

## IN BRIEF ...

# ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND ARMED CONFLICT:

A SYNTHESIS OF IDEAS AND WAYS FORWARD PRESENTED AT A GENEVA ACADEMY EXPERT GROUP MEETING

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## INTRODUCTION

The protection of economic, social and cultural rights (ESCR) is indispensable both for mitigating the human impact of armed conflict and preventing the escalation and/or recurrence of violence. The International Court of Justice (ICJ) has affirmed that international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), continue to apply during armed conflict.<sup>1</sup> Ensuring the continuity of ESCR - particularly the right to health, education, food, water and adequate housing - forms part of States' immediate obligations under the Covenant and directly contributes to stability and conflict prevention. The United Nations (UN) Committee on Economic, Social and Cultural Rights (CESCR)'s upcoming General Comment on the Application of the ICESCR in situations of Armed Conflict offers a unique opportunity for the advancement of the enjoyment of economic, social and cultural rights in these contexts.

This 'In Brief ...' builds on discussions during an expert group meeting, held in Geneva in September 2025 on economic, social and cultural rights and armed conflict which brought together representatives from the UN, international organizations, academic experts, and members of the CESCR drafting group of the upcoming General Comment on the Application of the ICESCR in situations of Armed Conflict.<sup>2</sup>

Participants identified issues and challenges that should be addressed in the General Comment with regards to economic, social and cultural rights as well as other relevant topics albeit out of the direct scope of the General Comment. Key areas of discussions included: the role of cultural rights in armed conflict, ESCR obligations in situations of belligerent occupation, the role of ESCR in conflict prevention and early warning, and tensions between military expenditure and ESCR, among others. The discussion also offered relevant guidance and practical ways forward for the CESCR, States, and other key actors to effectively address the role of economic, social and cultural rights in situations of armed conflict.

## **GENERAL COMMENT ON THE APPLICATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN SITUATIONS OF ARMED CONFLICT**

The General Comment on the Application of the International Covenant on Economic, Social and Cultural Rights in Situations of Armed Conflict of the CESCR aims to identify state obligations and provide guidelines on the legal and operational applications of the ICESCR across a range of armed conflict situations.

The development of a General Comment on the Application of the ICESCR in situations of Armed Conflict was approved by the CESCR in September 2025. Its development is led by Ludovic Hennebel, Rapporteur on the CESCR's General Comment on the Application of the ICESCR in Situations of Armed Conflict, as well as six drafting group members.

Several ongoing questions and areas of discussion for the drafting of the General Comment include: the scope of the General Comment, including its coverage of post-conflict situations which often face similar challenges with regards to ESCR; addressing the limitations of the ICESCR, including through Article 4, and the absence of a derogation clause; identifying a legal regime of obligations applicable in situations of armed conflict, including minimum core obligations; addressing the obligations of non-state actors; and identifying vulnerable and marginalized groups for protection in armed conflict.<sup>3</sup>

A General Comment on the application of ESCR in situations of armed conflict would be the first to date to deal with ESCR in the specific context of conflict-affected settings, and the 28th General Comment delivered by the CESCR.<sup>4</sup> However, several previous General Comments by the Committee have addressed issues related to armed conflict as well as peace and security, such as the relationship between ESCR and economic sanctions, the right to sexual and reproductive health, and land.<sup>5</sup>

## **KEY ISSUES AND PRIORITIES**

The discussions held in Geneva in September 2025 probed several important issues within the intersection of economic, social and cultural rights and armed conflict. The following section provides a brief summary of the key issues discussed, as well as the priorities which the CESCR should address in its General Comment on the Application of the ICESCR in Situations of Armed Conflict..

## **PROTECTING CULTURAL RIGHTS IN ARMED CONFLICT**

The protection of cultural rights is a persistent challenge, particularly in situations of armed conflict where cultural rights are often not the focus of protection efforts.<sup>6</sup> However, research across conflict settings has exposed the damage and destruction that armed conflict inflicts on cultural heritage, with severe consequences for civilian populations.<sup>7</sup> Cultural heritage protection can help communities recover from conflict, preserve intergenerational connections, and salvage sites of existential meaning to civilians.<sup>8</sup> Organizations such as the International alliance for the protection of cultural heritage (ALIPH) have supported a range of projects for the collection, protection and access to cultural heritage in armed conflict globally.<sup>9</sup>

Participants in the expert group meeting suggested that the General Comment on the Application of the ICESCR in situations of Armed Conflict could open new pathways for the protection of cultural rights. The protection and promotion of cultural rights is also a key avenue for addressing the root causes of conflict. The discussion addressed how cultural rights relate to other applicable rules for the protection

of cultural heritage, property and educational facilities, and provided practical insights for enhancing their protection, including through the General Comment.

