

IHL IN FOCUS: SPOT REPORT

WEAPONIZING WATER AND HUMANITARIAN COLLAPSE IN SUDAN:
AN INTERNATIONAL HUMANITARIAN LAW ASSESSMENT



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SCOPE AND METHODOLOGY

This report focuses specifically on violations of international humanitarian law (IHL) committed in the context of the weaponization of water and conflict-related water crisis in the ongoing armed conflict in Sudan.

The findings presented are not the result of an investigation conducted according to international legal standards. Instead, they rely on information gathered by researchers from open sources; no testimony, interview data or information was elicited directly from individuals, organizations or states.

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The Geneva Academy of International Humanitarian Law and Human Rights is a joint centre of the Geneva Graduate Institute and the University of Geneva. It provides post-graduate education, conducts academic legal research and policy studies, and organizes training courses and expert meetings. It concentrates on branches of international law that relate to situations of armed conflict, protracted violence, and protection of human rights.

IHL IN FOCUS

The 'IHL in Focus' project aims to provide states, international organizations, civil society and academics with tools of IHL analysis that are independent, impartial and pursued in accordance with the highest academic standards to support advocacy and humanitarian diplomacy, with the ultimate goal of contributing towards increased respect for IHL.

SHORT REFERENCES AND ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AP II	Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977
CEOBS	Conflict and Environment Observatory
CESCR	Committee on Economic, Social and Cultural Rights
FAO	Food and Agriculture Organization of the United Nations
FFM	Independent International Fact-Finding Mission for the Sudan
IGAD	UN Intergovernmental Authority on Development
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICRC Customary IHL Study	J.-M. Henckaerts and L. Doswald-Beck (eds), Customary International Humanitarian Law. Volume I: Rules, Cambridge, Cambridge University Press, 2005
IDP	Internally displaced person
IHL	International humanitarian law
IPC	Integrated Food Security Phase Classification
MSF	Médecins Sans Frontières
NGO	Non-governmental organization
NIAC	Non-international armed conflict
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the UN High Commissioner for Human Rights
Panel of Experts	UN Panel of Experts on the Sudan established pursuant to United Nations Security Council Resolution 1591 (2005)
RSF	Rapid Support Forces
SAF	Sudan Armed Forces
SAPA	Sudanese American Physicians Association
UAE	United Arab Emirates
UN	United Nations
UNEP	United Nations Environment Programme
UNGA	United Nations General Assembly
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNRCO	United Nations Resident Coordinator Office in Sudan
UNSC	United Nations Security Council
WASH	Water, sanitation and hygiene
USAID	United States Agency for International Development
WFP	World Food Programme

INTRODUCTION

Even prior to the current armed conflict, Sudan was water-poor, where large parts of the country experience semi-arid or arid climates. The only major permanent rivers are the Blue and White Niles, each one containing several dams. There are major stores of groundwater in the Nubian sandstone aquifer, but these usually are at considerable depth. Groundwater is widely used for drinking and livestock watering, but most irrigation uses surface waters from the Blue and White Niles. The Blue Nile is joined by the Dinder and Rahad Rivers between Sennar and Khartoum, joining the White Nile at Khartoum to form the River Nile.¹ Sudan depends heavily on the Nile for drinking water, irrigation, hydropower generation and river transport.² It is a transboundary watercourse of such importance that a water infrastructure collapse in Sudan may affect countries across the entire region.

Access to water in Sudan varies depending on the regions. For instance, areas in North Darfur are characterized by a dry climate prone to drought and desertification, only in recent times exacerbated by climate change.³ Other places have been exposed to increased occurrences of floods, especially with the record levels of rainfall registered in 2024.⁴ Regions in the Nile basin, including Khartoum and Gezira States, have better access to large amounts of freshwater.⁵ However, quantity does not always equate to quality. Water scarcity may result not only from a lack of sufficient fresh water, but can also be the outcome of degraded quality of available freshwater due to pollution.⁶

For a long time, limited water resources have triggered conflicts across the country. In 2021, the Sudanese Ministry of Irrigation and Water Resources reported that water conflicts, especially between nomads and settled farmers, were increasing due to climate change, a lack of inclusive governance and ‘the allocation of limited water and natural resources’. Dependency on water originating from outside the country is ‘high’.⁷ The problem is especially acute in Darfur, which depends on wells, and the conflict between nomads and sedentary people, such as the Fur, is historically grounded in grazing and water rights. Thus, a 2011 report claimed that the Darfur conflict was strongly linked to increasing pressures on the readily available natural resources, particularly a lack of adequate water supply to meet the immediate demand of population. Research indicated that the water supply existing in Darfur at the time represented only about 14 percent of the domestic and livestock demand. It was even claimed that of 49 recorded conflicts during the previous six decades, more than three-quarters, were triggered by intense competition over water and pasture, especially during low rainfall seasons.⁸

The current armed conflict has echoes of the earlier Darfur conflicts. While on the surface it is a political power struggle, it is also fuelled by environmental vulnerability, conflict over resources, and the increased frequency and intensity of extreme weather events. Ecological hazards resulting from the conflict include pollution and a lack of sanitary waste disposal, which threatens to contribute to the spread of transmissible diseases such as dengue fever, malaria, cholera and diarrhoea, due to water pollution, unburied corpses and interruptions in medical services and the destruction of crucial infrastructure.⁹

The Non-International Armed Conflict since April 2023

Since the middle of April 2023, a major non-international armed conflict (NIAC) in Sudan has pitted the Sudanese Armed Forces (SAF) and associated actors with the Rapid Support Forces (RSF) – a paramilitary body composed of former Janjaweed fighters – and their allies. Following the ousting of President Al Bashir by the military in April 2019, Sudan was led by a transitional government. However, dissent between the leaders of the SAF and the RSF over the integration of the RSF into the armed forces triggered the outbreak of fighting in Khartoum. The violence rapidly spread to other parts of Sudan, particularly Darfur and Kordofan.¹⁰ Non-state armed groups have allied to one party or the other – or sought to remain neutral.

Hostilities in the NIAC between the SAF and the RSF were intense, with widespread and serious violations of international humanitarian law (IHL) on both sides. This continued despite commitments made in writing to respect and protect civilians in the Jeddah Declaration of May 2023.¹¹ The conflict has devastated critical civilian infrastructure, triggering what is now considered the world's gravest humanitarian crisis, in which the number of those in need of humanitarian assistance has reached an unprecedented 30 million people.¹² Twelve million people have been displaced, including 3.7 million refugees and returnees in neighbouring countries.¹³

As this report details, among the most alarming developments are the attacks on, and resulting destruction of, water systems. These have exacerbated pre-existing infrastructural and environmental vulnerabilities and produced deadly ripple effects in the civilian population. All actors have had negative impacts on water resources and systems, but the RSF in particular has sought to attack, render useless or destroy dams, purification plants and urban distribution systems as a method of warfare.¹⁴

In June 2023, after hostilities had erupted for only two months, the International Committee of the Red Cross (ICRC) raised the alarm about the destruction of infrastructure and the resulting deprivation of clean water for hundreds of thousands of civilians.¹⁵ Since then, the situation has only worsened.¹⁶ The conflict has both intensified and spread to areas previously unaffected by hostilities, including Red Sea State, with recent drone attacks on the city of Port Sudan and the seizure of control by the RSF of the border triangle area with Libya and Egypt.¹⁷

The collapse of water systems has had devastating consequences for public health. On 3 June 2024, the African Commission on Human and Peoples' Rights (ACHPR) expressed its deep concern over, among other things, 'the inability of the population to have access to food, water, electricity and basic services'. It strongly condemned 'the disproportionate use of force by the Sudanese Armed Forces and Rapid Support Forces, as well as the deliberate attacks on civilians and the targeting of civilian property and infrastructure, including hospitals and humanitarian organisations'.¹⁸

In Khartoum and other urban areas, the destruction of pumping stations and the breakdown of sanitation services, combined with the effects of floodings, have contributed to the spread of cholera and other waterborne diseases, affecting particularly children, women and persons with disabilities, who face systemic barriers to mobility, care and relief.¹⁹ According to the United Nations Children's Fund (UNICEF), the cholera outbreak 'places around 33.5 million people at risk, including 5.7 million children under five'.²⁰ In displacement camps and besieged areas, the lack of clean water increases exposure to infection, maternal mortality and severe malnutrition.

