Any inhabited place open to enemy occupation and situated near or in a zone where armed forces are in contact.

A party to an armed conflict may unilaterally declare that an area is a non-defended locality. Such a locality must fulfil the following conditions:

a. all combatants, as well as mobile weapons and mobile military equipment, must have been evacuated;
b. no hostile use may be made of fixed military installations or establishments;
c. no acts of hostility may be committed by the authorities or by the population;
d. no activities in support of military occupation may be undertaken.

The declaration must be addressed to the adverse party, and must define and describe, as precisely as possible, the limits of the non-defended locality. The receiving Party must acknowledge the receipt of the notification and treat the area as a non-defended locality (e.g., refrain from attack [1]). If the conditions above are not met, then the party receiving notice must inform the other party.

Although not strictly required, for greater safety, formal agreements are recommended for the establishment of non-defended localities.

Alternatively, the parties to an armed conflict may also agree on the establishment of non-
defended localities which do not satisfy the conditions listed above. The agreement should define and describe, as precisely as possible, the limits of the non-defended locality.

It is prohibited to attack a non-defended locality.

See Hospital zones and localities, hospitals and safety zones and localities [2]; Neutralized zones [3];

OUTLINE

Chapter 9, II. 13. Zones created to protect war victims against the effects of hostilities [4]

LEGAL SOURCE

HR, 25 [5]

PI, 59 [6] and 85/3(d) [7]

CIHL, 37 [8]

CASES

Sri Lanka, Conflict in the Vanni [Paras 12-16] [9]

Case Study, Armed Conflicts in the former Yugoslavia [14] [10]

Netherlands, Responsibility of International Organizations [Paras 2.4 and 2.6] [12]


European Court of Human Rights, Kononov v. Latvia [16]

BIBLIOGRAPHIC RESOURCES

Suggested readings:


Further readings:


Source URL: https://casebook.icrc.org/glossary/non-defended-localities

Links
[1] https://casebook.icrc.org/glossary/attacks
[8] https://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule37