

Aid under Fire: protecting aid workers in conflict situations



To the Minister of Foreign Affairs
and the Minister for Foreign Trade
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Subject: Aid under Fire: Protecting aid workers in conflict situations

Dear Minister,

On 25 October 2025, it was announced that five volunteers from the Sudanese branch of the Red Crescent had been killed in war-torn Darfur. The five were clearly identifiable as Red Cross/Red Crescent volunteers and carried the organisation's ID cards.¹ Even so, this status could not protect them. They are no exception. Since the outbreak of civil war in 2023, over 130 aid workers have been killed in Sudan.²

In May 2016, the UN Security Council unanimously adopted Resolution 2286. The Resolution condemned attacks on aid workers and demanded that states, in accordance with international law, protect medical and humanitarian personnel, facilitate safe and unimpeded access, investigate attacks on aid workers, and hold the perpetrators to account. Ten years on, however, the number of aid workers killed each year as a result of violence has almost trebled. The number of fatalities had already trebled since 2004. There is also a growing involvement of state actors in attacks on aid workers.

The vast majority of victims are not expats but citizens of the states in which violence is taking place. These national staff and volunteers form the backbone of the humanitarian response worldwide. In some regions, they are the only people still providing aid.

Protecting aid workers is ultimately about being able to help people in need. However, in many places aid organisations are faced with an extremely painful dilemma: either their staff are exposed to unacceptable risks, or they are compelled to withdraw from countries or regions where the need is greatest.

States recognise that aid workers must be protected and perpetrators punished. However, the Advisory Council on International Affairs (AIV) and the Advisory Committee on Issues of Public International Law (CAVV) have observed that relief efforts are increasingly subject to politicisation by warring parties and international humanitarian law is being undermined. All this means that impunity threatens to become the norm.

These developments impinge on what is known as 'humanitarian space'. This is the environment in which humanitarian actors can provide aid without interference, restrictions or criminalisation, based on people's needs and in accordance with international humanitarian law and humanitarian principles.³ If the humanitarian space shrinks, aid organisations will no longer be able to do their work safely and will be unable to reach people in need. Protecting humanitarian law and humanitarian space is also in the immediate interest of the Netherlands. It helps to prevent conflicts from escalating to a point where lasting peace and stability become unattainable.

Background and structure of this advisory letter

The AIV and the CAVV are addressing this issue in response to a request for advice from the Minister of Foreign Affairs and the Minister for Foreign Trade and Development, based on a motion adopted by the House of Representatives. The motion asks '*what diplomatic, legal, financial and other instruments the Netherlands can deploy to combat impunity for violence against aid workers*'.⁴

The AIV and the CAVV interpreted the request for advice as relating to attacks on those who are providing independent assistance to people in need, whether as employees or as volunteers with a local or international aid organisation.⁵ This assistance is provided in the context of an armed conflict. That means that international humanitarian law is applicable in addition to international human rights conventions.⁶

This advisory letter starts by examining the data relating to attacks on aid workers. It then outlines the applicable legal framework for the protection of humanitarian personnel. Next, it explores the causes of violence against aid workers in greater depth, focusing in particular on the issue of impunity. The advisory letter then briefly outlines a number of developments in the humanitarian field that impact on the security of aid workers, such as the current funding crisis. It concludes with recommendations to the Dutch government.

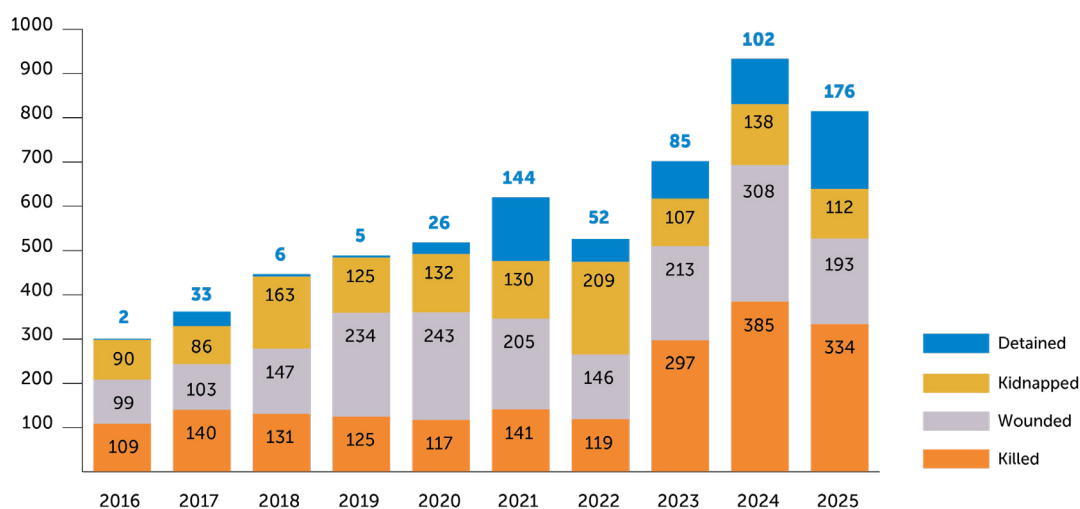
Data and trends



The number of attacks on aid workers, from threats and intimidation to kidnapping and fatalities, has been rising for years. The Aid Worker Security Database reports that 329 aid workers were killed and 178 injured in 2025. In addition, 97 aid workers were kidnapped. This means that the total number of victims was only slightly lower than in 2024, when an unprecedented 383 aid workers were killed. The World Health Organization, which records attacks on healthcare aid workers worldwide, also speaks of an alarming trend. In 2025, for example, 1,980 healthcare workers were killed.⁷

The data on attacks on aid workers correspond to statistics on the number of civilian casualties in conflict situations. Between 2023 and 2024, there was a 40% increase in civilian casualties.⁸ People who are not themselves involved in armed conflict, including aid workers, are therefore less well protected in general. In 2025, the UN Human Rights Office indeed spoke of a 'collapse in protection'.

Aid workers victims of violence, 2016-2025



Source: Humanitarian Outcomes, *Aid Worker Security Database – figures at a glance* (2025).

The vast majority of victims among aid workers are either local staff of international organisations and NGOs, or volunteers and employees of local organisations. In all major conflict situations, these account for at least 85% of victims among aid workers and in many cases even more.⁹

Security Risk Management

Humanitarian organisations mitigate the risks of attacks against their personnel and operations by means of Security Risk Management (SRM). The principles of SRM are as follows:

- *Acceptance* (ensuring that organisations can provide aid because communities and the warring parties support or at least accept aid deliveries);
- *Protection* (giving aid workers adequate physical protection, training them well and equipping them with procedures and resources to deal with risks and unexpected situations);
- *Deterrence* (ensuring that, for the warring parties or those who oppose aid, the costs of attacks outweigh any benefits).

Integrated SRM combines the above principles, although some organisations emphasise one more than another. For example, local organisations tend to rely more on acceptance, while UN organisations tend to rely more (but certainly not exclusively) on protection and deterrence.

There are trade-offs between the three principles. Protective measures such as armoured cars or heavily secured offices create distance from local communities, which may make it harder to achieve acceptance. Similarly, focusing on accountability (a form of deterrence) may also undermine acceptance strategies, for example if local militia leaders are placed on a sanctions list for attacks on aid organisations. This is certainly true in the case of protracted conflicts, in which relationships with warring parties are of great importance to aid organisations.

As noted above, the number of victims of physical violence among aid workers has been increasing for years. However, what constitutes the deadliest conflicts differs from one period to another. In the period 2010-2013, Afghanistan was the most dangerous country context, only to be superseded later by Syria and South Sudan. The recent drastic increase in the number of victims is attributable almost entirely to the situation in Gaza, which accounted for over 60% of fatalities in 2025, followed by Sudan and South Sudan.¹⁰

Besides the overall upward trend, the figures reflect another significant trend. While in the past attacks on aid workers were carried out primarily by armed or terrorist groups, recent attacks have increasingly involved state actors.¹¹

Protection of aid workers under international law



International humanitarian law consists of the body of rules that apply during armed conflicts. Its core is laid down in the four Geneva Conventions of 1949 and the two Additional Protocols of 1977.

Under international humanitarian law, state and non-state armed actors have an obligation to protect aid workers in both international and non-international armed conflicts.¹² International humanitarian law also grants additional protection to medical personnel. Warring parties themselves are primarily responsible for caring for the civilian population in areas under their control. They are also obliged to allow neutral aid organisations access to provide essential humanitarian aid to civilians. They may only restrict assistance on non-arbitrary grounds. Access includes allowing safe and unimpeded passage, and the protection of consignments, personnel and resources that are strictly humanitarian and impartial. Refusing access to all forms of aid is unlawful.¹³ This was recently clarified by the International Court of Justice its Advisory Opinion of 22 October 2025, in relation to Israel's obligations in the Occupied Palestinian Territory.¹⁴ Since all states have an interest in international humanitarian law being complied with, the Geneva Conventions also oblige states to use their influence to promote compliance with the conventions.¹⁵

Attacks on aid workers are also violations of international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR).¹⁶ In addition, they may constitute a violation of the human rights of citizens who are deprived of assistance as a result of violence against aid workers. After all, even in the context of armed conflict, civilians have a fundamental right to food and water.¹⁷ Furthermore, starving a population as a war tactic is a criminal offence under international criminal law.¹⁸ In cases in which state actors are responsible for attacks on aid workers, other parties to human rights treaties – such as the Netherlands – have an obligation, at a minimum, to ensure that they do not facilitate such violations.

The deliberate targeting of personnel involved in the provision of humanitarian assistance is defined in the Rome Statute of the International Criminal Court as a war crime.¹⁹ The relevant body of international criminal law will be further elaborated in this advisory letter below.

Over the years, the UN Security Council (UNSC) and the UN General Assembly (UNGA) have regularly called on states to respect and protect humanitarian aid workers in accordance with their obligations under international law.²⁰ For example, the UNGA adopts an annual resolution – which the Netherlands supports – on 'the safety and security of humanitarian personnel and the protection of UN personnel'.²¹

The UN Security Council is also united when it comes to the importance of protecting aid workers. It has adopted unanimous resolutions calling for the protection of medical personnel (S/RES/2286) and of 'objects indispensable to civilians' (S/RES/2573). With Resolution 2730,

adopted in 2024, the Security Council established a reporting mechanism for attacks on aid workers. To date, this mechanism has had very limited success. For example, there is no mandate holder to consistently report on attacks on aid workers and call the warring parties to account on the UN's behalf.²² However, in November 2024 – invoking Resolution 2730 – the UN Secretary-General urged states to investigate attacks on aid workers and prosecute the perpetrators. He also called on the UN Security Council to take action if states fail to fulfil their responsibilities, for example by referring cases to the International Criminal Court.²³

The safety of aid workers is not a specific item on the agenda of the UN Human Rights Council. However, country-specific resolutions relating to conflict situations frequently refer to the importance of their safety and of humanitarian access.

Causes of the rising numbers of casualties



The role of local staff and local organisations

There are several explanations for the increase in violence against aid workers over the past decade. As needs expanded with the growing number of conflicts worldwide, the total funding made available for emergency aid increased every year until 2024. Greater needs and increased funding led to the growing presence of aid workers, especially in conflict areas. This is where the needs, but also the risks are greatest, especially when fighting takes place in densely populated urban areas or the use of drones is stepped up. The increase in the number of casualties can therefore be attributed in part to the expansion of humanitarian operations in dangerous areas.²⁴

The position of local staff and volunteers is another partial explanation for the growing numbers of casualties.²⁵ Local staff are more often employed on the front line than international personnel, who usually work in office jobs in safer locations. Although organisations such as the International Committee of the Red Cross and Médecins Sans Frontières themselves continue to operate in high-risk areas, many other international humanitarian organisations increasingly operate through local partners. This is partly in response to calls for local actors to play a greater role in the humanitarian system (localisation). Another factor is that they operate at significantly lower costs than their international colleagues.

However, volunteers and staff of local partners are often less well protected than international aid workers in terms of, for instance, flak jackets and good communication equipment. They usually have little or no training in dealing with hazardous situations or in drafting and implementing safety plans. Local staff and volunteers are rarely insured, partly because local insurers are either unwilling to cover the risks or charge excessive premiums.²⁶ That means that in case of violence, the medical costs or the costs of caring for surviving relatives have to be borne by the families or the wider community.

Local organisations and local staff are essential to aid delivery. In countries such as Sudan, Syria, Myanmar and Ukraine, volunteer organisations play a key role in the delivery of aid at community level. They understand the context, have a network, speak the local language, and are familiar with local customs and challenges and can often respond flexibly to them. However, it is precisely their membership of the local community that sometimes makes them a target. This is particularly the case if that community is associated with one of the parties involved in a conflict. This advisory letter will discuss this tension between humanitarian neutrality and the role of local partners at greater length below.

Warring parties also see local staff as a relatively soft target, not only for violence but also for kidnapping for ransom or arbitrary detention. Arguably, the fact that international media and diplomats have been shown to pay less attention to the fate of locally engaged workers than to that of staff posted from abroad also plays a role.²⁷

The Netherlands has a dual role in protecting aid workers: as a defender of international norms and as a donor. As a donor the Dutch government allocates budgets, including for security.

The security of aid workers is therefore a specific priority in the 2025 policy letter on humanitarian aid. The Netherlands provides funding to support organisations such as the International NGO Safety Organisation (INSO) and Clingendael, which provides training courses in humanitarian diplomacy. The Netherlands also helps to fund humanitarian demining. In autumn 2025, the government decided to allocate an additional five million euros to INSO's work – an important decision given the context of declining budgets (see section 6).

However, the division of roles and responsibilities in the realm of security and humanitarian access remains a thorny issue. On the one hand, security is primarily the employer's responsibility. On the other hand, the UN plays an important operational role in matters of security – in addition to donors and implementing organisations – through the coordinating role of the Office for the Coordination of Humanitarian Affairs (OCHA). The UN's Humanitarian Coordinators also act as contact points for local authorities, and UNDSS (the Department of Safety and Security) plays a practical role in providing information, security, and negotiating humanitarian access. In addition, international efforts are underway to reach agreements on security issues in partnerships such as the Global Interagency Security Forum.

Within this complex network of institutions and organisations, the Netherlands is one of the leading donors in the realm of risk sharing: an approach in which all partners involved address the relevant risks that arise in humanitarian operations. Besides security, these include ethical dilemmas as well as fiduciary and operational risks. The aim is to mitigate these risks, with security being accorded high priority, along with psychosocial support.

Risk sharing is also increasingly an agenda item within the broader donor community, with countries such as the United Kingdom, Germany, Sweden and Denmark exploring ways to protect local staff and local partner organisations more effectively. Switzerland is pioneering an insurance mechanism for local aid workers in Ukraine, and philanthropic donors are experimenting with financial risk sharing through the Risk Pool Alliance.²⁸ Such initiatives deserve to be replicated and expanded to other contexts.

Even so, it is not always easy for aid organisations, especially local ones, to obtain funding to cover the costs of their staff's security. Donors are often still inclined to see these expenses as overheads that need to be kept low. Organisations are also confronted with varying conditions when it comes to what donors are willing to finance. Donors should demonstrate flexibility in this regard and work together to harmonise rules as much as possible. 'Pooled funds', in which donors contribute money to jointly finance aid in an emergency or to collaborate on a specific theme, provide an excellent opportunity to make real progress.

Besides the above-mentioned, largely practical issues, there are two distinctly political explanations for the increase in the number of casualties. On the one hand, there is the increased **politicisation, instrumentalisation and criminalisation of humanitarian aid**. On the other hand, **respect for the fundamental principles of international humanitarian law is under serious pressure**. Deliberate, direct violence against aid workers is the point where these two phenomena converge.

Politicisation, instrumentalisation and criminalisation of humanitarian aid



Humanitarian organisations have a strong professional identity that is based on four principles as laid down in several United Nations resolutions. The four *humanitarian principles* are:

- **Humanity:** preventing and alleviating suffering, and protecting lives and dignity;
- **Impartiality:** delivering aid solely on the basis of need, without any discrimination;
- **Neutrality:** not taking sides and no participation in hostilities;
- **Independence:** decisions are made without reference to political, military or economic agendas.

Together, these principles seek to safeguard humanitarian space by ensuring safe and unhindered access to people in need, by building trust among all parties, and by providing a framework for decision-making on how scarce relief supplies ought to be distributed.

How these humanitarian principles translate into specific requirements for organisations or operations depends greatly on the context. In practice they also raise numerous dilemmas. Complying with warring parties' demands, for instance, can help gain access to people in need and thus alleviate suffering – in line with the principle of *humanity*. At the same time, depending on the nature of those demands, this could be interpreted as taking sides in a conflict – contrary to the principle of *neutrality*.

Warring parties often exploit this tension, and there is a long history of aid manipulation. Examples include aid diversion for (in some cases personal) financial gain, the criminalisation of humanitarian aid, or its use for political or military ends.

The manipulation of humanitarian aid undermines its effectiveness and damages trust in aid workers, who risk being seen as embroiled in the conflict. As a result, they may be viewed with suspicion and sometimes even seen as the enemy. Especially in cases where aid is deliberately incorporated into the political and military tactics of warring parties, the physical safety of aid workers is compromised.

Although there is nothing new about the politicisation and instrumentalisation of aid, recent years have seen an increasing trend for warring parties to view humanitarian aid as part of the political economy of warfare. Humanitarian neutrality is put under pressure through attempts to determine who receives aid – and under what conditions – and who does not.

The instrumentalisation of aid can happen in a range of different ways: the form it takes in specific situations and its impact on the safety of aid workers both depend on the context. Equally important is what the warring parties think they can get away with. In some cases, they opt for bureaucratic obstacles as a means of exerting pressure. Permits are withheld, taxes increased and tax returns excessively scrutinised, personnel data are requested or organisations are subjected to restrictions on their freedom of movement.²⁹ Sometimes equipment needed by NGOs and the UN for their security is confiscated or subjected to high import duties. Aid workers may be denied visas or expelled from the country.

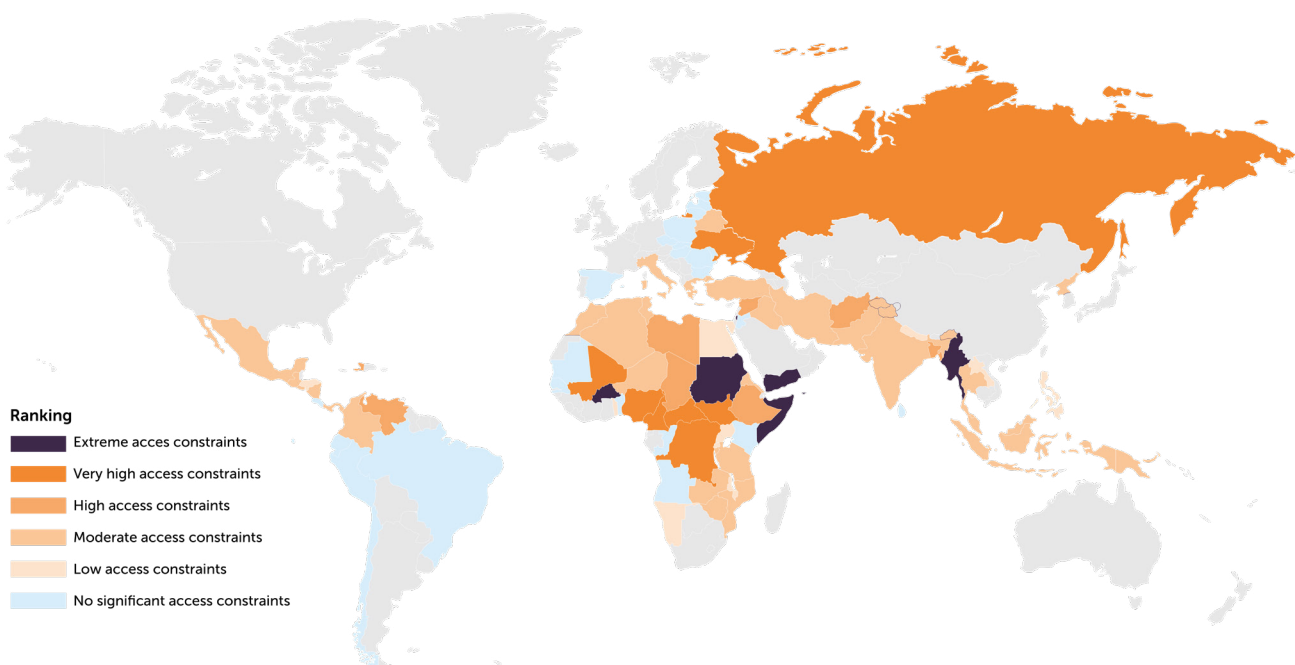
States or armed groups often deliberately create a climate of physical insecurity. In Yemen, for example, there has been a pattern of the Houthis conducting large-scale arrests of aid workers, accusing them of espionage and subjecting them to assault, in a clear attempt to manipulate the flow of aid.³⁰ Kidnappings, with the intention of demanding ransom or to control supply routes, are frequent events in countries including Burkina Faso, the DRC, South Sudan and Nigeria. In several countries, arrests of aid workers can appear so arbitrary that they are hard to distinguish from kidnappings. Finally, terrorist actors such as Al-Shabaab in Somalia use every possible means – from bureaucratic extortion to lethal violence – to exert control over the flow of aid supplies.³¹

This pressure on humanitarian space is one feature of the shrinking civic space, worldwide, that the AIV has outlined previously.³² This is set against a broader backdrop of more assertive action taken by authoritarian governments, many of them in the Global South. They view humanitarian organisations, along with other civil society organisations, as extensions of external, Western influence.³³

In comparison to armed groups, state actors also have greater political capital and technological resources at their disposal to effectively discredit aid efforts. Russia, for example, makes extensive use of disinformation in Syria and the Sahel, presenting humanitarian aid both within UN agencies and on social media as support for terrorists or armed groups.³⁴ According to the Colonna Commission, Israel also associates aid workers, particularly UNRWA staff, with terrorist activities without providing adequate evidence to support this claim.³⁵

Pillar 2

Access of humanitarian organisations to people in need



Pillar 2

- Impediments to enter the country (bureaucratic and administrative.)
- Restrictions of movement within the country (impediments to freedom of movement and/or administrative restrictions).
- Interference into implementations of humanitarian activities.
- Violence against humanitarian personnel, facilities and assets.