The denial of water is not an isolated event, but part of a broader pattern of violations of IHL and international human rights law, as documented by the Panel of Experts on the Sudan appointed by the United Nations Security Council (UNSC),²¹ the Office of the United Nations High

Commissioner for Human Rights (OHCHR) with the expert on human rights in Sudan,²² the UN Independent International Fact-Finding Mission for the Sudan (FFM)²³ and non-governmental organizations (NGOs).²⁴ Such violations of IHL and human rights include, for instance, attacks on civilian objects and persons and indiscriminate attacks,²⁵ including those affecting hospitals and medical personnel;²⁶ attacks on humanitarian convoys;²⁷ the obstruction of humanitarian access;²⁸ sexual violence;²⁹ torture and inhumane treatment;³⁰ arbitrary detention;³¹ and acts of pillage.³² While cognizant of the broader range of IHL violations committed in the conflict between the RSF and the SAF, this report focuses on an analysis of the harm caused to water systems and through water denial.

THE RAPID SUPPORT FORCES' WEAPONIZATION OF WATER AGAINST CIVILIANS IN DARFUR

Since its outbreak in mid-April 2023 in Khartoum, the conflict rapidly spread to most parts of Sudan. The regions of Darfur, Kordofan, al Gezira, the Blue Nile and White Nile are among those most affected. In the Darfur region, the weaponization of water by the RSF has taken the form of systematic attacks on critical water infrastructure and deliberate deprivation of access to safe water of civilians, particularly in areas predominantly inhabited by non-Arab ethnic groups. The FFM considers that the violence in some parts of Sudan had an 'ethnic undertone', especially the attacks against Masalit civilians, in El Geneina, West Darfur.³³ Various actors, including the United Nations (UN) Special Adviser on the Prevention of Genocide, Ms Alice Wairimu Nderitu, and Human Rights Watch, have warned that there is a risk of genocide being perpetrated against non-Arabs in Darfur and called for action to prevent this from occurring.³⁴ The United States (US) Department of State even determined that the members of the RSF and allied militia have *committed* genocide.³⁵

This pattern of conduct recalls earlier atrocities committed by Sudanese forces and the so-called Janjaweed militias during the 2003–2004 conflict. In 2009, a Pre-Trial Chamber of the International Criminal Court (ICC) found reasonable grounds to believe that Sudanese governmental forces had intentionally contaminated wells and water pumps in Fur, Masalit and Zaghawa communities, in conjunction with other genocidal acts such as acts of killing and the imposition of life-threatening conditions.³⁶ A warrant of arrest for the crime of genocide was even issued against former President Omar Hassan Ahmad al Bashir on the basis that he bore responsibility for acts involving killings, the infliction of serious bodily or mental harm, and the deliberate imposition of living conditions intended to cause physical destruction.³⁷

Although the current conflict in Sudan is different in nature, these crimes are highly relevant today, given that both the leaders of Sudan and the RSF were allegedly involved in the campaign in Darfur in 2003 to 2004. At that time, Lieutenant General Abdel Fattah al-Burhan, now commander of the SAF and de facto head of state of the Sudan, was commanding the SAF in Darfur.³⁸ The situation has since changed. Following the conclusion of the Juba Peace Agreement, several Darfuri armed groups are now fighting alongside or in support of the SAF, with the force headed by Mini Arko Minawi (Sudan Liberation Army – Mini Minawi) as the most prominent of those engaged against the RSF in El Fasher.³⁹ The RSF have emerged from the reorganization and rebranding of the Janjaweed militias that took place in 2013.⁴⁰ They are headed by Mohamed Hamdan Dagalo – also known as Hemedti (also sometimes spelt Hemeti or Hemetti) – a former Janjaweed commander whose forces were instrumental in the perpetration of those earlier atrocities.⁴¹ The legacy of impunity for crimes committed in Darfur has perpetuated the cycle of vio-

lence, with current RSF operations reportedly replicating the same criminal strategies.⁴² According to the ICC Prosecutor's January 2025 report to the UNSC, the renewed hostilities in Darfur demonstrate a continuity in the methods, actors and targeted populations, with the same ethnic communities being subjected to large-scale atrocities by the RSF.⁴³

On 24 April 2024, during the RSF offensive on El Geneina, the electricity and water supply were shut off.⁴⁴ RSF members denied civilians of Masalit ethnicity the goods essential to their survival.⁴⁵ People who went to collect water were shot at on multiple occasions, further impeding access to water.⁴⁶ One 23-year old student reported hearing RSF fighters questioning the behaviour of other fighters who had allowed her to fetch water at a pump: 'Why are you allowing those *Nubas* to fetch water? You must leave them to die of thirst!'⁴⁷ This witness was then shot at by RSF fighters and injured.⁴⁸ Soon thereafter, RSF took control of the city's main water station and used it as a military base, reportedly causing material damage to the facility by removing solar panels.⁴⁹ The RSF also seized or damaged the private sources of water of the city, deliberately rendering water pumps useless.⁵⁰ Massacres were also committed in other localities of Darfur, such as Ardamatta.⁵¹ In various localities in Darfur, numerous instances have been well documented of killings of civilians and attacks on civilian objects, accompanied by pillage and acts of sexual violence and other ill-treatment, all attributable to the RSF.

During the first months of the conflict, the city of El Fasher in North Darfur State was under the split control of the RSF, the SAF and Darfurian armed movements that signed the Juba Agreement for Peace in Sudan. The city benefited from a ceasefire agreement among the warring factions.⁵² Hostilities ignited in early 2024, with the RSF besieging the city from May 2024.⁵³ Combat involved urban warfare, with heavy artillery bombardments, SAF airstrikes and ground confrontations taking place in densely populated neighbourhoods.⁵⁴ The Panel of Experts reported that '[w]omen and girls were killed in the indiscriminate attacks by the warring parties when looking for daily labour or fetching food or water, or died in their homes from indiscriminate shooting, shelling and air strikes'.⁵⁵ At the time of writing, and despite ongoing hostilities, El Fasher was said to be largely under the control of the SAF and its allied forces (principally the Darfurian armed groups that signed the Juba Peace Agreement).⁵⁶

RSF attacks extended to internally displaced person (IDP) settlements located in the vicinity of El Fasher. Zamzam camp – inhabited by around 750,000 people, with children making up about half the population – was repeatedly subjected to RSF attacks after SAF and associated forces retreated towards the camp.⁵⁷ A series of attacks between late 2024 and early 2025 led to the displacement of more than 400,000 people from the camp, deepening the already catastrophic humanitarian situation.⁵⁸ The RSF claimed to have asserted its control over Zamzam camp on 13 April 2025.⁵⁹

