



GLOBAL HUMAN
RIGHTS DEFENCE

Poverty and International Humanitarian Law

**Martina Tardanico, Làshaine Rakabopa & Annika
Amttenbrink**

International Justice Team – 05.07.2025



CONTENTS

TABLE OF CONTENTS

1. INTRODUCTION.....	6
1.1 The Overlooked Nexus: Poverty and Armed Conflict.....	6
1.2 Differentiating Legal Frameworks: IHL, International Human Rights Law and Development Frameworks.....	6
1.3 The Paradox of Protection and Poverty's Dual Role.....	7
2. Poverty in conflict.....	7
2.1 Defining poverty in conflict contexts.....	7
2.2 Legal mentions of poverty.....	8
2.3 Types of poverty in conflict.....	8
2.4 War as a multiplier of poverty and vulnerability: the concept of conflict depth.....	9
2. Poverty in IHL.....	10
3.1 Is IHL addressing poverty?.....	10
3.2. The prohibition on starving the civilian population and on attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population.....	11
3. Occupied territories as a case study.....	12
4.1 Rules on military occupation and poverty.....	13
4.1.1. A focus: humanitarian assistance.....	14
4.2 Specific obligations against poverty in occupied territories.....	14
5. Humanitarian assistance and access.....	15
5.1 Humanitarian assistance and access.....	15
5.2 Legal and practical challenges to access.....	16
5.3 Intersection with development and recovery.....	16
6. IHL and socio-economic rights.....	17
6.1 The relationship between IHL and socio-economic rights.....	17
6.2 Practical implications in conflict settings.....	18
6.3 The role of accountability and transitional justice.....	19
7. CONCLUSION.....	16
BIBLIOGRAPHY.....	17

TS





1. INTRODUCTION

1.1 The Overlooked Nexus: Poverty and Armed Conflict

International humanitarian law (IHL), also known as the law of armed conflict or the guidelines that govern the conduct of war, was established to mitigate suffering and human rights abuses for persons who are not directly involved in the conflict and to regulate the methods of warfare. As part of the wider framework of international law, IHL is binding for states that have ratified the various conventions and treaties in which the regulations are enshrined (ICRC, 2004).

While IHL is designed to lessen suffering during conflict, the multifaceted impact of poverty on conflict-affected populations, both as a cause and a consequence, is an underexplored and widely overlooked aspect in the context of IHL.

It is of utmost importance to develop a comprehensive understanding of this nexus because poverty significantly exacerbates humanitarian crises, which is essential for addressing them effectively. As a long-term consequence of conflict and war, economic devastation and poverty can endure for decades, spanning generations and further complicating the peace process and sustainable development.

1.2 Differentiating Legal Frameworks: IHL, International Human Rights Law and Development Frameworks

To understand the context and lens of this report focusing on poverty and IHL, it is crucial to differentiate the different frameworks that protect people from human rights violations connected to poverty and what IHL covers precisely.

As already outlined above, IHL restricts the impact of armed conflicts by safeguarding non-participants and limiting warfare techniques, emphasising immediate protection and assistance during hostilities. However, international human rights law (IHRL) protects people from human rights violations at all times, generally providing the broader legal framework for defining and addressing deprivation and highlighting the specific ways conflict can violate these rights, including during conflict. It also entails socioeconomic rights, as this report will cover later, which are directly relevant to poverty. Furthermore, there are also development frameworks that are dedicated to long-term socio-economic progress, poverty eradication and sustainable

development but they operate during peacetime and more in the aftermath of conflict (Klabbers, 2020).

Although these frameworks are distinct, they are increasingly viewed as interconnected and complementary. For this report, their links help to understand the multi-dimensional nature of poverty in conflict, highlight the inherent limitations of IHL's direct engagement with long-term deprivation and provide essential context for why a comprehensive response to conflict-induced poverty might require more than IHL alone.

1.3 The Paradox of Protection and Poverty's Dual Role

As touched upon, IHL is firstly designed to protect civilians and ensure access to basic needs during conflicts. Nevertheless, it has only a few direct provisions that address "poverty," directly and instead focuses on preventing harm and facilitating humanitarian efforts. This creates a contradiction because poverty is both a major cause of armed conflict, like due to inequalities and lack of opportunities, and a severe outcome, leading to economic collapse, displacement and loss of livelihoods. Conflict often worsens poverty, creating a vicious cycle. Since IHL mainly addresses immediate humanitarian issues, there is an increasing need for better integration with IHL and development policies. A comprehensive, holistic strategy is essential to shift from merely providing immediate relief to fostering sustainable solutions that address both the urgent and long-term aspects of poverty in conflict zones, which will be examined in the following sections (Kizilkaya, 2021).