Source: ACAPS, *Humanitarian Access Overview* (2024).



Donors too sometimes engage in the instrumentalisation of aid.³⁶ In response to the presence of non-state – in some cases terrorist – actors, there has in recent decades been an increase in military interventions in countries such as Mali, South Sudan and Afghanistan. These conflicts have generated large-scale humanitarian needs in complex conflict settings. Western donors have often framed their funding of humanitarian aid as part of counterterrorism campaigns or as appropriate within the rationale of state-building.³⁷ This framing has sometimes blurred the distinction between emergency aid and (politically motivated) stabilisation programmes, as a result of which some armed groups have come to brand aid workers as guilty by association. For aid organisations, this has meant an uncomfortable erosion of the humanitarian principle of independence.³⁸

International humanitarian law under pressure

A second political explanation for why aid workers are targeted is the declining respect for international humanitarian law.

International humanitarian law aims to mitigate human suffering, even in the midst of war, by regulating the ways in which war is waged. On the one hand, this is achieved by protecting people who are not – or who are no longer – participating in hostilities. These include civilians, wounded or captured military personnel, and aid workers. On the other hand, international humanitarian law restricts certain methods and means of warfare.

International humanitarian law is in general based on the principles of humanity and military necessity: it is prohibited to cause unnecessary suffering, and force may only be used if it yields a military advantage. When assessing the legitimacy of force in a specific individual situation, the following three principles apply:

- The **principle of distinction** obliges warring parties to distinguish between combatants and civilians (including aid workers). Attacks may only be directed at military targets.
- The **principle of proportionality** prohibits carrying out an attack that is likely to result in disproportionate civilian suffering relative to the immediate, intended military advantage.
- The **principle of precaution** requires parties to do their utmost to minimise the suffering of civilians.

States have a joint obligation to ensure respect for international humanitarian law and to punish serious violations committed by their own military personnel or civilians. The latter obligation serves not only to secure justice, but also to help prevent new violations of international humanitarian law.

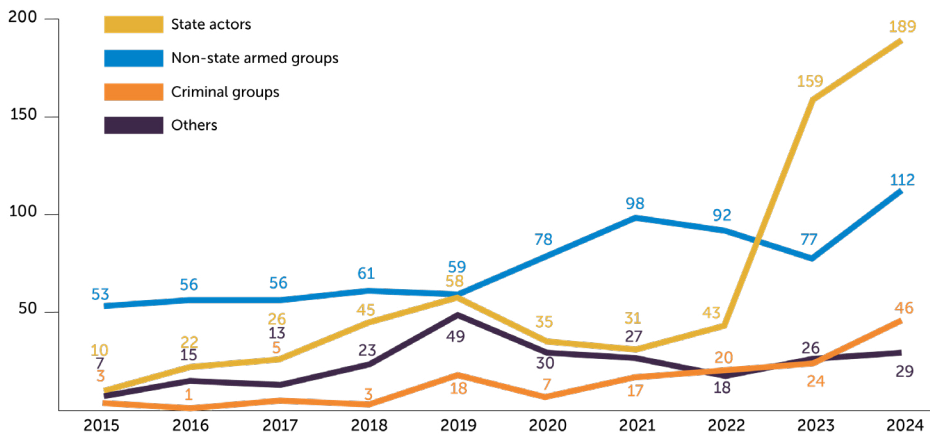
However, experts and policymakers agree that respect for international humanitarian law is rapidly declining.³⁹ Attacks on protected infrastructure (hospitals, religious institutions, and schools) are a frequent occurrence. Attacks on journalists – sometimes deliberate – are also increasingly common. Prisoners-of-war are being subjected to mistreatment. As already stated, there are significantly more civilian casualties than in the past.

The growing number of attacks on aid workers, a legally protected category, is part of this trend. Organisations and experts consulted by the AIV and the CAVV in preparing this advisory letter did, however, raise an important caveat regarding the reduced protection of aid workers. In their view, it is not the case that aid work can no longer be carried out safely anywhere. Even in complex

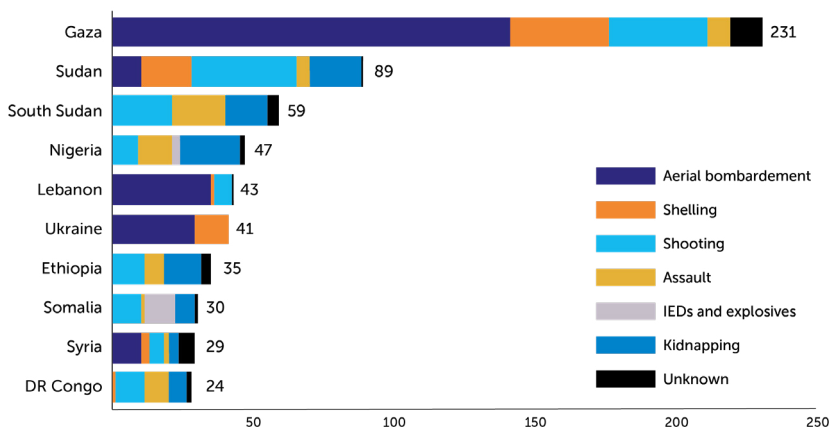
conflict situations such as the DRC or South Sudan, organisations are able to reach people and agree on access provisions with warring parties. However, in places where aid workers themselves are deliberately targeted, especially by states, aid organisations can no longer operate. In such situations, they have two options: either to deploy ever more drastic protective measures that are expensive and increase the distance between themselves and the people in need (*bunkerisation*), or they withdraw.

The number of such countries in which aid workers report a *pattern of deliberate attacks targeting them* remains limited. Experts and aid organisations have singled out in particular Gaza, Ukraine, Sudan, Myanmar and, until recently, Syria. In Yemen, although aid workers are not killed in direct attacks, they are systematically arrested by the Houthis on spurious charges.⁴⁰ Aid organisations are deeply concerned that declining respect for international humanitarian law is becoming normalised, eventually rendering even those places where they can presently still operate unsafe.⁴¹ Russia is a prime example of a country that exports this erosion of norms. Attacks on aid workers began in Chechnya and then gained traction in Syria. They were carried out not only by Russian troops but also under the Assad regime. The notorious ‘double tap’ tactics are also currently being used in Ukraine.⁴² These are attacks in which a second or third attack follows an initial strike (usually from the air) on the same target within a relatively short period of time, hitting aid workers and journalists who have rushed to the scene. Israel has also used this tactic in Gaza in recent years.⁴³

Number of violent security incidents by perpetrator type, 2015-2024



Total victims by means of attack, 10 most dangerous contexts 2024



Bron: Humanitarian Outcomes, *Aid Worker Security Database – figures at a glance* (2025).



A second category of incidents involves states either downplaying attacks on aid workers as isolated incidents or attempting to legitimise them by stretching existing norms. In such cases, the legal norm is not disputed on paper, but may be undermined in practice.

There may be situations in which aid workers are not targeted in an attack but are nevertheless hit because of their physical proximity to legitimate military targets. This is referred to in law as incidental harm, commonly known as collateral damage. In these situations, warring parties must still take sufficient precautions to prevent harm. They also have an obligation to assess the extent to which this collateral damage is proportionate to the intended military objectives. In so doing, they must take the elevated protected status of medical personnel into account.

Legal experts are concerned that states are stretching the meaning of the principle of proportionality: states are justifying ever greater collateral damage (including fatalities among aid workers) by invoking the presence of a legitimate military target, even if that target is of relatively minor importance.⁴⁴ Sometimes states also claim that hospitals no longer have protected status on account of the (alleged) presence of enemy combatants. Israel has frequently claimed that Hamas fighters were present in hospitals in Gaza, without publicly sharing sufficient evidence to substantiate such claims.⁴⁵ It is legally possible for a hospital to lose its protected status, but the threshold for this to happen is very high.⁴⁶ Multiple warnings must be given and sufficient time must be allowed to elapse before an attack may be carried out. In addition, warring parties are still obliged to assess the proportionality between the military objective and the potential scale of civilian casualties that is certain to result from an attack on a hospital.

The fact that rebel groups and terrorist movements seek cover among the civilian population in certain situations is sometimes used by states as an argument to justify collateral damage involving civilians or aid workers. This does indeed pose a serious challenge for national armies and could potentially be a war crime on the part of the armed group. Even so, violations by one party cannot be invoked under international humanitarian law to legitimise violations by the other party. The obligation still applies to take effective precautions such as using precision munitions in densely populated areas instead of large-impact explosives.

Besides stretching existing standards, attacks on aid workers may be presented as mistakes. In these situations, there is no question of deliberate attacks, nor of accepted collateral damage. However, mistakes in target identification or incorrect estimates of possible collateral damage still result in aid workers being hit. This happened, for example, in the US attack on the MSF hospital in Kunduz in 2015, which the US stated was done in error.

However, when mistakes occur with great frequency, without the states concerned making serious efforts to break the pattern, they can be classified as 'systematic errors'. In such cases, warring parties are possibly failing to take account of the principle that in case of doubt, they must assume that the object is not a military target.⁴⁷ Multiple analyses show that internal mechanisms to prevent such errors are often inadequate and are not adjusted, even after mistakes have been identified.⁴⁸ Such practices too, weaken the rule that aid workers must be protected at all times. Furthermore, because internal investigations usually involve little or no sharing of information with either the victims or external parties, their quality cannot be verified.

The combination of deliberate attacks on aid workers and the stretching of international humanitarian law erodes the norm that aid workers must be protected.⁴⁹ Furthermore, the systematic frustration of aid delivery also has a major knock-on effect on victim numbers, since it means medical infrastructure is no longer operational, for instance, or food aid cannot reach people in need.⁵⁰

The widespread erosion of respect for international humanitarian law is internationally recognised. As the Geneva Academy of International Humanitarian Law and Human Rights wrote in its 2024 annual report:

*'The world stands on the brink of a profound crisis with respect to international humanitarian law. Violations — once seen as aberrations — are now persistent, widespread, and, perhaps most alarmingly, increasingly met with indifference or tacit acceptance by states. The very norms designed to protect civilians, the wounded, and those not participating in combat are eroding at an alarming rate, not only through the actions of those who violate them but through the inaction of those who should uphold them.'*⁵¹

The quotation underscores a crucial point: legal and political norms shift not only because warring parties violate the rules. They also depend on the extent to which other states respond by condemning, demanding investigations, and attaching consequences to (repeated) violations.

