

DRAFT FOR FOURTH STATE CONSULTATION

Workstream 1 – PREVENTION

GOOD PRACTICES

CO-CHAired by Australia, Austria, Kenya, the United Arab Emirates and the International Committee of the Red Cross

Overview

Respect for international humanitarian law (IHL) is not only a legal obligation; it is a test of our collective humanity. Violations of IHL, no matter where they occur, do not remain isolated: they may normalize violence, erode restraint and fuel the dehumanization of adversaries and civilian populations. When standards fall, the risk is a race to the bottom in which brutality becomes expected and professionalism and human dignity are steadily lost.

Armed conflict does not create these dynamics from nothing. It can amplify tendencies that already exist within societies and institutions. It also places values under extraordinary pressure. Norms that govern behaviour in peacetime may come into tension with perceived imperatives of survival, security or victory. Where violence is normalized, where dehumanizing rhetoric goes unchallenged or where institutional safeguards are weak even in times of peace, those vulnerabilities are magnified under the pressures of war. Preventing violations therefore requires ensuring that the norms protecting human dignity are resilient enough to withstand these pressures. Collective memory contributes to this resilience. How societies remember past armed conflicts, including the suffering caused by violations and the importance of restraint, can shape expectations of conduct in future crises. Commemoration, reflection and public acknowledgement of past harm can reinforce why respect for human dignity must endure even when values are under strain.

How we behave in conflict, especially towards those who are vulnerable or perceived as the enemy, is a defining marker of who we are as societies – it reflects the strength of our institutions and the values they cultivate.

Institutions translate obligations into law, planning, leadership systems and operational practice. Social norms and national values shape expectations of restraint, discipline and the respect for human dignity. When these reinforce one another, lawful conduct becomes internalized: individuals act in accordance with IHL not only because they are required to, but because it reflects who they are and the standards they represent.

Effective prevention also requires safeguards capable of identifying and correcting drift before violations escalate. Mechanisms that enable reporting, oversight, analysis and timely response help ensure that humanity and restraint are sustained even under the extraordinary pressures of armed conflict. Accountability mechanisms embedded within institutions, as well as investigative mechanisms

to address violations also provide tremendous preventative value. This asserts a culture and practice of deterring future violations and addressing policy weaknesses.

The workstream on Prevention good practices therefore advances an integrated framework that strengthens institutions, anchors identities and social norms in humanity and embeds safeguards capable of detecting and correcting risk at an early stage, so that respect for human dignity and compliance with IHL are sustained in both peace and war.

Outcome

Strengthen institutions

Strong institutions at all levels of government are one of the foundations through which IHL is translated into consistent practice. When obligations are embedded in legislation, leadership structures and operational systems, compliance becomes routine rather than exceptional. Clear authority, coherent procedures and institutional capacity reduce ambiguity under pressure, while weak or fragmented systems increase the risk of violations.

Strengthening institutions requires action at three interconnected levels: establishing clear political authority and binding legal frameworks, embedding responsibility within decision-making systems and developing the institutional competence necessary to apply IHL effectively in practice.

1. Establishing Political Ownership

Responsibility for compliance with IHL is clearly assumed at the highest levels of government.

Ensure that political leadership formally assumes responsibility for IHL implementation, including by:

- a) designating a central executive focal point responsible for coordinating implementation and, in accordance with national contexts, contributing towards the adoption of domestic legislation and prevention efforts across government, such as a national committee of IHL
- b) affirming respect for IHL as a standing national commitment, including in matters of defence and security
- c) allocating adequate authority, staffing and financial resources to ensure that implementation responsibilities can be and are fulfilled over time.

2. Embedding leadership and responsibility into systems and standards

The highest levels of civilian and military leadership assign responsibilities and establish procedures so that IHL is systematically integrated into deliberations, decisions, policies and operations, including coalition and partnered operations.

- a) Ensure sustained civilian leadership, oversight and responsibility for IHL compliance, including by:
 - i) formalizing responsibilities through legislation, regulation or executive instruments
 - ii) clearly assigning responsibility within political leadership and ministries, including those that are not related to defence, for setting expectations, policies and priorities related to IHL and civilian protection

- iii) ensuring that strategic, political and policy-level decisions, including decisions on the use of force, mandates, partnerships and rules for cooperation, explicitly consider IHL implications
 - iv) strengthening civilian oversight mechanisms, including parliamentary, ministerial or independent review processes, to monitor how IHL considerations are integrated into planning and operations.
- b)** Ensure sustained military leadership, oversight and responsibility for IHL compliance, including by:
- i) ensuring robust command structures, clear lines of authority, explicit orders to comply with IHL (including refraining from prohibited behaviour), effective disciplinary systems and institutional mechanisms to detect and respond to early signs of erosion of professionalism, including through corrective leadership, training and policy measures.
 - ii) ensuring that military institutions integrate respect for IHL into professional standards and operational systems. This includes integrating IHL into doctrine, operational planning, rules of engagement, detention policy and after-action reviews.
 - iii) when working with partners, promoting interoperable standards and shared expectations of conduct in multinational operations to maximize the protective capacity of IHL.