The RSF have also repeatedly seized and disrupted key water sources in North Darfur, notably the Golo and Shagra reservoirs, west of El Fasher. These reservoirs are primary sources of drinking water for the city and nearby camps for IDPs. In May 2024, according to UNICEF, Golo reservoir was supplying 270,000 people in the immediate area.⁶⁰ Beginning in April 2024, the RSF attacked villages west of El Fasher, seizing control of Golo reservoir in May 2024 and cutting off water supply to the city.⁶¹ Although the *Sudan Tribune* and Human Rights Watch reported that the reservoir was quickly recaptured by the SAF,⁶² claims of further water supply disruption to El Fasher from Golo reservoir re-emerged in January 2025.⁶³ Cross-referencing of information from various open-access sources, such as videos posted on social networks, maps, satellite images and media coverage, suggests that the disruption was the result of military action by the RSF.⁶⁴ In April 2025, news network *Darfur24* reported that El Fasher's 'main water supply network went out of service following the RSF's control of the Golo and Shagra reservoirs, west of the city, months ago'.⁶⁵ the RSF's repeated interference with the water supply infrastructure has

thus transformed access to water into a tactical objective, aimed at weakening civilian resilience and exerting territorial dominance.

HOSTILITIES AFFECTING WATER SYSTEMS THROUGHOUT THE SUDAN

Throughout Sudan, access to water has been restricted, and water infrastructure has been damaged or exposed to potential harm due to the reckless behaviour of the parties to the conflict.⁶⁶ Numerous reports indicate that combat has taken place in urban areas and that both the RSF and SAF have used wide-area explosive weapons in densely populated areas, resulting in extensive civilian casualties and damage to houses and civilian infrastructure.⁶⁷ The UN Secretary-General affirmed that '[t]he parties have shown little to no regard for civilian lives and property in their attempt to control the capital'.⁶⁸ Already in October 2024, the Human Rights Council had expressed its grave concern 'at the failure, attributed to both parties, to minimize the impact of air strikes or artillery shelling on civilians'.⁶⁹

Until early 2025, the RSF relied heavily on artillery in operations in the Khartoum area, while the SAF frequently made use of aerial bombardments.⁷⁰ Since January 2025, however, drone and air strikes (attributed by several sources to RSF) have targeted electricity infrastructure across Sudan.⁷¹ In Omdurman, multiple power stations were hit, triggering electricity outages that affected both urban and peri-urban areas.⁷² In Khartoum, water pipes and water treatment plants were affected by aerial bombardments and explosives, resulting in severe water shortages in various neighbourhoods.⁷³ In January and April 2025, the RSF reportedly conducted attacks on an electric station attached to the Merowe dam – a major electric installation supplying up to 40 percent of Sudan's electricity – causing power outages across several areas, including Omdurman and the Northern State.⁷⁴ In Atbara, River Nile State, a drone strike damaged a recently repaired power station.⁷⁵

HUMANITARIAN AND ENVIRONMENTAL IMPACT

Devastating Humanitarian Impact of Hostilities on Access to Clean Water Across Sudan

Attacks on civilian infrastructure have caused widespread blackouts, which in turn disrupted the operation of water pumping stations, hospitals and other life-sustaining services. Electricity and water supplies, for instance, were disrupted in Nyala (South Darfur) due to aerial bombing and shelling of civilian neighbourhoods by the SAF,⁷⁶ as well as in El Fasher,⁷⁷ the Khartoum area, including Omdurman and Bahri⁷⁸ and Port Sudan.⁷⁹ UNICEF reported in March 2024 that the Al Manara water treatment plant, by then the last functioning water treatment plant out of 13 in the Khartoum area, risked shutting down due to a lack of chlorine.⁸⁰ The Al Manara plant's operations had already been temporarily suspended in October 2023, after the plant had been fired upon.⁸¹ In May 2025 Médecins Sans Frontières (MSF) reported that Omdurman was undergoing its fourth major electricity blackout since the beginning of the year, following RSF drone strikes on three power stations on 14 May, leaving hospitals without adequate water supply.⁸²

Across many parts of the country, power supplies were collapsing in the first half of 2025 and water provision was halted, severely impacting already overstretched healthcare and food distribution systems. The reduced supply of clean water has resulted in dramatic price rises.⁸³ Damage caused by a drone strike on Atbara power station in April 2025 affected water supply

in the cities of Atbara and Ad Damar, causing water prices to double.⁸⁴ According to OHCHR, ‘more than 18.9 million people [lack] access to safe drinking water and sanitation services due to significant service disruptions and attacks on water infrastructure’.⁸⁵ Attacks have disrupted not only public utilities but also humanitarian logistics, delaying aid delivery and undermining emergency response capacities. Attacks on humanitarian convoys prevent humanitarian agencies from assisting with rehabilitation efforts. On 2 June 2025, an attack against a convoy of the World Food Programme (WFP) and UNICEF headed for El Fasher in North Darfur resulted in the death of five humanitarian workers.⁸⁶ The UN noted that this ‘would have been the first convoy to reach El Fasher in over a year’.⁸⁷

In Northern State, the consequences were equally grave. A month-long blackout prevented farmers from operating electric water pumps, resulting in the destruction of more than 84 square kilometres of crops, including wheat, at a critical stage of the harvest season. This agricultural collapse added to already soaring food insecurity and intensified pressure on rural livelihoods, health facilities and markets.⁸⁸ In May 2025, nearly 6,000 IDPs in urgent need of ‘healthcare, safe drinking water and protection services, including support for survivors of gender-based violence’ arrived in Ad Dabbah locality.⁸⁹ Similar patterns have been observed in River Nile State where, as noted, drone strikes severely damaged the Atbara power station leading to a blackout and the breakdown of water supply systems in Atbara and Ad Damar, with water prices doubling in just a few days – far beyond the means of most households.⁹⁰

Humanitarian agencies provide vital aid,⁹¹ but struggle to meet needs because of significant funding shortages, especially after the decision by the US in early 2025 to cut United States Agency for International Development (USAID) funding.⁹² For instance, the Office of the UN High Commissioner for Refugees (UNHCR) reported in May 2025 that only 11 percent of the Regional Refugee Plan 2025 for the Sudan situation was funded.⁹³ MSF reported that in the weeks following the announcement of funding cuts, humanitarian agencies were forced to suspend water trucking operations in Sudan due to a lack of funding.⁹⁴ In April, MSF warned that if coordinated action were not taken soon, the malnutrition crisis would only deepen.⁹⁵

Cholera Outbreaks in Khartoum and Other Regions

In Khartoum, attacks on critical infrastructure have sparked one of Sudan’s worst public health emergencies in decades.⁹⁶ According to UNICEF, by May 2025, over 7,700 cholera cases, with 1,000 affecting children under the age of five, had been reported in Khartoum State alone, with 185 associated deaths.⁹⁷ A cholera outbreak also occurred in Kosti, White Nile State, in February 2025, due to people being forced to drink water from the White Nile River because of the breakdown in the water supply.⁹⁸ Nationwide, the total number of reported cases amounted to 83,000 since the outbreak began in July 2024, resulting in 2,100 deaths.⁹⁹ IDPs returning to areas without functioning water or sanitation systems have been forced to rely on unsafe sources, accelerating the spread of cholera. Cholera cases increased ninefold between 15 and 25 May 2025 (from 90 to 815 per day) due to declining access to safe drinking water.¹⁰⁰ Declining mortality rates recorded in June could result from under-reporting.¹⁰¹