Above all, the General Comment should insist and confirm that cultural rights remain fully applicable in armed conflict and must be protected on equal footing with other ESCR. Cultural rights go beyond cultural heritage to include the individuals, groups and communities involved in its protection. Local communities are often the first to protect cultural heritage in times of war, often at high risk. Thus, it is important to protect, support and empower the persons involved in safeguarding cultural rights, including cultural rights defenders and community members, in addition to the protection of physical sites and spaces. Protecting cultural rights also involves safeguarding cultural narratives belonging to these groups, including from the use of artificial intelligence which may distort or manipulate these narratives.<sup>10</sup>

Further, the right to education is an important cultural right, which also remains fully applicable in armed conflict.<sup>11</sup> The protection of the right to education is central to the protection of cultural rights.<sup>12</sup> The Comment should address the duties of states and responsibilities of private entities, including institutions, as well as non-state actors such as mercenaries with regards to cultural rights, including with regards to education.

## ESCR IN SITUATIONS OF BELLIGERENT OCCUPATION

Violations of ESCR have been reported in situations of belligerent occupation, where (part of) a foreign territory is placed under the authority of a foreign authority, governance and/or army. The Office of the High Commissioner for Human Rights (OHCHR) reporting has identified violations of ESCR in Russian-occupied territories of Ukraine, Israeli-occupied Gaza and the West Bank, among other conflict settings.<sup>13</sup> This raises the question of the obligations of an Occupying Power under the International Covenant on ESCR.<sup>14</sup> As the ICJ recently reaffirmed, the Covenant's protections continue in situations of occupation, and States parties remain bound by the Covenant in exercising their jurisdiction in territories they occupy.<sup>15</sup>

Given this, the General Comment on the Application of the ICESCR in situations of Armed Conflict could set out the factors that would apply to occupying powers.<sup>16</sup> Further, the Committee should undertake a right-by-right and case-by-case approach to develop a functional and flexible guiding framework for States parties to strengthen the complementarity between the Covenant and the law of occupation and armed conflict.<sup>17</sup> The General Comment could also reaffirm the complementarity between international humanitarian law (IHL) and international human rights law (IHRL), both applicable in situations of armed conflict, complementary and mutually reinforcing, including with regards to communities in occupied territories. The General Comment could include a contextualised, non-exhaustive list of 'core obligations' applicable in situations of armed conflict, including belligerent occupation, and build upon pre-existing elements such as those contained in the CESCR's General Comment No. 14.<sup>18</sup> The International Committee of the Red Cross' (ICRC) updated Commentary on the Fourth Geneva Convention could also help to inform the drafting of the General Comment.<sup>19</sup>

IHL is uniquely placed to address situations of armed conflict, including situations of belligerent occupation, and there are well established criteria to legally classify the existence of such situations. These criteria should be taken into account by the drafters of the General Comment. General IHL rules, including conditions on which food, health and education components can operate in armed conflicts, can reinforce the right to food (Article XI), health (Article XII) and education (Article XIII) enshrined within the ICESCR.<sup>20</sup> The human rights framework can also address situations of belligerent occupation. The core content of rights, for example the right to food and health, can provide the obligations covering the provision of food and healthcare on a non-discriminatory basis. For example, the Committee has identified issues such as the provision of essential drugs and access to health facilities, goods and services, especially for vulnerable and marginalized groups.<sup>21</sup> This helps clarify the expectations of the Occupying Power to ensure medical supplies to populations under its control.

At the very least, the Occupying Power must respect Covenant rights, avoiding interference with their enjoyment. It must also protect Covenant rights against the actions of third parties, including entities such as business enterprises.<sup>22</sup> The Committee's work on States obligations in the context of business activities offers considerable scope for clarifying steps that the Occupying Power should take to protect Covenant rights from the activities of third parties.<sup>23</sup>

## INTEGRATING ESCR IN PREVENTION AND EARLY WARNING

Violations of economic, social and cultural rights can be a cause, consequence and/or predictor of violence, social unrest and conflict. Recent research argues that violations of ESCR are one of the key early warning signs of violent conflict.<sup>24</sup> These violations range from inequalities in access to resources and/or essential services (e.g. housing, land & property rights, right to health and access to healthcare) to corruption, among others. The UN human rights system's consistent reporting provides key early warning data and analysis on human rights, particularly ESCR not traditionally picked up in other parts of the UN system. This aligns with the 2018 United Nations and World Bank 'Pathways for Peace' report, which found that high levels of inequality across groups, including resources, is one of the most important factors driving violent conflict.<sup>25</sup>

