

ICRC Global Initiative to Galvanize Political Commitment to International Humanitarian Law

Workstream 1: Prevention Good Practices

Third State Consultations

Statement of Australia

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As a co-chair of this workstream, we welcome the opportunity to exchange experiences on strengthening measures to prevent IHL violations.

Australia has a longstanding commitment to IHL, and is dedicated to preserving human dignity in armed conflict by limiting the devastating impact that conflict has on civilians. An important element of our commitment is ensuring that where allegations of unacceptable conduct are made, they are properly investigated and acted on.

Australia has spoken previously in this forum about alleged breaches of the Law of Armed Conflict by our military forces in Afghanistan between 2005 and 2016, and domestic actions to investigate and address this. This has included work to develop the systems, culture and accountability that will ideally prevent departures from required standards in the future, but – if departures do occur – to ensure that these are promptly detected and dealt with.

It is this experience we draw on today when reflecting on **what is required to ensure that IHL becomes embedded in the reflexes, habits and decision-making processes of a state's armed forces** [*guiding question one*]. Australia considers that understanding, nurturing and monitoring culture and ethical frameworks is critical to this goal.

Reflecting on lessons from Australia's Afghanistan campaign, Major General Andrew Hocking observed:

Under continued stress, organisational cultures and professional ethics can become the predominant force that cues individual decisions and actions.

Some of the critical issues identified by the Inspector-General of the Australian Defence Force's Afghanistan Inquiry report to support this embedding included leadership development and command arrangements, ethics and culture, adherence to the Law of Armed Conflict and the protection of civilians, and health and wellbeing.

Following the release of the Report, Australia's Department of Defence undertook significant work to address past failures and to prevent reoccurrence through the Afghanistan Inquiry Reform Program.

The Program aimed to ensure that Australia and its Defence Force met their legal, professional, ethical and moral obligations during a specific period. An important element of the Program was understanding the value of inter-related reform themes, such as Ethics and Values. Taking a connected approach strengthened education and training in ethics, leadership and character, and supported the development of a new cultural blueprint and ethics framework for Defence. Culture and ethics have been a key focus of the Program, embedding respect for IHL across the Defence organisation.

It supported the recognition of ethical challenges and willingness to call out serious failings. Under this theme, several initiatives were implemented, including a two-part ethics, character and Law of Armed Conflict training package. This package exceeded its evaluation targets, was well-received by participants, and improved understanding of ethical, values-based behaviour, helping to embed core values that enhance IHL compliance in the course of Defence duties.

These reforms sit alongside Defence's broader approach to embedding IHL from the outset of a member's military career, through initial training, career courses and the practical aspects learned on operations. They are further supported by Australian Defence Force doctrine which informs planning, targeting and the development of rules of engagement.

The Inspector-General of the Australian Defence Force provides independent oversight of military justice, reinforcing command accountability. Further, the Office of the Special Investigator (OSI) is the responsible body for addressing potential criminal matters raised by the Inspector-General of the Australian Defence Force in the Afghanistan Inquiry Report. Collectively, these measures contribute to a Defence culture in which IHL-compliant conduct becomes the natural and professionally expected response across the organisation. The Australian Defence Force is a noticeably different organisation from the one that existed at the end of the Afghanistan campaign, and is now better positioned to prevent, detect and respond to any future unacceptable behaviour.

Turning now to the guiding question regarding **respect for IHL as an element of national and institutional identity** [*guiding question three*], we would like to highlight the role of Australian Red Cross (ARC). ARC, with support from the Australian Government, works to promote IHL including through engagement with key stakeholder groups such as the Australian Defence Force, the humanitarian, medical and legal sectors, Australian businesses with operations in conflict-affected countries, and the general population. This includes through specialised training courses that bring together practitioners from the humanitarian sector, government and the Australian Defence Force, and through support for Australian university IHL teaching.

ARC's work with the Australian Government on IHL training and dissemination during peacetime, equips the Australian population with the tools and knowledge to understand and respect the rules of IHL in the event of an armed conflict.

Once again we thank the ICRC and our co-chairs for bringing us together today on this important topic, and we look forward to continuing this conversation.

Thank you