In response, UNICEF and partners are providing clean water through emergency distributions and chemical water treatment (polymer and chlorine), and have deployed a 1,000 kVA generator to support the Al Manara water treatment plant, which serves more than one million people in Karrari and Old Omdurman.¹⁰² UNICEF has also delivered over 1.6 million oral cholera vaccines and distributed cholera treatment kits, deployed mobile teams and conducted hygiene messaging campaigns. However, access remains severely constrained due to continued attacks and collapsing health systems.¹⁰³

The Disaster Within the Disaster: The Siege on El Fasher and Surrounding Camps for Displaced Persons

In El Fasher, a city facing critical shortages of food, water and basic healthcare services,¹⁰⁴ trucks supplied hospitals with water, with the support of UNICEF.¹⁰⁵ In May 2025, a truck supplying water to the Saudi Hospital compound was destroyed by artillery fire, disrupting the water supply for around 1,000 seriously ill patients.¹⁰⁶ The Sub-National Health Cluster Darfur/Cross-Border reported that insecurity led to the suspension of water-trucking operations in Zamzam camp.¹⁰⁷ The work of humanitarian agencies has also been affected by the indirect consequences of the hostilities, with fuel shortages and a lack of electricity making it nearly impossible to sustain basic water, sanitation and hygiene (WASH) services.¹⁰⁸

As of April 2025, barrels of water were said to have become prohibitively expensive, reaching prices of SDG 7,000–10,000 (between approximately US\$11 and US\$16.65), well beyond the purchasing power of locals.¹⁰⁹ Fuel shortages impacted the effective functioning of wells and water-trucking operations, leading to delays of up to 48 hours to fill a single jerrycan in Zamzam IDP.¹¹⁰ Shortages of food and water forced women and girls to walk long distances, exposing them to ‘harassment, threats, physical assaults, whippings, severe beatings and sexual violence, including rape and gang rape’.¹¹¹

Conditions inside Zamzam camp have been described as siege-like: food, clean water and medical aid are in critically short supply, while access roads remain blocked by armed groups.¹¹² Armed groups have blocked all access routes, notably the Tawila to Zamzam road, trapping the population and rendering aid delivery impossible. According to UNICEF, in March 2025, an estimated 825,000 children were hemmed in within and around El Fasher and Zamzam, where ‘death is a constant threat for children, whether due to the fighting around them or the collapse of the vital services they rely on to survive’.¹¹³

On 1 August 2024, the Famine Review Committee of the Integrated Food Security Phase Classification (IPC) determined that the situation in Zamzam camp during the month of July had amounted to famine.¹¹⁴ The Famine Review Committee cited the poor quality of water trucked to the camp, estimating that available water had fallen to 3 to 5 litres per person, far below the emergency humanitarian threshold of 15 litres a day.¹¹⁵ In December 2024, the IPC considered that famine had taken place between October and November 2024 in Zamzam, Abu Shouk and Al Salam camps, as well as in the Western Nuba mountains, in South and West Kordofan States, and projected that it would continue and expand to other localities in North Darfur.¹¹⁶ In the report, the IPC declared that Sudan was continuing to slide into a ‘widening famine crisis characterized by widespread starvation and a significant surge in acute malnutrition’. Half of the entire Sudanese population were facing high levels of acute food insecurity, marking ‘an unprecedented deepening and widening of the food and nutrition crisis’.¹¹⁷

Conditions for persons fleeing the camp were also dire. ‘We are treating children who were literally dying of thirst on their journeys’, reported a member of MSF based in Tawila, where thousands of residents of Zamzam camp fled after the April RSF attack.¹¹⁸ A woman recounted how RSF fighters denied them water and beat them during their flight from Zamzam to Tawila: ‘We asked for water for at least the orphaned child, but they refused’.¹¹⁹

Damage to the Environment and Risks of Dam Collapse

The conflict-related damage has compounded already existing water supply issues, which sometimes are made even more acute by global warming.¹²⁰ Prior to the beginning of the conflict, more than 11 million people in Sudan required WASH assistance, increasing to 15 million one month after the armed conflict began (in May 2023).¹²¹ In a 2024 report, the United Nations Environment Programme (UNEP) noted that Sudan is particularly vulnerable to climate variability.¹²²

The environmental cost of the conflict, however, remained largely unknown at the time of writing.¹²³ Frequent attacks against health care facilities may result in the contamination of fresh water with medical waste.¹²⁴ Attacks on power stations in a country where 70 percent of electric power comes from hydroelectric sources are also raising concerns about the risk of dam collapse. This risk, although not always directly due to the armed conflict alone, is not only an immediate security threat for the population located downstream, but also a major potential cause of water pollution.

For instance, the bursting of the Arba'at dam, north of the city of Port Sudan, on 27 August 2024, due to excessive rainfall, killed more than 60, swept away approximately 20 villages, and affected the homes of 50,000 people.¹²⁵ Damage caused to water pipes negatively affected the supply of water to the city of Port Sudan.¹²⁶ Even though hostilities did not directly cause the collapse, the dam had reportedly been inaccessible for maintenance workers because it is located in rebel-held territory.¹²⁷ The bursting of the dam released five million cubic metres of silt, impacting agriculture and water supply in the area.¹²⁸ According to the Conflict and Environment Observatory (CEOBS), these sediments and debris are a possible source of contamination due to the use of toxic compounds in artisanal gold mining.¹²⁹

The case of the Jebel Aulia dam, on the White Nile, located 45 kilometres south of Khartoum, presents similarities with the Arba'at dam, only with potentially more devastating consequences, as the Jebel Aulia reservoir is the second-largest water reservoir in Sudan. In November 2023, dam operators had to flee due to security risks caused by the hostilities in the area, leaving the damaged dam's gates in a fixed position, impeding the complex regulation function of seasonal inflows at a time of record-high water levels of Lake Victoria.¹³⁰ Between November 2023 and March 2025, the dam was under RSF control, leading to restricted access for maintenance personnel.¹³¹ The RSF implemented the closing of the dam gates, which resulted in massive floods upstream in White Nile State in December 2024, until the dam gates were reopened in January 2025.¹³² During the battle of Khartoum in March 2025, a convoy of RSF members retreating from the capital was reportedly attacked while crossing the bridge.¹³³

A Regional Humanitarian Crisis with a Water Component Beyond Sudan's Borders

Sudan's water-related humanitarian crisis is reverberating across the country's international borders, with a destabilizing effect on neighbouring states. The influx of millions of displaced people – especially in Chad, the Central African Republic, Ethiopia, Libya, South Sudan and Uganda – has severely strained already fragile services. According to UNHCR, refugees in Libya's eastern town of Alkufra lack access to clean water, healthcare services, sanitation and adequate shelter.¹³⁴ In Ethiopia's Metema transit centre and Kumer settlement, daily water access falls below minimum sphere standards, with only one latrine per 100 people.¹³⁵ In the Central African Republic, the pressure on infrastructure due to the increased population is likely to intensify tensions, par-

ticularly where natural resources and basic services such as water are limited.¹³⁶ In Chad, refugees have access to less than 12 litres of clean water per day on average, with major disparities between settlements.¹³⁷ South Sudan's already fragile peace is under pressure, and flooding exacerbated by climate change continues to destroy homes and contaminate water sources.¹³⁸ In Chad and South Sudan, women especially have been exposed to contagious waterborne diseases such as acute watery diarrhoea, hepatitis E and cholera.¹³⁹ Meanwhile, in Kiryandongo, Uganda, access to safe water for refugees has declined from 17 litres to less than 10 litres per person per day in under a year, causing long queues and tensions at collection points.¹⁴⁰

