

**Global Initiative to Galvanize
Political Commitment to
International Humanitarian Law**

Outcome Documents of the Workstreams – Compilation



Global Initiative to Galvanize Political Commitment to **International Humanitarian Law**

Outcome Documents of the Workstreams – Compilation

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Workstream 1

Prevention Good Practices Outcome Document

Global Initiative to Galvanize
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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 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 to guide national efforts to strengthen institutions, anchor identities and social norms in humanity, and embed safeguards capable of detecting and correcting risk at an early stage. The framework is intended to be adapted and implemented in light of national contexts, institutions, legal systems and operational circumstances, while ensuring full compliance with the state's obligations under IHL.

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.

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 contributing to the adoption of domestic legislation, where appropriate, and to efforts to prevent violations of IHL 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
- d) supporting international initiatives that seek to galvanize political commitment to respect and uphold IHL such as the Declaration for the Protection of Humanitarian Personnel.

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 the state's obligations under IHL
 - 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, military manuals, 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 integrating 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, state 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
 - 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, including in the teaching of history, 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 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) rejecting narratives that dehumanize populations or legitimize 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 and diplomacy
 - 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 authorities have the jurisdiction and capacity to investigate and prosecute such crimes before their own courts, regardless of the perpetrator's nationality, or hand such persons over for trial to the competent authorities of another state, 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 is effective, including by:
 - i) working with international, regional and national bodies mandated to investigate, prosecute or adjudicate war crimes in accordance with international obligations
 - 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) Where circumstances permit, making use of existing neutral and independent mechanisms, such as the International Humanitarian Fact-Finding Commission where states accept its competence, requesting it to document incidents and present its findings to the parties, or to use its good offices to facilitate the restoration of an attitude of respect for IHL.
- e) 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 structures, 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.

Painting by students of the Sir Abdool Raman Osman State College, winner of the "Depict IHL" competition for schools organized by the Mauritian National IHL Committee.



Workstream 2

National IHL Committees Outcome Document

Global Initiative to Galvanize
Political Commitment to

International Humanitarian Law



Co-chaired
by Germany, Peru, the Philippines,
the United Kingdom and
the International Committee
of the Red Cross

Overview

Well-functioning national committees and similar entities on international humanitarian law (hereafter “national IHL committees” or “committees”) breathe life into the rules: they reaffirm their relevance, uphold their application and support the political will to respect them. The power of this workstream lies not just in collective reflection, but in our collective resolve to use these strategic tools to translate international commitment into concrete action – action to encourage all states to empower national mechanisms to promote coordination, dissemination, implementation and compliance with international humanitarian law (IHL). When empowered with political legitimacy, technical capacity and institutional continuity, national IHL committees can play a vital role in securing the protection of those most affected by armed conflict. National IHL committees should play a proactive and constructive role in helping to ensure compliance with IHL before, during and after armed conflict. There is strength in the diversity that exists between national IHL committees, but each committee should maximize its own potential and effectiveness within its unique domestic context.

As a means to strengthen national IHL committees and help them achieve their full potential, this document provides the following recommendations.

Outcome

1. Empowered national IHL committees

In a manner consistent with national frameworks, capacities and priorities, national IHL committees should be empowered to maximize their potential to advance the implementation of and respect for IHL. Similarly, states should support the work of their committees by strengthening the links between their committee and relevant governmental authorities.

It is therefore recommended that all states with a national IHL committee:

- a) support the sustainability of their national IHL committee by providing it with a clear formalized mandate appropriately integrated within relevant national institutional frameworks; the appropriate human and financial resources, including by ensuring transparent and predictable multi-year budgeting processes, subject to national capacities; the necessary political recognition and support; and access to relevant information through clear and predictable institutional channels, that can enable it to achieve its objectives.
- b) assess the mandate of their national IHL committee, in light of the annexed common purpose paper (Annex 1), and consider what recommendations may be appropriate to strengthen their national IHL committee and ensure it reaches its full potential.
- c) establish how the committee will facilitate the consideration and implementation of these recommendations.
- d) designate, as appropriate, a relevant government minister or high-level political entity with whom their national IHL committee will establish a channel of communication and to whom the committee can provide advice, periodic reports or regular briefings; the minister or high-level political entity will endeavour to guarantee appropriate follow-up channels for the committee. Such engagements should be managed in a way that does not overly burden the committee, minister or high-level political entity.
- e) task, as appropriate, the designated government minister or high-level political entity with overseeing the implementation of these recommendations and periodically reviewing, and where necessary ensuring the amendment of, the mandate of the committee.

2. Stronger together

Recognizing the collective expertise contained within national IHL committees, regular engagement within and across regions is encouraged, to enhance support, collaboration and capacity-building.

It is therefore recommended that all states with a national IHL committee:

- a) act to strengthen existing opportunities for regular structured peer-to-peer dialogue between their respective national IHL committees, as set forth in the annexed terms of reference (Annex 2)
- b) demonstrate commitment to the principle of international cooperation, peer learning and developing a universal culture of compliance with IHL by ensuring that relevant officials can participate in regular structured peer-to-peer regional, global and multilateral exchanges as provided for in Annex 2
- c) authorize their national IHL committee to cooperate with other national IHL committees to promote compliance with IHL by all states, enhance coordination and develop joint work plans
- d) based on needs, and in line with national capacities, on a voluntary basis, share experiences and technical, logistical and financial support with other states to advise on the establishment and functioning of national IHL committees and the implementation of the outcomes of this workstream
- e) join and actively participate in the online communication platform for national IHL committees and, where appropriate, submit proposals for improvement.

3. Effective expert advice or recommendations

A tangible way that national IHL committees can uphold IHL is by serving as a source of anticipatory and constructive advice to their governments in times of peace and armed conflict. National IHL committees may provide proactive expert advice, serving as an effective advisory board, early internal government alert and governmental coordination mechanism that helps enhance compliance with IHL obligations.

It is therefore recommended that all states with a national IHL committee consider:

- a) reviewing and, if necessary, appropriately amending the mandate of their national IHL committee to enable the proactive provision of advice on its own initiative, to its government, on any matter relevant to upholding IHL obligations
- b) enabling their national IHL committee to take appropriate steps, through established government channels, to proactively alert the designated government minister or entity to concerns related to their state's compliance with IHL
- c) enabling their national IHL committee to actively contribute to national IHL policy, discussion and decision-making forums and processes, as appropriate, in order to share specialized, technical inter-institutional perspectives
- d) reviewing and, if necessary, amending the mandate of their national IHL committee to enable the provision of technical advice to the military, to ensure that all military action taken by their state complies with IHL during armed conflict, while respecting military command structures and operational decision-making authorities.

4. Empower members

National IHL committees that add value to a state are comprised of committed and motivated experts from across government and relevant institutions. To ensure success, states must invest in their membership and in processes that support the continuity of their national IHL committee.

It is therefore recommended that all states with a national IHL committee consider:

- a) ensuring that official national IHL committee functions are prioritized: committee members should be allocated sufficient time and institutional support by their respective agencies to achieve committee objectives
- b) to the greatest extent feasible, minimizing member turnover in their national IHL committee wherever possible
- c) putting in place arrangements to preserve the institutional memory and continuity of their national IHL committee
- d) actively supporting the continuing professional development of committee members, as required, and ensuring the appropriate onboarding of new members
- e) making the annexed toolkit (Annex 3) available to their national IHL committee.

5. National Red Cross and Red Crescent Societies

The unique mandate of National Red Cross and Red Crescent Societies to cooperate with their public authorities on humanitarian issues means that they can provide vital support and additional expertise to the work of a national IHL committee.

It is therefore recommended that all states consider:

- a) the role that their National Society may play in the work and activities of their national IHL committee before, during and after armed conflict, preferably as a full member in line with national arrangements and considerations
- b) the support their National Society can provide in the establishment of a national IHL committee, where one has not yet been established
- c) utilizing the expertise of their National Society to build the capacity of the members of their national IHL committee and to develop pools of IHL trainers who may be deployed by the national IHL committee
- d) benefiting from their National Society's membership of the International Red Cross and Red Crescent Movement to support their involvement in the International Conference of the Red Cross and Red Crescent and to exchange information on relevant IHL meetings or initiatives supported by the Movement that may be of interest to their national IHL committee.

Common purpose paper: Guidance for states and national IHL committees

Purpose statement

National IHL committees embody a state's commitment to ensuring mechanisms are in place that promote the domestic implementation of, and respect for, IHL in all circumstances. National IHL committees serve as an intra-governmental expert advisory and coordinating platform to support states in fulfilling their IHL obligations before, during and after armed conflict. National IHL committees have an impact by promoting the domestic implementation of IHL, coordinating national efforts to integrate these rules into legislation, policy and military doctrine, ensuring widespread dissemination of the law and promoting a culture of compliance with IHL through the provision of proactive technical advice and informed opinions.