Crucially, the protection of civilians (POC) is inseparable from the safeguarding of economic, social and cultural rights. Violations of ESCR deepen cycles of harm, directly fueling grievances, exacerbating inequalities, and increasing the risks of violent conflict.<sup>26</sup> Thus, embedding ESCR into monitoring frameworks, including through community-informed protection analysis, enables better early warning and better conflict prevention.<sup>27</sup> Additionally, civilian harm tracking mechanisms that include ESCR-related harms (e.g. destruction of markets, restricted access to farms, healthcare system collapse) are more accurate in predicting violence and guiding preventive action as they can often act as early indicators of conflict escalation. Further, UN missions that combined community engagement with multi-sector data (humanitarian, development, human rights) produced stronger and more trusted early warning systems. In these ways, economic, social and cultural rights serve as a powerful tool for prevention, alongside political, civil and legal rights which traditionally receive primary focus and attention. The New Agenda for Peace (2023), Agenda for Protection and the Pact for the Future (2024) all highlight prevention as the best form of protection.<sup>28</sup> This raises questions with regards to the General Comment's scope on prevention and early warning, and the opportunities it provides for better integrating ESCR into prevention processes.

The discussions within the drafting group of the CESCR for the General Comment so far indicate that the scope of the General Comment will be limited to the consequences of armed conflict for ESCRs and the corresponding obligations of States parties and other actors. The General Comment should address the importance of ESCR for prevention, including how violations of economic, social and cultural rights disproportionately impact vulnerable and/or marginalized groups, and the Covenant's role in supporting prevention processes.<sup>29</sup> This also applies to peacebuilding, where Covenant rights can strengthen peace processes - as well as peace agreements - for implementation that includes the protection of economic, social and cultural rights and prevents future forms of violence.<sup>30</sup>

## MILITARY EXPENDITURE AND ESCR

The human rights implications of increasing military expenditure remain underexplored in international law, despite growing recognition that arms trade regulation and disarmament directly affect socio-economic development and the realization of ESCR. The Covenant obliges each State Party under Article 2(1) to "take steps, individually and through international assistance and cooperation [...] to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant."<sup>31</sup> This provision underpins any assessment of whether military expenditure

is appropriate or unlawfully displaces funds from the fulfilment of ESCR. While often hard to measure, increasing military spending may have opportunity costs for education, health, and social welfare, and exacerbate inequality and corruption.<sup>32</sup> Multiple CESCR reports have expressed concern over low levels of public funding allocated to areas relating to Covenant rights, as well as the diversion of funding allocated for the realization of ESCR for other purposes, including military expenditure.<sup>33</sup> The Committee has also frequently requested that States Parties provide information regarding the proportion of the public budget allocated to defence, or military expenses as a percentage of GDP or of the public budget.<sup>34</sup>

Global military expenditure has steadily increased since the early 2000s, spurred by conflicts and geopolitical tensions, with significant rises following the wars in Ukraine and Gaza.<sup>35</sup> Meanwhile, the funding landscape of military spending is changing: off-budget and extra-budgetary mechanisms—such as Germany’s €100 billion defense fund and similar mechanisms in Poland, Taiwan, Venezuela, and Chile—erode transparency and democratic oversight.<sup>36</sup> These arrangements often institutionalize “budgetary exceptionalism,” making it difficult to reallocate resources toward social investment.<sup>37</sup> Similarly, the arms industry has increased in growth and influence, with the revenue of the largest arms-producing and military services companies increasing by 19 per cent between 2015 and 2023.<sup>38</sup> Private sector actors - both those directly involved in weapons production and/or arms transfers, as well as insurance companies, law firms involved in arms deals, among others - have an obligation to uphold human rights.<sup>39</sup> These actors are highly connected to human rights violations, including ESCR, often dismiss human rights due diligence obligations, and lack oversight and transparency.

