

Power of humanity

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**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 resolution

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

Geneva, December 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,

recognizing that the efforts carried out by States and the components of the Movement to eliminate or minimize dire humanitarian consequences of armed conflicts could also contribute to addressing the root causes of conflicts and its various consequences.

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 can be 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,

stressing that the best interests of the child as well as the specific needs and vulnerabilities of girls and boys should be duly considered when planning and carrying out military training and humanitarian actions, as appropriate.

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 loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof would 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 can cause dire humanitarian consequences, and *stressing* that better respect for IHL is an indispensable prerequisite for minimizing negative 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,

noting the significant role and mandates of the components of the International Red Cross and Red Crescent Movement in promoting the application of IHL 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, for example, through issuance of doctrine, procedures that incorporate IHL principles and concepts, legal advisers advising commanders on IHL during military operations and training on IHL 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, as well as military ethics, 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;

2bis. *acknowledges with appreciation* States' efforts and initiatives taken to disseminate international humanitarian law knowledge and promote respect for IHL, by raising awareness among civilians and military personnel, and to put in place implementation measures, and strongly encourages the intensification of such measures and initiatives.

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 recalls that States may declare that they recognize the competence of the International Fact Finding Commission as established under Article 90 of Protocol I additional to the Geneva Conventions and that this may contribute to an attitude of respect for IHL;
4. *acknowledges* 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 *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 in the 2016 universal meeting;

6. *strongly encourages* States to make every effort to further integrate IHL into military doctrine, education and training, and into 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;
7. *encourages* States and the components of the Movement, in particular National Red Cross and Red Crescent Societies, to take concrete, and where appropriate, coordinated activities, 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 such as military personnel, civil servants, parliamentarians, prosecutors and judges, while continuing to disseminate IHL at the domestic level as widely as possible to the general public, including to youth;
8. *calls* upon States to protect the most vulnerable people affected by armed conflicts, in particular women, children, persons with disabilities and to provide that they receive timely effective humanitarian assistance.
9. *also encourages* States and the components of the Movement, while continuing to rely on proven effective methods of dissemination of IHL, to explore new innovative and appropriate methods to promote respect for IHL, including using digital and other means, such as video games, and where possible to consider therein the voices of people affected by armed conflict and their perception of IHL;
10. *recalls* the obligations of High Contracting Parties to the Geneva Conventions and Additional Protocol 1 to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any grave breaches of the Geneva Conventions and First Additional Protocol as applicable: and to take measures necessary for the suppression of all other acts contrary to those Conventions or to other applicable IHL obligations, and further recalls obligations with respect to the repression of serious violations of IHL;
11. *further recalls* the obligations of the High Contracting Parties of the Geneva Conventions and the First Additional Protocol to search for persons alleged to have committed, or have ordered to be committed, such grave breaches, and to bring such persons, regardless of their nationality, before its own courts or in accordance with provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting party has made out a *prima facie* case;
12. *invites* States to share examples of and exchange good practices of national implementation measures taken in accordance with IHL obligations 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, consistent with International Conference resolutions, including this road map.