While national IHL committees share a common purpose, there are various ways to achieve that purpose. Committee mandates and modalities need to be contextualized to their respective national realities and constitutional and administrative frameworks, recognizing the varying responsibilities that committees may have. Guidance on potential ways to action the common purpose are set out below for states to consider. It is also recommended that states keep the mandate of their national IHL committees under review in order to facilitate an agile approach to operating that enables continuous improvement and maximizes potential. In many instances, a phased approach, based on institutional capacities and readiness, to implementing the guidance below may be appropriate.

1. Status

National IHL committees should be established under a lead government ministry, or relevant entity, and serve as a permanent, state-mandated coordination and advisory body on IHL. It is important that committees have a strong legal and institutional basis with a clear mandate and sustained inter-agency participation. While it is important that committee membership primarily includes government officials, there is value in granting committees a degree of autonomy, within the national legal and governmental framework, to enable them to support state compliance with IHL.

2. Competence and responsibilities

- a) **Compliance with IHL** is a state obligation, and national IHL committees have a special role to play in taking appropriate action to support their state in complying with this obligation.
- b) National IHL committees should serve as an intra-governmental **coordination platform** for national authorities on all matters relating to compliance with IHL.
- c) National IHL committees should be competent to proactively **advise and cooperate with their government** in times of peace and in times of armed conflict, on all matters relevant to respecting and ensuring respect for IHL. To complete this task, national IHL committees could be provided with access to relevant national discussion and decision-making forums and be enabled to actively contribute to these forums.
- d) As appropriate, national IHL committees could provide advice or recommendations to their government if there are concerns that their state's actions may encourage, aid or assist IHL violations by another state or party to an armed conflict; or concerning questions of promoting compliance with IHL by another state or party to an armed conflict. To this end, a national IHL committee could be empowered, where appropriate, to provide advice or assistance to its government, as set out in the 34th International Conference of the Red Cross and Red Crescent Resolution 1 (2024) on "**Building a universal culture of compliance with international humanitarian law**", 34IC/24/R1 paragraph 10, on:
 - i) convincing parties to armed conflicts to put an end to IHL violations
 - ii) seeking the commitment of states at the highest levels of civilian and military leadership to comply with IHL
 - iii) helping states build their capacity to implement IHL through the development of military doctrine, training and mentoring, and other appropriate means
 - iv) assisting states in ensuring that their judicial and administrative bodies are capable of effectively addressing IHL violations committed by their own forces and holding persons accountable in accordance with applicable requirements of international law

