

REDUCING the Human Cost of War is Everyone's Business
Common Article 1 is there to help

Introduction

War, invariably, is deadly and devastating. This is particularly the case for those who are directly affected by modern-day wars whether in urban or rural areas. The human cost of armed conflict is most severe when vital, life-saving humanitarian norms are ignored or flouted deliberately.

This paper sets out the core purpose of Common Article 1 (CA1) and related obligations under the laws of war so that everyone concerned about the atrocities that civilians are made to endure may find common cause in challenging the inhumanity that is contemptuous of human beings and the untold suffering it imposes on millions.

Wars have Laws

Warring parties, whether State or non-State armed actors (NSAA) have clearly defined obligations, based on customary and codified international humanitarian law, to safeguard the lives of civilians and others¹ when conducting armed hostilities. These life-saving norms include not endangering or damaging assets and infrastructure such as food, water supplies, health care, shelter and transport that are essential for survival. The International Committee of the Red Cross (ICRC), as the guardian of International Humanitarian Law (IHL), is dedicated to securing respect for IHL on and off the battlefield as are many others who advocate in different ways in favour of fundamental humanitarian norms.

Respect for the lives of civilians and others, would significantly reduce the number of victims and the human cost of warfare. Conflicts from Afghanistan to Yemen illustrate how widespread disregard for the fundamentals of international humanitarian law is central to the pain and suffering of contemporary warfare. ICRC and a host of other organizations, large and small, local and international are dedicated to mitigating the harmful impacts of warfare. Humanitarian organizations run programmes geared to enhancing the safety, physical security, integrity and well-being of the children, women and men trapped in to-day's war zones, displaced within the borders of their own country or in refugee settings elsewhere. Humanitarian action, guided by compassion and basic principles of a shared humanity and support for all in

¹ It is not permitted to attack individuals who are hors de combat. This refers to enemy combatants who are not capable of waging war as they have surrendered, are wounded, or held as prisoners of war (POW). Rule 47. Attacks against Persons Hors de Combat, ICRC. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule47

times of war and other catastrophic crises has grown significantly in recent times given the brutal and protracted nature of contemporary warfare.²

The human cost of warfare, whether sporadic, short-lived or protracted, includes significant loss of life, torture and deprivation given the strategies and conduct of the warring parties and their sponsors coupled with the breakdown of the rule-of-law and a rise in criminal activity in warzone settings. Almost invariably, armed conflict compels large numbers of people to abandon their homes and livelihoods in a search for safety as internally displaced within their own countries or as asylum seekers and refugees elsewhere. The number of people uprooted as a result of wars and persecution reached a record 68.5 million in 2017 according to the UN High Commissioner for Refugees (UNHCR).³

Civilians have been routinely subjected to indiscriminate firepower as a result of aerial bombardments or improvised explosive devices (IEDs) in war zones from Afghanistan to Yemen including places such as the Central African Republic, the Democratic Republic of the Congo, Myanmar, Palestine, Syria or South Sudan. Weapons have been employed without taking adequate account of the need to distinguish between locations with civilians and military targets or without adequate precaution to avoid causing harm to non-combatants. Warring parties are also known to inflict harm deliberately as part of a strategy to maximize the suffering of civilians or, for example, to change the demographics of particular neighbourhoods or regions. One of the characteristics of the wars in Syria and Yemen has been the destruction of vital infrastructure; this included hospitals in parts of Syria under opposition control. The Yemeni port of Hodeidah, through which the bulk of the country's food needs were imported before the outbreak of armed conflict in 2015, was subjected to multiple attacks and an embargo before a ceasefire agreement in December 2018. The repeated bombing of urban areas in Palestine during different periods of armed conflict brings to the fore the cost to civilians as health care facilities, food, water and electricity supplies were destroyed and services were rationed or became unavailable.⁴

Some two billion people are affected by “fragility, conflict or violence” and are insufficiently protected as a result of “violations of basic laws and principles” noted Peter Maurer, President of the ICRC, at the end of 2018.⁵ Traditionally, wars between states (international armed conflict) were the biggest killers. This is no longer the case as proxy wars and internal warfare (non-international armed conflict) have increased in number and severity resulting in more than 102,000 fatalities as a direct consequence of war in 2016.⁶ The number of armed conflicts around the world has

² Funding required for international humanitarian action in 2017 “increased for the fifth consecutive year, reaching a new high of an estimated US\$27.3 billion”, Global humanitarian assistance report 2018. <http://devinit.org/post/global-humanitarian-assistance-report-2018/>

