



Power of humanity

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Building a universal culture of compliance with international humanitarian law

DRAFT RESOLUTION

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DRAFT RESOLUTION

Building a universal culture of compliance with international humanitarian law

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

conscious that the current International Conference of the Red Cross and Red Crescent (International Conference) is taking place at a time when the intolerable suffering of civilians and other victims of armed conflict demands a strong recommitment to our common humanity,

expressing deep concern about the serious humanitarian consequences of the many armed conflicts around the world, many of them receiving too little attention from States and the media, and many with generations-long consequences,

emphasizing that compliance with international humanitarian law (IHL) during armed conflict is essential to alleviate the suffering of the people affected by it, reduce the human, economic, social, cultural, and environmental cost of war, and facilitate the return to a sustainable peace,

highlighting that 2024 marks 160 years of modern IHL treaty-making and is the 75th anniversary of the adoption of the Geneva Conventions of 1949, while *acknowledging* that the law of armed conflict has deep historical roots in different religions and cultural traditions worldwide, *noting with great appreciation* the universal ratification of the Geneva Conventions, and *expressing the hope* that other IHL treaties will also achieve universal acceptance,

expressing deep concern about the discrepancy between the universal commitment to IHL and insufficient respect for its rules, *underlining* the importance of good faith in interpreting IHL, and *calling attention* to the urgent need to improve respect for IHL,

reiterating the importance of strict compliance by States with their respective obligations under international law, *reaffirming* the obligation of non-State parties to armed conflicts to fulfil their obligations under IHL, and *recalling* that the application of IHL to non-State parties to armed conflicts shall not affect the legal status of those parties,

reaffirming that the *jus ad bellum* and *jus in bello* (i.e. IHL) must each be fully complied with regardless of whether the other has been violated, and *emphasizing* that, in armed conflict, IHL protects all persons in all circumstances, in all domains of warfare, 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, and that, while the IHL protections applicable to individual persons depend on their status, their individual circumstances and the treaties in force, such protections are to be applied without any adverse distinction founded on race, colour, religion or faith, sex, birth, or wealth, or on any similar criteria, and no person may be excluded from the scope of IHL on the grounds of their conduct or association,

emphasizing that a party's obligation to comply with its IHL obligations does not depend on respect for IHL by the adversary,

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,

emphasizing that fighting impunity for violations of IHL is essential for peace, stability, justice and the rule of law, and that it is critical not only to implement IHL, but also to enforce it when violations occur to prevent the recurrence of such violations, and *affirming* that States and parties to armed conflicts have the obligation and power to prevent IHL violations,

emphasizing also that compliance with disarmament obligations, with prohibitions and restrictions on certain weapons, and with the prohibition on transferring weapons in violation of international law helps give effect to IHL and contributes to international peace and security and the building of confidence among States, and hence to the realization of the aspiration of all peoples to live in peace,

noting that, as a long-term historical trend, the development and universalization of IHL have contributed to greater restraint in armed conflicts, while *acknowledging* the challenges that remain and the need for States and components of the International Red Cross and Red Crescent Movement (Movement) to do their utmost to ensure that this positive historical trajectory continues,

welcoming with appreciation the substantial efforts that States have made to implement their IHL obligations, *expressing gratitude* to those States which have shared good practices, *emphasizing* that respect for IHL has saved lives, limited destruction and prevented human suffering, and *emphasizing* as well the primary responsibility of each State to comply with its obligations under IHL, including those which it must implement in peacetime,

reasserting the commitment of all States and all components of the Movement to IHL, and *reaffirming* that IHL remains as relevant today as ever, even as contemporary warfare presents new developments and challenges in both international and non-international armed conflicts,

reaffirming Resolution 1 of the 33rd International Conference, "[Bringing IHL home: A road map for better national implementation of international humanitarian law](#)", which remains fully operative, *welcoming* the efforts of States and Movement components to implement the resolution's provisions with the aim of preventing IHL violations, and *taking note* of the *Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law*, which arose out of that resolution,

welcoming the increasing number of voluntary reports published by States on the domestic implementation of IHL, and pledges to report to the International Conference, and voluntary submissions sent to the secretary-general of the United Nations for the secretary-general's report on the status of the Protocols additional to the Geneva Conventions,

reaffirming the special role of the International Committee of the Red Cross (ICRC) as set out in the four Geneva Conventions of 1949 and in the Statutes of the Movement, *reaffirming* as well the ICRC's role as a neutral, independent and impartial humanitarian organization, especially its mandate to protect and assist victims of armed conflict, including, *inter alia*, prisoners of war, and *stressing* the ICRC's role as a neutral intermediary between parties to armed conflicts,

noting the significant role that the components of the Movement play in promoting the application of IHL and their mandates to do so under the Statutes of the Movement, including the role of the International Federation of Red Cross and Red Crescent Societies (IFRC), and *noting in particular* the unique role of National Red Cross and Red Crescent Societies (National Societies) as auxiliaries to the public authorities in the humanitarian field, based on which they organize, in liaison with the public authorities, emergency relief operations and other services to assist the victims of armed conflicts, as provided for in the Geneva Conventions; they disseminate, and assist their governments in disseminating, IHL, and take initiatives in this respect; and they cooperate with their governments to promote respect for IHL and protect the distinctive emblems recognized by the Geneva Conventions and their Additional Protocols,

