

Power of humanity

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

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

Draft resolution

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

Geneva, October 2019

DRAFT 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 presents new developments and challenges,

recalling that IHL, as applicable, must be fully applied in all circumstances, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict,

recalling also that persons taking no active part in the hostilities shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria,

recognizing that women, men, girls and boys of different ages, disabilities and backgrounds are affected differently by armed conflict, and that these differences need to be considered when implementing and applying IHL, in order to safeguard adequate protection for all,

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

stressing that parties to armed conflicts have taken measures in many instances to ensure during their military operations that IHL is respected, such as when cancelling or suspending attacks on military objectives because the expected incidental civilian harm is deemed to be excessive in relation to the concrete and direct military advantage anticipated; when enabling civilians to exchange personal news with family members, wherever they may be; or when treating detainees humanely,

deeply concerned nevertheless that there continue to be violations of IHL, which cause dire humanitarian consequences, and *stressing* that better respect for IHL is an indispensable prerequisite for minimizing humanitarian consequences and thereby improving the situation of victims of armed conflict,

recalling that domestic implementation of international obligations plays a central role in fulfilling the obligation to respect IHL, and *recognizing* the primary role of States in this regard,

recalling also the respective mandates of the components of the International Red Cross and Red Crescent Movement in relation to IHL as recognized in IHL treaties and in accordance with the Statutes of the Movement, in particular the unique role of National Red Cross and Red Crescent Societies as auxiliaries to the public authorities in the humanitarian field, based on which they disseminate and assist their governments in disseminating IHL and take initiatives in this respect, and cooperate with their governments to ensure respect for IHL and to protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols,

recognizing the positive impact that the integration of IHL into military practice can have on battlefield behaviour, in particular through training commensurate with individuals' military duties and responsibilities,

stressing the basic value of respect for human dignity in times of armed conflict, which is not only enshrined in IHL but also in the rules and principles of different faiths and traditions, and *recognizing* the importance of dialogue among relevant actors and ongoing efforts in this respect,

emphasizing the vital importance of building on existing efforts to achieve more effective implementation and dissemination of IHL and of demonstrating the benefits of IHL for all parties to armed conflict and for the protection of all victims of armed conflict,

convinced that the measures recommended below provide a useful road map for effective implementation of IHL at the national level,

1. *urges* all parties to armed conflicts to fully comply with their obligations under IHL;
2. *calls upon* States to adopt necessary legislative, administrative and practical measures at the domestic level to implement IHL, and *invites* States to carry out, with the support of the National Society where possible, 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, including the Protocols additional to the Geneva Conventions, and to consider recognizing the competence of the International Fact-Finding Commission, which was established under Article 90 of Protocol I additional to the Geneva Conventions and which may contribute to an attitude of respect for IHL;
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. *recalls* 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, regional 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. *strongly encourages* States to make every effort to further integrate IHL into military doctrine, education and training, and all levels of military planning and decision-making, thereby ensuring that IHL is fully integrated into military practice and reflected in 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, coordinated action, including through partnerships with academics and practitioners where suitable, to disseminate IHL effectively, paying particular attention to those called upon to implement or apply IHL at the domestic level, such as civil servants, parliamentarians,

prosecutors and judges, while continuing to disseminate IHL as widely as possible to the general public, including to youth;

8. *also encourages* States and the components of the Movement, while continuing to rely on proven effective methods of dissemination of IHL, to explore new appropriate methods to promote respect for IHL, including using digital and other means, such as video games and social media, and where possible to consider 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 search for persons alleged to have committed, or to have ordered to be committed, grave breaches, and bring such persons, regardless of their nationality, before their own courts, and to investigate other serious violations of IHL, in particular those allegedly committed by their nationals or on their territory, and if appropriate, to prosecute the suspects, and *also recalls* their obligation to make every effort to cooperate, to the extent possible, to facilitate the repression of serious violations of IHL;
10. *invites* States to share examples of and exchange good practices of national implementation measures taken in accordance with IHL obligations and consistent with International Conference resolutions, including this road map, as well as other measures that may go beyond States' IHL obligations, including by making use of existing tools and of national committees and similar entities on IHL, where they exist.