LEGAL ANALYSIS

Applicable Rules

The armed conflict opposing the RSF and the SAF, which involves protracted military confrontations, clearly meets the thresholds of intensity and organization required to classify the situation as a non-international armed conflict (NIAC).¹⁴¹ As affirmed by commentators and reflected in UN and NGO reporting, these criteria were satisfied within days of the conflict's outbreak in April 2023.¹⁴² The RSF succeeded in capturing territory and establishing its authority over some areas within a few days.¹⁴³ Because the RSF is a dissident armed force, the conflict is not of an international character.

It should, however, be noted in this regard that the Government of Sudan has taken the view that the RSF is a 'proxy' of the United Arab Emirates (UAE), and believes that the law of international armed conflict applies alongside the law of non-international armed conflict.¹⁴⁴ According to the jurisprudence of the International Criminal Tribunal for the Former Yugoslavia (ICTY), the control required by international law for considering a non-state armed group a proxy 'may be deemed to exist when a state ... *has a role in organising, coordinating or planning the military actions* of the military group, in addition to financing, training and equipping or providing operational support to that group'.¹⁴⁵ To the best of our knowledge, publicly available information does not indicate that the UAE exercises the degree of control over the RSF that would be required to requalify the situation as an international armed conflict. The implications under IHL of the alleged provision of support to the RSF, in the form of arms delivery, are discussed below.

Consequently, Common Article 3 of the 1949 Geneva Conventions, as well as Additional Protocol II to the Geneva Conventions (AP II), to which Sudan is a party, together with relevant norms of customary IHL, are fully applicable.¹⁴⁶ Such norms include the principles of distinction and proportionality in attack, underpinned by the duty to take the precautions in attack.¹⁴⁷ According to the principle of distinction, parties to the conflict must at all times distinguish between military objectives and civilian objects and must abstain from directing attacks at civilian objects or from launching indiscriminate attacks.¹⁴⁸ The principle of proportionality in attack prohibits launching an attack 'which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated, is prohibited'.¹⁴⁹ The rule on precautions in attack requires from parties to the conflict that they take constant care to spare the civilian population and civilian objects and that '[a]ll feasible precautions ... be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects'.¹⁵⁰ In addition to this, several rules afford special protection to categories of objects, including those indispensable to the survival of the civilian population,¹⁵¹ works or installations

containing dangerous forces, such as dams,¹⁵² and the natural environment.¹⁵³

Common Article 3 encourages parties to a NIAC to conclude special agreements to extend the protections conferred upon victims of war. In May 2023, the RSF and the SAF concluded such an agreement under the auspices of the US Department of State.¹⁵⁴

Refugee law and international human rights law also remain operative during armed conflict and may play an important complementary role, especially in protecting access to food, water, health care and sanitation.¹⁵⁵ Soft law is also relevant. For instance, Principle 18 of the UN Commission on Human Rights Guiding Principles on Internal Displacement provides that '[a]t the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) essential food and potable water'.¹⁵⁶ While one might question the ability of a non-state armed group such as the RSF to be bound by human rights under general international law, it is notable that, in the Jeddah Declaration, the parties both acknowledged that they were bound by human rights, thus clarifying that these rules in any case are relevant to both the RSF and the SAF.

Ensuring access to safe and clean drinking water for civilians indeed is essential, as it is fundamental to their survival. Thus, in 2010, the United Nations General Assembly (UNGA) '*recognize[d]* the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights'.¹⁵⁷ The human right to water also derives from relevant provisions of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR) and relevant African Union instruments, including the African Charter on Human and Peoples' Rights (all treaties to which Sudan is party).¹⁵⁸ Under Articles 11 and 12 ICESCR, states parties recognized 'the right of everyone to an adequate standard of living', and 'the right of everyone to the enjoyment of the highest attainable standard of physical and mental health'. The right to water is also a logical corollary of the right to life, as guaranteed by Article 6 ICCPR.

As underlined by the Committee on Economic, Social and Cultural Rights (CESCR), ICESCR entails obligations to refrain 'from interfering directly or indirectly with the enjoyment of the right to water', including, in situations of armed conflicts, by 'limiting access to, or destroying, water services and infrastructure as a punitive measure'.¹⁵⁹ The fact that the UNGA 2010 Resolution expressly mentioned the 1949 Geneva Convention IV relative to the protection of civilian persons in time of war (GC IV) also indicates that the human right to water continues to apply even in situations of armed conflict.¹⁶⁰ Interpreting the right to water in a situation of armed conflict means recourse to the rules of IHL.¹⁶¹ However, in light of the dramatic situation across Sudan, which involves many serious violations of IHL, it is not surprising that both the UN High Commissioner for Human Rights and the FFM have expressed serious concerns as to respect for the right to water.¹⁶²

Darfur: Violations of the Rules on the Protection of Objects Indispensable to the Survival of the Civilian Population

One of the central rules of IHL during NIACs is enshrined in Article 14 of AP II, which provides that '[s]tarvation of civilians as a method of combat is prohibited'.¹⁶³ Further, '[i]t is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works'.¹⁶⁴ This special protection applies even in cases where water infrastructure may otherwise have

qualified as military objectives, for instance, due to their military use by a party to the conflict. As is clear from the wording of Article 14 of AP II, acts committed for purposes other than the starvation of civilians, however, are not covered by the prohibition.¹⁶⁵

Considering in particular the deliberate and targeted character of the violence deployed by RSF members against civilians, and especially humanitarian workers, it seems probable that, in at least some instances, there was an intent to starve civilians. Thus, the FFM has found that the RSF and their allied militias, at times with the involvement of civilians or *kassiba* [a colloquial Arabic term in Sudan used to refer to groups of outlaws engaged in robbery], engaged in a pattern of pillage and destruction of objects indispensable to the survival of the civilian population, including through intentionally directing attacks against specially protected objects, in violation of international humanitarian law.¹⁶⁶

The seizure and reported deliberate disabling of the Golo and Shagra reservoirs, which supplied drinking water to approximately 270,000 civilians in El Fasher and surrounding IDP camps, appear to constitute a paradigmatic example of a breach of this prohibition. The fact that the water may have served to supply SAF members as well as civilians does not justify the suspension of water supply to the city of El Fasher, which was bound to indiscriminately affect civilians.¹⁶⁷ The same principle applies to the fact that some civilians within El Fasher might have expressed sympathy for the SAF and associated forces.¹⁶⁸

Furthermore, impeding humanitarian access to water and food in besieged areas, particularly when civilians are unable to flee or receive aid, may also violate the duty under Article 18(2) of AP II, which obliges parties to allow relief actions when civilians are inadequately provided with essential supplies. The extensive documentation of RSF blockades, attacks and looting of aid convoys, and the obstruction of WASH services, supports a strong presumption of serious violations of IHL.

