



ICRC

Under the Global Initiative to Galvanize Political Commitment to International Humanitarian Law (global IHL initiative), the International Committee of the Red Cross, Australia, the Republic of Austria and the Republic of Kenya cordially invite you to the:

#### WORKSTREAM 1

## FIRST STATE CONSULTATION ON PREVENTION GOOD PRACTICES

*For legal advisers from foreign affairs and other relevant ministries based in their capital city*



Online

TUESDAY, 13 MAY  
8:30–12:30 AND 14:00–18:00  
(UTC+2)

In every war lives are lost, families separated and livelihoods destroyed. Some of war's most extreme consequences can, however, be averted if international humanitarian law (IHL) is respected. It is states that bear the primary responsibility for putting in place laws, bodies and systems that will limit suffering during armed conflict. States negotiate instruments that protect certain categories of people or objects during war, or that regulate the use of certain weapons, and agree to be legally bound by these instruments by ratifying or acceding to them. States incorporate IHL rules and other norms into domestic laws, policies and practices. States ensure that their armed forces know the law, are trained in it, and are subject to a strong disciplinary system. States enact penal legislation and establish a judicial system that prosecutes those who commit serious violations of the law. Through bilateral, regional and multilateral collaboration, states are also able to ensure that others, including their allies and partners, respect their IHL obligations.

In recent years, states have publicly reaffirmed their commitment to the implementation of IHL by adopting two landmark resolutions: "[Bringing IHL home: A road map for better national implementation of international humanitarian law](#)" at the 33rd International Conference of the Red Cross and Red Crescent and "[Building a universal culture of compliance with international humanitarian law](#)" at the 34th International Conference. Furthermore, a growing number of states are publishing voluntary reports on their domestic implementation of IHL, in which they detail the processes through which applicable international legal obligations have been incorporated into their domestic system (i.e. law, policy and practice) and identify areas that require further action.

All this shows that states are generally convinced that implementing IHL at the domestic level is an essential step towards achieving better respect for IHL. And yet, every day contemporary armed conflicts remind us that compliance with IHL is still largely insufficient. When the rules of IHL are violated, it means that the systems that states have dutifully put in place have failed to achieve their preventive role. It therefore highlights a critical gap in our understanding of the links between having all necessary measures in place and actual respect on the ground. To effectively prevent IHL violations, it is crucial to delve deeper into the processes through which states implement their IHL obligations, including the role played by different entities, the institutional dynamics at play, the level of political commitment, and the internal evaluation systems to measure the impact of the preventive measures adopted.

## OBJECTIVE

The first consultation on Workstream 1, Prevention Good Practices, will build on the wealth of practice already available on how states implement their IHL obligations. Rather than discussing the content of legal and policy measures designed to promote respect for IHL, the consultation will seek to better understand the real impact these measures can have on the behaviour of parties to armed conflict. It will explore how institutional, structural or political factors can maximize the chances that these measures in fact result in preventing violations of IHL. In other words, the focus will not be on gathering examples of measures of national implementation of IHL, but rather to analyse how and why these measures had an impact or not, including why they might have failed to prevent violations of IHL.

The consultation invites states to share their practice and reflections on the guiding questions below. These questions delve into the factors that foster the desire in a state to prevent violations of IHL, the role of political will and how states anticipate and/or measure the impact of the preventive actions they take.

## NEXT STEPS

- The results of this first consultation will be shared in the general progress report of the global IHL initiative, to be published in September.
- The results will inform the direction of further consultations.

## DESIRED PROFILE OF PARTICIPANTS

- All states are welcome to participate and register up to two representatives who are well versed in IHL. There is a strong preference for legal advisers from relevant ministries based in their capital city. Representatives with expertise or experience in prevention methodologies (even in areas seemingly unrelated to IHL) are also encouraged to participate.
- Kindly register [here](#) no later than 8 May 2025.

## PROCEDURE

- The working languages will be Arabic, Chinese, English, French, Russian and Spanish, with simultaneous interpretation.
- Two repeat sessions are offered to accommodate different time zones. States are requested to register for the session most convenient for them. However, states may register for both sessions if they wish to hear all discussions, in which case we request that they kindly speak in only one of the two sessions.
- We ask states to kindly limit their statements to **four minutes** to ensure sufficient time for all participants to take the floor.
- The substance of the consultations will be summarized in a progress report, to be published in September. The consultations will be recorded to facilitate the preparation of the report, but the recording will not be made public, and the report will not attribute remarks.
- The inclusive, constructive, non-politicized and solution-oriented nature of the discussions will be maintained throughout the consultation.
- While participants are encouraged to refer to their state's domestic practice during the consultations, they are asked to kindly refrain from discussing specific contexts or the practice of other states.
- When preparing their statements, states may wish to consider the guiding questions below.

## GUIDING QUESTIONS

Please select ONE recent measure taken by your state seeking to prevent one or many violations of IHL. Below are some categories for such measures:

- Joining or contributing to the development of an IHL treaty or a soft law instrument
- Adopting new domestic legislation aimed to implement IHL or some of its rules
- Putting in place an administrative or practical measure
- Adopting laws or measures relating to criminal repression and suppression of violations of IHL
- Integrating IHL into military doctrine, education, training and sanctions systems
- Disseminating knowledge of IHL

In order to collect lessons learned on why and how prevention measures have or have not had the desired impact, please share the following about the measure you have selected:

- What prompted your state to take this action?
- How does this measure prevent, or contribute to preventing, one or many violations of IHL?
- What changes or amendments were made as the process went on? Why? Will this contribute to making this measure more effective in preventing violations of IHL?
- Are there any indications that this measure has been successful? Is there a system in place to measure its efficacy?
- How did you ensure that you had the commitment of political leaders for this measure?

To prepare for this consultation, states may choose to start with a measure or practice that has already been shared in its voluntary report on IHL or when reporting on the “bringing IHL home” resolution and then build on it using the questions above. Formulating answers to the questions above will likely require input and opinions from multiple ministries.

## AGENDA

Following a brief introduction and discussion of the key legal and humanitarian issues by the expert panelists, states will be invited to take the floor for the remainder of the session. The agenda will be identical in both sessions.

- Welcome
- Opening remarks by co-chairs
- Statements by states, with regular breaks
- Discussion
- Closing words

*The names of speakers for the welcome, remarks and closing will be circulated at a later date.*