Specific measures which every Power must take in its own territory in favour of its nationals, or in territory under its control.

These precautionary measures against the effects of attacks include three specific obligations that Parties to a conflict shall discharge “to the maximum extent feasible”:

1. They must “endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives”. In most cases, only specific categories of the population (i.e. children, the sick or women) are evacuated; sometimes the entire population is evacuated. It should be underlined that, when carrying out such measures, occupying powers remain bound by the strict limitations spelled out in Art. 49 of Convention IV.

2. They must “avoid locating military objectives within or near densely populated areas”. This obligation, which covers “both permanent and mobile objectives […] should already be taken into consideration in peacetime”.

3. They must “take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations”. Practically speaking, the “other measures” are chiefly building shelters to provide adequate protection against the effect of hostilities for the civilian population and the training of efficient civil defence services.

The wording, however, clearly indicates that these obligations are weaker than those of an
attacker. They have to be taken only “to the maximum extent possible,” and the defender only has to “endeavour to remove” the civilian population and “avoid” locating military objectives nearby. While responsibility for the protection of the civilian population against the effects of hostilities is shouldered by both the attacker and the defender, its weight is not equally distributed.

OUTLINE

Chapter 9, II. 11. Precautionary measures against the effects of attacks [1]

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