2. Poverty in conflict

2.1 Defining poverty in conflict contexts

Attempting to define poverty in a conflict setting is inherently complex due to the fact that traditional economic factors, which usually condition poverty, may be disrupted, making various forms of deprivation more prominent for victims. Poverty in conflict is not solely based on income but becomes increasingly multidimensional, encompassing the deprivation of essential services such as education, health care, justice, security and also social protection.

Another challenge when trying to define poverty is its dynamic nature. While conflict dynamics can change rapidly, poverty in this context also evolves rapidly and its nature and severity can shift quickly, making it challenging to find suitable definitions and responses; hence, they need to be flexible and ready to adapt to it. Furthermore, the effect of conflict on poverty tends to be

both increasing and enduring, which can affect recovery paths for years or even decades (Marks, 2016).

2.2 Legal mentions of poverty

While there is no officially recognized definition of poverty and no specially dedicated instrument that focuses solely on poverty, there are several legal definitions of poverty within UN instruments. One of the earliest definitions that served as a guideline for many legally binding instruments that followed is Article 25 of the Universal Declaration of Human Rights, which recognises the right to an adequate standard of living for the health and well-being of oneself and one's family, including food, clothing, housing and medical care, and thus defines poverty as the lack of these essentials (UNGA, 1948). Furthermore, the International Covenant on Economic, Social and Cultural Rights (ICESCR) expands on this by being more specific about rights related to work, social security, an adequate standard of living (including food, water, housing), health and education. While it does not explicitly define "poverty," it outlines the rights whose denial constitutes poverty (UNGA, 1966).

The Sustainable Development Goals (SDGs) also aim to eradicate poverty globally, utilising indicators that extend beyond income to define poverty, including access to basic services, social protection and resilience to shocks. Concluding, various parts of the international legal framework recognise the seriousness of poverty and pledge to reduce it, even though there is no single legal discipline that unifies these efforts (.

While poverty is generally defined as the deprivation of fundamental living conditions and basic protection and services, it constitutes a human rights violation and is often linked to other violations triggered by conflict and war. It is often linked to fighting, that poses a challenge to peace and security, which reinforces this point. In sociology, poverty is frequently defined as the deprivation of capabilities, meaning individuals lack the freedom to achieve valuable functionings and at the same time draws a connection to social exclusion of certain groups and the vulnerability that goes hand in hand with the exposure to risks and the inability to cope with shocks, which is particularly relevant in conflict settings (Sen, 2006).

2.3 Types of poverty in conflict

One type of poverty, which is known as conflict-induced poverty, is a form of poverty directly caused by conflict, resulting from the destruction of livelihoods and assets. In such cases,

conflict destroys vital resources like homes, farms, and businesses, leading to displacement, economic disruptions and loss of livelihoods. This is often accompanied by the breakdown of social structures and healthcare systems services. Conflict-induced poverty can become even more severe when the conflict exacerbates pre-existing conditions, which are often already classified as poverty, by destroying coping mechanisms and restricting access to resources and markets.

Absolute poverty is a severe deprivation of basic human needs, including food, water, adequate living standards, sanitation facilities and access to health care. Absolute poverty is not only dependent on income but also on access to and the existence of basic and necessary services. Conflict has a devastating impact on this type of poverty because it often pushes populations into absolute poverty, in cases where it is not already existing, by destroying infrastructure and disrupting supply chains necessary for survival (Sarath, 2020).

Finally, relative poverty is a form of poverty that is defined in relation to the economic standards of a specific society. People are considered relatively poor if they lack the minimum income or resources required to hold the average standard of living within their society. Here, the conflict can worsen the gap between rich and poor, leading to increased relative poverty even if some basic needs are met, which can foster resentment and instability, often intensifying conflict and contributing to the vicious cycle of violence (Hanson, 2014).

2.4 War as a multiplier of poverty and vulnerability: the concept of conflict depth

In almost all cases, conflict and war function as a multiplier of poverty. The economic devastation and the destruction of crucial infrastructure, as well as the disruption of markets and trade, often culminate in the intensification of already dire situations in the context of poverty. In wars, highly important infrastructure like roads, bridges, factories, and farmland is often intentionally targeted, and damage to these can severely weaken the economy. Furthermore, blockades, insecurity, and displacement disrupt supply chains and restrict access to markets, leading to food insecurity and rising prices. Additionally, issues such as displacement, recruitment into the war, and the destruction of economic assets like livestock result in widespread unemployment and income loss.

Armed conflict can pose a so-called "conflict debt", a cumulative, long-term burden that accumulates during times of conflict and is only recovered slowly. As already mentioned, conflict can cause the ongoing deterioration of human capital, shown through a lack of education, poor physical and mental health, and limited access to vital services, resulting in a "lost generation" and decreased future productivity.

Furthermore, internally displaced persons and refugees are often among the most vulnerable since they often lost all their assets and face extreme poverty. This, paired with a high risk of violence and exploitation, which disproportionately affects vulnerable groups like children, elderly people as well as persons with disabilities and minorities, while also intensifying gender-specific burdens on women and girls (Müller, 2020).

In the long term, these types of vulnerabilities as part of the conflict debt can, through ongoing economic challenges and the so-called “violence trap”, hinder recovery even after the main conflicts have ended. The fear of future outbreaks greatly restricts investment and recovery, amplifying economic impacts beyond the areas directly affected. In the most conflict-ridden countries, repeated cycles of violence hinder poverty alleviation, causing a "violence trap" and sustained poverty levels.

3. Poverty in IHL

3.1 Is IHL addressing poverty?

Despite poverty and armed conflicts being clearly interconnected, no IHL rule specifically addresses the issue of poverty per se. As said, the main objective of this branch of International Law is to protect those not actively participating in hostilities. However, some norms and principles can contribute to preventing or at least mitigating poverty caused by conflicts. For example, the principle of distinction, namely the obligation to always distinguish between civilians and combatants, and between civilian objects and military objectives, while protecting civilians from being targeted, also prevents certain specific assets from being taken away from them (e.g. houses).[1] However, IHL does not provide explicit protection for critical infrastructure per se. If such infrastructure is dual-use (serving both civilian and military purposes), it may be considered a legitimate target (Dinstein, 2022).

Beyond the principle of distinction, the principle of proportionality plays a key role in mitigating long-term harm to civilians. Even when attacking a legitimate military target, incidental harm to civilians must not be excessive in relation to the concrete and direct military advantage anticipated (Art. 51(5)(b), Protocol I). This assessment must include foreseeable indirect effects, such as loss of access to electricity, food, or essential services resulting from damage to dual-use infrastructure (Hutter, 2019).[2]

Parties to conflict are also required to take all feasible precautions to spare civilians and civilian objects, including the choice of means and methods of warfare. For instance, disabling a facility through cyber operations rather than kinetic attacks may help reduce long-term civilian harm and facilitate post-conflict recovery (Roscini, 2014).

In addition to the rules governing targeting, several other provisions of international humanitarian law may indirectly contribute to the prevention or mitigation of poverty resulting from armed conflict. These include the prohibition of certain weapons (such as biological and

chemical weapons, landmines, and herbicides), which can render agricultural and pastoral land unusable.[3]

Also relevant is the prohibition on causing widespread, long-term and severe damage to the natural environment, a concept which encompasses cultivated fields, agricultural areas, water sources, and livestock. Further protections include the prohibition on the destruction or confiscation of private property except where absolutely required by military necessity, the prohibition of pillage, the prohibition on the forcible transfer of the civilian population, and the ban on collective punishment.

3.2. The prohibition on starving the civilian population and on attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population

Certain rules of IHL specifically address extreme forms of poverty caused by armed conflict, such as food insecurity and lack of essential goods. Historically, starvation of civilians was considered a lawful method of warfare. However, since at least the adoption of the 1977 Additional Protocols, IHL prohibits starvation of the civilian population as a method of warfare, in both international and non-international armed conflicts. The term “starvation” is understood broadly to include deprivation not only of food and water but also of other essentials for survival, such as fuel and blankets. A violation does not require that civilians die from starvation; foreseeable deprivation alone may suffice (Akande, Gillard, 2019; Coco, De Hemptinne, Lander, 2019).

In addition to the general prohibition, Article 54(2) of Additional Protocol I expressly forbids attacks against objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas, crops, livestock, drinking water supplies, and irrigation works, when the purpose is to deny sustenance to civilians or the enemy. These protections apply even to dual-use objects and cannot be overridden by military advantage under the proportionality principle. Exceptions are limited to cases where such objects are used solely for military sustenance or support direct military action, though even then, attacks must be avoided if they are expected to cause famine or displacement.

While Article 54(2) refers to objects, not infrastructure, certain infrastructure may benefit from protection if, in the given context, civilian survival depends on its functioning or if it is targeted specifically to deny vital goods to civilians (e.g. destroying the only road through which food can be delivered). In such cases, the special protections apply. Otherwise, general targeting rules govern.

Scorched-earth tactics, such as flooding farmland, destroying dams or burning food stocks, remain permitted under IHL in international conflicts if carried out on a belligerent’s territory under its control and if justified by imperative military necessity. However, such actions can have

devastating long-term impacts on civilian well-being, extending poverty far beyond the duration of the conflict.