- v) assisting states in strengthening their national IHL committees, and, for those who have not already done so, assisting them in the establishment of such committees
- vi) complying with their own obligations under applicable international treaties and law regulating the use and transfer of arms
- vii) using diplomatic dialogue, humanitarian diplomacy and other appropriate measures to promote compliance by other states
- viii) where appropriate, promoting compliance with IHL by non-state armed groups.
- e) National IHL committees should have the ability to **conduct studies, draft reports and submit recommendations** on their state's compliance with, and implementation of, IHL. Such reports should be for governmental advisory purposes and be subject to national procedures on classified information. These reports may take the form of a voluntary report on the implementation of IHL or a compatibility study. National IHL committees should also monitor the implementation of their recommendations.
- f) National IHL committees should advise and take measures to assist the **ratification** of, and adherence to, relevant IHL instruments. National IHL committees should be consulted, and provide advice, on all matters relevant to joining IHL-related treaties. Similarly, they should also be consulted, and provide advice, in the exceptional case when their state is considering withdrawing from or denouncing an IHL-related treaty it has joined.
- g) National IHL committees should advise and assist their respective governments to prepare IHL-related **implementing legislation**, with a view to ensuring compliance with IHL obligations. In particular, it is advisable that a national IHL committee supports its government to adopt all necessary legislative, regulatory, policy and other measures, including, where appropriate, criminal sanctions, to prevent and suppress IHL violations.
- h) National IHL committees should consider advising, or facilitating the provision of advice, to their state on integrating gender, age-sensitive, culturally sensitive and disability-**inclusive approaches** into national IHL frameworks and operational practices.
- i) National IHL committees should be involved in the development of a Global Initiative to Galvanize Political Commitment to IHL (hereafter "Global IHL Initiative") strategy to **implement relevant outcomes of all the workstreams** accepted by their government, support their governments and relevant domestic institutions that are involved in implementing those outcomes and monitor and report on such implementation.
- j) National IHL committees should encourage and support the domestic **dissemination** of IHL, among the armed forces, military academies, educational institutions, relevant professional training institutions and the public at large, including by making recommendations as to how the state can best meet its responsibilities for the dissemination and promotion of IHL. In some contexts, the national IHL committee may take the lead in coordinating training initiatives. To build awareness of, and support for, its activities it is also important that the national IHL committee make the public and relevant actors aware of its role.
- k) National IHL committees should have the capability, in accordance with national frameworks, to **maintain relations** and exchange information on their activities and experiences with similar entities in other countries. This may involve concluding bilateral agreements and participating in activities and training that foster greater cooperation between committees.
- l) National IHL committees could **support their state's involvement in global and regional initiatives** aimed at strengthening IHL and developing national positions on relevant matters. Support may include contributing to reporting processes relevant to IHL.
- m) National IHL committees may support their state to develop or update national positions, policies, legislation or knowledge through commissioning or undertaking **thematic studies** on relevant aspects of IHL, including on contemporary challenges, and make recommendations accordingly.
- n) National IHL committees should be able to exercise any **other function** that is necessary to fulfil the mandate of the committee.
- o) In order to ensure that national IHL committees remain relevant, committees should undertake a **periodic review** of their mandate and, if necessary, make proposals for amendments.

3. Role during an armed conflict

In addition to their peacetime responsibilities, which could include efforts geared towards preventing IHL violations or operational preparedness to comply with IHL in any possible future armed conflict, the role of national IHL committees in the event of an armed conflict, including situations of occupation, should also be clear. During an armed conflict, a national IHL committee should endeavour to have an advisory function, providing expert advice and recommendations to the government on the application of IHL, including on the safeguards owed to all protected persons and objects. National IHL committees could also give legal advice and recommendations concerning the provision of humanitarian assistance, for example, by identifying the needs of victims of armed conflict, for the government's consideration. Throughout the armed conflict, national IHL committee functions could include assessing legal and humanitarian developments and evolving risks; advising the highest levels of government on allegations of violations of the law and emerging challenges; making recommendations to their government on necessary legal or practical actions and, as far as possible, monitoring the implementation of those recommendations; and promoting awareness of IHL with all parties to the armed conflict. It may also be relevant to solicit the advice of the national IHL committee on certain aspects of peace negotiations and agreements. National IHL committees can also play an important role advising and supporting their state with post-conflict responses.

4. Structure and composition

- a) It is vital that the membership of a national IHL committee incorporate relevant ministries and actors within the state.
- b) National IHL committees should be chaired at a sufficiently senior level to ensure access to high-level political decision makers. Members should have the knowledge to appropriately represent the positions of, and the authority to make commitments on behalf of, the entity they represent. It is essential that when nominating representatives, ministries strike the right balance between hierarchical level, availability and competence to represent their ministry.
- c) In some contexts, it may be appropriate for the chair of the committee to rotate between ministries, as this may enhance the commitment of those ministries to advancing respect for IHL.
- d) To ensure continuity and to maintain sufficient monitoring and follow-up, it is advisable that the chair be supported by a secretariat.
- e) Depending on the national context, national IHL committees may benefit from the inclusion of:
 - i) representative(s) of the ministry of defence/defence forces
 - ii) representative(s) of the ministry of foreign affairs
 - iii) representative(s) of the ministry of justice
 - iv) representative(s) of the ministry of home affairs/police services
 - v) representative(s) of the ministry of health
 - vi) representative(s) of the ministry of education
 - vii) representative(s) of the ministry of culture
 - viii) representative(s) of the ministry of finance
 - ix) representative(s) of ministries responsible for groups who face specific risks and have distinct needs during armed conflict – including, among others, age, gender and disability
 - x) representative(s) of the ministry for the environment
 - xi) representative(s) of the parliament
 - xii) representative(s) of the judiciary (individual capacity)
 - xiii) representative(s) of the National Red Cross or Red Crescent Society.
- f) In some contexts, a model encompassing independent experts and civil society members may be appropriate. Such models may enhance available expertise and the independence of the committee. Where civil society representatives are included, care should be taken to preserve the committee's connection with the relevant national authorities and political decision makers. Where non-governmental representatives are included, it will also be important to ensure processes are in place for enabling the committee to continue to function when effectiveness is dependent on access to confidential material.
- g) National IHL committees should have the power to amend their composition to include additional government representatives, pertaining to the national context, and/or other representatives of entities whose activities are connected with their mandate. National IHL committees should also have the power to consult, on an ad hoc basis, individuals, experts, research institutions or humanitarian organizations with demonstrated relevant expertise, including on gender, age-sensitive and disability-inclusive approaches to humanitarian protections.
- h) Efforts should be made to ensure a reasonable level of continuity of membership. Turnover in representatives, and participation by proxy, should be avoided unless absolutely necessary.

