**Practice Relating to Rule 54. Attacks against Objects Indispensable to the Survival of the Civilian Population**

**International Committee of the Red Cross**

[**https://www.icrc.org/customary-ihl/eng/docs/v2\_cha\_chapter17\_rule54\_sectionc**](https://www.icrc.org/customary-ihl/eng/docs/v2_cha_chapter17_rule54_sectionc)

**Section C. Attacks in case of military necessity**

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**[I. Treaties](javascript:openUrlLight('src_ITr'))**

**Additional Protocol I**

Article 54(5) of the 1977 Additional Protocol I provides:  
In recognition of the vital requirements of any Party to the conflict in the defence of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 [to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population] may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Geneva, 8 June 1977, Article 54(5). Article 54 was adopted by consensus. CDDH, Official Records, Vol. VI, CDDH/SR.42, 27 May 1977, p. 208.*

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**[II. Other Instruments](javascript:openUrlLight('src_IIOtIn'))**

**Memorandum of Understanding on the Application of IHL between Croatia and the Socialist Federal Republic of Yugoslavia**

Paragraph 6 of the 1991 Memorandum of Understanding on the Application of IHL between Croatia and the Socialist Federal Republic of Yugoslavia requires that hostilities be conducted in accordance with Article 54(5) of the 1977 Additional Protocol I.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Memorandum of Understanding on the Application of International Humanitarian Law between Croatia and the Socialist Federal Republic of Yugoslavia, Geneva, 27 November 1991, § 6.*

**Agreement on the Application of IHL between the Parties to the Conflict in Bosnia and Herzegovina**

Paragraph 2.5 of the 1992 Agreement on the Application of IHL between the Parties to the Conflict in Bosnia and Herzegovina requires that hostilities be conducted in accordance with Article 54(5) of the 1977 Additional Protocol I.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Agreement between Representatives of Mr. Alija Izetbegović (President of the Republic of Bosnia and Herzegovina and President of the Party of Democratic Action), Representatives of Mr. Radovan Karadžić (President of the Serbian Democratic Party), and Representative of Mr. Miljenko Brkić (President of the Croatian Democratic Community), Geneva, 22 May 1992, § 2.5.*

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**[III. Military Manuals](javascript:openUrlLight('src_IIMiMa'))**

**Australia**

Australia’s Commanders’ Guide (1994) provides:   
The ADF [Australian Defence Force] may not embark on a scorched earth policy within Australia or its territories unless under their control at the time of devastation and driven by imperative military necessity. It is still permitted, for example, to destroy a wheat-field to deny concealment to enemy forces.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Australia, Law of Armed Conflict, Commanders’ Guide, Australian Defence Force Publication, Operations Series, ADFP 37 Supplement 1 – Interim Edition, 7 March 1994, § 908.*

Australia’s Defence Force Manual (1994) states:  
It is permissible to destroy objects which are indispensable to the survival of the civilian population in the course of ordinary military operations only if it is militarily imperative to do so, for example to destroy a wheat field to deny concealment to enemy forces, because this is a tactical measure and does not amount to a scorched earth policy. The ADF [Australian Defence Force] may embark on a scorched earth policy in territory under Australian control where imperative military necessity requires it to do so to protect Australian national territory from invasion.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Australia, Manual on Law of Armed Conflict, Australian Defence Force Publication, Operations Series, ADFP 37 – Interim Edition, 1994, § 712; see also § 931(c).*

Australia’s LOAC Manual (2006) states:  
7.13 It is permissible to destroy objects which are indispensable to the survival of the civilian population in the course of ordinary military operations only if it is militarily imperative to do so, for example, to destroy a wheat field to deny concealment to enemy forces, because this is a tactical measure and does not amount to a scorched earth policy.  
…  
9.32 … Objects indispensable to the survival of the civilian population are excluded from protection if … the military necessity for the defence of territory against invasion so requires.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Australia, The Manual of the Law of Armed Conflict, Australian Defence Doctrine Publication 06.4, Australian Defence Headquarters, 11 May 2006, §§ 7.13 and 9.32.*

