

DRAFT FOR FIFTH STATE CONSULTATION

Workstream 1 – PREVENTION GOOD PRACTICES

CO-CHAIRERD 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. In armed conflict, the conduct – real, perceived or expected – of one party may also influence the behaviour of others. Violations by one party can trigger violations by another in retaliation and accelerate cycles of abuse, while respect for IHL can help preserve mutual restraint between adversaries. 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 domestic law, policies, planning, leadership systems and operational practice. Social norms and national values shape expectations of restraint, discipline and 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 occur or 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, and investigative mechanisms to address violations, provide tremendous preventive value as well. These safeguards champion a culture and practice of deterring future violations and addressing policy weaknesses.

The workstream on Prevention Good Practices therefore puts forward an integrated framework, which could be adapted in light of national contexts, for strengthening institutions, anchoring identities and social norms in humanity and embedding 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, reflecting IHL's aim to protect human dignity through the convergence of military and humanitarian interests. 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.

The measures outlined below may be implemented, as appropriate, in different ways in accordance with national contexts, institutional structures and legal systems.

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, such as a national committee on IHL, responsible for coordinating implementation and, in accordance with national contexts, contributing to the adoption of domestic legislation, where appropriate, and to prevention efforts across government
- 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 civilian leadership, oversight and responsibility for IHL compliance are sustained, 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 military leadership, oversight and responsibility for IHL compliance are sustained, including by:
 - i) ensuring command structures are robust, lines of authority are clear, orders to comply with IHL are explicit (including refraining from prohibited behaviour), disciplinary systems are effective and there are 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, including through practical operational guidance such as doctrine, operational planning, rules of engagement, detention policy and after-action reviews, and this guidance is periodically reviewed and updated
 - 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 practised competence across relevant civilian and military institutions, including by:

- a) integrating IHL into civilian training programmes, professional security and 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 and raise participants' awareness of the particular risks faced by the most vulnerable, such as children, women and persons with disabilities
- d) systematically 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
- g) promoting institutional cultures that ensure meaningful participation and equal opportunity for individuals regardless of race, colour, religion or faith, sex, birth or wealth, political opinion, or any other similar criteria, recognizing that a broad range of perspectives and

experience can strengthen operational judgement, institutional legitimacy and understanding of risks affecting different populations during armed conflict

- h)** encouraging dialogue, when appropriate, with relevant civil society actors, such as impartial humanitarian actors.

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.

Anchoring identities in humanity therefore requires that professional cultures, national narratives and public expectations be shaped 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 and discipline

A military professional ethos recognizing restraint and discipline as markers 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) ensuring that military culture and professional standards reject discrimination, prejudice, harassment or exclusion on the basis of race, colour, religion or faith, sex, birth or wealth, political opinion, or any other similar criteria, recognizing that tolerance of discriminatory attitudes within institutions may increase vulnerability to dehumanization and unlawful conduct externally
 - v) empowering commanders to sanction inappropriate behaviour, including the use of dehumanizing language, at the appropriate level
 - vi) 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 and as contributing to operational effectiveness
 - 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 psychological support services, implementing appropriate measures such as personnel rotation and rest cycles, ensuring there are structured post-deployment debriefings, 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

The 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 but 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 aspects 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

A 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, inclusion 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 and societal and cultural values, rather than presenting it as an abstract or external body of rules
 - iv) fostering understanding of shared humanity and respect for persons regardless of race, colour, religion or faith, sex, birth or wealth, political opinion, or any other similar criteria, as foundations for social cohesion and resistance to dehumanization during periods of tension or armed conflict.
- b) Ensure that engagement with children, young people and adults strengthens continuity across generations of a national identity that integrates humanity, including by:
 - i) engaging young people as future custodians of national values related to restraint and respect for human dignity, including in armed conflict
 - ii) engaging young people 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 young people, 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 reporting and analysis of armed conflict that is responsible, reflecting 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, civil society organizations, humanitarian actors, international organizations, the International Committee of the Red Cross and National Red Cross and Red Crescent Societies in promoting informed public understanding of IHL
 - iv) countering narratives, misinformation and rhetoric that stigmatize, marginalize or incite hostility on the basis of race, colour, religion or faith, sex, birth or wealth, political opinion, or any other similar criteria, particularly during periods of insecurity, polarization or armed conflict, including through the use of information and communication technologies.
- b) Ensure that efforts are taken to further transparency and accountability and 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 communities affected by armed conflict to improve understanding and identify blind spots
 - iv) establishing or strengthening structured civil–military cooperation and coordination systems, where appropriate and consistent with national frameworks, to support shared situational awareness, improve understanding of civilian harm risks, and enhance preventive and accountability functions across relevant institutions, among other forms of cooperation
 - v) ensuring that relevant institutions contribute accurately and responsibly to accountability and institutional learning processes.
- c) Ensure that a culture of compliance is promoted internationally, 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. Such safeguards should take into account the distinct risks and protection needs experienced by the most vulnerable in specific contexts, including by children, women and persons with disabilities, recognizing that patterns of harm and vulnerability differ across populations.

8. Identifying and monitoring structural and operational risk factors

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

- a) Ensure that legal and regulatory frameworks are regularly assessed, including by:
 - i) identifying gaps, ambiguities or inconsistencies in national legislation, doctrine, standard operating procedures 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 frameworks relating to the regulation of means and methods of warfare, including review of new weapons and technologies, are effectively implemented and updated when appropriate.
- b) Ensure that operational and institutional risk indicators are monitored, to the extent permitted by operational constraints, including by:
 - i) recording and analysing patterns of civilian harm (including differentiated patterns of harm affecting the most vulnerable, including children, women and persons with disabilities), incident reporting rates, detention practices, and other concrete, trackable operational indicators of compliance and non-compliance, including trends in 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 the risk of 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 that reporting channels are accessible and credible, 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 that there is 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 domestic 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 are systematically escalated from detection to appropriate review, investigation, and corrective action where needed, 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 domestic investigative, disciplinary or accountability mechanisms where warranted.
- b)** Ensure that findings from reviews, monitoring processes, accountability mechanisms and structured lessons-learned processes 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 strengthen 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 there is accountability for violations of IHL

Grave breaches and other 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, in accordance with international law.

- 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 that military authorities, law enforcement bodies and judicial institutions coordinate effectively 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
 - viii) reviewing and, where necessary, repealing or amending legislative provisions that provide amnesties, immunities or similar measures for grave breaches and other serious violations of international humanitarian law, in accordance with applicable international legal obligations.
- b)** Ensure that international cooperation in investigation and accountability processes, including by:
- i) working with international, regional and national bodies mandated to investigate, prosecute or adjudicate war crimes in accordance with international obligations, including where appropriate, the International Fact-Finding Commission and other relevant investigative mechanisms
 - 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
- d)** Ensure that domestic non-judicial accountability measures complement criminal accountability, including disciplinary, administrative and internal investigative processes that establish facts, address breaches of conduct, and inform corrective action through doctrine, training, leadership and operational adjustments, while ensuring appropriate referral of cases to criminal investigation mechanisms.

Effective prevention depends on the interaction between 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 they 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.