



# Power of humanity

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of the Red Cross and Red Crescent

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

RESOLUTION

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## RESOLUTION

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

*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 in situations of armed conflict,

*underlining* the importance of connectivity and information and communications technologies (ICTs) for the delivery of a variety of goods and services, including medical services for the civilian population, for humanitarian operations, for civilians to seek and receive information in an accessible format about where to find safety and objects essential for their survival, and for maintaining or restoring family links, including in situations of armed conflict,

*recalling* that the use of ICTs in future conflicts is becoming more likely, and *noting* that ICTs have already been used in armed conflicts in different regions,

*recalling* the universal ratification of the 1949 Geneva Conventions, and emphasizing the primary responsibility of States in the development of international humanitarian law (IHL),

*recognizing* United Nations General Assembly Resolution 76/19 and the work by States in the 2021–2025 Open-Ended Working Group on Security of and in the Use of Information and Communications Technologies (OEWG), and that the United Nations General Assembly First Committee, in particular the 2021–2025 OEWG, is a central intergovernmental forum for studying how international law applies to the use of ICT by States,

*recalling* that the function of the International Conference is to contribute to the respect for and development of IHL,

*expressing concern* that the malicious use of ICT capabilities by parties to armed conflicts 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 objects indispensable to the survival of the civilian population, works and installations containing dangerous forces, or civilian critical infrastructure,

*expressing further concern* that a lack of adequate capacities to detect and defend against malicious ICT activities may make States and components of the International Red Cross and Red Crescent Movement (Movement) more vulnerable,

*noting* the scale, speed, and reach of the spread of malicious ICT activities, in particular through social media platforms, and *expressing concern* that this may cause, instigate, or amplify harm to the civilian population or other protected persons and objects during armed conflict, including when ICTs are used to recruit children into armed forces,

*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,

*recognizing* that artificial intelligence and other emerging technologies may provide humanitarian, social, economic or developmental benefits for the civilian population, yet *noting with concern* that the use of artificial intelligence and other emerging technologies in malicious ICT activities may further increase their scale and speed, as well as the harm they may cause,

*noting* that ICTs may enable or be 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 or the legal limits and implications applicable to their conduct,

*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, *underlining* the importance of the availability and integrity of these products, services and infrastructure for civilian populations, and underscoring the importance for private technology companies to consider the needs of all people affected by armed conflict, consistent with applicable law,

*recognizing* that ICTs are essential for efficient and effective humanitarian operations, and *expressing* deep concern about the impact that malicious ICT activities may have on humanitarian organizations, including data breaches and disinformation that target them, disrupting their relief operations, undermining trust in humanitarian organizations, including Movement components, and threatening the safety and security of their personnel, premises and assets, and ultimately their access and ability to carry out humanitarian activities,

*recalling* the legal and protective value of the distinctive emblems and signals, and *taking note* of the ongoing research on the purpose, parameters and feasibility of a digital emblem conducted by the International Committee of the Red Cross (ICRC), in collaboration with academic institutions and other Movement components,

*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,

*taking note of* Resolution 12, “Safeguarding humanitarian data”, adopted by the 2022 Council of Delegates, and *welcoming* the Movement’s commitments 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,

*recalling* that States must not take 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 against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, *reaffirming* the conviction that nothing in 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,

*recognizing* that the specificities of the ICT environment raise questions on how principles and rules of IHL apply to ICT activities in situations of armed conflict and that States have expressed a diversity of views on such questions, emphasizing the need for continued discussions,

*emphasizing* that people and critical infrastructure, as well as medical and humanitarian organizations and personnel, risk facing harm caused by ICT activities at all times, and *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,

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 risks arising from malicious 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, *underscores* that recalling these principles by no means legitimizes or encourages conflict, and *urges* States to find common understanding in this respect;
4. *reiterates* that, in situations of armed conflict, IHL rules and principles – including the principle of distinction, the prohibition of indiscriminate and disproportionate attacks, the obligations to spare the civilian population, civilians and civilian objects in the conduct of military operations, and to take all feasible precautions to avoid, and in any event minimize, incidental 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 civilian populations and other protected persons and objects, including against the risks arising from ICT activities;
5. *calls on* parties to armed conflicts to protect, consistent with their international legal obligations, civilian critical infrastructure that provides services across several States, including the technical infrastructure essential to the general availability or integrity of the internet, including undersea cables and orbit communication networks;
6. *also 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;
7. *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;
8. *urges* States and parties to armed conflicts to protect civilian populations and other protected persons and objects, including historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, in accordance with their international legal obligations, including with regard to ICT activities;
9. *calls on* States, as well as Movement components as appropriate and in accordance with their respective mandates, to disseminate knowledge of IHL as widely as possible in their respective countries, so that the principles thereof may become known to the entire population, and *urges* States to take measures to prevent and suppress IHL violations, including through investigation and prosecution where appropriate, in accordance with their international legal obligations, including with regard to ICT activities;
10. *encourages* all Movement components 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 Movement 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 example by building capacities to detect such risks and prevent harm for civilian populations, and *invites* States to support the Movement in these endeavours;

11. *also encourages* all Movement components, as appropriate and in accordance with their respective mandates, to disseminate IHL to private technology companies and make them aware that providing ICT services to clients that are or may become involved in armed conflict involves certain risks and to engage, as appropriate, with these companies to encourage them to consider adopting measures to protect the needs of all people affected by armed conflict consistent with applicable international and national law;
12. *encourages* the ICRC to continue consulting and actively engaging with States and Movement components to: further assess and clarify the specific purpose and technical feasibility of a digital emblem; provide, where feasible, capacity-building to interested Movement components and States for its potential use in relation to armed conflict; and study possible legal and diplomatic avenues in this respect;
13. *encourages* States and Movement components to exchange knowledge and good practices, to establish and strengthen contact and communication networks to promote international cooperation, and build capacities in ICT security, data protection, international law and the protection of civilian populations and other protected persons and objects against the risks arising from malicious ICT activities, taking into account the different levels of resources available among States and Movement components.