Patterns of Indiscriminate and Disproportionate Attacks Across the Sudan

While the SAF claims that its airstrikes ‘had been carried out in compliance with international humanitarian law, particularly the principles of distinction, military necessity and proportionality’,¹⁶⁹ numerous independent observers, including the UN Secretary-General,¹⁷⁰ the Human Rights Council,¹⁷¹ the ACHPR,¹⁷² the FFM,¹⁷³ the Panel of Experts¹⁷⁴ and the Sudan Expert appointed by the Human Rights Council,¹⁷⁵ have repeatedly denounced violations of the rules on the conduct of hostilities, referring to patterns of direct attacks on, and indiscriminate attacks affecting civilian infrastructure by both parties.

Compliance with IHL rules must be assessed on a case-by-case basis for each attack, based on a reasonably complete factual record. Further investigations are therefore needed in order to make determinations on specific cases. However, there are already strong indications that the rules on the conduct of hostilities have been disregarded in numerous cases of attacks affecting water systems. In particular, the use of explosive weapons with wide-area effects in urban areas have violated the prohibition on indiscriminate attacks, where such munitions constitute means of combat that cannot be directed at a specific military objective or whose effects cannot be limited as required by IHL due to their large blast radius and/or their limited accuracy.¹⁷⁶ It is also apparent that the parties have often failed to take feasible measures to prevent or minimize incidental civilian harm or damage to civilian objects.¹⁷⁷ Thus, the UN High Commissioner for Human Rights reported in January 2025 that the parties frequently neglected to issue advance warnings prior to attacks on densely populated areas.¹⁷⁸

A recurring difficulty in this context is that, under IHL, civilian infrastructure is not necessarily protected as such, but only as civilian objects. Customary IHL defines military objectives

in a narrow manner as objects that, by their nature, location, purpose or use, make an effective contribution to military action and whose total or partial destruction offers a definite military advantage.¹⁷⁹ Civilian objects are all objects that do not qualify as military objectives.¹⁸⁰ To the extent that it is indispensable for the survival of civilians, water infrastructure is also afforded special protection against attack, at least if the purpose of such attacks is to cause starvation. The problem with this framework is that a party to the conflict may behave in such a way as to deprive such objects of their protection as civilian objects.

This seems to have been the case, for instance, when the RSF used El Geneina's main water station as a military base. An attack on these facilities that would purport to gain a legitimate military advantage – as opposed to an attack aimed at causing starvation – could potentially be compliant with IHL, provided that the rules on proportionality and precaution in attack were respected. In theory, the risks this entails are mitigated by the rules limiting the right of the parties to seize the enemy's non-military property, a measure only justified in case of imperative military necessity.¹⁸¹ It is notable that, in this regard, the Jeddah Declaration of Commitment to Protect the Civilians of Sudan goes beyond the strict requirements of IHL as it requires the parties to 'vacate and refrain from occupying, as well as to respect and protect all public and private facilities, such as hospitals and water and electricity installations, and refrain from using them for military purposes', without leaving any room for exceptions on ground on military necessity.¹⁸² This commitment is coherent with the duty to 'avoid locating military objectives within or near densely populated areas'.¹⁸³ It appears, however, that it has been breached, at least in the case of El Geneina's water station.

Attacks on Electric Power Stations: 'Military Objectives' and Dual-Use Objects, Proportionality, and Reverberating Impact

The limits of the protective scope of IHL are particularly evident in the case of potentially dual-use objects, such as electric power plants. Because electric power may be used for both civilian and military purposes, investigations are needed in each case to assess whether an electric power plant, or one of its elements, qualifies as a military objective and might consequently be made the object of an attack, while respecting the fundamental principles of necessity, proportionality and precaution. The fact that the power produced by an electric power station is being used for military purposes, however, is not sufficient to turn it into a military objective: another requirement is that an attack would provide a definite military advantage. To the extent that power stations are directly or indirectly indispensable to the survival of the civilian population in all cases where water supply and purification are dependent on electric power, it may be argued that they are afforded protection under Article 14 AP II. In the case of dams, parties to the conflict must refrain from attacks that 'may cause the release of dangerous forces and consequent severe losses among the civilian population' (Article 15 AP II).

Sudan presents a stark case where the proportionality and necessity of attacks on power stations, which in turn disrupted water treatment and pumping, hospitals and telecommunications, must be scrutinized. If the military advantage anticipated from such attacks were minimal or speculative, and if the reasonably foreseeable harm to civilians and their access to water and health care were significant, the strikes would contravene the principle of proportionality. Commentators have noted the legal complexity of targeting energy infrastructure, which may indirectly support enemy command structures but is also critical for public welfare.¹⁸⁴ However, IHL demands that attackers undertake rigorous context-specific assessments, taking into account not

only immediate, but also, arguably, so-called ‘tertiary’, ‘long-term’ or ‘reverberating’ effects of an attack in this context.¹⁸⁵ In this context, the UN Security Council

‘Strongly condemn[ed] attacks in situations of armed conflicts directed against civilians as such and other protected persons or civilian objects, as well as indiscriminate or disproportionate attacks, resulting in the deprivation of the civilian population of objects indispensable to their survival, as flagrant violations of international humanitarian law, deplore[d] the long-term humanitarian consequences of such attacks for the civilian population and demands that all parties to armed conflict immediately put an end to such practices.’¹⁸⁶

UNICEF recommends that ‘the vulnerability of already fragile water services should be taken into account to the extent possible when considering whether an attack expected to cause incidental harm to water infrastructure meets the proportionality test’.¹⁸⁷ Military commanders should thus endeavour to consider not only immediate civilian harm, but also indirect, cumulative and long-term effects – such as the risk of the spread of waterborne diseases, environmental degradation or cascading failures in sanitation and food systems. Developments in the field of international environmental law – including the principle of inter-generational equity and the precautionary principle – also point to a need to consider the risk of damage to the environment. As the ICRC put it, ‘[l]ack of scientific certainty as to the effects on the environment of certain military operations does not absolve a party to the conflict from taking such precautions’.¹⁸⁸ Finally, in contexts such as that of Sudan, where the Nile River is a major transboundary watercourse, the fact cannot be ignored that water infrastructure collapse may affect entire regions and cause transboundary harm, triggering duties under relevant rules of customary international law.

As the Sudan conflict demonstrates, repeated disruptions to infrastructure have a compounding effect: communities become less resilient, and recovery becomes nearly impossible without long-term rebuilding of water services and governance structures. Regardless of the importance of the military advantages obtained, the widespread and prolonged outages across Sudan – which left millions without power, irrigation or access to clean water – raise serious doubts concerning compliance by both parties with the rule on proportionality in the context of attacks against electric power stations.