The CESCR should address the issue of rising military expenditure and potential allocations of state budgets to other areas. Several inroads and precedents exist which the Committee could draw on to address the issue of military expenditure under the ICESCR. Article 2(1) of the ICESCR, as well as Article 4 which states could engage in, all while acknowledging its limitations, is a good place to start.<sup>40</sup> Second, while dated, General Comment No. 3 (1990) remains relevant in that “any deliberately retrogressive measures [...] would require the most careful consideration and would need to be fully justified.”<sup>41</sup> Article 26 of the UN Charter argues that states should maintain international peace and security “with the least diversion for armaments of the world’s human and economic resources.”<sup>42</sup> Finally, the 2016 CESCR’s statement on public debt and austerity measures suggests pre-budget human rights impact assessments, tracking distributional impacts, sunset clauses and periodic reviews for exceptional measures.<sup>43</sup> It has since more consistently requested budget allocations for ESCRs, notably when retrogressive measures have been noted, but not systematically alongside corresponding sectoral budget allocations such as defence or security. Beyond legal frameworks, the Committee could provide protection to whistleblowers addressing issues of corruption, which go beyond arms procurement. And beyond the Committee, enhancing parliamentary oversight over state defense budgets could also help ensure that military expenditure does not undermine states’ ESCR obligations.<sup>44</sup>

## WAYS FORWARD

In light of the upcoming General Comment on the Application of the ICESCR in situations of Armed Conflict, approved by the CESCR, the following areas offer practical ways forward for the General Comment drafting group, States, and other key actors to effectively address the role of ESCR in situations of armed conflict.

- 1. Showcase the complementarities between IHL and IHRL.** The General Comment provides a unique opportunity to reaffirm the complementarity and mutually reinforcing role between international humanitarian law and international human rights law.<sup>45</sup> This includes situations of belligerent occupation, where both frameworks are uniquely placed to address the duties and obligations of an Occupying Power under the International Covenant on Economic, Social and Cultural Rights. Providing tangible examples of how IHL and IHRL obligations and rights enshrined within the ICESCR apply in different situations (e.g. right to health, food, and education, among others), including under occupation, could add significant value to the General Comment on the Application of the ICESCR in situations of Armed Conflict..
- 2. Include ESCR as key to prevention and early warning.** Violations of ESCR are key early warning signs of violent conflict, making investment in prevention essential for addressing root causes of violence and preventing future conflict cycles. The General Comment on the Application of the ICESCR in situations of Armed Conflict should include a dedicated section on prevention that highlights ESCR violations as key predictors of violence and conflict to be embedded within prevention and early warning mechanisms. The Committee could encourage states to recognize that safeguarding ESCR is not an “add-on” to human rights protections but central to preventing violence, sustaining peace, and protecting civilians in armed conflict. The General Comment could suggest guidance that explicitly links ESCR to practical POC tools such as early warning systems, civilian harm tracking, military training, and humanitarian negotiation. Further, it could suggest codifying the expectation for armed actors and states to integrate ESCR into national prevention, POC or other frameworks, protection analysis, early warning, and response planning, helping to shift protection strategies from responding to attacks (reactive) to addressing structural vulnerabilities that exacerbate harm (proactive).
- 3. Don’t leave cultural rights behind.** Cultural rights are an integral part of economic, social and cultural rights. The protection of cultural heritage, as well as the individuals and communities leading the protection of heritage sites and spaces, is essential for salvaging sites, preserving intergenerational connections, as well as for protecting and mitigating civilian harm both during and following armed conflict. These rights should not be omitted from conversations nor the drafting of the General Comment, but rather should be highlighted as inseparable from civilian harm and integral to any States’ application of the ICESCR in situations of armed conflict.
- 4. Explore inroads for addressing rising military expenditure.** The trajectory of increasing military expenditure is likely to continue, with potentially serious consequences for the protection of economic, social and cultural rights. The CESCR should address the issue of rising military expenditure and potential allocations of state budgets to other areas by more systematically requesting states to provide “information on the evolution over the past 10 years of” ESCR relevant areas, including “military expenses as a percentage of gross domestic product and of the public budget.”<sup>46</sup> Through the General Comment, the Committee has an opportunity to reach the arms control and/or economist communities of practice that could more systematically submit their expertise in this regard to build the evidence to underpin their work.



The following list includes the panelists and moderators involved in the expert group meeting panel sessions, organized as part of the Geneva Academy's meeting on economic, social and cultural rights and armed conflict in September 2025.

**Ms. Florence Foster** (Geneva Academy)

**Dr. Francesco Romani** (Geneva Academy)

**Prof. Ludovic Hennebel** (Rapporteur on the CESCR's General Comment on the Application of the ICESCR in Situations of Armed Conflict)

**Prof. Laura-Maria Crăciunean-Tatu** (former CESCR Chair)

**Ms. Alexandra Xanthaki** (Special Rapporteur in the field of cultural rights)

**Prof. Alessandro Chechi** (Université Catholique de Lille)

**Dr. Maria Smirnova** (OHCHR, on behalf of Ms. Farida Shaheed, Special Rapporteur on the right to education)

**Dr. Elke Selter** (former Aliph Foundation)

**Dr. Alexander Breitegger** (ICRC)

**Dr. Simon Walker** (OHCHR)

**Prof. Hélène Tigroudja** (Vice-Chair of the Human Rights Committee)

**Dr. Khaled Hassine** (OHCHR)

**Ms. Wendy MacClinchy** (CIVIC)

**Dr. Joo-Young Lee** (CESCR drafting group member)

**Dr. Diego Lopes da Silva** (SIPRI)

**Ms. Fernanda Hopenhaym** (Working Group on Business and Human Rights)

**Dr. Amanda Cahill-Ripley** (University of Liverpool)

## END NOTES

1 ICJ, Advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, UN doc A/ES-10/273, 13 July 2004.

2 This expert group meeting took place in the context of the 78th session of the Committee on Economic, Social and Cultural Rights and was convened by the Geneva Academy of International Humanitarian Law and Human Rights, in collaboration with the drafting group of the General Comment. This meeting followed a previous expert consultation on the CESCR's General Comment on the Application of the ICESCR in Situations of Armed Conflict, held in May 2025 on the occasion of the 77th session of the CESCR. See Geneva Academy, 'Geneva Academy Hosts Expert Consultation on CESCR's General Comment on ICESCR in Armed Conflict,' 8 May 2025, <https://www.geneva-academy.ch/news/detail/779-expert-consultation-on-cescr-s-general-comment-on-icescr-in-armed-conflict> (last accessed 18 November 2025).

3 For example, the Convention on the Rights of Persons with Disabilities (CRPD) provides useful guidance on States Parties' obligations in armed conflict with regards to the rights of persons with disabilities. Article 11 of the CRPD calls on States Parties to take "all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict." Convention on the Rights of Persons with Disabilities, UN doc A/RES/61/106, 13 December 2006, Article 11.

4 As of November 2025, the CESCR has adopted 27 general comments, most recently on economic, social and cultural rights and the environmental dimension of sustainable development. For all general comments see United Nations Human Rights Treaty Bodies, 'UN Treaty Body Database,' [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11) (last accessed 10 November 2025).

5 See General Comment No. 8 on the relationship between economic sanctions and respect for ESCR, UN doc E/C.12/1997/8, 12 December 1997; General comment No. 22 on the right to sexual and reproductive health, UN doc E/C.12/GC/22, 2 May 2016; General Comment No. 26 on land and ESCR, UN doc E/C.12/GC/26, 24 January 2023. The latter acknowledged the links between internal armed conflicts, land and the enjoyment of ESCR. The Committee also noted that "weak, mismanaged, corrupt or non-existent legal and institutional frameworks for the governance of land tenure exacerbate these problems and lead to land disputes and conflicts, social inequality, hunger and poverty." General Comment No. 26 (2022) on land and economic, social and cultural rights, UN doc E/C.12/GC/26, 24 January 2023, §2.(g). See also references to armed conflict in General Comment No. 14 on the right to the highest attainable standard of health (2000) and General Comment No. 12 on the right to adequate food (1999). For all the CESCR's General Comments see United Nations Human Rights Treaty Bodies, 'UN Treaty Body Database,' [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11) (last accessed 18 November 2025).

6 Under Article 15, the ICESCR recognizes the right of everyone: "(a) to take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests." See UNGA Res 2200A (XXI), 16 December 1996, Article 15. However, cultural rights have often been referred to as the 'Cinderella' among ESCR. See for example J. Blake, *Exploring Cultural Rights and Cultural Diversity: An Introduction with Selected Legal Materials*, Institute of Art and Law, 2014.

7 For example, research has highlighted how harm to cultural heritage is inseparable from civilian harm. See B. Docherty, *Destroying Cultural Heritage Explosive Weapons' Effects in Armed Conflict and Measures to Strengthen Protection*, 2024, [https://www.hrw.org/sites/default/files/media\\_2024/04/arms0424web.pdf](https://www.hrw.org/sites/default/files/media_2024/04/arms0424web.pdf) (last accessed 4 November 2025).

8 UNESCO, 'Cultural heritage and armed conflicts,' <https://www.unesco.org/en/heritage-armed-conflicts> (last accessed 10 November 2025).

9 For more information on ALIPH's ongoing and past projects for the protection of cultural rights in situations of armed conflict see International alliance for the protection of heritage, 'Projects,' <https://www.aliph-foundation.org/en/projects> (last accessed 10 November 2025).