³ HCR Global Trends, 19 June 2018. <https://www.unhcr.org/ph/figures-at-a-glance>

⁴ ESRI “Targeting Infrastructure in the Middle East, Environment, Conflict and Law, ArcGIS, 2017 <https://www.arcgis.com/apps/Cascade/index.html?appid=b45145acff134c3cb26bfc4ea67a843d>

⁵ Maurer, P (2018) Global trends of war and their humanitarian impacts, Statement, ICRC Canberra 17 October <https://www.icrc.org/en/document/global-trends-war-and-their-humanitarian-impacts-0>

⁶ PRIO (2017) Trends in Armed Conflict, 1946–2016, Oslo

been on the rise in recent years according to the Peace Research Institute in Oslo (PRIO); it recorded 52 in 2018.⁷ PRIO also noted that Afghanistan, a county blighted by war since 1979, was the deadliest war zone in 2018 when it accounted for “48% of all casualties in state-based conflicts” that year.⁸

The brutal, bloody and increasingly protracted nature of contemporary warfare is an indictment of those directly engaged in armed hostilities as well as their sponsors including those supplying and profiting from the arms trade. To-day’s wars and their consequences are also an indictment of a dysfunctional global order that includes routine paralysis in the UN Security Council (UNSC). The devastation and pain of warfare is also an indictment of the growing number of States that are dismissive of their obligations to respect international law including treaties that are fundamental to collective peace and security as well as the safety and dignity of at-risk people such as war-affected communities including those who are obliged to flee in search of safety and refuge.

The four 1949 Geneva Conventions, universally ratified – this includes all UN Member States – are a set of rules and minimum standards designed to regulate the way warfare is conducted in order to limit its effects while maintaining core humanitarian values and humane conduct in any situation of armed conflict.⁹ In sum, wars have limits and the suffering they produce should not be seen as the inevitable or unavoidable consequences of warfare. This was the universal agreement in 1949 as the world emerged from the Holocaust and carnage of the Second World War.¹⁰ Seventy years later, humanitarian values and respect for the laws of war remain no less fundamental to safeguarding lives in imminent danger even as the human cost of warfare clearly shows that there is less than adequate respect for, and compliance with, IHL.

Common Article 1 (CA1)

This 70th anniversary year of the Geneva Conventions is an opportunity to examine our collective commitment to Article 1 common to the four Geneva Conventions, known as Common Article 1 (CA1). It stipulates that “the High Contracting Parties undertake to respect and to ensure respect” for the Conventions “in all circumstances.”¹¹ In other words, States whether or not they are a party to an armed

<https://reliefweb.int/sites/reliefweb.int/files/resources/Dupuy%20et%20al%20-%20Trends%20in%20Armed%20Conflict%201946-2016%2C%20Conflict%20Trends%202017.pdf>

⁷ Strand, Håvard; Siri Aas Rustad; Henrik Urdal & Håvard Møkleiv Nygård, “Trends in Armed Conflict, 1946–2018”, PRIO, 2019. <https://www.prio.org/Publications/Publication/?x=11349>

⁸ Ibid

⁹ ICRC, What is International Humanitarian Law?

https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf

¹⁰ ICRC, Geneva Conventions: Even wars have limits, June 2019

<https://www.icrc.org/en/document/geneva-conventions-even-wars-have-limits>

¹¹ Dormann, Knut., Serralvo, Jose “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, IJIR, 96 (895/896), 707–736 21 Sept 2015

<https://www.icrc.org/en/international-review/article/common-article-1>

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conflict, are obligated not only to uphold IHL provisions themselves but also to “do everything reasonably in their power to ensure that the provisions are respected universally” in all situations of war.¹² CA1 has “imperative force” and is a key element of the means available to secure compliance with the Geneva Conventions.¹³

It may seem unusual that CA1 is not better known in the mainstream media or in general discourse on the lethality of war as well as its indirect and accumulated consequences as social, economic, physical, cultural and political infrastructure is destroyed or torn apart. CA1 has an important track record and the history of armed conflict shows that none of us should see civilian deaths and other forms of harm as an unavoidable consequence of war.¹⁴

One of the dangers of to-day’s wars and how we relate to them is that the constant headlines, Twitter feeds and other social media accounts of atrocities have seemingly inured us to the painful and deadly reality that so many individuals, and their families, are made to endure.