As seen, in terms of whether and how IHL prevents or at least alleviates poverty, limitations remain. On the positive side, while IHL does not explicitly refer to poverty, it prohibits direct attacks on civilians and civilian objects, as well as attacks expected to cause excessive incidental harm to them. This offers protection to assets essential for civilian well-being, including public infrastructure and basic goods and services, thereby contributing to the preservation of resources that do not constitute military objectives. Furthermore, IHL prohibits the use of methods and means of warfare that may result in extreme forms of deprivation, such as starvation of the civilian population or the destruction of objects indispensable to its survival. It also imposes obligations to allow and facilitate humanitarian assistance where the population lacks essential supplies.

However, the scope of IHL remains largely limited to addressing the immediate humanitarian consequences of armed conflict, such as the protection of civilian objects, essential goods, and humanitarian access. It does not directly address the longer-term socio-economic impacts of war, such as recession, inflation, or rising unemployment, which may lead to chronic poverty.

Even where relevant rules exist, the protection afforded by IHL is not absolute. Civilian goods and critical infrastructure may still be lawfully damaged or destroyed if compatible with the principles of distinction and proportionality. Moreover, there are exceptions even to the prohibition on targeting objects essential to civilian survival. However, the situation can be different in occupied territories, where states are under a positive obligation to provide humanitarian aid, and are not merely required not to arbitrarily withhold consent for its delivery and must facilitate access. This aspect will soon be addressed.

4. Occupied territories as a case study

The issue of poverty in occupied territories can be considered from different interrelated and sometimes overlapping perspectives, particularly in certain occupations. First, local populations in occupied territories often endure extreme poverty, frequently met with varying degrees of neglect by the occupying power. Second, the legality of measures undertaken by the occupying power specifically aimed at addressing poverty within the occupied territory must be carefully scrutinised. Lastly, there are numerous instances where the occupying power, either directly or through the establishment of a nominally independent administration, unlawfully annexes the occupied territory, denying the status of occupation. In such situations, efforts to combat poverty in the occupied area become difficult to distinguish from actions carried out by the occupying power within its own sovereign territory.

The law of military occupation is grounded in the fundamental premise that the use of force cannot confer sovereign title over a territory; rather, the occupying power's control is considered strictly temporary. In essence, international law tolerates the exceptional situation created by occupation only on the condition that the occupying power assumes a series of obligations aimed at protecting the interests of the territorial sovereign, the civilian population of the occupied territory, and the international community as a whole (Longobardo, 2018).

This legal regime is built upon the so-called principle of conservation, which requires the occupying power to preserve, as far as possible, the existing daily life of the local population by maintaining the pre-existing administrative and legal structures in operation. In this sense, some norms impose on the occupying power obligations that can somehow contribute to the fight against poverty.

4.1 Rules on military occupation and poverty

A first set of rules concerns the obligation of the occupying power to maintain the functioning of institutions and services essential to civilian life in the occupied territory. This duty, rooted in the principle of conservation, is implicit in Article 43 of the Hague Regulations and made explicit by several provisions of the law of occupation. For instance, Article 54 of the Fourth Geneva Convention prohibits the occupying power from altering the status of public officials, including those involved in welfare services for the poor. Article 50(1) further requires cooperation with national and local authorities to ensure the continued operation of institutions devoted to the care and education of children, such as orphanages, nurseries, and welfare centres.

Where local institutions prove inadequate, Article 50(3) obliges the occupying power to make alternative arrangements for orphans or children separated from their families. Additionally, Article 50(5) protects pre-existing preferential measures for children under fifteen, pregnant women and mothers of young children.

Finally, Article 56(1) imposes a duty to ensure and maintain health services and public hygiene in cooperation with local authorities. As access to healthcare is a key component in combating poverty, this provision is also central to the broader effort of protecting the welfare of the occupied population.

Another relevant group of rules in the law of occupation concerns labour. Article 51(2) of the Fourth Geneva Convention permits the occupying power to compel protected persons to work, but only for military needs or public services, including food, shelter and health, thus linking labour to poverty reduction. Such work must be fairly paid, and pre-existing labour laws on conditions, hours and safety remain applicable (Art. 51(3)). This ensures basic labour protections, helping prevent further impoverishment. Moreover, Article 52(2) prohibits the occupying power from deliberately creating unemployment or restricting job opportunities to force people to work for it, as seen in practices outlawed after WWII.

Property protections also play a key role. Private property must not be confiscated or destroyed except for military necessity (Arts. 46, 53 of the Hague Regulations and Fourth Geneva Convention), helping prevent economic hardship. Requisitions must be paid in cash and proportionate to local resources (Art. 52), though this may still cause individual impoverishment. Taxation rules limit further financial strain on the local population (Arts. 48–49).