10 See Report of the Special Rapporteur in the field of cultural rights, UN doc A/80/278, 30 July 2025, §70(e).

11 The latest report of the Special Rapporteur on the right to education outlines eight actionable priorities for international and national actors to protect and realize the right to education in armed conflict, including criminalizing attacks on education and the military use of educational facilities in national legislation, ensuring continued education during armed conflict, safeguarding educational content, and engaging non-State armed groups to safeguard education, among others. See Report of the Special Rapporteur on the right to education on the Right to education in armed conflict: a human rights imperative, UN doc A/80/479, 15 October 2025.

12 See Report of the Special Rapporteur on the right to education on the Right to education: the cultural dimensions of the right to education, or the right to education as a cultural right, UN doc A/HRC/47/32, 16 April 2021.

13 Violations in Russian-occupied territories of Ukraine include conditioning access to health care, education and social security on Russian citizenship; suppressing expressions of Ukrainian culture and identity; imposing the Russian State curriculum across schools; restricting access to education in Ukrainian language; and restricting access to housing for Ukrainians. United Nations Human Rights Office of the High Commissioner, 'Human rights situation during the Russian occupation of territory of Ukraine and its aftermath,' 20 March 2024, <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2023/2024-03-20-OHCHR-Report-Occupation-Aftermath-en.pdf> (last accessed 10 November 2025). Similar violations have been observed in Gaza. See United Nations Human Rights Office of the High Commissioner, 'Update Report: Six-month update report on the human rights situation in Gaza: 1 November 2023 to 30 April 2024,' 8 November 2024, <https://www.ohchr.org/sites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf> (last accessed 10 November 2025).

14 By virtue of its status as an Occupying Power, a State assumes a set of powers and duties relating to the territory over which it has effective control. The law of occupation sets out these powers and duties, including duties to restore and ensure public order and civil life and to respect the local legal system. See Hague Regulations, Article 43. See also A. Cahill-Ripley, *The Human Right to Water and its Application in the Occupied Palestinian Territories*, Routledge, 2011.

15 In its Advisory Opinion of 19 July 2024, the ICJ observed that "'international human rights instruments are applicable 'in respect of acts done by a State in the exercise of its jurisdiction outside its own territory', particularly in occupied territories" and that "(...) the protection offered by human rights conventions does not cease in case of armed conflict or of occupation." 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.

16 A phased framework consistent with progressive realization may be needed to respond to specific examples of occupation. For example, the Committee has elaborated a framework for respecting the progressive realization of Covenant rights in times of economic and financial crises, which could be adapted to situations of occupation. See 'Open letter to States parties on economic, social and cultural rights and the economic and financial crisis' in Report on the forty-eighth and forty-ninth sessions of the Committee on Economic, Social and Cultural Rights, UN doc E/C.12/2012/3, 2013, section B annex VI.

17 For an example with regards to the right to water in the Occupied Palestinian Territories, see A. Cahill-Ripley, *The Human Right to Water and its Application in the Occupied Palestinian Territories*, Routledge, 2011, chapters 4 & 7.

18 General Comment No. 14 (2000) on the right to the highest attainable standard of health, UN doc E/C.12/2000/4, 11 August 2000, §43-45. The General Comment should also include environmental obligations of occupying powers.

19 For the ICRC's 2025 Commentary for each article of the Fourth Geneva Convention, see ICRC, 'Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949,' <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949> (last accessed 18 November 2025).

20 For example, UNGA Resolution 69/132 noted that "attacking, threatening or otherwise preventing medical and health personnel from fulfilling their medical duties (...) impedes the attainment of the right to the enjoyment of the highest attainable standard of health." UNGA Res 69/132, 11 December 2014.

21 General Comment No. 14 (2000) on the right to the highest attainable standard of health, UN doc E/C.12/2000/4, 11 August 2000, §43.

22 A recent report of the Special Rapporteur on the situation of human rights in



the Palestinian territories sets out in detail the impact of business activities on issues such as water, housing, land and food in the context of Israel's occupation. See Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 on From economy of occupation to economy of genocide, UN doc .A/HRC/59/23, 2 July 2015.

23 See General Comment No. 24 (2017) on State obligations in the context of business activities, UN doc E/C.12/GC/24, 23 June 2017.