**Burundi**

Burundi’s Regulations on International Humanitarian Law (2007) states:  
Under what circumstances would objects indispensable for the survival of the civilian population be excluded from protection?  
Such protection ceases:

…

- if the military defence against an invasion of the national territory imperatively so demands.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Burundi, Règlement n° 98 sur le droit international humanitaire, Ministère de la Défense Nationale et des Anciens Combattants, Projet “Moralisation” (BDI/B-05), August 2007, Part I bis, p. 41.*

**Canada**

Canada’s LOAC Manual (1999) states:  
42. Where a party to a conflict is defending its national territory against invasion, it may destroy objects indispensable to the survival of the civilian population with intent to deny their use by the enemy if:

a. the objects are within national territory of and under the control of the party; and

b. their destruction is required by imperative military necessity.

43. Where such an extreme measure is taken, the destruction of objects indispensable to the survival of the civilian population should not leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Canada, The Law of Armed Conflict at the Operational and Tactical Level, Office of the Judge Advocate General, 1999, pp. 6-4 and 6-5, §§ 42 and 43; see also p. 4-8, § 82.*

Canada’s LOAC Manual (2001) states in its chapter on targeting:  
Where a party to a conflict is defending its national territory against invasion, it may attack objects indispensable to the survival of the civilian population if:

a. the objects are within national territory of and under the control of the party; and

b. an attack on the objects is required by imperative military necessity.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Canada, The Law of Armed Conflict at the Operational and Tactical Levels, Office of the Judge Advocate General, 13 August 2001, § 445.5.*

1. Where a party to a conflict is defending its national territory against invasion, it may destroy objects indispensable to the survival of the civilian population with intent to deny their use by the enemy if:

a. the objects are within national territory of and under the control of the party; and

b. their destruction is required by imperative military necessity.

2. Where such an extreme measure is taken, the destruction of objects indispensable to the survival of the civilian population should not leave the civilian population with such inadequate food or water as to cause its starvation or force its movement.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Canada, The Law of Armed Conflict at the Operational and Tactical Levels, Office of the Judge Advocate General, 13 August 2001, § 619.*

**Colombia**

Colombia’s Basic Military Manual (1995), in a chapter entitled “Provisions of IHL applicable in Colombia”, states that “in all armed conflicts” it is prohibited to order a scorched earth policy as a method of combat.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Colombia, Derecho Internacional Humanitario – Manual Básico para las Personerías y las Fuerzas Armadas de Colombia, Ministerio de Defensa Nacional, 1995, p. 49.*

**Côte d’Ivoire**

Côte d’Ivoire’s Teaching Manual (2007) provides in Book III, Volume 2 (Instruction of second-year trainee officers):  
II.2.5. *Protection of goods indispensable for the survival of the population*  
…  
A policy of scorched earth can be applied in exceptional cases when it is absolutely necessary to defend the national territory against invasion.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Côte d’Ivoire, Droit de la guerre, Manuel d’instruction, Livre III, Tome 2: Instruction de l’élève officier d’active de 2ème année, Manuel de l’instructeur, Ministère de la Défense, Forces Armées Nationales, November 2007, p. 31.*

II.2.3. *Objects indispensable to the survival of the population*  
…  
If a Party to the conflict defends the national territory against invasion, it can attack objects indispensable to the survival of the civilian population if:

- the objects are located on the national territory of that Party or under its control;

- an attack against these objects is required by imperative military necessity.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Côte d’Ivoire, Droit de la guerre, Manuel d’instruction, Livre IV: Instruction du chef de section et du commandant de compagnie, Manuel de l’élève, Ministère de la Défense, Forces Armées Nationales, November 2007, pp. 37–38.*

**Germany**

Germany’s Military Manual (1992) provides: “Any deviations from this prohibition [attacking objects indispensable for the survival of the civilian population] shall be permissible only on friendly territory if required by imperative military necessity.”https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Germany, Humanitarian Law in Armed Conflicts – Manual, DSK VV207320067, edited by The Federal Ministry of Defence of the Federal Republic of Germany, VR II 3, August 1992, English translation of ZDv 15/2, Humanitäres Völkerrecht in bewaffneten Konflikten – Handbuch, August 1992, § 463.*