3. Developing institutional competence and integrate legal expertise into practice

Civilian and military institutions possess the practical knowledge, skills and professional habits necessary to apply IHL effectively and consistently, including under operational pressure.

Ensure that IHL is developed as a practiced competence across relevant civilian and military institutions, including by:

- a)** integrating IHL into civilian training programs, professional military education and leadership development at all relevant levels
- b)** ensuring that officials in relevant ministries understand how IHL relates to their respective mandates, including in areas such as security cooperation, detention policy, arms transfers, sanctions, procurement and crisis response
- c)** conducting regular scenario-based training and exercises that reflect realistic operational dilemmas, including urban operations, partnered environments, detention contexts and high-tempo decision-making
- d)** incorporating lessons learned from operations, reviews and incident analyses into updated doctrine, guidance and training materials
- e)** embedding qualified legal advisers within relevant ministries and military planning and operational structures, ensuring they have the capacity, training, and professional independence to provide timely advice that is actively sought, considered, and applied in decision-making, including during crises and high-tempo operations
- f)** facilitating exchanges between civilian and military institutions to promote consistent interpretation and shared application of IHL.

Anchor identities in humanity

Institutions alone cannot secure compliance if the norms and values that shape professional and national identity do not reinforce respect for human dignity and lawful conduct. Leadership, public discourse, education and professional culture influence how individuals interpret their responsibilities. When these norms are internalized, compliance becomes a standard of conduct. When they drift toward dehumanization or tolerate abuse, formal rules can lose their preventive force.

Reinforcing identities therefore requires shaping the professional cultures, national narratives and public expectations so that restraint and respect for human dignity are embedded in military ethos, civic education and public discourse.

4. Grounding professional military identity in restraint

A military professional ethos in which restraint is recognized as a marker of competence and operational effectiveness is cultivated and rewarded.

- a) Treat compliance with IHL as a command priority at all levels, including by:
 - i) encouraging leadership that models lawful conduct
 - ii) adopting evaluation systems that recognize compliance.
- b) Ensure that dehumanization and dehumanizing language has no place in the military, including by:
 - i) designing IHL training sessions for commanders to better shape unit culture and promote IHL-compliant behaviour
 - ii) putting in place cultural briefings where appropriate
 - iii) adopting guidelines for how to refer to the enemy and the civilian population
 - iv) empowering commanders to sanction inappropriate behaviour, including the use of dehumanizing language, at the appropriate level
 - v) creating safe and credible internal channels that allow concerns about dehumanizing practices or conduct to be raised and addressed as matters of professional integrity without fear of reprisal.
- c) Address peer culture as a key driver of restraint, including by:
 - i) recognizing the influence of small-unit dynamics, informal leaders and peer expectations on behaviour in combat
 - ii) equipping commanders and non-commissioned officers to positively shape peer norms and intervene early when informal cultures drift toward a culture of abuse
 - iii) promoting narratives of professionalism in which restraint, discipline and civilian protection are treated as indicators of tactical competence and unit pride
 - iv) encouraging peer-to-peer accountability, including by making clear that failure to challenge unlawful or dehumanizing conduct undermines unit cohesion and operational effectiveness.
- d) address the psychological and mental health needs of personnel, including by providing accessible support services, strengthening leadership awareness of stress and trauma, and ensuring that operational pressures do not erode discipline, judgement, or respect for human dignity.

5. Integrating humanity into national identity

A national identity is shaped to integrate the principle of humanity and reinforce respect for human dignity and restraint in armed conflict.

Ensure that political leadership actively shapes and sustains a national identity in which humanity remains a core value, even in times of armed conflict, including by:

- a) affirming, through public statements, policy frameworks and national narratives, that humanity, restraint and respect for human dignity remain core national values even in war
- b) ensuring that official discourse on security, threat and conflict does not normalize dehumanization or unlawful violence and instead reinforces expectations of professionalism and restraint
- c) integrating respect for IHL and civilian protection into national commemorations, memorialization and reflection on past conflicts, in ways that emphasize dignity, responsibility and the protection of civilians
- d) ensuring that remembrance practices acknowledge the human cost of conflict and reinforce the importance of restraint, dignity and lawful conduct as enduring elements of national identity
- e) ensuring that education during formative years fosters humanity, restraint and non-violent conflict resolution.