24 See for example A. Day and E. Bapt, *From Signals to Action - How the UN Human Rights System Can Deliver Early Warning and Conflict Prevention*, Geneva Academy and United Nations University Centre for Policy Research (UNU- CPR), December 2024, <https://www.geneva-academy.ch/joomlatools-files/docman-files/From%20Signals%20to%20Action.pdf> (last accessed 23 October 2025); E. Harper and B. Ubushieva, *Environmental Human Rights as a Tool in Early Warning and Conflict Prevention - The Role of the Human Rights Council*, Geneva Academy, January 2024, <https://www.geneva-academy.ch/joomlatools-files/docman-files/Environmental%20Human%20Rights%20as%20a%20Tool%20in%20Early%20Warning%20and%20Conflict%20Prevention.pdf> (last accessed 23 October 2025). OHCHR has repeatedly promoted the inclusion of economic, social and cultural rights in early warning analysis, arguing that "analysis of economic, social and cultural rights should (...) be at the forefront of any national or international early warning effort." Report of the United Nations High Commissioner for Human Rights on Early warning and economic, social and cultural rights, UN doc E/2016/58, 13 May 2016, §61.

25 United Nations and World Bank Group, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, 2018, p 155.

26 See for example the Center for Civilians in Conflict (CIVIC)'s work and analysis on Northeast Nigeria, Iraq, and other settings: Center for Civilians in Conflict, *Barriers and Bridges to Protection: Civil-Military Engagement in Northeast Nigeria*, October 2020, <https://civiliansinconflict.org/wp-content/uploads/2020/10/Nigeria-LL.pdf> (last accessed 10 November 2025); Center for Civilians in Conflict, "If I leave...I cannot breathe": *Climate Change and Civilian Protection in Iraq*, July 2020, [https://civiliansinconflict.org/wp-content/uploads/2022/07/CIVIC\\_Iraq\\_ClimateChange\\_ProtectionofCivilians.pdf](https://civiliansinconflict.org/wp-content/uploads/2022/07/CIVIC_Iraq_ClimateChange_ProtectionofCivilians.pdf) (last accessed 10 November 2025).

27 This includes integrating early warning language, including with regards to economic, social and cultural rights, within UN peacekeeping mandates. See for example Daniel Levine-Spound, *Early Warning and Rapid Response Takes Root in UN Peacekeeping*, January 2021, [https://civiliansinconflict.org/wp-content/uploads/2021/01/CIVIC\\_Peacekeeping\\_EWCM\\_Report\\_EN\\_V5-1.pdf](https://civiliansinconflict.org/wp-content/uploads/2021/01/CIVIC_Peacekeeping_EWCM_Report_EN_V5-1.pdf) (last accessed 10 November 2025).

28 UN, *A New Agenda for Peace: Our Common Agenda*, Policy Brief 9, July 2023, p 11, <https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf> (last accessed 10 November 2025); UN, *A United Nations Agenda for Protection: Strengthening the ability of the United Nations System to protect people through their human rights*, March 2024, <https://www.ohchr.org/sites/default/files/documents/issues/protection/Agenda-Protection-Pledge-Policy-Brief.pdf> (last accessed 10 November 2025); UN, *Summit of the Future Outcome Documents: Pact for the Future, Global Digital Compact and Declaration on Future Generations*, September 2024, pp 1-36, [https://www.un.org/sites/un2.un.org/files/soft-pact\\_for\\_the\\_future\\_adopted.pdf](https://www.un.org/sites/un2.un.org/files/soft-pact_for_the_future_adopted.pdf) (last accessed 10 November 2025).

29 One suggestion involved the framing of "marginalized groups" or "groups at increased risk of harm" rather than "vulnerable groups," particularly since these groups are not inherently vulnerable on the basis of their identities, but rather are made vulnerable by their marginalization and the failure to respect, protect and fulfill their rights.

30 For example, following the 2016 peace agreement signed between the Colombian Government and the Revolutionary Armed Forces of Colombia, the CESCR encouraged its implementation in line with the rights enshrined in the ICESCR. See OHCHR, 'Committee on Economic, Social and Cultural Rights reviews the report of Colombia,' 20 September 2017, <https://www.ohchr.org/en/press-releases/2017/09/committee-economic-social-and-cultural-rights-reviews-report-colombia> (last accessed 10 November 2025). See also A. Cahill-Ripley, 'Reclaiming the Peacebuilding Agenda: Economic and Social Rights as a Legal Framework for Building Positive Peace - A Human Security Plus Approach to Peacebuilding', 16 Human Rights Law Review 2 (2016), 223-246.

31 UNGA Res 2200A (XXI), 16 December 1996, Article 2(1).

32 See for example United Nations, *Report of the Secretary-General on The Security We Need: Rebalancing Military Spending for a Sustainable and Peaceful Future*, September 2025, [https://front.un-arm.org/Milex-SDG-Study/SG\\_Report\\_TheSecurityWeNeed.pdf](https://front.un-arm.org/Milex-SDG-Study/SG_Report_TheSecurityWeNeed.pdf), p 36. Note there will be an upcoming paper from the Geneva Academy expanding on this topic of discussion.