**Israel**

Israel’s Manual on the Laws of War (1998) states:  
Conducting a war by the “scorched earth” method, meaning the deliberate destruction of food products, agricultural areas, sanitation facilities, etc. with a view to inflicting starvation or suffering on the civilian population – is forbidden …  
An exception to the “scorched earth” prohibition is the implementation of such a policy on one’s own territory, as opposed to enemy territory. On the nation’s sovereign territory, the local army is allowed to retreat leaving behind “scorched earth”, so as not to provide sustenance for the advancing enemy forces, even at the cost of hurting the population identifying with it.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Israel, Laws of War in the Battlefield, Manual, Military Advocate General Headquarters, Military School, 1998, p. 35.*

Israel’s Manual on the Rules of Warfare (2006) states:  
*Attack on the population’s survival resources*: targets must not be attacked that are vital to the continuation of the civilian population’s survival. War must not be waged by means of a “scorched earth” policy, that is to say intentional attack on food products, farmland, sanitation facilities etc., at such a level as would lead to the starvation of the civilian population. It is permissible, of course, to attack the sustenance provisions of the enemy’s army or infrastructure targets directly supporting the enemy’s army, providing the attack does not leave the civilian population without enough food.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Israel, Rules of Warfare on the Battlefield, Military Advocate-General’s Corps Command, IDF School of Military Law, Second Edition, 2006, p. 25.*

**Netherlands**

The Military Manual (1993) of the Netherlands provides that, for any party to the conflict defending its national territory, the destruction of or the fact of rendering useless objects indispensable to the survival of the civilian population “may be made … within such territory under its own control where required by imperative military necessity”. It adds that the flooding of parts of one’s own territory is not forbidden by the rules prohibiting the destruction of objects indispensable to the survival of the civilian population.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Netherlands, Toepassing Humanitair Oorlogsrecht, Voorschift No. 27-412/1, Koninklijke Landmacht, Ministerie van Defensie, 1993, p. V-8.*

The Military Manual (2005) of the Netherlands states:  
There are individual exceptions to the prohibition [on attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population]: if the relevant objects are used solely for the subsistence of members of the armed forces or, if not as subsistence, then in direct support of the adversary’s military operations. Another exception exists for a party to a conflict which is defending its own territory. Given the vital importance of the defence of its own territory, a party may, if compelling military necessity dictates, destroy essential objects or make them unusable … Placing parts of one’s own territory under water (flooding) is not forbidden under these rules.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Netherlands, Humanitair Oorlogsrecht: Handleiding, Voorschift No. 27-412, Koninklijke Landmacht, Militair Juridische Dienst, 2005, § 0536.*

**New Zealand**

New Zealand’s Military Manual (1992) states:  
In recognition of the vital requirements of any Party to the conflict in the defence of its national territory against invasion, derogation from the prohibitions contained in paragraph 2 [prohibition to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population] may be made by a Party to the conflict within such territory under its own control where required by imperative military necessity.  
…  
As a result of this provision, Parties may no longer embark on a scorched earth policy with the intention of starving civilians, even in their national territory, unless that part of the territory is under their control at the time of devastation: scorched earth is no longer available as an offensive policy. It is still permissible to destroy objects indispensable to the survival of the civilian population in the course of ordinary operations if it is militarily necessary for other reasons, for example, to destroy a wheat field to deny concealment to enemy forces.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*New Zealand, Interim Law of Armed Conflict Manual, DM 112, New Zealand Defence Force, Headquarters, Directorate of Legal Services, Wellington, November 1992, § 504(5), including footnote 10.*

**Peru**

Peru’s IHL Manual (2004) states:   
Objects indispensable to the survival of the civilian population are no longer protected when:

…

(c) they are required by imperative military necessity to defend the national territory against invasion.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Peru, Manual de Derecho Internacional Humanitario para las Fuerzas Armadas, Resolución Ministerial Nº 1394-2004-DE/CCFFAA/CDIH-FFAA, Lima, 1 December 2004, § 27.d.(3).(c).*