5. Methods of operation

- a) To strengthen collaboration and function as an effective platform for open governmental discussion and coordination, it may be advisable for national IHL committees to be able to operate **confidentially** when necessary. It is recommended to consider whether discussions, minutes, reports and recommendations should be exempt from public disclosure, in accordance with domestic law and policy, balancing confidentiality requirements with transparency considerations.
- b) National IHL committees should hold **regular meetings** to maintain momentum and to monitor the progress of objectives. It is advisable that committees aim to meet at least twice a year, with established means for members to communicate with each other between committee meetings. Subcommittees or working groups could be established to meet on a more regular basis to advance specific objectives.
- c) In order to enable the national IHL committee to carry out its mandate, it is advisable to consider establishing clear institutional channels for it to **access information** from ministries, armed forces, appropriate agencies and national humanitarian bodies. It is also advisable to consider establishing procedures for organizing, analysing and documenting sources of information.
- d) The work of national IHL committees should be structured around domestic needs and capabilities. It is advisable that national IHL committees identify measures to be taken at the national level, potentially by conducting an IHL **compatibility study**, or a similar review of their state's participation in IHL treaties, relevant legislation, policies and practice. An example could be voluntary reports on the domestic implementation of IHL. Such studies or reviews could facilitate the agreement of priorities and objectives. These agreements could form the basis of a plan of action, with clear objectives, allocation of responsibilities and monitoring frameworks that include clear indicators, timelines and periodic reviews.
- e) In furtherance of the function to provide effective expert advice, national IHL committees should be able to **communicate their views** to the relevant decision makers of their state in the event of concerns related to the state's compliance with its IHL obligations. In the exercise of this function, national IHL committees could:
 - i) share their concerns and recommendations with the relevant government minister or entity
 - ii) participate in, or feed into, relevant discussion spaces where the matter is being addressed
 - iii) monitor the implementation of their recommendations.
- f) In furtherance of the suggested functions to coordinate, share information and provide expert technical advice on IHL to government, it is advisable that the national IHL committees be represented by at least one member in **internal governmental discussions and decision-making forums** where matters of IHL and IHL compliance are discussed. Where they exist, and pertaining to the national context, this may include:
 - i) discussions on extending or limiting the state's IHL commitments (e.g. ratifications or endorsement of documents)
 - ii) legal review processes for new weapons
 - iii) working sessions where IHL policy, or policy with implications for IHL compliance, is formulated
 - iv) decision-making forums on arms transfers
 - v) after-action review processes.
- g) It is advisable that a state and its national IHL committee consider how they will **operate in the event of an armed conflict**. Particular attention should be paid to the specificities of situations of occupation, high intensity, large-scale and protracted armed conflict. In order to fulfil its mandate under such circumstances, a national IHL committee may require greater flexibility of working methods. This may include agility with regards frequency, format and procedures for calling meetings; ability to form small working groups; flexibility regarding modalities of communication; processes for issuing advice in a time-sensitive manner; and systems for managing and documenting the sources of large volumes of information.

6. Institutional memory

Effective knowledge capture is important if national IHL committees are to operate successfully. Transitioning from ad hoc to permanent bodies supports the process of capturing long-term institutional memory. It is also important to ensure systematic documentation of committee records, through the maintenance of regular reports and/or other tracking documents as appropriate. Resource mapping can also be a helpful tool for ensuring that committees have access to necessary legal and technical information. It is recommended that committees establish dedicated communication chains, such as committee-specific email addresses, to facilitate the retention of knowledge captured through communications and the maintenance of external contacts. It may also be advisable to maintain a dedicated public or private website or archiving system.

