops intended solely for consumption by noncombatants not contributing to the enemy’s war effort would be unlawful for such would not be

an attack upon a legitimate military objective.”).

<https://www.jstor.org/stable/20690832> Consider AP I art. 54(1) (“Starvation of civilians as a method of warfare is prohibited.”).

Displacement of Civilian Populations

Manual at 17.9 17.9.1 Displacement of the Civilian Population. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand.¹²⁷ Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety, and nutrition. ¹²⁸ Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.¹²⁹ A State must not compel civilians to leave its territory for reasons connected to the conflict, while insurgents that control territory must not compel civilians to leave the area under their authority.¹³⁰

Footnotes 127-129: **Consider AP II art. 17(1)** (“The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand.”). **128 Consider AP II art. 17(1)** (“Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.”). ¹²⁹ **Consider AP II art. 17(2)** (“Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.”).

Protection of Children in Warfare

Manual 17.10.1 General Protection and Care of Children. Children shall be provided with the care and aid they require.

Footnote 138: **AP II art. 14** (“Starvation of civilians as a method of combat is prohibited. It is therefore

prohibited to attack, destroy, remove or render useless, for that purpose, 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.”).