

Power of humanity

33rd International Conference
of the Red Cross and Red Crescent

9-12 December 2019, Geneva



**33rd INTERNATIONAL CONFERENCE
OF THE RED CROSS AND RED CRESCENT**

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**Bringing IHL home: A road map for better national implementation
of international humanitarian law**

Draft zero resolution

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DRAFT ZERO RESOLUTION

Bringing IHL home: A road map for better national implementation of international humanitarian law

The 33rd International Conference of the Red Cross and Red Crescent,

reaffirming that international humanitarian law (IHL) remains as relevant today as ever before in international and non-international armed conflicts, even as contemporary warfare poses new challenges,

recalling that international humanitarian law, as applicable, must be fully applied in all circumstances, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria, or based on the political nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict,

highlighting that 2019 marks the 70th anniversary of the adoption of the 1949 Geneva Conventions, *welcoming* their universal ratification, and *expressing* the hope that the Protocols additional to the Geneva Conventions and other relevant treaties will also achieve universal acceptance,

reaffirming the obligation of all States and parties to armed conflict to respect and ensure respect for IHL in all circumstances,

recalling the respective mandates of the components of the International Red Cross and Red Crescent Movement in relation to IHL as enshrined in IHL treaties and the Statutes of the Movement, in particular the unique role of National Societies as auxiliaries to the public authorities in the humanitarian field, including to implement the authorities' obligations under IHL, and especially their role in disseminating and assisting their governments' efforts to disseminate IHL,

stressing that parties to armed conflicts have taken measures in many instances to ensure during their military operations that IHL is respected, including when attacks on military objectives are suspended or cancelled because the incidental civilian harm is deemed to be excessive; when feasible measures are taken to enable civilians to exchange personal news with family members from whom they have been separated; or when detainees are treated humanely,

recognizing the positive impact that the socialization of IHL in military practice can have on battlefield behaviour, in particular through training tailored to the profile of the audience,

deeply concerned nevertheless that there continue to be frequent violations of IHL, which cause dire humanitarian consequences,

emphasizing therefore the vital importance of working towards more effective implementation and dissemination of IHL,

1. *urges* all parties to armed conflicts to fully comply with their obligations under IHL;

2. *recalls* that domestic implementation of international obligations plays a central role in fulfilling the obligation to respect IHL, and therefore *reiterates* the need for States to adopt all necessary legislative, administrative and practical measures at the domestic level to implement IHL and *invites* States to carry out an analysis of the areas requiring further domestic implementation;
3. *encourages* all States that have not already done so to consider ratifying or acceding to IHL treaties to which they are not yet party, in particular the Protocols additional to the Geneva Conventions, and to consider recognizing the competence of the International Fact-Finding Commission established under Article 90 of Protocol I additional to the Geneva Conventions;
4. *acknowledges with appreciation* the effective role and increasing number of national committees and similar entities on IHL involved in advising and assisting national authorities in implementing, developing and spreading knowledge of IHL, and *strongly encourages* States that have not yet done so to consider establishing such an entity;
5. *welcomes* the outcomes of the fourth universal meeting of national committees and similar entities on IHL held in 2016, and *calls for* the strengthening of cooperation between such entities on the international, regional and cross-regional levels, in particular by attending and actively participating in the universal meetings and other regular meetings of such entities, as well as through the new digital community for national committees and similar entities on IHL, created on the basis of the recommendations made by the participants of the 2016 universal meeting;
6. *encourages* States to make every effort to further integrate IHL into military training and all levels of military planning and decision-making, thereby ensuring that IHL is fully integrated into the military ethos, and *recalls* the importance of the availability within States' armed forces of legal advisers to advise commanders, at the appropriate level, on the application of IHL, including to non-international armed conflicts;
7. *encourages* States and the components of the Movement to take concrete action to fulfil their complementary obligations to disseminate IHL effectively, including through partnerships with academics and practitioners where suitable, and paying particular attention to those called upon to implement or apply IHL at the national level, such as civil servants, parliamentarians, prosecutors and judges;
8. *also encourages* States and the components of the Movement, while continuing to rely on proven effective methods of dissemination, to explore new appropriate methods too, including using digital and other means, such as video games and social media promoting respect for IHL, and where possible to incorporate therein the voices of people affected by armed conflict and their perception of IHL;
9. *recalls* the obligation of States to suppress all acts contrary to IHL, to investigate war crimes allegedly committed by their nationals or on their territory, as well as other war crimes over which they have jurisdiction, and, if appropriate, to prosecute the suspects, as well as their obligation to make every effort to cooperate, to the extent possible, to facilitate the repression of such crimes;
10. *invites* States, whenever the opportunity arises, for instance by making use of existing tools and of the national committees and similar entities on IHL, where applicable, to share examples of and exchange on good practices of national implementation

measures taken in accordance with IHL obligations and International Conference resolutions, including this road map, as well as measures that may go beyond their respective IHL obligations.