Public property is likewise protected. Under Article 55 of the Hague Regulations, the occupying power acts as a usufructuary, allowed to use public assets, including natural resources, without depleting them. Institutions devoted to charity, education, or culture, explicitly protected by Article 56, must be treated as private property, and their destruction or seizure is prohibited and prosecutable. These institutions often directly contribute to poverty alleviation and social welfare.

4.1.1. A focus: humanitarian assistance

Rules governing humanitarian assistance play a critical role in addressing poverty in occupied territories. These norms establish a hierarchy of responsibility: beginning with the principle of conservation, extending to the duties of the occupying power, and finally encompassing external humanitarian aid. Article 55(1) of the Fourth Geneva Convention (IVGC) obliges the occupying power to ensure, *to the fullest extent of its available means*, the supply of food and medical goods to the population. If local resources are insufficient, the occupying power must import the necessary items. Where resources are adequate, no such obligation arises.

Crucially, Article 59(1) IVGC mandates that if the population is inadequately supplied, the occupying power must permit and facilitate impartial humanitarian relief operations. While this provision initially references food, medicine and clothing, Article 69 of Additional Protocol I (1977) extends the scope to include shelter, bedding and other essential survival items.

Unlike non-occupied conflict zones, where states retain some discretion, occupying powers cannot lawfully refuse genuine, impartial humanitarian aid. This legal stance is clear from Article 59(1), which omits any permissible grounds for denial.

4.2 Specific obligations against poverty in occupied territories

Article 43 of the Hague Regulations requires an occupying power to take “all measures in its power to restore and ensure, as far as possible, public order and civil life.” This provision has been interpreted to encompass nearly all aspects of governance within the occupied territory, obliging the occupier to act for the benefit of the local population (Lieblich, Benvenisti, 2022). Jurisprudence defines “civil life” broadly, including economic, social, educational, welfare, health, and transport issues. Poverty, as a condition affecting civil life, therefore falls within this remit.

The obligations enshrined in the article are two. One is to restore civil life, which relates to reversing the disruptive effects of the initial occupation, which often destabilises the local economy. The obligation to ensure civil life continues throughout the occupation and requires both non-interference with institutions aiding poverty reduction and, more importantly, the adoption of positive measures to address socio-economic needs (Dinstein). Representatively, Israel's legislative severance of ties with UNRWA, a primary provider of basic services in the Occupied Palestinian Territory, constitutes a clear violation of this obligation, as it undermines existing structures essential to civil life.

Nonetheless, Article 43 imposes a diligence-based obligation of conduct, not of result. Compliance must be assessed against the standard of "all measures within its power", acknowledging operational and military constraints. The occupying power retains discretion in how it fulfils its duties, provided its conduct demonstrates adequate diligence. Therefore, compliance by the occupying power with its obligation to restore and ensure civil life, specifically regarding poverty, must not be assessed by whether poverty has been eradicated, but by the degree of due diligence exercised in pursuing that objective.

Importantly, Article 43 is rooted in the principle of conservation, requiring respect for the pre-existing legal and institutional framework, except where absolutely prevented. While this may allow some legal adjustments, such changes must be essential for upholding humanitarian obligations, maintaining order or ensuring security. Unilateral economic reforms or structural transformations under the guise of poverty alleviation risk breaching international law, particularly when used to entrench occupation or facilitate *de facto* annexation.

5. Humanitarian assistance and access

5.1 Humanitarian assistance and access

Humanitarian assistance is one of the most critical protections afforded under IHL during times of armed conflict, it obliges all parties to a conflict to allow and facilitate the free passage of relief consignments, equipment and personnel, especially when the civilian population is inadequately supplied. This obligation applies regardless of the classification of the conflict and reflects a broader humanitarian principle of ensuring that civilians retain access to essential goods and services. However, in practice, humanitarian access is often restricted or deliberately obstructed by warring parties, transforming a legal obligation into a political battleground. The consequences are devastating for civilians already grappling with the compound effects of violence and economic hardship.

This was starkly illustrated in Yemen, where the Saudi-led coalition imposed a blockade on Hodeidah port, a key entry point for humanitarian aid. As reported by the United Nations Human

Rights Council (2019), this restriction prevented the timely delivery of food, fuel and medical supplies, leading to one of the worst humanitarian crises in recent history. Over 20 million people were left food insecure, with a significant proportion on the brink of famine. The use of starvation as a tactic of war, directly violating Article 54 of Additional Protocol I, transformed humanitarian deprivation into a weapon of conflict. It highlights how the denial of aid not only deepens poverty but also breaches fundamental IHL protections designed to shield civilians from the indirect consequences of war.