Peru’s IHL and Human Rights Manual (2010) states:   
Objects indispensable to the survival of the civilian population are no longer protected when:

…

(c) They are imperatively required for the military defence against the invasion of the national territory.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Peru, Manual de Derecho Internacional Humanitario y Derechos Humanos para las Fuerzas Armadas, Resolución Ministerial No. 049-2010/DE/VPD, Lima, 21 May 2010, § 28(d)(3)(c), p. 238.*

**Russian Federation**

The Russian Federation’s Regulations on the Application of IHL (2001) states:   
When making a decision, in exceptional cases, the commander, proceeding from the principle of military necessity, may define:

…

- the missions to attack, destroy or put out of commission objects indispensable for the survival of the civilian population which are used by the enemy exclusively for the benefit of his own forces or in direct support of his combat effort, provided this will not cause famine among the civilian population and will not compel it to leave. The same can be done by a party to the conflict on its own territory as a defence against the enemy invasion, when there is military necessity to do so.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Russian Federation, Regulations on the Application of International Humanitarian Law by the Armed Forces of the Russian Federation, Ministry of Defence of the Russian Federation, Moscow, 8 August 2001, § 22.*

**Spain**

Spain’s LOAC Manual (1996) provides that the prohibition of attacks against objects indispensable to the survival of the civilian population does not apply where derogation of the prohibition is required by imperative military necessity.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Spain, Orientaciones. El Derecho de los Conflictos Armados, Publicación OR7-004, 2 Tomos, aprobado por el Estado Mayor del Ejército, Division de Operaciones, 18 March 1996, Vol. I, § 4.5.b.(2).b).*

Spain’s LOAC Manual (2007) states:   
Objects indispensable to survival may be destroyed, removed or rendered useless as a method of defence against invading forces if there is an “imperative military necessity”.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Spain, Orientaciones. El Derecho de los Conflictos Armados, Tomo 1, Publicación OR7–004, (Edición Segunda), Mando de Adiestramiento y Doctrina, Dirección de Doctrina, Orgánica y Materiales, 2 November 2007, § 2.4.c.(1); ); see also §§ 3.3.c.(4) and 4.5.b.(2).(b).*

However, if such objects are attacked, it must be ensured that the civilian population is not deprived of food or water to the extent that it suffers starvation or is forced to move.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Spain, Orientaciones. El Derecho de los Conflictos Armados, Tomo 1, Publicación OR7–004, (Edición Segunda), Mando de Adiestramiento y Doctrina, Dirección de Doctrina, Orgánica y Materiales, 2 November 2007, § 4.5.b.(2).(b).*

**Sweden**

Sweden’s IHL Manual (1991) states:  
Another question addressed in Article 54 [of the 1977 Additional Protocol I] is the possibility for one party faced with an approaching hostile attack to resort to widespread destruction within a given area – the method usually termed “burnt earth tactics”. Such steps are permitted under 54:5 where they are required by overriding military necessity and concern only *one party’s national territory*. However, this latter addition implies important limitations. Thus it is not allowed to attack, for example by aerial bombardment, an area occupied by the adversary if the purpose is to impede the civilian population’s supply of indispensable necessities.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Sweden, International Humanitarian Law in Armed Conflict, with reference to the Swedish Total Defence System, Swedish Ministry of Defence, January 1991, Section 3.2.1.5, p. 61.*

[emphasis in original]

**Switzerland**

Switzerland’s Basic Military Manual (1987) states: “It is prohibited to employ scorched earth tactics.”https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Switzerland, Lois et coutumes de la guerre (Extrait et commentaire), Règlement 51.7/II f, Armée Suisse, 1987, Article 35, commentary.*

**Ukraine**

Ukraine’s IHL Manual (2004) states that, during the conduct of hostilities: “In exceptional circumstances … the commander (commanding officer) may designate … missions to destroy objects indispensable to the survival of the civilian population”.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Ukraine, Manual on the Application of IHL Rules, Ministry of Defence, 11 September 2004, § 2.2.4.*