Civilians have been subjected to starve-or-surrender strategies in medieval-like sieges that have been common place throughout the war in Syria in areas such as the eastern part of Aleppo, Homs, the Yarmouk Palestinian refugee camp on the edge of Damascus and other locations. Most observers will readily acknowledge that such strategies are totally abhorrent and unacceptable. The same goes for the multiple aerial strikes (2015) that killed 42 patients and medical staff and totally destroyed the one and only trauma hospital, run by Médecins Sans Frontières (MSF), in northern Afghanistan or the 40 children killed (2018) on a school bus outing in Yemen. Equally shocking, if no longer newsworthy, is the growing number of refugees who drown as they try to escape war and dangerous detention centres in Libya but are further imperilled by multiple restrictions on NGO search and rescue boats in the Mediterranean.¹⁵

Not everyone is offended by the reality of no-holds-barred warfare involving massacres, torture, disappearances, forced displacement, deliberate deprivation and starvation or denial of the right to seek asylum. But to paraphrase George Steiner, all of us “are accomplices to that which leaves us indifferent.”¹⁶

¹² ICRC, Commentary of 2016, Article 1: Respect for the Convention, ICRC 2016

<https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt1>

¹³ Ibid

¹⁴ Alyssa K. Prorok, Benjamin J. Appel “Compliance with International Humanitarian Law: Democratic Third Parties and Civilian Targeting in Interstate War”, SAGE Journals, March 2013

<https://journals.sagepub.com/doi/abs/10.1177/0022002713478569>

¹⁵ Tondo, Lorenzo “Mediterranean will be ‘sea of blood’ without rescue boats, UN warns; Refugee agency says risk of people dying attempting crossing is at its highest” Guardian, 9 June 2019
<https://www.theguardian.com/world/2019/jun/09/mediterranean-sea-of-blood-migrant-refugee-rescue-boats-un-hchr>

¹⁶ George Steiner “Language and Silence: Essays on Language, Literature and the Inhuman”, Atheneum, New York, 1967, pg 150

Everywhere, there are citizens who are not indifferent and do not wish to be complicit with the apparent normalization of violence and the incalculable human cost of contemporary warfare. And the good news is that citizens who share in the indignation of those who abhor the inhumanity inflicted on fellow human beings have the means to challenge policies that are often pursued in their name. CA1 provides an important and ready-made platform to mobilize citizen action to challenge Governments and warring parties to comply with IHL. It also opens up multiple possibilities, such as dialogue and advocacy, with parliamentary bodies or others that are concerned, for example, with arms transfers and other forms of military support to belligerents in order to advance respect for humanitarian law.

Delivering on CA1 Responsibilities

Unlike many legal texts, Common Article 1 responsibilities of State parties – known as High Contracting Parties – under the Geneva Conventions are set out in a clear and straightforward fashion.¹⁷ States, as noted already, have an obligation to **respect** and **ensure respect** for the four Geneva Conventions **in all circumstances**. This, in effect, means that States that are not belligerents in a given armed conflict – often known as Third Party States – are obliged (a) to refrain from encouraging violations and (b) taking proactive measures to bring about respect for IHL. CA1 responsibilities apply in international armed conflict and non-international armed conflict settings and relate to all warring parties. CA1 responsibilities are also relevant in times of peace.

Third Party States are not always open to acknowledging their moral and legal CA1 responsibilities and what States do to deliver on their responsibilities can vary significantly. Some States indicate that they meet their responsibilities when, for example, they provide financial support to the ICRC or when they vote in the UN General Assembly or the Security Council for resolutions that call on all State parties to ensure respect for IHL. Individual countries have employed sanctions or trade embargoes to secure IHL compliance. This includes, for example, action by the United States in 2008 that involved “targeted sanctions against individuals and entities contributing to the conflict in the Darfur region.”¹⁸ States have also voted, in the UN Human Rights Council, for resolutions that have condemned indiscriminate attacks and civilian casualties. One such resolution in 2011 “urged the Libyan government to respect IHL.”¹⁹

Efforts by State Parties to promote respect for IHL in situations where they are not belligerents are clearly important as well as mandatory. But the reality of to-day’s wars show that much more needs to be done. A key part of CA1’s obligation to ensure respect is prevention including measures that work against the destruction of

¹⁷ CA1, is also established in Article 1, Additional Protocol I of 1977 and is considered part of customary IHL https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule144