5.2 Legal and practical challenges to access

While the legal framework under IHL is relatively clear on the necessity of facilitating humanitarian access, significant challenges persist in operational contexts. In non-international armed conflicts, humanitarian actors must secure the consent of the host state to deliver aid, as per Common Article 3 of the Geneva Conventions. However, governments may withhold consent for political or military advantage, even when their populations are in dire need.

Non-state armed groups often impose additional barriers, including demanding bribes, attacking convoys or refusing access to perceived “enemy” populations. Moreover, aid agencies frequently face administrative and logistical hurdles such as visa denials, movement restrictions and burdensome registration requirements.

In Somalia, these dynamics are deeply entrenched. Decades of protracted conflict, weak governance and territorial control by Al-Shabaab have left large swathes of the country beyond the reach of international aid. The World Bank (2022) documented how recurrent droughts, compounded by restricted humanitarian access, have left millions in a chronic state of food insecurity. The deliberate targeting of aid workers and suspicion around Western organisations have contributed to a toxic aid environment, undermining IHL’s humanitarian provisions and perpetuating cycles of poverty and marginalisation.

5.3 Intersection with development and recovery

Humanitarian assistance under IHL serves not only as a life-saving intervention during active hostilities but also as a stabilising mechanism that lays the foundation for post-conflict recovery. Emergency aid, when effectively delivered, can prevent the total collapse of public systems and safeguard access to socio-economic resources, which are essential for long-term development. By ensuring that populations retain access to food, water and healthcare, IHL preserves the basic fabric of society and minimises regression into deeper poverty.

In South Sudan, where conflict and famine coalesced in 2017, the negotiation of humanitarian corridors demonstrated the potential of IHL-based access provisions to serve as a lifeline. The

United Nations Office for the Coordination of Humanitarian Affairs (OCHA, 2018) facilitated agreements between the government, opposition groups and aid agencies that enabled the safe delivery of food and health supplies in Unity State. These operations prevented mass starvation and reduced displacement, showing how IHL provisions, if respected, can shield vulnerable populations from irreversible socio-economic collapse. Importantly, such interventions also served as an entry point for more structured recovery initiatives, proving that humanitarian access is not merely reactive but can catalyse resilience and reconstruction

6. IHL and socio-economic rights

6.1 The relationship between IHL and socio-economic rights

Though IHL and international human rights law (IHRL) have historically developed along separate trajectories, their objectives and protections often overlap, particularly in relation to socio-economic rights. IHRL, especially through the International Covenant on Economic, Social and Cultural Rights (1966), establishes entitlements such as the right to food, water, health, housing and education. These rights must be progressively realised by states, including during times of emergency. While IHL does not explicitly define these rights, it indirectly protects them through various norms. For instance, the prohibition on attacking objects indispensable to the survival of the civilian population such as food sources, water systems and medical facilities is enshrined in Article 54 of Additional Protocol I. Similarly, the prohibition on collective punishment and the duty to care for the wounded and sick further reflect the intersection between humanitarian obligations and socio-economic protections.

The conceptual synergy between these two bodies of law provides a robust framework for addressing the multifaceted impact of conflict. Where IHL protects civilians from the immediate effects of war, human rights law ensures that their dignity and long-term wellbeing are safeguarded. Together, they affirm that the right to survive is inseparable from the right to live with dignity.

6.2 Practical Implications in Conflict Settings

Armed conflict exacerbates existing vulnerabilities by destroying critical infrastructure necessary for the realisation of socio-economic rights. When schools, hospitals, agricultural lands, markets and water systems are deliberately or indiscriminately targeted, the result is not only immediate civilian suffering but also the long-term entrenchment of poverty and inequality. These actions undermine livelihoods, disrupt access to essential services and degrade the societal foundations needed for post-conflict recovery. In the context of international humanitarian law (IHL), such destruction particularly when it is disproportionate or indiscriminate can constitute grave

breaches, especially under the principles of distinction, proportionality and precaution (ICRC, 2020).

The long-term socio-economic repercussions are profound, conflict-induced poverty becomes intergenerational, with children denied education due to school closures or destruction, leading to long-term economic marginalisation. The destruction of hospitals and disruption of medical supply chains leads to deteriorating public health, the resurgence of preventable diseases and increased maternal and infant mortality. Malnutrition becomes endemic, especially among children and pregnant women, further weakening future human capital. Livelihoods are lost as markets are destroyed, agricultural activities are halted and transport routes are rendered unsafe or inaccessible. IHL may prohibit direct attacks on civilian infrastructure, but the cumulative impact of systematic or negligent targeting amounts to socio-economic exclusion and denial of dignity.