Shifting international balance

There are several possible reasons why warring parties are increasingly choosing not to protect aid workers. For example, in some states, the population is not dependent on humanitarian aid. These countries are therefore less invested in maintaining an effective humanitarian response. Furthermore, while allowing and facilitating aid to affected populations is often seen in military circles as an important part of winning hearts and minds, if warring parties (whether state or non-state) have no interest in maintaining order or legitimate governance in areas under their control, this argument does not resonate. Ukrainian human rights organisations that spoke to the AIV and the CAVV emphasised that Russian attacks on aid workers are partly intended to send a message to the civilian population that the Ukrainian government is unable to protect the lives of its own soldiers and civilians.

The fact that in many conflicts, the 'othering' of the opponent on ethnic, religious or political grounds plays an important role also makes deliberate attacks on aid workers more likely. When communities are not only associated with an opponent, but are even labelled as enemies themselves, the threshold for denying them aid is lowered. Attacks on aid workers then become an effective way of targeting a supposedly hostile civilian population.⁵²

All this points to a fundamental political problem: political and military leaders see short-term military advantage as more important than upholding a broader normative framework.⁵³ This in spite of the fact that enforcing international humanitarian law can help to strengthen the professionalism of warring parties, appeal to soldiers' sense of honour or build on existing cultural and religious traditions.⁵⁴

Finally, geopolitical developments play a critical role. In the face of escalating and emerging crisis situations, diplomatic actors are already paying less attention to protracted conflicts in countries such as Myanmar, Yemen, the DRC and Sudan. UN monitoring and peacekeeping missions are being scaled back. As a result, in many places in the field humanitarian actors are the only remaining representatives of the system of international norms and agreements. This leaves them exposed and vulnerable. In many conflicts, diplomatic efforts are often limited to securing short-term agreements or temporary ceasefires, after which attention shifts elsewhere. In this context, humanitarian organisations lack the sustained political and diplomatic backing required to safeguard humanitarian space, let alone rebuild trust between parties to ensure that populations – and the aid they receive – are treated in accordance with international humanitarian law.



The shifting geopolitical balance also influences the way parties deal with aid organisations. Many warring parties have associated – and continue to associate – independent, humanitarian organisations and the UN, with the power of the West. This is certainly true in the Global South. In the past, states that committed acts of violence against aid workers would also be certain to receive firm pushback from Western embassies. That is either no longer the case, or the response is too weak to make a real impression. As Western influence declines, respect for the humanitarian organisations associated with it may also decline. The fact that some Western countries, such as the United States, are largely turning their backs on the humanitarian system further exacerbates this attitude.⁵⁵

International response

These developments raise the question of how to bolster support for the humanitarian system and international humanitarian law. In response to the increasing pressure on humanitarian law, the International Committee of the Red Cross (ICRC) has launched a Global Initiative to Galvanise Political Commitment to International Humanitarian Law (IHL), in collaboration with Brazil, China, France, Jordan, Kazakhstan and South Africa. This initiative seeks to revitalise international support for IHL and to strengthen compliance. Thematic priorities include improving the protection of civilian infrastructure and medical facilities.

Within the Global Initiative, states recognise that IHL not only obliges parties to take the fate of civilians into account, but also sets minimum legal requirements for conducting war. In the absence of such standards, a downward spiral ensues, making conflicts increasingly intractable, with long-term and far-reaching consequences for regional stability and international peace and security – as is currently clear in countries such as Myanmar, Ukraine and South Sudan. Compliance with IHL across conflict lines is therefore also a common basis for conflict resolution and reconstruction.

With the Global Initiative, the ICRC has actively sought to build a coalition of countries from different regions in order to increase support among non-Western states. The process is to conclude with a high-level event in 2026. The Netherlands has explicitly endorsed the initiative. In order to get as many countries on board as possible, a conscious decision was made to take an apolitical approach, which means that no particular countries or specific incidents are on the agenda.

This emphasis on inclusiveness underlines that the vast majority of countries still believe that aid workers and aid in general enjoy protection. For countries such as the Netherlands, which attach particular importance to this issue, the challenge lies in translating this general commitment into concrete action, so that warring parties are confronted in practice with the undiminished applicability of the norm.

For the Netherlands, the principal partnership to defend these standards in practice is the European Union. Another potentially interesting coalition is the Group of Friends for the Protection of Humanitarian Personnel. In September 2025, at the instigation of Australia, a number of states signed up to the 'Declaration for the Protection of Humanitarian Personnel'. The Netherlands is a signatory and thus a member of the Group of Friends.⁵⁶ It is not yet clear at present what concrete follow-up steps the Group of Friends will take. Potentially, it will provide a platform for like-minded countries, including states in the Global South, to express stronger opposition – including at country level – to attacks on aid workers.

The fight against impunity

Impunity is a clear example of the missing link between shared principles and practice on the ground. Impunity is also a significant cause of increased violence against aid workers in its own right.

While progress has been made in prosecuting international crimes since the 1990s, this does not apply to cases involving violence against aid workers. Actual perpetrators, let alone their military and political leaders, rarely face serious consequences. Impunity in turn lowers the threshold for new attacks on aid workers. This section will first discuss the prosecution of perpetrators at national level, including in the Netherlands, before considering the role of the International Criminal Court. In conclusion, it will explore the scope for holding other states responsible for attacks on aid workers.

National prosecution

In principle, investigations of attacks on aid workers and prosecutions of the perpetrators can take place in national courts. In so far as states have defined attacks targeting humanitarian aid workers as international crimes in their national legislation, their courts can in principle also exercise jurisdiction on an extraterritorial basis. This means that in certain cases they can try those accused of committing acts of violence in another country.

In the Netherlands, for example, 'intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian assistance or peacekeeping missions in accordance with the United Nations Charter, as long as they are entitled to the protection given to civilians or civilian objects' is a criminal offence under the International Crimes Act (*Wet Internationale Misdriften*, WIM).⁵⁷ The WIM provides for the exercise of jurisdiction not only on the basis of the Dutch nationality of the alleged perpetrator or victim (active/passive personality principle), but also on the basis of universality.⁵⁸ If the offence was committed in another country and neither the perpetrator nor the victim is Dutch, a criminal investigation can be launched only if the suspect is present in the Netherlands.⁵⁹

In other words, although no individuals have yet been prosecuted under the WIM for attacks on aid workers, the WIM does provide scope for such prosecutions.⁶⁰ However, non-Dutch suspects cannot be prosecuted for attacks committed in another country – most notably on local aid workers, who often face the greatest risks in the field – unless they come to the Netherlands voluntarily.⁶¹ This raises the question of whether the jurisdictional basis of the WIM for attacks on foreign staff of Dutch aid organisations should be expanded. This could make it possible to prosecute suspects *in absentia* even if they are not in the Netherlands.

An expansion of jurisdiction of this kind would require an amendment to the WIM. However, all things considered, the AIV and the CAVV advise against enacting such an amendment at this point in time. This advice is based on a number of considerations, involving questions of principle as well as practical considerations.



First, it is uncertain whether the status of working for a Dutch aid organisation is a sufficiently strong link with the Netherlands to exercise jurisdiction *in absentia*. After all, international law requires that jurisdiction be based on a sufficiently strong link between a state on the one hand and a specific individual or a specific offence on the other.⁶² Second, it is difficult to define what constitutes a sufficiently strong relationship with a Dutch legal entity. Is it necessary for the local staff member to be formally employed by a Dutch aid organisation, which applies only to a minority of aid workers? This would exclude other common contractual relationships, such as a subcontract between a Dutch organisation and a local organisation that employs the aid worker. Volunteers would also be excluded. Third, the question arises as to precisely when an organisation qualifies as a 'Dutch aid organisation' and who would determine this.⁶³

Expanding jurisdiction in the WIM solely for the benefit of local staff of humanitarian aid organisations also raises the question of whether or not this expansion should be applied more consistently. In particular, it should perhaps also apply to other local individuals who do important work in hazardous conditions in conflict areas. Human rights defenders and journalists, for example, also often have ties to Dutch organisations.

In addition – and not unimportantly – as things stand, the International Crimes Team is very active in investigating and prosecuting other international crimes and is running up against capacity constraints that already limit what it can do. Were the jurisdiction of the WIM to be expanded, the team would probably need additional capacity.

The AIV and the CAVV also take the view that any preventive effect achieved by amending the WIM to expand the potential for criminal proceedings would be relatively minor. Potential perpetrators would have to be genuinely deterred by the possibility of prosecution *in absentia* by the Dutch authorities. The question therefore arises as to whether an amendment to the WIM would make a significant contribution to the fight against impunity.

Finally – and most importantly – it should be noted that a number of other political, diplomatic and financial instruments for protecting aid workers are currently underutilised. In consequence, there is a risk that in response to an international political problem – deliberate violence against aid workers as a military tactic to frustrate aid efforts to affected populations – the solution would be sought in the national legal domain, rather than in devising a strengthened, coordinated, political/diplomatic response.

Although the AIV and the CAVV do not recommend amending the WIM, they do see a number of opportunities for strengthening national efforts to tackle impunity for attacking aid workers, without amending the WIM. First, it is important that the Ljubljana-The Hague Convention (2023) be ratified and enters into force as soon as possible.⁶⁴ This convention strengthens cooperation between states in prosecuting those suspected of committing international crimes. In the case of crimes that qualify as war crimes or crimes against humanity, states have an obligation under this convention to provide legal assistance to other states that are working on investigating the crime with a view to prosecution and to facilitate extradition. This could include attacks on aid workers, enabling states to prosecute those accused more efficiently on the basis of their domestic law.

Second, it is advisable to establish a basis in Dutch law for information exchanges between the International Crimes Team and international (UN) mechanisms that investigate international crimes, including attacks on aid workers, such as the International, Impartial and Independent Mechanism for Syria. At present, such exchanges are not formally possible, which impedes the adequate investigation and prosecution of international crimes by the International Crimes Team.

The International Criminal Court

Besides national courts, international courts and tribunals can also prosecute persons accused of attacking aid workers. The AIV and the CAVV note that the International Criminal Court (ICC) in particular has jurisdiction over intentional attacks on humanitarian aid workers – which are classified as war crimes – in so far as they are committed on the territory of a state that is party to the Rome Statute of the Criminal Court or by a national of such a state.⁶⁵ The ICC is indispensable, partly because it is the only international body that can prosecute high-ranking political and military leaders for attacks targeting aid workers, since the Rome Statute does not recognise immunity from prosecution that may apply in national proceedings.