7. Communications

To build support for national IHL committees, it is essential that they make their objectives and achievements known within government and to the wider public. To that end, national IHL committees should adopt and implement appropriate communication measures.

8. Resources

- a) It is desirable that national IHL committees have the means to cover their own running expenses. Ideally, as soon as a committee is set up, the national authorities, as far as possible, should grant it logistical resources and a predictable multi-year working budget. Concerning ministerial representatives, an internal sharing of working expenses could be organized.
- b) National IHL committees must ensure that their members have the necessary knowledge of, and information about, IHL. Sufficient budget and time must be allocated to building, or maintaining, the knowledge of members. Similarly, new members should be effectively onboarded regarding committee processes, achievements, challenges and IHL. One way of ensuring this is to put a committee member in charge of internal training and information management.

9. Relations with national stakeholders

In order to ensure IHL is complied with, it is essential that national IHL committees maintain structured engagement with a range of actors. Subject to the government system, the following links could be considered:

- a) **Parliament:** In some contexts, it may be appropriate to engage with parliamentarians to provide technical IHL advice, and to support decision-making regarding the ratification of IHL instruments. Similarly, it may be appropriate to provide expert briefings and reports on compliance with IHL obligations. It may also be appropriate to provide advice to parliament on specific budget allocations to encourage parliament to ensure that relevant actors, such as the armed forces and judiciary, receive high-quality IHL training, and to encourage parliament to ensure that national institutions that support the application of IHL are allocated sufficient resources.
- b) **Civil society, academics, humanitarian actors and other relevant stakeholders:** In some contexts, it may be appropriate to engage national experts or organizations to support IHL dissemination, independent research on IHL and to receive their technical advice on legal and policy matters relating to IHL.
- c) **The media:** In some contexts, it may be appropriate to use the committee's publications and public events to make journalists and the general public more aware of IHL.
- d) **Regional organizations:** In some contexts, it may be appropriate to engage regional organizations to support coordination and collaboration between national IHL committees and to increase political support for IHL and the work of the committees.

10. Monitoring and evaluating

To maintain momentum, assess progress, capture information, retain institutional memory and increase visibility, in line with national frameworks, it is recommended that national IHL committees consider submitting regular progress reports to a designated minister, government entity or parliament, as appropriate. These reports could include an evaluation of the committee's work, noting that the contents of such reports will vary according to national circumstances. The evaluation could be based on pre-agreed clear and objective performance indicators. As an illustration, the reports could provide details of the committee's activities and their impact, processes the committee engaged with, advice or recommendations provided, any legislative progress, the training sessions conducted, any challenges faced and any planned future actions. A helpful format to follow may be that of a voluntary report on the domestic implementation of IHL. It is recommended that the reporting process be used as a tool for increasing ministerial awareness and support for the work of the committee and identifying areas where the committee could be strengthened.

Terms of reference for enhancing regional and global national IHL committee platforms

In recognition of the importance of international solidarity and the value of structured peer support to increase capacity and overcome challenges, a system of voluntary and regular engagement between national IHL committees will be facilitated. To this end, every national IHL committee will be provided with the opportunity to participate in ad hoc multilateral meetings, regional meetings, periodic universal meetings and an online communication platform for national IHL committees. Bilateral engagement between committees will also be encouraged. To facilitate such engagement, a national IHL committee steering group will be established.

1. National IHL committee steering group

A national IHL committee steering group, comprising an appropriate number of states of sufficient geographical diversity and the ICRC, will be established to advance regional and global cooperation among national IHL committees during and between formal gatherings of committees. Adequate time during the universal meeting of national IHL committees in 2027 will be dedicated to developing and agreeing detailed terms of reference and operating procedures for the steering group, with due regard for transparency, inclusivity and diversity. Initial thinking for the steering group is as follows:

- a) it could be the responsibility of the steering group to identify technical needs of national IHL committees in order to facilitate the sharing of relevant technical support, expertise or resources
- b) the steering group could operate in a facilitative and non-supervisory capacity
- c) the tenure of a steering group member could be four years, with the possibility of extension
- d) members of the steering group could be selected at the universal meeting of national IHL committees
- e) the ICRC could be a permanent steering group member
- f) the steering group could meet virtually at least two times per year to discuss and advance progress towards objectives and ensure effective transitions between members.