6. Transmitting and sustaining this identity across society and generations

National identity that integrates humanity is actively transmitted through civic education, public institutions and intergenerational engagement so that commitments to humanity, restraint and respect for human dignity remain durable over time. Reflection on past conflicts within civic education helps transmit lessons about the consequences of dehumanization and the enduring importance of humanity in times of crisis.

- a) Ensure that civic education supports and transmits this national identity integrating humanity across society, including by:
 - i) incorporating the values that underpin IHL, including humanity, dignity, restraint, responsibility and respect for civilian life, into broader civic education on citizenship, public responsibility and the rule of law
 - ii) ensuring that civic education fosters understanding of why restraint and compliance with IHL matter for national integrity, social cohesion and trust in state institutions
 - iii) situating IHL within national constitutional, legal and ethical traditions, rather than presenting it as an abstract or external body of rules.
- b) Ensure that engagement with children, youth and adults reinforces continuity of national identity integrating humanity across generations, including by:
 - i) engaging youth as future custodians of national values related to restraint and respect for human dignity, including in armed conflict
 - ii) engaging youth through schools, universities and other recognized educational and civic institutions in dialogue on armed conflict and the human consequences of violence
 - iii) facilitating structured exchanges, where appropriate, between youth, military institutions, educators, humanitarian actors and policymakers to promote understanding of the realities of armed conflict and the importance of discipline, restraint and lawful conduct
 - iv) supporting initiatives that equip young people to contribute to responsible public discourse on conflict and security, including in digital environments, in a manner that respects national contexts and supports social cohesion.

7. Promoting responsible narratives and societal engagement

Public narratives, transparency and societal expectations consistently reinforce compliance with IHL and reject dehumanization.

- a) Ensure that public information supports respect for human dignity and lawful conduct, including by:
 - i) encouraging responsible reporting and analysis of armed conflict that reflects the realities of IHL and the protection of civilians
 - ii) discouraging dissemination of content that dehumanizes populations or legitimizes unlawful violence
 - iii) supporting engagement by media, academic institutions and civil society in promoting informed public understanding of IHL.
- b) Ensure that transparency and accountability strengthen public trust and prevention, including by:
 - i) maintaining independent reporting systems and ensuring timely and meaningful responses to allegations or risks
 - ii) providing appropriate public information, consistent with operational security and due process, on policies, processes and other data related to civilian protection and compliance
 - iii) engaging constructively with civil society, independent oversight bodies and affected communities to improve understanding and identify blind spots
 - iv) ensuring that relevant institutions contribute accurately and responsibly to accountability and institutional learning processes.
- c) Ensure international promotion of a culture of compliance, including by:
 - i) enhancing respect for IHL through international and regional engagement, diplomacy and public reporting
 - ii) reinforcing shared expectations of restraint in bilateral and multilateral partnerships.

Embed Safeguards

Even strong institutions at all levels of government and well-established norms are strained during armed conflict. Operational pressure, fatigue, legal ambiguity, polarization and breakdowns in coordination can gradually erode standards long before violations become visible. Preventing violations therefore requires safeguards that are embedded within institutional systems that identify elevated risk early.

Embedding safeguards requires identifying structural and operational risk factors, enabling concerns to surface safely and ensuring that elevated risks trigger timely corrective action. When detection, reporting and adaptation function as integral parts of institutional practice, they prevent drift and preserve compliance under pressure.

8. Identifying and monitoring structural and operational risk factors

Systematic processes to detect legal, operational, institutional and cultural conditions that may increase vulnerability to violations before unlawful conduct occurs are in place.

- a) Ensure regular assessment of legal and regulatory frameworks, including by:
 - i) identifying gaps, ambiguities or inconsistencies in national legislation, doctrine or rules of engagement that may create uncertainty under operational pressure
 - ii) reviewing frameworks periodically to ensure that they remain complete, coherent and aligned with international obligations

- iii) ensuring that obligations relating to the regulation of means and methods of warfare, including review of new weapons and technologies, are effectively implemented and updated.
- b) Ensure monitoring of operational and institutional risk indicators, including by:
 - i) recording and analyzing patterns of civilian harm, detention practices and use-of-force incidents
 - ii) assessing operational tempo, fatigue and mental health, resource constraints, command climate and other institutional pressures that may contribute to elevated risk
 - iii) identifying institutional and cultural factors, including shifts in professional norms, dehumanizing language or informal practices that signal erosion of restraint
 - iv) evaluating risks associated with partnered operations or security cooperation arrangements
 - v) ensuring that senior civilian and military leadership receive periodic assessments of conditions that may increase vulnerability to violations.