Far from all states have accepted the jurisdiction of the International Criminal Court. For example, the US, Russia, China and India, as well as countries embroiled in conflict such as Israel, South Sudan, Myanmar and Yemen, are not parties to the Rome Statute. Furthermore, in accordance with the principle of complementarity, the Court gives priority to states themselves when it comes to prosecution for international crimes, unless a state is unwilling or unable to conduct the investigation or prosecution.⁶⁶

Even if in principle possesses jurisdiction, the ICC can only investigate a limited number of international crimes, owing to capacity constraints and insufficient cooperation from states.⁶⁷ In consequence, the Court has paid little attention to attacks on aid workers, and no one has yet been tried for such a crime. However, precisely in the interest of enforcing legal standards, it is essential that the ICC explicitly includes violence against aid workers in its investigations and prosecution decisions. Attacks on aid workers could also be included in the charges in cases involving other crimes punishable under the Rome Statute.⁶⁸

Given the importance of the International Criminal Court for restoring norms and accountability, Dutch financial support for the Court remains crucial.

State responsibility

In addition to criminal prosecution, the legal regime of state responsibility provides a politico-legal avenue for holding states accountable. If a state is involved in attacks on humanitarian or medical aid, it may be held responsible under international law. In addition, a state that knowingly provides substantial support for the violation of these rules – in the form of arms, intelligence or logistical support, for instance – may itself be held jointly responsible as an accessory.

Since deliberate attacks on aid workers can be classified as serious violations of fundamental norms, other states, such as the Netherlands, should cooperate and invoke the state responsibility regime to put an end to the violations.⁶⁹ They may also hold other states responsible on the basis of the *erga omnes* obligation incumbent on all states to ensure compliance with the Geneva Conventions,⁷⁰ which applies even if they are not directly affected by the violation. State responsibility can also be invoked before the International Court of Justice (ICJ), but only if it has jurisdiction. For example, the Netherlands, together with Canada, held Syria responsible for violations of the UN Convention against Torture and brought proceedings against that state before the ICJ in 2023.⁷¹ On another occasion, in 2024, the Netherlands, together with Germany, Canada and Australia, decided to hold Afghanistan responsible for violations of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) committed by the Taliban, although the case has not yet been brought before the ICJ.⁷² The Netherlands could similarly

consider invoking state responsibility in the case of serious attacks against aid workers that are met with impunity, possibly before the ICJ.



Use of other instruments to combat impunity

Although the AIV and the CAVV recognise that criminal prosecution and state responsibility are essential elements of norm restoration and accountability, they wish to point out that such legal processes are often lengthy and that gathering evidence is difficult. This in spite of international attempts to strengthen evidence collection, such as through the Justice Rapid Response (JRR), which supplies experts to strengthen investigations into international crimes – potentially including attacks on aid workers. Worldwide, there are hardly any known cases of prosecution – let alone conviction – for attacks on aid workers.

The NGO Legal Action Worldwide lists several reasons why accountability is hard to obtain, particularly at national level.⁷³

- Aid workers have very limited access to legal advice, lawyers or institutions.
- There is a perception that obtaining justice is too difficult, expensive and hazardous.
- The working culture of humanitarian organisations is geared towards risk management, which means that an attack on staff is interpreted primarily as a failure on the part of the organisation, rather than as a crime for which perpetrators must be held accountable.⁷⁴
- There are fears that actively pursuing accountability would impede access to communities in need and jeopardise donor funding.

The growing trend of state involvement in attacks also adds additional complications that foster impunity. For example, there is an existing legal principle that states themselves bear primary responsibility for investigation and prosecution. At present, however, states display little willingness to prosecute their own military personnel or other representatives for attacks on aid workers – pointing at circumstances that make doing so supposedly out of place. When fighting terrorist organisations, for example, which make no attempt to comply with international humanitarian law, national militaries face genuine difficulties complying with their legal obligations. This, added to the context of a chaotic battlefield, can then be used as an argument (or excuse) for the fact that prosecutions are virtually non-existent. Investigations are not initiated or not pursued, they are delayed, end in acquittal, or are dropped.⁷⁵

It is important to emphasise here that *accountability* can encompass more than criminal prosecution alone. Political responsibility, sanctions, dismissal or demotion, state responsibility, termination of partnerships or financial measures are all possible ways of attaching real consequences to the violation of norms. However, even when it comes to such non-criminal-law forms of accountability there are still very few known cases in which perpetrators of violence against aid workers have faced consequences for their actions.

What applies in the domestic context also applies internationally: consequences for perpetrators are largely non-existent. The Netherlands and the EU regularly release statements drawing attention to the issue – including every August on World Humanitarian Day. In the event of serious incidents, they express outrage and sometimes demand an investigation. In April 2025,

for example, the then Minister of Foreign Affairs, Caspar Veldkamp, summoned the Israeli ambassador for a meeting with a senior official after it emerged that Israel had killed 15 aid workers in Rafah and had buried them, along with their ambulances, in a mass grave.⁷⁶ On 12 April 2025, Minister Veldkamp posted a message on X about a gross violation of international humanitarian law by the Sudanese Rapid Support Forces, after they had killed at least 100 civilians and nine aid workers in an attack on a refugee camp.

However, more serious consequences are rare. There is only a limited amount of systematic joint monitoring and follow-up of incidents by the EU, for example, or by groups of like-minded countries, as provided for in UNSC Resolution 2730. In addition, there are no known cases in which individuals have been placed on a European sanctions list primarily because of their involvement in attacks on aid workers or medical facilities. Such sanctions are intended to bring about a change of behaviour. However, they also have the broader objective of publicly underlining the importance the EU attaches to enforcing norms, even without the prospect of criminal proceedings. This applies especially to the EU Global Human Rights Sanctions Regime, which the Netherlands played a key role in establishing. It should be noted, however, that the use of sanctions is only appropriate if it is part of an integrated political approach to a conflict situation. Careful consideration must also be given – in consultation with humanitarian organisations – to the possibility that sanctions could lead to a backlash, actually placing aid workers in greater danger.

In order to achieve accountability and thereby effectively restore norms, there is a need for perseverance and expenditure of political capital on the part of a broad coalition of states, international organisations and NGOs. Precisely because the internal legal procedures of the warring parties leave much to be desired, external diplomatic, legal and political pressure is in many cases essential. To this end, combating violence against aid workers and other restrictions on humanitarian space must be a priority, even if it conflicts with other interests.

The AIV and the CAVV note that the lack of meaningful consequences for deliberate violence against aid workers in one conflict leads to a broader erosion of norms that makes itself felt in other conflicts too. Even if states make it clear behind closed doors that they do not accept a changing legal interpretation of the rules, there is a risk that the global norm will shift in practice, and violence will be normalised. Public statements, including references to international law, therefore fulfil an important function in making it clear that the norm still stands. However, they are drained of power and credibility if they are not accompanied, in the event of repeated incidents, by the use of additional political, economic and legal instruments – as is also permitted under international law.

The international response to the series of Israeli attacks on hospitals in Gaza is an example of this. In their public response, the EU, UN, and US emphasised the protected status of hospitals, the importance of humanitarian aid, and international law. They did so without explicitly referring to the attacks as violations of international humanitarian law.⁷⁷ In spite of these statements, and the use of quiet diplomacy, Israel continued to attack medical facilities and aid workers.⁷⁸

Finally, the effectiveness of efforts to obtain accountability depends on whether states and international organisations act consistently. This is particularly relevant where discrepancies arise between situations in which political, diplomatic, financial and legal consequences are attached to attacks on aid workers, and those in which they are not. If states apply double standards on the basis of their actual or perceived interests or their association with one of the warring parties, it undermines not only the credibility of those states but also of the norm itself.⁷⁹



The humanitarian system in flux

The international humanitarian system is currently undergoing large-scale cutbacks tantamount to a form of shock therapy. OCHA, the UN office responsible for humanitarian coordination, has already emphasised that it is “overstretched, underfunded and under attack”. The humanitarian system of mid-2026 will look fundamentally different from the system that existed at the end of 2024.

Given their scale and the speed at which they are unfolding, these developments could have a flywheel effect on the safety of aid workers. This applies in particular to the safety of local organisations and staff.

The funding crisis

Experts estimate that global cuts in humanitarian assistance, mainly by the United States but also by other donors such as Germany and the United Kingdom, amount to approximately 50% of the budgets of previous years. These reductions are being spread over a period of 18 to 24 months.⁸⁰ The decline in funding is set against a backdrop of growing numbers of crisis situations and hence a rising demand for humanitarian aid. The ferocity of a number of prominent conflicts is the main driver, although structural factors such as climate change also play a role.

In 2025, only 27% of the funds needed worldwide for humanitarian aid were pledged by donors.⁸¹ For some crisis situations, this figure barely reached 10%.⁸² The consequences are immense. For example, only one-third of the three million Afghans suffering from food insecurity can be helped, and eleven million refugees can no longer be reached.⁸³ It may be noted that humanitarian aid is largely being spared in the Netherlands’ cuts to development aid.

In response to the cuts, UN Humanitarian Coordinator Tom Fletcher has announced a ‘humanitarian reset’. The basic principle is to streamline the humanitarian system, with less duplication and fewer layers of management. More decisions should be taken locally rather than at head office level.⁸⁴

The combination of cuts and insecurity creates acute dilemmas for humanitarian organisations that also affect security. After all, every euro spent on security training is money that cannot be spent on relief supplies. Budgets for operational security, for which organisations were already struggling to get funding, are therefore coming under further pressure. Crucial support services have also been affected: early warning systems to identify security risks have been cut back, for example. INSO in The Hague, an organisation that collects security data for NGOs and provides training, relied for 37% of its budget on funding from the US, which has been scrapped.

There is a real risk that the emphasis on cutting costs could further compromise the safety of local aid workers on the front lines. This is not only due to a reduction in the budget available

for security, but also because of the dismissal of staff with relevant knowledge and networks, or local colleagues being managed remotely by expat colleagues who are no longer in-country.

Donors often assess or prioritise security risks differently from implementing organisations. Now that the public and parliament in many countries have become more critical of aid budgets, donor agencies pay even closer attention to fiduciary risks and reputational damage. A number of prominent cases of corruption and abuse in recent years further reinforced this trend. Now that resources are scarcer, organisations feel intense pressure to demonstrate that donor funds are being spent effectively. However, unintended side effects are an expanding administrative burden for organisations, or priorities that are out of step with the reality they face.⁸⁵

The emphasis on cost-effectiveness and reputation management, combined with increased insecurity for aid workers, may have unintended consequences. For example, organisations may become incentivised to prioritise providing assistance in relatively safe areas, where aid workers are less vulnerable, people in need are easier to reach and delivering aid is cheaper.⁸⁶ The net effect, however, would be that communities most severely affected by conflict receive relatively little aid. In the worst-case scenario, choices made by aid organisations could inadvertently play into the hands of warring parties who intentionally set out to make aid delivery to certain communities unsafe, expensive and difficult to access. A dynamic of this kind is or was evident, for example, in Ethiopia, South Sudan and Myanmar.⁸⁷ This once again, highlights the complexities aid organisations face when trying to reconcile humanitarian principles with the reality of highly complex conflict settings.