**United Kingdom of Great Britain and Northern Ireland**

The UK LOAC Manual (2004) states:  
In cases of imperative military necessity, a party to the conflict may depart from the prohibition relating to indispensable objects in order to defend its national territory from invasion, but only in those parts of its territory that are under its control. The exception for the defence of national territory might include, for example, the flooding of low-lying areas to impede invading forces.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*United Kingdom, The Manual of the Law of Armed Conflict, Ministry of Defence, 1 July 2004, § 5.19.*

**Yugoslavia, Socialist Federal Republic of**

The Socialist Federal Republic of Yugoslavia’s Military Manual (1988) provides an exception to the prohibition of attacks against objects indispensable to the survival of the civilian population in times of enemy invasion of the national territory, if required by reason of military necessity.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Yugoslavia, Socialist Federal Republic of, Propisi o Primeri Pravila Medjunarodnog Ratnog Prava u Oruzanim Snagama SFRJ, PrU-2, Savezni Sekretarijat za Narodnu Odbranu (Pravna Uprava), 1988, § 74.*

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**[VI. Other National Practice](javascript:openUrlLight('src_VIOtNaPr'))**

**Sweden**

At the CDDH, Sweden remarked, with reference to the possible exceptions to the prohibition of attacks against objects indispensable to the survival of the civilian population, that it considered a scorched earth policy used to stop an enemy invasion on a party’s own territory to be permissible. The Swedish delegate described this strategy as “a deep-rooted practice which should be taken into account”.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Sweden, Statement at the CDDH, Official Records, Vol. XIV, CDDH/III/SR.17, 11 February 1975, p. 145, § 19.*

**United States of America**

In 1973, a Deputy Legal Adviser of the US Department of State declared: “The generally accepted rule today is that crops and food supplies may be destroyed … if their destruction is required by military necessity and is not disproportionate to the military advantage gained.”https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*United States, Address by George H. Aldrich, Deputy Legal Adviser of the Department of State, 13 April 1973, reprinted in Arthur W. Rovine, Digest of United States Practice in International Law, 1973, Department of State Publication 8756, Washington, D.C., 1974, pp. 503–504.*

According to the Report on US Practice, the *opinio juris* of the United States recognizes the legality of attacks against objects indispensable to the survival of the civilian population when required by military necessity.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Report on US Practice, 1997, Chapter 4.1.*

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**[VII. United Nations](javascript:openUrlLight('src_VIUnNa'))**

**UN Commission on Human Rights (Independent Expert)**

In 1996, the Independent Expert of the UN Commission on Human Rights for Somalia described the practices of the different factions, such as the practice of a faction on the verge of losing control of a territory of operating a “scorched earth” policy.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*UN Commission on Human Rights, Independent Expert on Assistance to Somalia in the Field of Human Rights, Report, UN Doc. E/CN.4/1996/14/Add.1, 10 April 1996, § 10.*

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**ICRC**

To fulfil its task of disseminating IHL, the ICRC has delegates around the world teaching armed and security forces that: “Objects indispensable to the survival of the civilian population are excluded from protection, if: … c) the military defence of the national territory against invasion imperatively so requires”.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*Frédéric de Mulinen, Handbook on the Law of War for Armed Forces, ICRC, Geneva, 1987, § 397.*

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**[XII. Other](javascript:openUrlLight('src_XIOt'))**

**International Institute of Humanitarian Law**

In 1995, in its comments on the Turku Declaration of Minimum Humanitarian Standards, the International Institute of Humanitarian Law stated that a scorched earth policy was a “practice which causes great suffering to the population … affecting both individuals and the basic rights of groups”.https://www.icrc.org/customary-ihl/eng/fnIcon.gif

*International Institute of Humanitarian Law, Comments on the Declaration of Minimum Humanitarian Standards submitted to the UN Secretary-General, §§ 1 and 15, reprinted in the Report of the Secretary-General prepared pursuant to UN Commission on Human Rights resolution 1995/29, UN Doc. E/CN.4/1996/80, 28 November 1995, p. 10.*