¹⁸ Dormann, Knut, Serralvo, Jose “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, IRRC, 21 Sept 2015, pg 721 <https://www.icrc.org/en/international-review/article/common-article-1>

¹⁹ Ibid pg721

life and means of survival in armed conflict settings. An important example is the Arms Trade Treaty (ATT) that came into force at the end of 2014. This was an important milestone given the resurgent nature of the international arms trade after a noticeable dip in the aftermath of the Cold War.²⁰

As noted by Swisspeace, the ATT sets out “robust global rules to stop the flow of weapons and munitions to countries when there is an ‘overriding risk’ they would be used to commit war crimes or serious human rights violations” with the core purpose of contributing to international peace and security and a reduction in human suffering.²¹ However, as with all such treaties, the ATT will only be of value when state parties tighten national legislation concerning arms sales and put in place strong oversight mechanisms to ensure compliance. It is also worth noting that the EU Common Position (2008) on arms exports is more restrictive than the ATT in that the former prohibits exports when there is a clear risk of serious violations.²²

The need for vigilance, scrutiny and civil society engagement to bring about effective and proactive action in relation to CAI and the ATT was borne out by a court case (June 2019) in the UK on the issue of British arms sales to Saudi Arabia in the context of the war in Yemen. The UK Court of Appeal found that arms sales to Riyadh were unlawful as Government Ministers had “illegally signed off on arms exports without properly assessing the risk to civilians” and had not determined whether the Saudi-led coalition “had committed violations of international humanitarian law in the past, during the Yemen conflict, and made no attempt to do so.”²³ The spokesman of the Campaign Against Arms Trade (CAAT) noted that it should not have required a court case “brought by campaigners to force the government to follow its own rules.”²⁴ CAI is applicable in situations where High Contracting Parties engage in multinational operations such as those involving two or more States, *ad hoc* coalitions or under the auspices of the United Nations or regional organizations. In other words,

²⁰ The five largest arms exporters included four of the P5, UN Security Council members – United States, Russia, France and China, together with Germany – and accounted for 75 per cent of the total volume of exports in 2014-18. Arms exports to Middle Eastern countries increased by 87 per cent between 2009 and 2018.

SIPRI “Global arms trade: USA increases dominance; arms flows to the Middle East surge, says SIPRI” Stockholm, 11 March 2019 <https://www.sipri.org/media/press-release/2019/global-arms-trade-usa-increases-dominance-arms-flows-middle-east-surge-says-sipri>

²¹ Swisspeace “The Arms Trade Treaty and Switzerland: a humanitarian milestone?”

Bern, N° 147 September 2016 <https://www.swisspeace.ch/apropos/the-arms-trade-treaty-and-switzerland-a-humanitarian-milestone/>

²² Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment, EUR Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32008E0944>

²³ Dan Sabbagh, Bethan McKernan “UK arms sales to Saudi Arabia unlawful, court of appeal declares. Ruling prompts government to suspend new arms sales to Saudi Arabia while it urgently reviews its processes” Guardian, 20 June 2019: <https://www.theguardian.com/law/2019/jun/20/uk-arms-sales-to-saudi-arabia-for-use-in-yemen-declared-unlawful>

²⁴ Andrew Smith, CAAT “Selling arms to the Saudis was always immoral. Now it is unlawful, too”, Guardian, 20 Jun 2019 <https://www.theguardian.com/commentisfree/2019/jun/20/selling-arms-to-the-saudis-was-always-immoral-now-it-is-unlawful-too>

“participating in a multinational operation does not release the High Contracting Parties” from their CA1 obligations including when troops are made available to an international organization.²⁵ It goes without saying that UN mandated peace missions have a responsibility to uphold and give effect to IHL including in the context of CA1.²⁶

A growing number of on-going conflicts involve various forms of coalitions, alliances or partnerships that bring to the fore the significance of CA1 and the importance of all concerned actors using their influence and leverage to ensure respect for IHL. As in all situations of risk, prevention is better than efforts to cure the harm inherent in armed conflict settings. This well-known truism has particular resonance in terms of CA1 and related responsibility.