The reform of the humanitarian system, under the pressure of smaller budgets, could present an opportunity to give more ownership to local organisations by further delegating power and resources and by directly funding local organisations, for example.⁸⁸ This would also help them in terms of security: local organisations need donors to give them the flexibility to determine for themselves what measures are necessary in their specific context. For example, Sudanese volunteers may want more resources to evacuate staff from war zones or to support the families of colleagues who have been arrested, whereas for Ukrainian aid workers adequate life or accident insurance and protection from drones are a first priority.

Humanitarian neutrality, protection and impunity

As already noted above, humanitarian principles help to promote the acceptance of aid delivery by warring parties and communities. They are therefore key to mitigating security risks.

There is a certain tension, however, between the principle of humanitarian neutrality and combating impunity for violence against aid workers. Humanitarian NGOs and UN agencies are frequently unwilling to speak out about human rights violations because of their neutral status. They also do not always cooperate with legal proceedings to punish perpetrators – even when attacks involve their own personnel.⁸⁹ In addition, organisations may be reluctant to draw attention to the obstacles and political dilemmas they encounter, given the scrutiny their work is under.

Local organisations and volunteers have a more complex relationship with the principle of neutrality. Local organisations such as Sudan's Emergency Response Rooms, the White Helmets in Syria, and the Ukrainian Hospitaliers Medical Battalion are not solely humanitarian in nature. They are part of a country's civil society and may see it as their duty to show the world what is happening in their country.⁹⁰ They are often highly successful in this regard.



Some represent specific groups defined along community, religious or social lines. For pragmatic or ideological reasons, they may operate on only one side of the conflict. This applies to many of the organisations operating in Ukraine, for instance.⁹¹

Some local organisations may also see it as part of their role to actively combat impunity, for example by gathering evidence not only about attacks on their organisations – which may help to combat impunity – but also about other human rights violations committed by the warring parties. This is potentially of great importance, precisely because of the lack of case law on violence against aid workers.

Nevertheless, there is a lack of shared understanding among aid organisations, donors, and other stakeholders about how evidence-gathering and critical stances by local aid organisations relate to the principle of neutrality. The Netherlands could help initiate a debate on this issue, particularly in light of the major changes that the sector is undergoing. It is important to emphasise in this context that the principle of humanitarian neutrality is not the same as acting *apolitically*. The principle of neutrality aims to ensure that humanitarian organisations do not take sides in a conflict. However, they inevitably operate in a highly political context. It is unavoidable that their actions will be seen by some parties as biased, whether it comes to the distribution of aid, or the compromises they have to make in order to gain access to people in need. The key point is that, as long as aid workers are not actively participating in hostilities, they enjoy protection under international humanitarian law. Publicly defending victims, on whatever side of a conflict they may be, also in principle does not violate humanitarian neutrality.

Restoring norms: the roles of diverse actors

For aid organisations, defending humanitarian space is inherently complex as they balance advocacy for humanitarian principles with their dialogue with warring parties on access. Now that attacks on aid workers are increasingly carried out by states, it is up to other states to take action – precisely because of states' duty to ensure compliance with the Geneva Conventions.

Doing so should be done on two levels. First, at the level of global policy – within the ICRC Global Initiative, for instance – the norm that aid workers must not be targeted needs to be reaffirmed. Here, a broad coalition of states should be supplemented with the expertise and legitimacy of NGOs, civil society, experts and other stakeholders.

Secondly, action must be taken in response to individual country situations. Violence against aid workers is occurring within particular conflict settings and this is where existing standards are being undermined in practice. Since violence against aid workers takes a different form in each conflict, the Netherlands and like-minded parties – including the EU – should formulate a joint local response that combines context-specific diplomatic, financial and legal instruments. Respect for international humanitarian law and humanitarian space serve as a beacon in this regard.

The UN still has an important role to play in this context. It has frequently been criticised for not doing enough to hold warring parties to account regarding compliance with humanitarian principles and the protection of aid workers. The humanitarian reset could present an opportunity for the UN to strengthen its core role as coordinator and guardian of humanitarian standards. This will require donors, including the Netherlands, to be prepared to spend diplomatic and political capital to assist local UN officials in their complex task.

Europe also has much to gain from adopting a two-pronged approach. First, the EU could encourage member states to make greater use of – and highlight the role of – DG ECHO in defending humanitarian space. ECHO is the European Commission directorate-general responsible for European civil protection and humanitarian aid. It is relatively well positioned because it combines operational expertise and presence in crisis areas with a role as a prominent donor. Secondly, the EU can benefit from stronger ties between humanitarian diplomacy (by DG ECHO) and the diplomatic role of heads of mission and the European External Action Service (EEAS). Precisely because of the political nature of violence against aid workers, gains can be made by promoting greater synergy between humanitarian and diplomatic action. The Netherlands could play a driving role in both these processes.

Conclusions and recommendations



The international legal norm that aid workers must be protected and aid delivery must not be impeded is losing its significance. If there are no consequences for violence against aid workers, aid workers everywhere are less safe. The costs of this violence are far too low for the individuals, states and armed groups responsible. Other states acknowledge the problem but in practice too little has changed, as the figures show. Selective silence further erodes the norms.

A continuation of the current trend of shrinking humanitarian space will have far-reaching effects on aid workers and certainly also on people living in conflict areas. They will no longer receive aid or will find themselves stuck in a hopeless and degrading situation. This will also make a stable, peaceful future ever more elusive, endangering neighbouring countries and triggering refugee flows. This is not in the interests of the Netherlands – or of Europe.

As a donor, the Netherlands can and must do more to give aid workers better protection. This applies particularly to local aid workers, who are most at risk.

However, when violence against aid workers becomes distinctly political in nature, physical protection is insufficient. States and armed groups manipulate and undermine aid efforts in order to achieve political and military goals. This is true in some of the deadliest conflicts worldwide, such as Gaza, Ukraine, Myanmar, Yemen and Sudan. There, attacks on aid workers are an extension of a strategy that targets the wider civilian population. The solution to the problem is therefore largely political; if warring parties deliberately bomb aid workers, no flak jacket or security training can offer protection.

Thematically and operationally, the Netherlands has already adopted the right priorities. The fact that it has not followed the trend of making substantial cuts to humanitarian aid is commendable. Nevertheless, norms are currently being eroded faster than the political efforts of states and organisations that seek to shore them up. It is therefore necessary to shift into a higher gear. Given the broad support for aid organisations among the Dutch public, the AIV and the CAVV believe that the Netherlands has a role to play here.

Recommendations

In response to the request for advice from the House of Representatives and the government, the AIV and the CAVV advise as follows:

The Netherlands should play a leading role in upholding and restoring the norm that violence against aid workers is unlawful and unacceptable. Together with like-minded countries, it should use its political capital in conflict situations by consistently calling warring parties to account for acts of violence against aid workers, for violations of international humanitarian law and for the politicisation of humanitarian assistance – even at the risk of backlash among states and warring parties.

The AIV and the CAVV take the view that criminal prosecution – which involves a difficult process of evidence-gathering and potentially lengthy trials – can only make a relatively limited contribution in the short term. However, it remains important for the long-term enforcement of standards as part of a broader set of diplomatic, legal and financial instruments.

The above advice is elaborated in the following concrete recommendations.

Action to be taken at national level

- In cases of violence, consistently call for prompt, independent and transparent investigations and accountability. Hold states responsible by exerting diplomatic pressure or making public (possibly joint) statements. Take into account the fact that quiet diplomacy is often insufficient: normative standards that are under pressure must be publicly reaffirmed. Follow up systematically with the parties involved by asking them to share evidence.
- In the event of large-scale violations of international humanitarian law, use more far-reaching measures. Consider reviewing cooperation agreements, exchanges or partnership programmes, or table follow-up steps within the EU. Whatever measures are considered, they must always be weighed against their impact on humanitarian space and the safety of aid workers on the ground.
- Continue to highlight the role of the International Crimes Team in the global fight against impunity, including in relation to violence against aid workers. Facilitate exchanges of information and other forms of cooperation with international investigative mechanisms, such as those of the UN.
- As a donor, focus on the physical protection of aid workers:
 - Promote the delivery of aid to regions that are difficult to access, and show understanding if results are not achieved. Do not allow a focus on fiduciary and reputational risks to undermine flexibility and the protection of (local) aid workers.
 - Make sufficient resources available for security when funding aid organisations. Allow local organisations to determine their own security needs. Together with other donors, use pooled funds to fund local organisations directly.
 - Continue work on risk sharing, with international NGOs acting as facilitators for local organisations in matters of security and protection.
 - Collaborate with partners on producing an innovative (life and accident) insurance mechanism for humanitarian aid workers, drawing on past experience with leveraging private sector efforts.



Action to be taken at EU level and with like-minded countries

- Make the protection of humanitarian space a priority in EU engagement in specific conflict situations and integrate it into political strategies. Work with EU member states to strengthen DG ECHO's role as a defender of humanitarian space in crisis contexts. Put violence against aid workers on the agenda in political consultations.
- Advocate regular discussions of specific incidents in relevant EU forums such as the Council Working Party on Humanitarian Aid and Food Aid (COHAFA). Coordinate joint follow-up with the responsible parties, where possible also with the Groups of Friends. Where appropriate, make targeted sanctions against individuals responsible for violence against aid workers part of the broader effort to protect humanitarian space in countries where aid delivery is most under pressure. This could take the form of a package of thematic sanctions under the EU Global Human Rights Sanctions Regime. Engage in dialogue with humanitarian organisations to prevent negative repercussions on their work and security.
- Fund organisations that collect evidence of attacks on aid workers. Where possible, train local organisations in information gathering in accordance with a set of common standards. Work towards a shared understanding of how humanitarian principles and gathering evidence of human rights violations go hand in hand, for example by drafting a common code of conduct.
- Counter disinformation that is intended to discredit humanitarian aid, drawing on past experience with EU Stratcom teams. Fund training in digital security for aid workers.

Action to be taken in multilateral forums

- Prioritise the security of aid workers in multilateral forums. Make the Global Initiative to Galvanise Political Commitment to IHL an important part of the Netherlands' efforts to protect international humanitarian law.
- Raise the issue of attacks on humanitarian actors with the Assembly of State Parties as part of the mandate of the International Criminal Court. Consult with the prosecutor on this matter.
- Within the UN, advocate the appointment of a Special Rapporteur or Special Representative of the Secretary-General for Humanitarian Space. Actively seek allies in the Global South to support this proposal. The Rapporteur's mandate should include reporting on individual cases. In view of the UN's budgetary crisis, proactively propose the termination of other mandates that have become less necessary in order to create room for this Rapporteur.
- Strengthen the UN's normative role at country level. Be prepared to actively support the Resident Coordinator with diplomacy, particularly in the face of opposition from local governments and warring parties. Use non-earmarked funding as leverage to encourage the UN to play a central role in the enforcement of humanitarian standards.