INTERNATIONAL RESPONSIBILITY OF OTHER STATES FOR AIDING OR ASSISTING VIOLATIONS OF IHL

The Sudanese Government has accused the UAE of providing financial and material support to the RSF, including weapons, drones, vehicles, ammunition, military training and the deployment of foreign mercenaries, drones and military equipment.¹⁸⁹ Numerous other concordant reports by the Panel of Experts,¹⁹⁰ NGOs, in particular Amnesty International,¹⁹¹ and media – relying in part on satellite imagery and open-source intelligence – allege that the UAE have been involved in weapons delivery.¹⁹² *France24* thus reported that mortar shells produced in Bulgaria exported via an Emirati company and marked for final destination in the UAE were found in Sudan, in the hands of the RSF.¹⁹³

Although the UAE denies the allegations – arguing that the cargo flown to Chad had a purely humanitarian purpose – reports support claims of weapons being flown to RSF-affiliated forces via Amdjarass airport, in Chad, and through another route from Libya.¹⁹⁴ On 7 January 2025, the US Government sanctioned Hemedti and ‘seven RSF-owned companies located in the

United Arab Emirates and one individual for their roles in procuring weapons for the RSF'.¹⁹⁵ A case brought by Sudan against the UAE in the International Court of Justice (ICJ) alleging assistance to acts of genocide did not proceed to a consideration on the merits due to the UAE's reservation to Article IX of the 1948 Genocide Convention that the Court deemed manifestly precluded its jurisdiction.¹⁹⁶

Regardless of the extent of other states' involvement, attacks on water infrastructure have had catastrophic humanitarian consequences, particularly through the indirect yet devastating impact on water availability, food systems and healthcare access across multiple regions of Sudan. Under IHL, every state has a clear obligation not to encourage, aid or assist parties to an armed conflict in committing violations of IHL. In the *Nicaragua* case, the ICJ affirmed that the obligation to 'respect' and 'ensure respect' for the 1949 Geneva Conventions 'does not derive only from the Conventions themselves, but from the general principles of humanitarian law to which the Conventions merely give specific expression', and that, as a consequence, the US was 'under an obligation not to encourage persons or groups engaged in the conflict in Nicaragua to act in violation of the provisions of Article 3 common to the four 1949 Geneva Conventions'.¹⁹⁷ Accordingly, the US was found to be under a duty not to encourage or support conduct by Nicaraguan contras that violated Common Article 3.

Such a duty arguably extends beyond the boundaries of Common Article 3 of the Geneva Conventions of 1949, and also applies to the customary principles and rules applicable to the conduct of hostilities during NIACs, especially the rules related to the principle of distinction.¹⁹⁸ Indeed, according to another decision of the ICJ, many rules of IHL, including the principle of distinction between combatants and civilians, are 'so fundamental to the respect of the human person and "elementary considerations of humanity"' and that they 'constitute[d] intransgressible principles of international customary law'.¹⁹⁹

Even absent a definitive ruling on UAE responsibility, international law imposes a duty of due diligence. If a state has reason to believe that the party it supports is committing serious IHL violations – including the deliberate targeting of civilians, the obstruction of humanitarian relief or the poisoning of water sources – it must cease all assistance. The destruction of indispensable infrastructure, particularly water systems, may amount to a serious violation of IHL, and furnishing material aid to those responsible could engage the aiding a state's international responsibility. This duty is underscored by Rule 144 of the ICRC Customary IHL Study, which obliges all states to do everything reasonably in their power to prevent and end violations of IHL.

INDIVIDUAL CRIMINAL RESPONSIBILITY

Prosecutions at the Domestic Level

The primary responsibility for the investigation and prosecution of violations of IHL and human rights is incumbent on the Sudanese domestic authorities. Thus, the ACHPR '[c]all[ed] on the Sudanese authorities to ... carry out the necessary investigations in order to prosecute and punish the perpetrators of human rights violations, and provide adequate reparation to the victims'.²⁰⁰ In the immediate context, however, there are reasons to doubt whether local authorities are in a position to conduct the required investigation or to prosecute suspects of criminal acts in a manner consistent with relevant judicial guarantees.²⁰¹ The FFM has indicated that accountability efforts have been limited to prosecutions of crimes attributed to members of the RSF and their 'perceived affiliates' and that victims of acts committed by SAF members refrain from reporting to the authorities due to fear of reprisals.²⁰²

To the extent that impugned acts amount to war crimes, crimes against humanity or genocide, other states' courts may step in, invoking the principle of universal jurisdiction.²⁰³ For so-called core international crimes, including the crime of genocide, crimes against humanity and war crimes (other than grave breaches of the 1949 Geneva Conventions, which are not directly applicable to NIACs) there, arguably, is an emergent customary rule of international law entailing a duty to exercise universal jurisdiction, with the option of extradition instead of prosecution.²⁰⁴

Ongoing ICC Investigations into Atrocities in Darfur

Although Sudan is not a party to the Rome Statute, the International Criminal Court (ICC) retains jurisdiction over crimes committed in Darfur under UN Security Council Resolution 1593 (2005).²⁰⁵ This jurisdiction includes war crimes, crimes against humanity and genocide committed in the five Darfur states since 1 July 2002. In its fortieth report to the Security Council, the Prosecutor confirmed that his office was finalizing applications for arrest warrants related to atrocities committed since the outbreak of the April 2023 hostilities.²⁰⁶ He stressed that the current patterns of violence – including ethnically targeted killings, attacks on displacement camps, pillage and sexual violence – closely resemble the conduct that triggered the original referral in 2005.²⁰⁷

Attacks on water installations essential to the survival of the civilian population may also be prosecuted as the war crime of starvation, if used to deprive civilians of vital resources. While Article 8(2)(e)(ix) of the Rome Statute – which explicitly criminalizes starvation during NIACs – was added by amendment with effect from 2019 only, and Sudan has not ratified the Rome Statute, Security Council referrals such as that on Darfur, arguably, empower the ICC to apply amended crimes, so long as the principle of legality is respected.²⁰⁸ The ICC Appeals Chamber has emphasized that foreseeability and accessibility of the applicable criminal norm are central to assessing legality.²⁰⁹ In any case, the use of starvation and obstruction of water supply as a method of warfare are already prohibited under customary international law and reflected in the 2005 UN Commission of Inquiry on Darfur, which found that such acts entail individual criminal responsibility.²¹⁰

The ICC's ongoing investigation presents a unique opportunity to ensure accountability for the systemic weaponization of water and the infliction of collective suffering. It will also be a test of the Court's capacity to respond meaningfully to environmental crimes during armed conflict. Under the current UNSC referral, the territorial jurisdiction of the ICC, nevertheless, is limited to the Darfur region, including the five federal states of Central Darfur, East Darfur, North Darfur, South Darfur and West Darfur. Regrettably, ICC jurisdiction does not cover international crimes possibly committed in other parts of Sudan. This could be remedied if Sudan decided to accede to the Rome Statute²¹¹ or if the UNSC followed the recommendations formulated by several actors and extended the territorial scope of the referral to the whole territory of Sudan.²¹² The FFM recommended the creation of a special independent judicial mechanism working in complementarity with the ICC, along with an expansion of the arms embargo to cover the whole of Sudan and the deployment of a protection force for civilians.²¹³

CONCLUSION

There was a time when water, rather than being used as a weapon, was a vehicle for peace, uniting communities previously divided by years of conflict.²¹⁴ The current Sudanese conflict stands as a stark reminder of how warfare can weaponize water resources, eroding not only the physical infrastructure that sustains life, but also the legal and moral foundations that protect it. The deliberate targeting, militarization or neglect of water infrastructure – whether through direct attacks, siege tactics or the disruption of power and sanitation systems – has caused catastrophic harm to civilians and ecosystems alike. These actions are not merely unfortunate by-products of war, but they constitute serious violations of IHL and human rights. Moreover, in Sudan, the collapse of water systems has contributed to public health crises, mass displacement, food insecurity and long-term environmental degradation – demonstrating how the destruction of water infrastructure constitutes a humanitarian emergency and may also be used as a weapon of war.