States routinely provide support such as training, military equipment, supplies and intelligence, to allies or partners that are belligerents in particular war zones. Such support will, almost invariably, translate into a privileged position of influence as well as important responsibilities to ensure respect for IHL. It is worth emphasizing that the greater the support provided to a warring party “the more extensive the measures required on the part of the supporting State.”²⁷

Measures in support of IHL compliance will vary depending on the circumstances but may include, for example, the withdrawal of support that should, in any event, be conditional on respect for international law. States that provide support involving the sale or provision of military equipment and related assistance or political help are in a strong position to use their leverage to safeguard the lives of civilians. It is also worth noting that countries in partnership with a State party to a conflict will incur heightened responsibility when its actions contribute to, or facilitate, a wrongful act. The nature of such responsibility will vary from case to case depending on various factors including the basis on which aid was provided. States may also incur responsibility when aiding or abetting “the unlawful conduct of an armed group.”²⁸ It is also important to underline that CA1 obligations must be delivered in accordance with the UN Charter and cannot, for example, be used as an independent legal basis for the use of force against another State.

The significance of CA1 in the context of the war in Yemen provides useful insights to the way in which countries allied, for example, with Saudi Arabia – that leads the anti-Houthi coalition – contest the depiction of their role and the rules that apply in

²⁵ ICRC, Commentary of 2016, Article 1: Respect for the Convention, ICRC 2016 Para 136
<https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt1>

²⁶ Secretary-General’s Bulletin, Observance by United Nations forces of international humanitarian law, ST/SGB/1999/13, 6 August 1999
<https://www.refworld.org/docid/451bb5724.html>

²⁷ Cordula Droege, David Tuck “Fighting together and international humanitarian law: Ensuring respect for the law and assessing responsibility for violations”, ICRC Blog, 17 October, 2017
<https://blogs.icrc.org/law-and-policy/2017/10/17/fighting-together-international-humanitarian-law-ensuring-respect-law-assessing-responsibility-violations-2-2/>

²⁸ Ibid

this regard.²⁹ A key question is what type of support “will render an assisting State a party” to the conflict in Yemen?³⁰ Highly classified documentation produced by the French authorities shows that the Saudi-led coalition is “overwhelmingly dependent on Western-produced weapon systems to wage their devastating war in Yemen”; the Saudi-led bombing campaign relies, significantly, on American F-15s, British Typhoons, European Tornado fighters and French transport helicopters.³¹ This in effect means that the three Western UNSC Permanent Five (P5) members are significantly engaged in a war that has proved deadly for civilians both as a direct result of bombing campaigns and, indirectly, as a result of sieges and destruction of vital transport and other infrastructure. All three have denied that they are parties to this armed conflict with Paris, for example, claiming that the arms it sold to Riyadh – the second biggest buyer of French weapons worth 11 billion Euros from 2008 to 2017 – were not used for offensive purposes.³² Debate on the legalities surrounding such issues is not unusual. But such debate does not change the fact that *all* State Parties, including P5 members, have clear responsibilities to operate in line with international law. They are also obligated to use their influence to uphold fundamental humanitarian norms in order to safeguard the lives and survival of Yemenis and other civilians trapped in to-day’s war zones.

Civilian Harm and Citizen Action

Citizens everywhere can engage in organized or individual initiatives to challenge their governments and other authorities such as parliamentary or religious groups, civil society and aid organizations, cultural groups, *diaspora* and others to invest in measures to give effect, or greater effect, to the responsibilities set out in Common Article 1. Reducing the costs of war on fellow human beings who are directly or indirectly affected by armed conflict is everyone’s business. This is not an insurmountable task and especially when concerned individuals are united against inhumanity wherever it occurs.

²⁹ Oona A. Hathaway, Aaron Haviland, Srinath Reddy Kethireddy, Alyssa T. Yamamoto “Yemen: Is the U.S. Breaking the Law?” Harvard National Security Journal / Vol. 10, 2019
<https://harvardnsj.org/wp-content/uploads/sites/13/2019/02/Yemen-Is-the-U.S.-Breaking-the-Law.pdf>

³⁰ Nathalie Weizmann “Are the U.S. and U.K. parties to the Saudi-led armed conflict against the Houthis in Yemen?”, Just Society, 22 September 2016.