Sincerely,

Bert Koenders
Cedric Reyngaert

Endnotes

- ¹ [Five volunteers killed in Sudan while distributing food, IFRC says | Reuters](#) (28 October 2025).
- ² [Risk of large-scale atrocities in Sudan's El Fasher grows 'by the day' | UN News](#) (27 October 2025).
- ³ Ndiaye, A., Gauthier, L., Gosselin, C., Queval, C., Salavert, L., & Tropea, J. (2023). *Presence, Proximity, Protection: Building capacity to safeguard humanitarian space*. Action Against Hunger (ACF), Médecins du Monde (MdM), Humanity & Inclusion (HI).
- ⁴ Motion by Member Dobbe et al. requesting an advisory letter from the CAVV and AIV on which instruments the Netherlands can use to combat impunity for acts of violence against aid workers.
<https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2025D16305&did=2025D16305>.
- ⁵ Aid workers' are defined in this advisory letter as 'the employees and associated personnel of not-for-profit aid groups (local, national, and international) that provide material and/or technical assistance in humanitarian contexts. This includes both emergency relief and multi-mandated (relief and development) organisations: NGOs, the International Movement of the Red Cross/Red Crescent, donor agencies and the UN humanitarian agencies belonging to the Inter-Agency Standing Committee on Humanitarian Affairs (IASC) plus UNRWA. The aid worker definition encompasses all staff and volunteers working for these aid groups, and does not include UN peacekeeping personnel, human rights workers, election monitors or purely political, religious or advocacy organisations.' See [About the data | Aid Worker Security Database](#) (AWSD).
- ⁶ It is important to emphasise that humanitarian law also applies to armed conflicts of a non-international nature: 'protracted armed confrontations occurring between governmental armed forces and the forces of one or more-armed groups, or between such groups arising on the territory of a State. The armed confrontation must reach a minimum level of intensity and the parties involved in the conflict must show a minimum of organization.' (ICRC Customary International Law Study 2005), Common Article 3 Geneva Conventions (GC); Article 1, paragraph 1 Additional Protocol (AP) II.
- ⁷ World Health Organization (WHO), [Surveillance system for attacks on health care](#). The figures quoted by the World Health Organization are higher than those of the Aid Worker Security Database since they include medical personnel who do not work for humanitarian organisations, such as government employees, or personnel working in situations that are not governed by international humanitarian law but where there is nonetheless a public health emergency. At the same time, WHO figures are also likely to be an underestimate.
- ⁸ [OHCHR Human Rights Count](#) (2025).
- ⁹ *Aid Worker Security Report 2024 (AWSD): Figures and Trends*.
- ¹⁰ AWSD (2025).
- ¹¹ Council on Foreign Relations, [Across Battlefields, Aid Workers Are Targeted More Than Ever](#) (2025).
- ¹² ICRC, Rules of Customary International Humanitarian Law, [Rule 31](#).
- ¹³ AP I, Article 70(1), Article 54(1); Rules of Customary International Humanitarian Law, Rules [53](#) and [55](#).
- ¹⁴ The Court ruled that as a UN member state and occupying power, Israel is obliged to cooperate with the UN, to respect the privileges and immunities of the UN and its personnel, and not to obstruct but to facilitate relief operations, in particular those carried out by the UN Relief and Works Agency (UNRWA). The Court considered the allegations made against UNRWA regarding a lack of neutrality or impartiality to be unsubstantiated and emphasised that obstructing UN aid is contrary to applicable international humanitarian law and human rights treaties. ICC (paras. 143-148).
- ¹⁵ Common Article 1, Geneva Conventions [IHL Treaties - Geneva Convention \(IV\) on Civilians, 1949 - Commentary of 2025 Article | Article 1 - Respect for the Convention | Article 1](#).
- ¹⁶ International Covenant on Civil and Political Rights (ICCPR), Article 6, paragraph 1. It should be noted that this protection depends on whether the aid worker(s) concerned is/are within the territory and under the jurisdiction of the party concerned (Article 2, paragraph 1 ICCPR).
- ¹⁷ International Covenant on Economic, Social and Cultural Rights, Article 11; UNGA Resolution 64/292.
- ¹⁸ Rome Statute, Article 8(2)(b)(xxv). In the case between South Africa and Israel before the International Court of Justice, the question is whether the systematic obstruction of humanitarian aid constitutes an element of genocide.
- ¹⁹ Article 8(2)(b)(iii) and (e)(iii) of the Rome Statute. It is not relevant whether the attack was committed in an international or non-international armed conflict. It is currently a matter of debate how restrictive it



- is in practice that only 'intentional' attacks fall under the jurisdiction of the Court.
- ²⁰ See e.g. in relation to Israel/Occupied Palestinian Territory and Sudan: Resolutions 2720 (2023) and 2736 (2024) of the UN Security Council. See also the annual Resolutions of the General Assembly on the security of humanitarian aid workers, e.g. Resolution 78/118 (2024).
- ²¹ Most recently A/RES/80/112 (12 December 2025). The US was the only member state to vote against this Resolution. [Explanation of Vote on the Resolution Titled "Safety and Security of Humanitarian Personnel and Protection of United Nations Personnel"](#).
- ²² This is in contrast to, for example, the Special Representative of the Secretary-General for Children in Conflict Situations and the Special Representative on Sexual Violence in Conflict.
- ²³ [Letter dated 22 November 2024 from the Secretary-General to the President of the Security Council, S/2024/852, p. 7.](#)
- ²⁴ In order to accurately identify trends, researchers therefore look at the total size of the humanitarian system in a country context. See e.g. [Koenraad van Brabant – 'Incident Statistics in Aid Worker Safety and Security Management'](#) (EISF/ Global Interagency Security Forum, 2012).
- ²⁵ *Local organisations* are organisations of aid workers based in the country where aid is provided. *Local staff* are employees or volunteers of international or local aid organisations who are nationals of that country.
- ²⁶ This is also a problem from the perspective of the duty of care that organisations have towards their personnel.
- ²⁷ Global International Security Forum (GISF), [Neutrality, Access, and Making Localisation Work](#) (2024). Two concrete examples are the wars in Gaza and northern Ethiopia, in which there were many casualties among local staff, but an attack on international personnel from World Central Kitchen in Gaza in 2024 and the murder of MSF personnel, including a Spanish citizen, in northern Ethiopia in 2021, attracted far more publicity.
- ²⁸ For the Swiss initiative: [At the first line of humanitarian action: innovative insurance for volunteers](#). For the risk pool alliance: [Risk Pool Alliance | NGO Explorer](#).
- ²⁹ [Crisis Insight/ACAPS](#) (2025); [Insecurity Insight](#) (2024); [MSF says it will not share staff details demanded by Israel to access Gaza | Reuters](#) (January 2026).
- ³⁰ Sana'a Center for Strategic Studies, ['Houthi Detentions Leave Stark Choices for Aid Sector'](#) (2025).
- ³¹ ODI, [A deadly dilemma: how Al-Shabaab came to dictate the terms of humanitarian aid in Somalia | ODI: Think change](#) (2013). The dynamic described in this article still applies to Al-Shabaab's position.
- ³² AIIV, [Shrinking Civic Space: Freedom and Safety under Pressure](#) (2025).
- ³³ Hilhorst et al. 'Humanitarian observatories: insights for reforming humanitarianism from below' (2025), *Journal of International Humanitarian Action*. In the Sahel, for example, this trend is very explicit, and is directed in particular against organisations with links to France.
- ³⁴ Insecurity Insight, ['Written Evidence Submission to the International Development Committee'](#) (2024). This problem is not confined to humanitarian aid. The EU is already working with strategic communication (StratCom) teams to counter Russian disinformation, for example in Africa.
- ³⁵ [Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality](#) (*Colonna Report*) (2024).
- ³⁶ The criminalisation of emergency aid by donors is rarer but does occur, for example in the debate around emergency aid to areas controlled by terrorist movements. Other examples include prosecutions in Italy of NGOs involved in search and rescue operations in the Mediterranean and legal proceedings in Greece against individuals who have helped migrants.
- ³⁷ See e.g. [ODI, Security, humanitarian action and development](#) (2011); Chatham House, [Recommendations for Reducing Tensions in the Interplay Between Sanctions, Counterterrorism Measures and Humanitarian Action](#) (2017); Nicolas de Torrente, 'Humanitarian Action Under Attack: Reflections on the Iraq War', *Harvard Human Rights Journal* (2020); NRC, ['Stabilisation in the Lake Chad Basin, a humanitarian perspective'](#) (2018).
- ³⁸ A similar sense of unease concerning the politicisation of aid by donors has arisen in recent years because of European governments presenting humanitarian aid as an instrument that can help curb additional migrant flows to Europe.
- ³⁹ [World leaders united in defence of international humanitarian law to uphold humanity in war | International Committee of the Red Cross](#) (September 2025).