The Gaza Strip stands as one of the starkest contemporary examples of these practical implications. Years of military operations and an enduring land, air and sea blockade have rendered the socio-economic situation catastrophic. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA, 2023), more than 95% of Gaza's water supply is unsafe for human consumption due to the destruction of desalination plants and aquifers. Health facilities operate at minimal capacity due to chronic shortages of fuel, electricity and medical supplies, often caused by military operations or import restrictions. As of 2023, youth unemployment in Gaza stands at over 60%, with limited access to education or vocational training due to recurring damage to schools and universities (UNRWA, 2023).

Further, the destruction of Gaza's only power plant in successive conflicts has crippled water treatment and healthcare systems. These impacts are not incidental, the sustained and systematic destruction of civilian infrastructure in Gaza arguably breaches IHL's prohibition on indiscriminate attacks and may violate Article 54 of Additional Protocol I, which forbids the destruction of objects indispensable to the survival of the civilian population. While such acts are often justified under the guise of military necessity or security, the disproportionate harm to civilians raises serious legal and moral concerns. As highlighted by Human Rights Watch (2021), many of these operations blur the line between legitimate military objectives and collective punishment an act explicitly forbidden under IHL.

In essence, the degradation of socio-economic systems in conflict settings is not merely a collateral consequence but often a deliberate strategy that deepens humanitarian crises. The international community's failure to ensure compliance with IHL in such settings perpetuates cycles of poverty, particularly in protracted conflicts. Ensuring accountability for violations and prioritising the protection and restoration of civilian infrastructure is essential to uphold both IHL and human dignity.

6.3 The role of accountability and transitional justice

Addressing the socio-economic dimensions of conflict through transitional justice is essential for building sustainable peace. While traditional approaches to accountability focus on civil and political rights violations, recent jurisprudence has expanded to include socio-economic harm acknowledging that destruction of livelihoods, forced displacement and obstruction of basic services are not just collateral consequences but deliberate strategies of warfare.

In the landmark case of *Sawhoyamaya Indigenous Community v. Paraguay* (2006), the Inter-American Court of Human Rights ruled that the Paraguayan government had violated the community's right to life by denying access to their ancestral lands and means of subsistence. Although not arising from armed conflict, the ruling is instructive in how socio-economic deprivation can amount to a violation of fundamental rights. This case illustrates the potential of regional and international human rights mechanisms to hold states accountable for economic and social violations, a principle that can be applied in conflict scenarios under IHL.

Integrating socio-economic reparations into post-conflict frameworks is increasingly viewed as essential for restoring dignity and addressing root causes of conflict. Reparative measures might include land restitution, compensation for destroyed property, rebuilding of infrastructure and the provision of education or health services. Recognising socio-economic violations as integral to war crimes and human rights abuses ensures that post-conflict justice is holistic and transformative, rather than purely procedural.

7. CONCLUSION

Under the purview of international humanitarian law, the relationship between poverty and armed conflict is still mainly disregarded and poorly studied. Although the goal of IHL was to reduce suffering during armed conflicts, poverty, as a major cause of suffering, is only addressed partially, if at all addressed. It also ignores the underlying causes and long-term consequences of socioeconomic deprivation that cause poverty and that conflicts frequently exacerbate.

As this report has shown, poverty in conflict areas is a complicated and dynamic issue that is often made worse by the direct and indirect consequences of war. IHL provides protection from famine, forced migration, and the destruction of essential civilian infrastructure, but it still fails

to address the broader socioeconomic effects, such as poverty caused and often exacerbated by conflict. Occupied territories exemplify a more advanced, but still largely incomplete, legal framework where alleviating poverty becomes a direct responsibility of the occupying power. The humanitarian aid provisions IHL offers are a vital lifeline, but logistical and political challenges usually make them hard to implement. Last but not least, the intersection of IHL with socioeconomic rights and transitional justice underscores a developing understanding of the necessity of accountability frameworks that address both short-term injury and long-term deprivation.

IHL is therefore not intended to address the root causes or long-term consequences of poverty in conflict areas, despite its critical role in safeguarding civilians during hostilities. Its scope is mainly restricted to emergency responses, not redistributive or developmental actions. This inherent limitation highlights the need to supplement IHL with international human rights law and development frameworks to create a more comprehensive response to conflict-induced poverty.

There is an urgent need to better integrate IHL with socio-economic rights and development strategies to address the relationship between poverty and conflict. Legal reform efforts should include more explicit protections for livelihood-related infrastructure and more vigorous enforcement of obligations concerning humanitarian access to reduce the far reaching consequences of poverty. The international community must also invest in accountability systems that consider the full range of harm caused by armed conflict, including not only violations of civil and political rights but also socioeconomic marginalisation that worsens inequality and fuels cycles of violence. To ensure that war not only saves lives but also protects the future and dignity of affected populations, a comprehensive and rights-based strategy is essential.

