



Power of humanity

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Protecting civilians and other protected persons and objects against the potential human cost of ICT activities during armed conflict

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Protecting civilians and other protected persons and objects against the potential human cost of ICT activities during armed conflict

The 34th International Conference of the Red Cross and Red Crescent (International Conference),

- PP1. *recognizing* that an increasingly digitalized and connected world provides opportunities in the social, economic, development, humanitarian, and information and communication spheres, and can help save and improve lives, including during armed conflict,
- PP2. *underlining* the importance of connectivity and information and communication technologies (ICTs) for the delivery of essential services – such as food, water, electricity as well as medical and humanitarian services – to civilian populations and other protected persons, and for civilians to seek information about where to find safety, objects essential for their survival and to maintain family contact,
- PP3. *recalling* that ICT capabilities, including ICT-enabled information operations, have already been used in armed conflicts in different regions and their use in future armed conflicts is becoming more likely,
- PP4. *expressing concern* that the use of ICTs capabilities during armed conflict may cause harm to the civilian population and other protected persons and objects, including across international borders, in particular where directed against, or incidentally affecting, ICTs that are part of civilian objects, including civilian critical infrastructure and essential services, or works and installations containing dangerous forces,
- PP5. *expressing further concern* that a lack of adequate capacities to detect and defend against malicious ICT activities may make States and National Red Cross and Red Crescent Societies more vulnerable,
- PP6. *expressing concern* about the scale, speed and reach of disinformation, hate speech, and other harmful information spread through ICTs, in particular social media platforms, and the harm such use of ICTs can cause to the civilian population and other protected persons during armed conflict;
- PP7. *noting* how different people may be harmed in different ways by ICT activities, such as, among others, women, children, older adults, the wounded and sick, and persons with disabilities,
- PP8. *noting with concern* that the use of artificial intelligence and other emerging technologies in support of ICT activities may further increase their scale and speed as well as the harm they may cause;

- PP9. *noting* that ICTs enable or are used to encourage civilians to conduct or support ICT activities in armed conflict, and *expressing concern* that civilians may not be aware of the risks involved and legal limits applicable to their conduct,
- PP10. *recalling* that private technology companies provide a range of ICT products, services and infrastructure on which civilian populations, governments and humanitarian organizations rely, including during armed conflict, and *underlining* the importance of their availability for civilian populations,
- PP11. *recognizing* that ICTs are essential for efficient and effective humanitarian operations, and *expressing deep concern* about ICT activities, including data breaches and disinformation, that target humanitarian organizations, disrupt their relief operations, undermine trust in humanitarian organizations, including Movement components, and threaten the safety and security of their personnel, premises and assets, and ultimately their access and ability to carry out humanitarian activities,
- PP12. *recalling* the legal and protective value of the distinctive emblems and signals, as applicable, and *acknowledging* the research and consultation conducted by the International Committee of the Red Cross (ICRC), in collaboration with academic institutions and other components of the International Red Cross and Red Crescent Movement (Movement), on the purpose, parameters and feasibility of a “digital emblem”,
- PP13. *reaffirming* Resolution 4, “Restoring Family Links while respecting privacy, including as it relates to personal data protection”, adopted by the 33rd International Conference, and *emphasizing* that the issues addressed in that resolution are also important for the protection of other humanitarian data,
- PP14. *taking note* of Resolution 12, “Safeguarding humanitarian data”, adopted by the 2022 Council of Delegates, and *welcoming* the commitments of the Movement on the protection of their humanitarian data, including on strengthening capacities, and emphasizing the importance of the confidentiality, integrity, and availability of data for humanitarian operations,
- PP15. *taking note* of United Nations General Assembly resolution 76/19, and the work by States in the United Nations Open-Ended working groups on security of and in the use of information and communications technologies, in particular in relation to international law,
- PP16. *calling on* States to avoid and refrain from taking any measures not in accordance with international law in their use of ICTs, in particular the Charter of the United Nations including the obligation to settle international disputes by peaceful means and the prohibition of the threat or use of force, and *reaffirming* the conviction that nothing in international humanitarian law (IHL) can be construed as legitimizing or authorizing any act of aggression or any other use of force inconsistent with the Charter of the United Nations, and *emphasizing* that recalling IHL by no means legitimizes or encourages conflict,
- PP17. *Recognizing* that the specificities of the ICT environment raise questions on how certain principles and rules of IHL apply in this context, and that States have taken diverse views on such questions;
- PP18. *emphasizing* that people and critical infrastructure, as well as medical and humanitarian organizations, also risk facing harm caused by ICT activities at all times, *calling on* States to build on this resolution to take effective measures for their protection in line with applicable legal frameworks and their current ICT capacities, and

asking the Movement to take appropriate ICT security and data protection measures at all times,