<https://www.justsecurity.org/33095/u-s-u-k-parties-saudi-led-armed-conflict-houthis-yemen/>

³¹ Alex Emmons “Secret Report Reveals Saudi Incompetence and Widespread Use of U.S. Weapons in Yemen”, The Intercept, 15 April, 2019. <https://theintercept.com/2019/04/15/saudi-weapons-yemen-us-fi>

AFP “Classified note confirms French weaponry in Yemen: report”, France 24, 15 April 2019

<https://www.france24.com/en/20190415-classified-note-confirms-french-weaponry-yemen-report>

³² Reuters “France avoids question on Saudi Arabia weapons sales” 22 Oct 2018:

<https://www.reuters.com/article/us-saudi-khashoggi-france/france-avoids-question-on-saudi-arabia-weapons-sales-idUSKCN1MW1TP>; “Classified note confirms French weaponry in Yemen: report”, France 24, 15 April 2019. <https://www.france24.com/en/20190415-classified-note-confirms-french-weaponry-yemen-report>

Many countries have National Committees³³ that, in principle, are focused on creating or supporting a national system of domestic legislation to promote awareness of, and secure compliance with, IHL.³⁴ It may be helpful to become aware of the work of such Committees and, where necessary, engage in ascertaining the role and utility of such bodies in terms of national authorities delivering on their IHL responsibilities. It is also worth noting that the European Union adopted (2009) updated guidelines on the promotion of compliance with IHL.³⁵

States are expected to pursue a range of measures to generate IHL compliance by warring parties. These include diplomatic acts such as lodging a protest with relevant authorities, engaging in direct diplomacy and political dialogue, public disapproval of credible instances of harm or cooperation with UN or other initiatives geared to securing respect for the law.

States such as Germany, Netherlands, Finland and Denmark suspended (2018) arms sales to Yemen and encouraged others to do so. States can impose trade sanctions, withdraw financial or other privileges, impose flight restrictions on particular individuals, refer the problem to multilateral institutions, and organize or participate in arms embargoes including the provision or transfer of assets pertinent to war-making.

The general public can make its views known on measures taken or not taken and the consequences of this for war-affected communities. This includes holding governments and officials to account, including in the court of public opinion, at the national and international level when State actors fail to operate in line with their CAI responsibilities and conduct demanded by international due diligence standards that originate “in the law of neutrality and the protection of foreigners from injuries occurring in civil wars.”³⁶

Conclusion

There is “No such thing as innocent by-standing” said Nobel Laureate, Seamus Heaney when reflecting on years of war and how knowledge of its brutality and

³³ ICRC “National Committees for the implementation of international humanitarian law advise and assist governments in implementing and spreading knowledge of IHL. Setting up such committees is the responsibility of States, but is supported by the ICRC as a means of ensuring effective application of IHL”, ICRC, 2012 <https://www.icrc.org/en/war-and-law/ihl-domestic-law/national-committees>

³⁴ ICRC “National Committees and similar Entities on International Humanitarian Law, Guidelines for Success, Towards Respecting and Implementing International Law” ICRC, 2019 <https://www.icrc.org/en/publication/national-committees-and-similar-entities-international-humanitarian-law-guidelines>

³⁵ EU “Updated European Union Guidelines on promoting compliance with international humanitarian law (IHL)” Official Journal of the European Union, 2009. [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52009XG1215\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52009XG1215(01)&from=EN)

³⁶ Antal Berkes “The Standard of ‘Due Diligence’ as a Result of Interchange between the Law of Armed Conflict and General International Law”, Journal of Conflict and Security Law, Volume 23, Issue 3, Winter 2018, Pages 433–460, <https://academic.oup.com/jcsl/issue/23/3>

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suffering implicates us all.³⁷ It is a reminder that indignation at the pain and the sorrow of war is never enough when the task is to be assertive and determined in challenging the cruelty and cruel consequences of contemporary warfare.

UAI encourages all concerned individuals and other stakeholders to see CA1 as an opportunity to mobilize and enable citizen engagement to challenge war's inhumanity and its consequences including civilian casualties, life-altering injuries, trauma and deprivation coupled with significant involuntary displacement that pushes people from their homes, families and means of livelihood.

UAI is now in the process of consulting a broad cross-section of individuals and entities to elicit feedback and suggestions in terms of possible action in relation to CA1 taking into account local political and civil society realities including potential for collaboration with other like-minded individuals and groups.

UAI will seek to identify opportunities, including collaborative approaches, that optimize ways and means of engaging in a common or joint agenda to challenge CA1 state parties and others to deliver on their IHL responsibilities. In this connection it may be of note that Article 16 of "EU Guidelines on IHL compliance" provides an illustrative list of potential State actions.³⁸

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³⁷ Seamus Heaney, "Mycenae Lookout", in *The Spirit Level*, Faber and Faber, 1996, pp.29-37

³⁸ European Union Guidelines on Promoting Compliance With International Humanitarian Law (IHL), 23 December 2005, <https://www.refworld.org/docid/4705f7462.html>