- ⁴⁰ Sana'a Center (2025).
- ⁴¹ See e.g. the Netherlands Red Cross, *Inbreng voor gesprek inzake het Humanitair Oorlogsrecht ('Contribution to the debate on international humanitarian law') – 22 January 2026* (sent to the House of Representatives and the AIV/CAVV).
- ⁴² White Helmets Foundation, [People need me – if we don't help them, who will? Double-tap attacks against White Helmets volunteers](#) (2025).
- ⁴³ The Conversation, [Was the 'double tap' attack on Gaza's Nasser hospital a war crime? Here's what the laws of war say](#) (2025).
- ⁴⁴ As the ICRC states: 'The protective effect of the law is also being undermined by the way some states are interpreting its core concepts and utilizing its more indeterminate provisions. These interpretations broaden the notion of who or what constitutes a lawful target by expanding and narrowing the definitions of "military objective" and "civilian", respectively. They make civilian casualties more acceptable through interpretations of the proportionality principle that define "military advantage" with increasing generosity while simultaneously excluding long-term, reverberating effects from the notion of "incidental harm". And they hollow out the precautions principle by either directly challenging the obligation to take "all feasible" precautions to prevent civilian casualties or by treating it more as a policy option than a legal obligation.' *International Review of the Red Cross* (2024), p. 1362.
- ⁴⁵ See e.g. the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, [Legal analysis of the conduct of Israel in Gaza pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide](#) (2025), p. 30; OHCHR, [Attacks on hospitals during the escalation of hostilities in Gaza](#) (2024), p.9.
- ⁴⁶ Geneva Conventions, Article 19. See also the commentary on this article by the ICRC.
- ⁴⁷ Article 52, paragraph 3 AP I.
- ⁴⁸ Hathaway and Khan, 'Mistakes in War' (2024), *University of Pennsylvania Law Review*.
- ⁴⁹ WHO also specifically warns of this risk of normalisation in a [statement](#): *Attacks on health are becoming the new reality; we must stop this becoming the norm* (2024).
- ⁵⁰ Daniele, 'Incidentalness of the civilian harm in international humanitarian law and its Contra Legem antonyms in recent discourses on the laws of war' (2024), *Journal of Conflict and Security Law*.
- ⁵¹ Geneva Academy, *IHL in Focus: Annual Report* (2024).
- ⁵² MSF, [Medical Care Under Fire: The New Normal? The MSF'S experience in Gaza, Sudan & Ukraine](#) (2024). The Netherlands, together with Switzerland and other countries, has strongly advocated the establishment of norms in this area by means of UN Security Council Resolution 2417. See also 'Researching the Impact of Attacks on Healthcare' (RIAH), 2025, [Normative States: Successes, Failures, and Lessons for Protection of Healthcare](#), University of Manchester, UK.
- ⁵³ Blanchet et al. make this 'hearts and minds' argument and even go so far as to say that in practice this may be a stronger argument than invoking the laws of war. Blanchet et al., 'Have attacks on healthcare become the new normal? A public health call to action for armed conflicts before it is too late' (2023), in *Conflict and Health*.
- ⁵⁴ Trew, 'This is who we are: The role of military ethics, culture, and religion in disseminating international humanitarian law to the armed forces' (2025), *International Review of the Red Cross*. Trew adds the clear warning that 'unit discipline and training in the law of war are unlikely to have much influence if a country's leaders are bent on doing whatever it takes to win'.
- ⁵⁵ It may be noted that Gaza seems to be an atypical case in this regard, because Israel does not associate the United Nations and aid organisations with the West, but with a specific anti-Israel agenda.
- ⁵⁶ [Declaration for the Protection of Humanitarian Personnel | Australian Minister for Foreign Affairs](#).
- ⁵⁷ WIM, sections 5(5)(o) and 6(3)(c). In the absence of a specific provision to this effect, states can fall back on the criminalisation of attacks on civilians. After all, aid workers are also covered by the more general protection of civilians under international humanitarian law. Cf. Belgian law: Article 85, 1° (d) of Belgium's new Criminal Code, introduced by the Act of 29 February 2024 that established Book II of the Criminal Code (*Belgian Official Gazette*, 8 April 2024). This Article defines as a war crime – with effect from 8 April 2026 – 'intentionally directing attacks against personnel, installations, material, units or vehicles involved in humanitarian tasks



- or peacekeeping missions in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian property under the international law of armed conflict’.
- ⁵⁸ WIM, section 2(1)(a).
- ⁵⁹ WIM, section 2(1)(a).
- ⁶⁰ On the basis of the passive personality principle, suspected perpetrators of attacks against Dutch aid workers can be prosecuted *in absentia* in the Netherlands. It is uncertain whether the passive personality principle also applies to the prosecution of perpetrators of attacks against (non-Dutch) employees of a *Dutch* aid organisation.
- ⁶¹ Germany is different in this regard: there, it is indeed possible in theory for universal jurisdiction to be exercised in absentia. For the grounds for jurisdiction under German law, see art. 6-12 *Völkerstrafgesetzbuch*.
- ⁶² See e.g. International Law Commission, Report to the General Assembly, Annex V, [2006] 2(2) Yb. ILC 231 UN Doc A/61/10 para. 10 (2006).
- ⁶³ A concrete example of an organisation for which such questions would be critical is the White Helmets Foundation – a renowned Syrian volunteer organisation that was registered in the Netherlands (among other places) because it had been criminalised by the Assad regime.
- ⁶⁴ The Convention was agreed in May 2023 by 68 states. At the time of writing this advisory letter, it had been signed by 37 states.
- ⁶⁵ Article 12, Rome Statute of the ICC. A state that is party to the Statute is regarded as equivalent to a state that has accepted the jurisdiction of the ICC for a specific situation.
- ⁶⁶ Article 17, Rome Statute of the ICC. The UN Security Council can also refer a situation to the ICC, as it did with regard to Sudan in 2005. Given the position of the permanent members of the Security Council with regard to the ICC, this is an unlikely scenario.
- ⁶⁷ There is ongoing debate concerning how high the threshold is for the Court to proceed with prosecution on the basis of Article 8.2(b)iii, since this article only concerns cases that involve ‘*intentionally* directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance...mission’. Hathaway and Khan (2024) believe that in practice this threshold is very high. Experts consulted by the AIV and the CAVV take the view that sufficient legal scope exists, but that the prosecutor would be reluctant to proceed. This is partly because of a desire to devote the limited resources to cases with the highest chance of success.
- ⁶⁸ The Court could also consider violence against aid workers in the context of charges relating to other crimes under the Statute, such as starvation (war crime), extermination by denying access to food and medicine (crime against humanity) and even total or partial destruction (genocide). See e.g. this discussion of the Ntaganda case at the International Criminal Court: [The Ntaganda appeal judgment and the meaning of ‘attack’ in conduct of hostilities war crimes – EJIL: Talk!](#) In issuing arrest warrants against Israel’s Prime Minister and Defence Minister, the International Criminal Court based its charge of starvation in part on the obstruction of humanitarian aid to the population of Gaza.
- ⁶⁹ International Law Commission, Articles on the Responsibility of States for Internationally Wrongful Acts, articles 40, 41. Serious violations of international humanitarian law constitute violations of fundamental norms of international law. See <https://lieber.westpoint.edu/international-humanitarian-law-jus-cogens/>.
- ⁷⁰ For invoking state responsibility for breaches of *erga omnes* obligations, see article 48(1) ILC Articles on the Responsibility of States for Internationally Wrongful Acts (2001).
- ⁷¹ ICJ, Application of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (*Canada and Netherlands v. Syrian Arab Republic*), application of 8 June 2023, <https://www.icj-cij.org/sites/default/files/case-related/188/188-20230608-app-01-00-en.pdf>.
- ⁷² Replies by the Minister of Foreign Affairs and the Minister of Asylum and Migration to questions from members of parliament Kati Piri (GL-PvdA (Green Left-Labour Party)) and Derk Boswijk (CDA (Christian Democratic Alliance)) concerning the case brought by the Netherlands against Afghanistan, 18 November 2024, <https://open.overheid.nl/documenten/c1807803-e00b-43a2-aeef-ba51f6784279/file>.
- ⁷³ Legal Action Worldwide (LAW), [Justice and accountability for attacks on aid workers: What are the barriers and how to overcome them?](#) (2024).
- ⁷⁴ A major development that contributed to this response from organisations was a court case in Norway, in which the court ordered the Norwegian Refugee Council to pay compensation to a former employee on account of gross negligence following a kidnapping in Kenya in 2012. See also [GISF, Duty of Care: A review of the Dennis v Norwegian Refugee Council ruling and its implications](#) (2016).

- ⁷⁵ Simmons, 'Whose perception of justice? Real and perceived challenges to military investigations in armed conflict', *International Review of the Red Cross* (2021); Hathaway and Khan (2023); Yesh Din, *The General Staff Whitewashing Mechanism: The Israeli law enforcement system and breaches of international law and war crimes in Gaza* (2024). OHCHR, 'Attacks on hospitals during the escalation of hostilities in Gaza' (2024).
- ⁷⁶ NRC, [Israël 'blijft rekenen op steun Nederland' na aanval op hulpverleners](#) - NRC ('Israel "continues to count on Dutch support" following attack on aid workers') (9 April 2015).
- ⁷⁷ OHCHR does go this far in a [report](#) on Israel's attacks on hospitals in Gaza. High Commissioner Volker Turk referred in this connection to 'attacks in blatant disregard for international humanitarian and human rights law'.
- ⁷⁸ Israel has argued on several occasions that hospitals were no longer protected due to the alleged presence of Hamas militants, as in the case of attacks on Al-Shifa Hospital, Al-Aqsa Hospital and Kamal Adwan Hospital, among others. However, even if this protection no longer applies, an attack must be preceded by an explicit warning and must be in line with the principles of proportionality, distinction and precaution. See International Committee of the Red Cross (ICRC) (2024). *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, p. 32.
- ⁷⁹ See also Netherlands Red Cross (2026).
- ⁸⁰ ODI Think Change podcast, ['UNGA 80 – what kind of UN does the world need today?'](#) (2025).
- ⁸¹ OCHA Funding overview, [Coordinated plans 2025 | Financial Tracking Service](#).
- ⁸² Thomas Byrnes, ['Grandi's Final Briefing: The Numbers That Confirm System Collapse'](#) (2025).
- ⁸³ UN OCHA, [UN Relief Chief warns of 'age of indifference' as humanitarian funding drops](#) (15 September 2025); most recent figures from OCHA. It is also important to note that in recent years, the UN has switched to a system of prioritisation and focuses on the most urgent needs, which has led to a decrease in the amounts requested, while needs have increased. This means that the funding figure is actually even lower than in previous years.
- ⁸⁴ OCHA, the UN office responsible for humanitarian coordination, is itself losing 500 jobs, with functions being relocated to less expensive duty stations such as Istanbul and Nairobi. Several offices, including the one in The Hague, are being closed.
- ⁸⁵ In addition, humanitarian organisations have minimal if any financial buffers and are dependent on donor funding. Any claims from donors can therefore easily jeopardise their survival.
- ⁸⁶ The combination of this trend and the fact that far less funding will be available in the coming years may therefore lead to a fall in the number of fatalities and other casualties among aid workers – which should not be seen as an indication that aid delivery has become safer or that the underlying problems have been addressed.
- ⁸⁷ OHCHR, [Report of the UN Special Rapporteur on the situation of human rights in Myanmar](#), Thomas H. Andrews (A/80/490) (2025); Inter-Agency Humanitarian Evaluation Steering Group, [Inter-agency humanitarian evaluation of the response to the crisis in Northern Ethiopia](#) (2024); [Final Report of the UN Panel of Experts on South Sudan submitted pursuant to resolution 2428 \(S/2018/1049\)](#) (2018).
- ⁸⁸ However, good examples do exist of best practice, including the NEAR Change Fund, which is almost exclusively available to local organisations.
- ⁸⁹ Julia Brooks and Rob Grace, 'Confronting Humanitarian Insecurity: The Law and Politics of Responding to Attacks against Aid Workers', (2020) *Journal of Humanitarian Affairs*.
- ⁹⁰ It is not exclusively local organisations that see this as their role; some international aid organisations also speak out along these lines (depending on their own organisational culture and background). For example, the Norwegian Refugee Council is known for being outspoken, and Médecins Sans Frontières works according to a practice of *témoignage*, which entails telling the stories of what happened to the people they treat.
- ⁹¹ In Ukraine, the principle of neutrality is also openly questioned. It is considered inappropriate in a context in which Russia started an illegal war.

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