Existing legal frameworks already provide the basis for stronger protection and accountability. Under customary IHL and Article 14 of Additional Protocol II, water installations benefit from special protection as objects indispensable to the survival of civilians. The norms on the conduct of hostilities, particularly the principles of distinction and proportionality and precautions in attack, also afford protection to the natural environment and civilian infrastructure, including its water component. This protection must be interpreted in light of the precautionary and ecological principles embedded in international environmental law, which call for a broader assessment of harm, including cascading and intergenerational effects.

As recently confirmed by the ICJ in its July 2025 Advisory Opinion on *Obligations of States in Respect of Climate Change*, the duty to prevent significant environmental harm ‘is not confined to instances of direct cross-border harm and that it applies to global environmental concerns’.²¹⁵ The Court found that this duty entails ‘an obligation to act with due diligence’ – a context-dependent obligation that must be tailored to the circumstances and informed by both legal norms and scientific understanding. The Court emphasized that, in the context of climate change, the standard of due diligence is *stringent*, given the *indisputably established* risk of significant harm to the climate system.²¹⁶ It held that such circumstances require a *heightened degree of vigilance and prevention*, informed by scientific knowledge, precautionary measures and relevant legal standards.²¹⁷ This reasoning is equally applicable in situations of armed conflict, where the environmental consequences of attacks on water resources are well documented. Where the risks of environmental degradation are clearly established – as frequently occurs when water systems are destroyed or contaminated during armed conflict – state and non-state parties to the conflict are under an elevated duty to act with care, restraint and foresight.

The Court’s Advisory Opinion leaves little room for the argument that the *lex specialis* character of the rules on the conduct of hostilities under international humanitarian law displaces the customary duty to prevent significant environmental harm. The Court clarified that the application of climate and environmental treaty obligations does not exclude the continued relevance of general international law.²¹⁸ This rejection of a *lex specialis* approach that would negate broader legal obligations strongly suggests that a similar interpretive logic applies to the relationship between IHL and international environmental law. In other words, the specific norms governing the conduct of hostilities do not preclude the concurrent application of general environmental obligations, especially those rooted in the duty of care and the principle of prevention.

Finally, while the Court did not explicitly extend these obligations to non-state actors, it confirmed that states are required to take appropriate measures to prevent environmental harm arising from activities carried out by private entities or actors under their jurisdiction or

control.²¹⁹ In situations of armed conflict, this may reasonably be interpreted to include obligations to prevent or mitigate environmental damage caused by non-state armed groups operating within territory under a state's effective control. While international law has yet to explicitly impose direct environmental responsibilities on such groups, they are bound by the rules of IHL, including those that prohibit widespread, long-term and severe damage to the natural environment. The ICJ's emphasis on collective responsibility for environmental protection reinforces the expectation that all actors involved in hostilities – state and non-state alike – must exercise restraint and are obligated to take all feasible precautions to avoid harm to natural resources essential to civilian survival.

The real challenge, therefore, is not the absence of legal norms, but the persistent tendency to interpret IHL in isolation – in silos, detached from the broader normative frameworks that govern environmental protection and human rights. This fragmented approach obscures the full extent of the harm inflicted in today's conflicts and weakens the legal and moral force of existing rules. What is urgently needed is the courage to apply IHL holistically, in conjunction with international environmental law and international human rights law, in order to address the severe consequences of attacks on water infrastructure and promote accountability.

END NOTES

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158 Arts 16 and 24, African Charter on Human and Peoples' Rights; art 14(1)(c) of the African Charter on the Rights and Welfare of the Child. See also ACHPR, 'Resolution on the Right to Water Obligations – ACHPR/Res.300(EXT.OS/XVII)2015', 27 February 2015, <https://bit.ly/4ohnVui>; T.S. Bulto, 'The Human Right to Water in the Corpus and Jurisprudence of the African Human Rights System', 11 African Human Rights Law Journal 2 (2011) 341.

159 Committee on Economic, Social and Cultural Rights (CESCR), General Comment no 15 (2002), The right to water (arts 11 and 12 of the International Covenant on Economic, Social and Cultural Rights), UN Doc E/C.12/2002/11, 20 January 2003, para 21.

160 UNGA Resolution 64/292, 3 August 2010, 3rd preambular para. See also ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 9 July 2004, §106: 'The Court considers that the protection offered by human rights conventions does not cease in case of armed conflict.' See, also, ICJ, Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v Uganda), Judgment, §216; ICJ, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem, Advisory Opinion, 19 July 2024, §99.

161 See CESCR, General Comment no 15 (2002), supra fn 159, para 22: 'The Committee notes that during armed conflicts, emergency situations and natural disasters, the right to water embraces those obligations by which states parties are bound under international humanitarian law.'

162 Report of the Independent International Fact-Finding Mission for the Sudan, supra fn 23, para 48; Findings of the investigations conducted by the FFM, supra fn 23, para 145; OHCHR, 'Situation of Human Rights in the Sudan', supra fn 22, para 83.

163 See also ICRC Customary IHL Rule 53.

164 See also ICRC Customary IHL Rule 54.

165 M. Bothe, K.J. Partsch and W.A. Solf, New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949, 2nd edn reprint revised by M. Bothe, Brill Nijhoff, Leiden, 2013, pp 381–382; Y. Dinstein, Non-International Armed Conflicts in International Law, Cambridge University Press, Cambridge, 2014, p 149. It must be noted, however, that ICRC Customary IHL Rule 54 is couched in more absolute terms.

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167 C. Pilloud, Y. Sandoz, C. Swinarski and B. Zimmermann (eds), Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949, Martinus Nijhoff, 1987, para 4806.

168 Ibid, para 4811.

169 See Letter dated 14 April 2025 from the President of the Security Council, supra fn 21, Annex 6 to the report: Response to the Panel's correspondence to the Government of Sudan dated 17 December 2024, pp 39-42.

170 Recommendations for the protection of civilians in the Sudan, supra fn 68, para 13.

171 HRC, Resolution 57/2, supra fn 43, paras 6-7.

172 ACHPR, Resolution on the Human Rights Situation in the Republic of Sudan, supra fn 18, para 1(a).

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175 OHCHR, 'Sudan: UN Expert Calls for End to Attacks on Critical Civilian Infrastructure amidst Intensifying Drone Strikes', 19 May 2025, <https://bit.ly/3GZ3Yra>.

176 ICRC Customary IHL Rules 12(a), (b), and (c). See Recommendations for the protection of civilians in the Sudan, supra fn 78, para 32; Letter dated 15 January 2024 from the Panel of Experts on the Sudan, supra fn 28, paras 39-40; HRW, 'Sudan: Explosive Weapons Harming Civilians', 4 May 2023, <https://bit.ly/4kM3SAZ>.

177 See, in this sense, Report of the Independent International Fact-Finding Mission for the Sudan, supra fn 23, para 44; HRW, 'Sudan: Explosive Weapons Harming Civilians', supra fn 176.

178 Situation of Human Rights in the Sudan, supra fn 22, para 25.

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180 ICRC Customary IHL Rule 9.

181 See art 23(g), Regulations Concerning the Laws and Customs of War on Land Annexed to the Hague Convention (IV) Respecting the Laws and Customs of War on Land, 18 October 1907: 'In addition to the prohibitions provided by special Conventions, it is especially forbidden ... (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war.'

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183 Rule 23 of the ICRC Customary IHL Study; art 13(1) AP II.

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