

4th Annual Stockton Center Law of Armed Conflict Conference

Russia-Ukraine: Full-Spectrum Conflict and International Law

U.S. Naval War College, Newport, RI



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**International
Committee of the
Red Cross**

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**Swedish
Defence
University**



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Indiscriminate attacks are prohibited.

Indiscriminate attacks are:

(a) those which are not directed at a specific military objective;

(b) those which employ a method or means of combat which cannot be directed at a specific military objective; or

(c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol;

and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction.



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Preventive measures

1. Doctrine

- 1.1 Identify protection of civilians as a strategic objective at the highest level prior to military operations and incorporate it in all military orders.
- 1.2 Develop specific military doctrine or adapt existing doctrine to address the human-

Avoidance policy

5. Do not use explosive weapons with a wide impact area in populated areas unless sufficient mitigation measures have been taken to limit their area effects and the consequent risk of civilian harm. In particular, avoid the use in a populated area of:
 - 5.1 when unguided,⁴⁸⁸ the following weapon systems, because of their intrinsic inaccuracy and consequent wide area effects, and irrespective of the size of the target:
 - a. MBRLs
 - b. air-to-ground rockets and air-delivered bombs.

Additional measures to reduce the risk of civilian harm

13. Establish concepts similar to 'safety distances' for operations in populated areas, in order to spare civilians and civilian objects (in particular critical infrastructure) from the effects of explosive weapons, and ensure that any such distances are adapted to the size of the impact area of each explosive weapon used and to the specificities of the urban terrain.
14. Ensure that qualitative data and intelligence are gathered from all sources reasonably available, in order to verify that the target is lawful and to determine the presence of civilians and civilian objects and their movements in the area containing the target.
 - 14.1 Include the nature, location and condition of critical civilian infrastructure and its interconnectedness with essential service systems.
 - 14.2 Ensure that such information is continuously updated and available to field com-



**EXPLOSIVE WEAPONS
WITH WIDE AREA
EFFECTS: A DEADLY
CHOICE IN POPULATED
AREAS**

Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas



**EXPLOSIVE
WEAPONS
IN
POPULATED
AREAS**
Dublin Conference 2022

Part A: Preamble

Section 1

- 1.1 As armed conflicts become more protracted, complex, and urbanised, the risks to civilians have increased. These risks are a source of major concern and they must be addressed. The causes of these risks involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.
- 1.2 The use of explosive weapons in populated areas can have a devastating impact on civilians and civilian objects. The risks increase depending on a range of factors, including the weapon's explosive power, its level of accuracy, and the number of munitions used.
- 1.3 Blast and fragmentation effects, and resulting debris, cause deaths and injuries, including lifelong disabilities. Beyond these direct effects, civilian populations, particularly children, are exposed to severe and long-lasting indirect effects – often referred to as reverberating effects. Many of these effects stem from damage to or destruction of critical civilian infrastructure.
- 1.4 When critical civilian infrastructure, such as energy, food, water and sanitation systems, are damaged or destroyed the provision of basic needs and essential services, such as healthcare and education are disrupted. These services are often interconnected and, as a result, damage to one component or service can negatively affect services elsewhere, causing harm to civilians that can extend far beyond a weapon's impact area.
- 1.5 The damage and destruction of housing, schools, hospitals, places of worship and cultural heritage

- 3.3 Ensure that our armed forces adopt and implement a range of policies and practices to help avoid civilian harm, including by restricting or refraining as appropriate from the use of explosive weapons in populated areas, when their use may be expected to cause harm to civilians or civilian objects.
- 3.4 Ensure that our armed forces, including in their policies and practices, take into account the direct and indirect effects on civilians and civilian objects which can reasonably be foreseen in the planning of military operations and the execution of attacks in populated areas, and conduct damage assessments, to the degree feasible, and identify lessons learned.
- 3.5 Ensure the marking, clearance, and removal or destruction of explosive remnants of war as soon

List of endorsing states, as of 18 November 2022

1. Albania
2. Andorra
3. Argentina
4. Australia
5. Austria
6. Belgium
7. Bosnia and Herzegovina
8. Brazil
9. Bulgaria
10. Cabo Verde
11. Cambodia
12. Canada
13. Central African Republic
14. Chile
15. Colombia
16. Comoros
17. Costa Rica
18. Cote d'Ivoire
19. Croatia
20. Cyprus
21. Czech Republic
22. Denmark
23. Dominican Republic
24. Ecuador
25. El Salvador
26. Finland
27. France
28. Georgia
29. Germany
30. Greece
31. Guatemala
32. Guyana
33. Holy See
34. Hungary
35. Iceland
36. Indonesia
37. Ireland
38. Italy
39. Japan
40. Kenya
41. Kiribati
42. Kuwait
43. Laos
44. Liberia
45. Liechtenstein
46. Luxembourg
47. Madagascar
48. Malawi
49. Malaysia
50. Malta
51. Mexico
52. Maldives
53. Monaco
54. Morocco
55. Netherlands
56. New Zealand
57. Norway
58. Palau
59. Palestine
60. Peru
61. Philippines
62. Portugal
63. Qatar
64. Republic of Korea
65. Republic of Moldova
66. Romania
67. Saint Kitts and Nevis
68. Saint Vincent and the Grenadines
69. San Marino
70. Senegal
71. Serbia
72. Sierra Leone
73. Slovakia
74. Slovenia
75. Somalia
76. Spain
77. Sweden
78. Switzerland
79. Togo
80. Türkiye
81. United Kingdom
82. United States of America
83. Uruguay



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Installation containing dangerous forces





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Cyber operations during armed conflicts

