



**Power of humanity**

Council of Delegates of the International  
Red Cross and Red Crescent Movement

10-11 November 2017, Turkey



**EN**

CD/17/12DR  
Original: English  
For decision

**COUNCIL OF DELEGATES  
OF THE INTERNATIONAL RED CROSS  
AND RED CRESCENT MOVEMENT**

Antalya, Turkey  
10–11 November 2017

**International humanitarian law**

**DRAFT RESOLUTION**

**Document prepared by  
the International Committee of the Red Cross**

Geneva, September 2017

## DRAFT RESOLUTION

### International humanitarian law

The Council of Delegates,

*deeply concerned* about ongoing violations of international humanitarian law (IHL), and *deploring* the suffering they cause to the victims of armed conflict,

*stressing* the imperative need to improve compliance with IHL by all parties to armed conflicts, and *reiterating* that more can be done to address the current weaknesses and gaps in the implementation of IHL, as recognized by all components of the International Red Cross and Red Crescent Movement (Movement) and States at the 32nd International Conference of the Red Cross and Red Crescent (International Conference),

*expressing particular concern* that persons deprived of their liberty in relation to armed conflict are vulnerable to IHL violations, such as murder, forced disappearance, hostage-taking, torture, cruel or inhuman treatment, rape and other forms of sexual violence, summary executions or disregard for their basic needs,

*highlighting* the 40th anniversary in 2017 of the 1977 Protocols additional to the 1949 Geneva Conventions, relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I) and to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), and *expressing appreciation* for the significant number of States that have become party to the 1977 Additional Protocols since their adoption,

*welcoming* the background report to this resolution, on the work undertaken so far to implement Resolutions 1 and 2 adopted by the 32nd International Conference, and on the 2005 study by the International Committee of the Red Cross (ICRC) on customary IHL and the accompanying database, available online since 2010,

*commending* the ICRC for its ongoing work to update the Commentaries on the Geneva Conventions of 1949 and their Additional Protocols of 1977, which has so far led to the publication of the updated Commentaries on the First and Second Geneva Conventions in 2016 and 2017 respectively,

*welcoming* the progress report on the implementation of Resolution 7 of the 2013 Council of Delegates, "Weapons and international humanitarian law",

*recalling* the respective mandates of the components of the Movement as they relate to IHL, which are laid down in the Statutes of the Movement, and *noting, inter alia*, that National Red Cross and Red Crescent Societies (National Societies), in the fulfilment of their auxiliary role, may provide valuable support to their respective public authorities, including in the implementation of the authorities' humanitarian obligations under IHL,

1. *calls upon* all parties to armed conflict to abide by their existing obligations under IHL;
2. *underlines* the important contribution made by the adoption of the Additional Protocols in 1977 to the protection of victims of international and non-international armed conflicts, and *stresses* their continuing relevance in contemporary armed conflicts, as well as that of other IHL treaties, notably the 1949 Geneva Conventions;

3. *encourages* States to consider ratifying or acceding to IHL treaties to which they are not yet party, including the 1977 Additional Protocols, and to take all necessary measures for their implementation, and furthermore *encourages* the States Parties to consider recognizing the competence of the International Fact-Finding Commission under Article 90 of Additional Protocol I;
4. *invites* the components of the Movement, in accordance with their respective mandates, to offer support to States in this respect;

\*

5. *notes with appreciation* the steps undertaken so far by the ICRC to implement Resolution 1 of the 32nd International Conference, and by the ICRC and the Government of Switzerland to implement Resolution 2 of the 32nd International Conference;
6. *expresses support* for the ICRC's ongoing work on the intergovernmental process under Resolution 2, while recognizing its State-driven nature;
7. *expresses appreciation* to members who are contributing to the ICRC-facilitated Open-Ended Reference Group of the Movement related to the intergovernmental process under Resolution 2, and *encourages* the Movement to participate in and support the Group's work, including by encouraging active State engagement in the process;

\*

8. *notes* the continuing importance of customary IHL to the regulation of contemporary armed conflicts, and *emphasizes* the customary IHL study as an important contribution to the protection of victims of armed conflict;
9. *reiterates its thanks* to the ICRC for initiating, in 2007, with the British Red Cross, the updating of the "practice" volume of the study, and *expresses appreciation* for the work jointly carried out since then;
10. *welcomes* the creation of the ICRC's online customary IHL database in 2010, making the content of the study as well as regular updates of worldwide practice freely accessible, and *notes* the wide use of the customary IHL study and database in national and international materials;
11. *expresses its appreciation* to all National Societies, States, researchers and ICRC delegations that have supported the database with contributions of national practice over the last decade, *thanks* them for any future support they may be able to give in this respect, and especially *encourages* contributions of national practice from additional National Societies;
12. *recommends* the study and database to all components of the Movement as a basis for discussion, where relevant, with national authorities, armed forces, academic circles and parties to armed conflict;
13. *invites* National Societies, to the extent of their capacities, to continue to disseminate and promote the findings of the study as widely as possible, including by making use of the database, and *thanks* all National Societies that have already done so in the past.