1. *expresses* the shared commitment of all members of the International Conference to protect the civilian population and other protected persons and objects in situations of armed conflict, including against the dangers arising from ICT activities;
2. *recalls* that IHL applies only to situations of armed conflict, including the established international legal principles of humanity, necessity, proportionality and distinction, and only to conduct that takes place in the context of and is associated with that conflict;
3. *recognizes* the need for further study on how and when these principles apply to the use of ICTs, and to find common understandings among States in this respect;
4. *reiterates* that, during armed conflict, IHL rules and principles – including the principle of distinction, the prohibition of indiscriminate and disproportionate attacks, the obligation to take constant care to spare the civilian population, civilians and civilian objects in the conduct of military operations and all feasible precautions to avoid or minimize civilian harm, the prohibition of encouraging or inciting violations of IHL, and the prohibition of acts or threats of violence the primary purpose of which is to spread terror among the civilian population – serve to protect civilians and other protected persons and objects, including against the dangers arising from the use of ICTs;
5. *calls on* parties to armed conflicts to respect and protect medical personnel, units and transports in accordance with their international legal obligations, including with regard to ICT activities;
6. *further calls on* States and parties to armed conflicts to allow and facilitate impartial humanitarian activities during armed conflict, including those that rely on ICTs, and to respect and protect humanitarian personnel and objects in accordance with their international legal obligations, including with regard to ICT activities;
7. *urges* States and parties to armed conflicts to implement and respect their international legal obligations applicable during armed conflict in ways that effectively protect civilian populations and other protected persons and objects, including with regard to ICT activities;
8. *emphasizes* that in situations of armed conflict non-State actors must comply with the applicable international law that protects civilians and other protected persons and objects, including with regard to ICT activities, and *calls on* States, as well as Movement components as appropriate and in accordance with their respective mandates, to disseminate knowledge of these rules as widely as possible in their respective countries, *urges* States to take measures to prevent IHL violations, and *recalls* their commitment to take measures necessary for the suppression or prosecution of IHL violations;
9. *encourages* all components of the Movement to consider the risk of harm that may be caused by ICT activities to the civilian population and other protected persons and objects, *urges* all components to improve their preparedness for and ability to respond to the risks of such activities, including how different groups of people may be harmed in different ways, for instance by building capacity to detect such risks and prevent harm for affected populations, and *invites* States to support the Movement in these endeavours;
10. *encourages* States, as well as Movement components as appropriate and in accordance with their respective mandates, to take measures to make private

technology companies within their jurisdiction aware that providing ICT services to clients that are or may become involved in armed conflict involves certain risks, and, as appropriate, to engage with these companies to encourage them to further inform themselves of these risks and to adopt, when necessary, policies that inform staff of such risks and enable them to act consistent with the applicable law;

11. *welcomes* the ongoing research on, and testing of, a digital emblem, and *encourages* the ICRC to continue consulting with States and Movement components to further assess and clarify its specific purpose and technical feasibility, to provide, where feasible, capacity-building to interested Movement components and States on its potential use in relation to armed conflict, and to explore possible legal and diplomatic avenues in this respect;
12. *calls on* Movement components to take appropriate steps, within the scope of their respective mandates, capacities and operational needs, to enhance their ability to ensure appropriate levels of cyber security and data protection, in accordance with Resolution 12, “Safeguarding humanitarian data”, adopted by the 2022 Council of Delegates, and *invites* States to support the Movement in these endeavours;
13. *recalls* that the processing of personal data is necessary for Movement components to perform their mandates, particularly under IHL, where applicable, and under the Statutes of the Movement, that such processing serves the furtherance of and is necessary on important grounds of public interest and the vital interests of people, and *urges* States and the Movement to cooperate to ensure that personal data is not requested or used for purposes incompatible with the humanitarian nature of the work of the Movement or in a manner that would undermine the trust of the people it serves or the independence, impartiality and neutrality of the Movement’s operations;
14. *encourages* States and Movement components to exchange knowledge and good practices, and build capacity, on ICT security, data protection, international law and the protection of civilian populations and other protected persons and objects against the dangers arising from ICT activities, taking into account the different levels of resources available among States and Movement components.