reaffirming the Fundamental Principles of the Movement – humanity, impartiality, neutrality, independence, voluntary service, unity and universality – and their particular relevance to humanitarian action in armed conflict, *noting* the critical importance of access by impartial humanitarian actors to victims of armed conflict in a manner consistent with IHL, and *recalling* that States must respect the adherence by all the components of the Movement to the Fundamental Principles,

recalling the legal and protective value of the distinctive emblems and signals, as applicable, in facilitating the identification of medical and religious personnel, medical units and transports, cultural property, civil defence organizations and their personnel, and members of the Movement – emblems and signals which, by virtue of their inclusion in the Geneva Conventions of 1949 and their Additional Protocols and in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and over 160 years of continuous practice, have become universally recognized symbols of impartial and neutral aid and protection for victims of armed conflict, and *recalling* as well that it is the primary responsibility of States to ensure that the emblems are, at all times, used in strict compliance with the provisions of applicable treaties, including those requiring measures for the prevention and repression, at all times, of misuse of the emblems,

believing States, non-State parties to armed conflicts, and the components of the Movement must build a universal culture of compliance with IHL, and *underlining* that long-term investment in implementation of IHL is essential to achieving this goal,

1. *demand*s that all parties to armed conflicts, including situations of occupation, fully comply with their obligations under IHL, and *urges* all States and components of the Movement to work towards a universal culture of compliance with IHL;
2. *calls upon* States, with the support of Movement components, to intensify their efforts to implement Resolution 1 of the 33rd International Conference, “Bringing IHL home: A road map for better national implementation of international humanitarian law”, and to evenly promote implementation of IHL in all armed conflicts;
3. *calls upon* States to foster compliance with IHL by ensuring that the highest levels of civilian and military leadership, including national security and defence officials, assign responsibilities for IHL implementation and systematically incorporate IHL into their deliberations, decisions, policies, and instructions, and *encourages* States to exchange good practices in this regard;
4. *strongly encourages* States, in recognition of the important role that domestic courts play in interpreting domestic legal obligations and in stopping and preventing the recurrence of IHL violations, to pay special attention to the training of relevant individuals involved in military and civilian judicial processes, with a view to strengthening their capacity to apply IHL, and *takes note* of the support that the ICRC, and where relevant, National Societies, may provide to States, upon their request, and *encourages* cooperation and the sharing of good practices between States in this regard;
5. *calls upon* States to strengthen the role of their national committee or similar entity on IHL or to consider establishing such a committee where none exists, and *invites* States, where appropriate, to enhance the capacity of such committees to formulate and submit recommendations to their national authorities on areas that need to be further developed and incorporated domestically, including criminal and military law, in order to support State efforts to achieve better implementation of IHL, and enhance the capacity of such committees to disseminate IHL, monitor developments and progress

in their contexts and strengthen cooperation between them, including through regular peer exchanges;

6. *encourages* States, in addition to their reporting to relevant treaty bodies, to consider drafting voluntary reports on their domestic implementation of IHL, when appropriate with the support of their national committee or similar entity on IHL, the National Society or the ICRC, and for those that have already published such a voluntary report, to consider regularly updating it;
7. *calls upon* National Societies, with the support of the IFRC and ICRC, to further disseminate IHL and the Movement's humanitarian ideals – as anchored in the Fundamental Principles – in formal and informal education and to the public at large, and *encourages* States, and specifically educational authorities, to engage with National Societies to integrate these subjects into formal curricula or learning objectives, beginning with primary education, as appropriate;
8. *urges* States to identify opportunities to promote compliance with IHL by other States over which they have influence by, for example: seeking their commitment at the highest levels of civilian and military leadership to comply with IHL; building their capacity to implement IHL through the adoption of domestic legislation, the development of military doctrine, training and mentoring, and other appropriate means; assisting them in ensuring that their judicial and administrative bodies are capable of effectively addressing IHL violations committed by their own forces and holding persons accountable in accordance with applicable requirements of international law; assisting them in strengthening their national IHL committees and, for those who have not already done so, assisting them in the establishment of such committees; complying with their own obligations under applicable international treaties and norms regulating the use and transfer of arms; and using diplomatic dialogue, humanitarian diplomacy and other means of influence and State power to promote compliance by others; and furthermore *urges* States to identify opportunities to promote compliance with IHL by non-State armed groups over which they have influence;
9. *invites* States and National Societies, as well as the ICRC and the IFRC, to make pledges related to the implementation of this resolution, drawing, as appropriate, from the full range of potential work set out in this resolution and in the “Bringing IHL home” resolution, and focusing on specific thematic issues of particular importance to members and to the protection of victims of armed conflict, and *encourages* States, their national IHL committees and the Movement components to work together in specific areas of common interest.