33 See for example Committee on Economic, Social and Cultural Rights, Concluding observations on the initial report of Pakistan, UN doc E/C.12/PAK/CO/1, 20 July 2017, §15; Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of Serbia, UN doc E/C.12/SRB/CO/3, 6 April 2022, §24(c); Committee on Economic, Social and Cultural Rights, Concluding observations on the seventh periodic report of Poland, UN doc E/C.12/POL/CO/7, 24 October 2024, §18.

34 See for example Committee on Economic, Social and Cultural Rights, List of issues in relation to the seventh periodic report of United Kingdom of Great Britain and Northern Ireland, UN doc E/C.12/GBR/Q/7, §8(f); Committee on Economic, Social and Cultural Rights, List of issues in relation to the third periodic report of Honduras, UN doc E/C.12/HND/Q/3, 7 December 2022, §10(g); Committee on Economic, Social and Cultural Rights, List of issues in relation to the seventh periodic report of the Philippines, UN doc E/C.12/PHL/Q/7, 16 November 2022, §9(g).

35 Stockholm International Peace Research Institute (SIPRI)'s Military Expenditure Database, SIPRI, 'SIPRI Military Expenditure Database', <https://www.sipri.org/databases/milex> (last accessed 10 November 2025).

36 See for example S. Daniels, 'Defense Budgets in an Uncertain Security Environment,' *Center for Strategic & International Studies*, 16 September 2025

<https://www.csis.org/analysis/chapter-13-defense-budgets-uncertain-security-environment> (last accessed 9 November 2025).

37 Case studies like Venezuela's FONDEN and Chile's Copper Law (1971) illustrate how development funds or natural resource revenues have been diverted to military purposes, often bypassing legislative scrutiny and reinforcing institutional inertia.

38 L. Scarazzato, N. tian, D. Lopes da silva, X. Liang and K. Djokic, *The SIPRI Top 100 Arms-Producing and Military Services Companies, 2023*, SIPRI, December 2024, [https://www.sipri.org/sites/default/files/2024-11/fs\\_2412\\_top\\_100\\_2023\\_0.pdf](https://www.sipri.org/sites/default/files/2024-11/fs_2412_top_100_2023_0.pdf) (last accessed 10 November 2025), p 1.

39 The recent HRC Resolution on the impact of arms transfers on human rights recognized that "the diversion of arms and unregulated or illicit arms transfers have negative humanitarian, development and socioeconomic consequences, exacerbate armed conflicts and violence and have a negative impact on the enjoyment of human rights." It also recalled the Guiding Principles on Business and Human Rights, endorsed by HRC Resolution 17/4 of 16 June 2011, and argued that "all business enterprises have the responsibility to respect human rights and should, inter alia, carry out human rights due diligence, appropriate to their size and circumstances, to identify, prevent, mitigate and account for how they address their impact on human rights." UN HRC Res 59/13, 7 July 2025. The Working Group on the issue of human rights and transnational corporations and other business enterprises (referred to as the Working Group on Business and Human Rights), is mandated to promote the effective and comprehensive dissemination and implementation of the *Guiding Principles on Business and Human Rights*. See United Nations, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, 2011, [https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (last accessed 9 November 2025).

40 See A. Cahill-Ripley, *Socio-Economic Rights in Times of Crisis and Normality: Article 4 Limitations under the International Covenant on Economic, Social and Cultural Rights*, Bristol University Press, 2025.

41 General Comment No. 3 on the nature of States parties' obligations, (contained in) UN doc E/1991/23, 14 December 1990, §9.

42 UN Charter, 1945, Article 26.

43 Statement by the Committee on Economic, Social and Cultural Rights on Public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights, UN doc E/C.12/2016/1, 22 July 2016.

44 See for example Inter-Parliamentary Union, *Democratic checks, military*

*balances: Parliamentary oversight in an era of rising military expenditure*, October 2025, <https://www.ipu.org/fr/file/22486/download> (last accessed 10 November 2025).

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45 As elaborated in HRC Resolution 9/9 on the protection of the human rights of civilians in armed conflict, and its subsequent expert consultation, IHL and IHRL are complementary and mutually reinforcing. See UNHRC Res 9/9, 18 September 2008 and Report of the Office of the High Commissioner on the outcome of the expert consultation on the issue of protecting the human rights of civilians in armed conflict, UN doc A/HRC/14/40, 2 June 2010, §7.

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46 See for example Committee on Economic, Social and Cultural Rights, List of issues in relation to the fourth periodic report of Armenia, UN doc E/C.12/ARM/Q/4, 15 November 2021, §5, 5(g).

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