9. Enabling early reporting and warning signs to surface

Individuals at all levels can safely raise concerns about emerging risks, legal ambiguities or cultural drift before they manifest in violations.

- a) Ensure accessible and credible reporting channels, including by:
 - i) maintaining confidential mechanisms for military personnel and civilian officials
 - ii) encouraging early reporting of concerns related not only to violations, but also to legal uncertainty, operational pressures or cultural drift
 - iii) ensuring that reporting mechanisms are known, trusted and accessible at all levels.
- b) Ensure protection against retaliation, including by:
 - i) prohibiting reprisals against individuals who report concerns in good faith
 - ii) investigating allegations of retaliation and taking corrective or disciplinary action where necessary.
- c) Ensure that reported concerns are assessed promptly and, where appropriate, referred to investigative or accountability processes consistent with national and international obligations.

10. Linking detection to corrective action and institutional adaptation

Identified risks, gaps and warning signs lead to timely precautionary measures, institutional adjustment and reinforcement of standards.

- a) Ensure that identified gaps, risk indicators and reported concerns trigger structured follow-up, including by:
 - i) requiring additional review or command attention when elevated risk conditions are identified
 - ii) ensuring that senior civilian and military leadership are informed of identified risks and required to take precautionary action where appropriate
 - iii) adjusting doctrine, rules of engagement, policies or operational approaches where ambiguity or weakness is identified
 - iv) reinforcing military hierarchy, discipline and command responsibility where signs of erosion appear
 - v) referring serious allegations or patterns of concern to appropriate investigative or disciplinary mechanisms where warranted.

- b) Ensure that findings from reviews, monitoring processes and accountability mechanisms inform institutional reform and prevention efforts, including by:
 - i) integrating lessons learned into updated guidance and training
 - ii) incorporating structured reflection on past operational experience and historical patterns of risk to strengthen institutional awareness of how violations emerge and how they can be prevented
 - iii) communicating aggregate findings and corrective measures, consistent with operational security and due process, to reinforce deterrence and public trust.
- c) Ensure that engagement with civil society, independent oversight bodies and regional networks contributes to continuous risk awareness, transparency and adaptive institutional learning.

11. Ensuring accountability for violations of IHL

Serious violations of IHL are effectively investigated and prosecuted so that impunity is prevented, respect for the law is reinforced and future violations are deterred.

- a) Ensure that national legal frameworks enable effective investigation and prosecution of war crimes, including by:
 - i) adopting and enforcing legislation criminalizing grave breaches and other serious violations of IHL in accordance with international obligations
 - ii) ensuring that national courts have the jurisdiction and capacity to investigate and prosecute such crimes, including through the exercise of universal jurisdiction where appropriate
 - iii) strengthening the independence, expertise and resources of investigators, prosecutors and judges responsible for addressing war crimes
 - iv) establishing clear procedures for the collection, preservation and assessment of evidence relating to alleged violations
 - v) ensuring effective coordination between military authorities, law enforcement bodies and judicial institutions when allegations arise
 - vi) protecting victims and witnesses involved in accountability processes
 - vii) ensuring that findings from investigations inform improvements in doctrine, training, operational guidance and command oversight.
- b) Ensure effective international cooperation in accountability processes, including by:
 - i) working with international, regional and national bodies mandated to investigate, prosecute or adjudicate war crimes, as appropriate
 - ii) facilitating access to information and locations, protecting and preserving evidence, and enabling extradition or mutual legal assistance where appropriate
 - iii) supporting independent judicial proceedings and assisting the implementation of judicial decisions in accordance with applicable international law.
- c) Ensure that accountability processes operate free from political interference, recognizing that individual criminal responsibility for war crimes is a fundamental pillar of IHL and an essential safeguard against future violations.

Effective prevention depends on the interaction of structure, identity and vigilance. Institutions at all levels of government provide authority and systems; identities shape expectations and internalize restraint; safeguards detect and correct drift before violations occur. When these elements reinforce one another, compliance becomes durable rather than episodic and respect for human dignity is sustained even under the pressures of armed conflict, informed by experience, guided by memory and supported by resilient institutions.