BIBLIOGRAPHY

Akande, G. (2019). *Conflict-induced food insecurity and the war crime of starvation of civilians as a method of warfare*. BSG Working Paper Series, University of Oxford.

Bjorge, A. (2024, October 29). The General Assembly must protect UNRWA by requesting a binding advisory opinion. *EJIL: Talk!*.

Botswana High Court. (2006). Roy Sesana and Others v Attorney General. Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention),

Cassella, L. (2018). *Le standard de due diligence et la responsabilité internationale*. Paris.

Coco, L., De Hemptinne, C., & Lander, A. (2019). International law against starvation in armed conflict. *Journal of International Criminal Justice*.

Dinstein, Y. (2022). *The conduct of hostilities under the law of international armed conflict* (4th ed.). Cambridge University Press.

Human Rights Watch. (2021). Gaza: Apparent War Crimes During May Fighting | Human Rights Watch <https://share.google/fCMVIIOT0EyJCFp4e>

Hutter, G. (2019). Starvation in armed conflicts: An analysis based on the right to food. *Journal of International Criminal Justice*.

International Committee of the Red Cross (ICRC). (2005). Customary international humanitarian law: Volume I Rules. Cambridge University Press. International Committee of the Red Cross

International Committee of the Red Cross (ICRC). (2015). International humanitarian law and the challenges of contemporary armed conflicts | International Committee of the Red Cross

<https://share.google/ItBdGaKE2ti6Mi0qP>

Inter-American Court of Human Rights (IACtHR). (2006). Sawhoyamaya Indigenous Community v. Paraguay, Judgment of 29 March 2006.

Krieger, H., Peters, A., & Kreuzer, P. (2020). *Due diligence in the international legal order*. Oxford University Press.

Lieblich, E., & Benvenisti, E. (2022). *Occupation in international law*. Oxford University Press.

Longobardo, M. (2018). *The use of armed force in occupied territory*. Cambridge University Press.

Lozano Contreras, R. (2007). *La noción de debida diligencia en Derecho Internacional Público*. Barcelona.

Office for the Coordination of Humanitarian Affairs (OCHA). (2018). South Sudan 2018 Humanitarian Response Plan

<https://share.google/1BLXJoL371VrM2VCK>

Office for the Coordination of Humanitarian Affairs (OCHA). (2023). Reported impact snapshot - Gaza Strip Occupied Palestinian Territory

<https://share.google/M9BB7LZ3FX0IS1rUC>

Ollino, F. (2022). *Due diligence obligations in international law*. Cambridge University Press.

Pisillo Mazzaeschi, R. (1989). *Due diligence e responsabilità degli Stati*. Milano.

Roscini, M. (2014). *Cyber operations and the use of force in international law*. Oxford University Press.

Taylor, I. (2021). *War economies and international law: Regulating the economic activities of violent conflict*. Cambridge University Press.

International Committee of the Red Cross. (2004). *What is international humanitarian law?* [PDF]. Retrieved July 22, 2025, from

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

Klabbers, J. (2020). *International law*. Cambridge University Press.

Kizilkaya, Z. (2021). Conflict, poverty and human rights violations. In *Research handbook on human rights and poverty* (pp. 521-534). Edward Elgar Publishing.

United Nations Human Rights Council. (2019). Situation of human rights in Yemen. A/HRC/42/17.

United Nations General Assembly. (1948, December 10). *Universal Declaration of Human Rights*. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). (2023). Gaza in crisis: 2023 update. <https://www.unrwa.org>

United Nations General Assembly. (1966, December 16). *International Covenant on Economic, Social and Cultural Rights*. United Nations Treaty Series, 993, 3.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

Sen, A. (2006). Conceptualizing and measuring poverty. *Poverty and inequality*, 30, 46.

Marks, Z. (2016). Poverty and conflict. *GSDRC professional development reading pack*, (52).

Hanson, L. K. (2014). Causes and types of poverty. *The new faces of American poverty: A reference guide to the great recession, 1*, 140-149.

Mueller, H., & Techasunthornwat, C. (2020). *Conflict and poverty*. Washington, DC: World Bank.

Sharath, A. M. (2020). The challenges of poverty, types and its causes. *International Research Journal on Advanced Science Hub*, 2, 81-85.

World Bank. (2022). World Bank to Support Somalia's Drought Response through Cash Transfers to 500,000 Households

<https://www.worldbank.org/en/news/press-release/2022/06/22/world-bank-to-support-somalia-s-drought-response-through-cash-transfers-to-500-000-households>