2. Regional meetings of national IHL committees

- a) With the support of the ICRC, the steering group will be responsible for ensuring that all national IHL committees have the opportunity to participate in a regular regional meeting for national IHL committees. Where such opportunities do not currently exist, they will be created. To support continuity and political support, partnerships with relevant regional organizations are encouraged.
- b) Where possible, and in accordance with their means, states can demonstrate their commitment to international solidarity and help their national IHL committee reach its full potential by ensuring the availability of sufficient resources to facilitate the participation of their national IHL committee in the regional meetings. Similarly, where possible, and in accordance with their means, states may, on a voluntary basis, encourage, support and facilitate the participation of other states in the regional meetings. No state will be required to participate in regional meetings as a precondition for fulfilling any other obligation or as a condition for any form of political or practical benefit.
- c) Where possible, the hosting of the regional meetings will rotate within the region.
- d) Participation should normally include the chairs of the national IHL committees.
- e) The objectives of the regional meetings may include:
 - i) the promotion of the domestic implementation of and respect for IHL
 - ii) the development of peer-support networks
 - iii) the establishment of national IHL committee mentoring and partnership initiatives
 - iv) peer updates and reviews of the progress and activities of the national IHL committees, including on progress made in relation to implementing relevant outcomes of the Global IHL Initiative
 - v) agreeing and reporting on regional action plans
 - vi) the development of regional positions and joint initiatives
 - vii) the development of possible public communications on the activities of the national IHL committees
 - viii) regional preparation for the universal meeting of national IHL committees
 - ix) the discussion of topical issues for national IHL committees

- x) peer support to overcome challenges
- xi) capacity-building for the members of national IHL committees.

3. Ad hoc multilateral meetings of national IHL committees

On the initiative of the steering group or a national IHL committee, and with the support of the ICRC, ad hoc multilateral meetings of national IHL committees may be convened to promote ongoing dialogue and collaboration, particularly among committees that, owing to their geographic proximity or a shared geopolitical context, face similar challenges. These meetings, held either in person or virtually, will be open to any national IHL committee that wishes to participate. They will provide a forum for more in-depth exchanges on shared experiences, common challenges, emerging issues and good practices. States that do not yet have a national IHL committee may also participate in these meetings.

4. Universal meetings of national IHL committees

- a) The national IHL committee steering group will work with the ICRC to ensure that a universal meeting of national IHL committees will take place every four years.
- b) Where possible, and in accordance with their means, states may demonstrate their commitment to supporting their national IHL committee to reach its full potential by ensuring the availability of sufficient resources to facilitate the participation of their national IHL committee in the universal meetings. Similarly, where possible, and in accordance with their means, states should also take all feasible measures to encourage, support and facilitate the broadest possible participation from other states.
- c) Participation at the universal meetings should include the chairs of national IHL committees where possible. Where relevant, a state may also decide to include their National Society in their delegation.
- d) Following its establishment, the steering group will preside over subsequent universal meetings and will report any progress made towards its objectives.
- e) At the first universal meeting following the conclusion of the Global IHL Initiative, a template plan of action will be presented to help national IHL committees support their state in implementing relevant outcomes of the Global IHL Initiative. This template may be modified to select workstreams and outcomes relevant to state priorities and the national context. At subsequent universal meetings, national IHL committees will have the opportunity to voluntarily report on their progress towards implementing those outcomes.
- f) The objectives of the universal meetings may include:
 - i) the promotion of the domestic implementation of and respect for IHL
 - ii) the development of peer-support networks
 - iii) the establishment of cross-regional national IHL committee mentoring and partnership initiatives
 - iv) regional updates and a review of regional action plans and progress
 - v) the development of shared commitments to advance respect for IHL and the agreement of joint work plans
 - vi) the discussion of topical issues for national IHL committees
 - vii) peer support to overcome challenges
 - viii) capacity-building for the members of national IHL committees
 - ix) the identification of areas where national IHL committees would benefit from further support.

5. Cooperation agreements

To complement other forms of collaboration, cooperation agreements between national IHL committees are encouraged. Such cooperation may include joint work plans, mentorship, member capacity-building and the sharing of advice, experiences, tools and technical or financial resources. On request, and with the support of the ICRC, the steering group will be available to support the establishment of a connection between relevant committees.

6. Online communication between national IHL committees

Taking into account communication security considerations, an online communication platform for national IHL committees will be launched by the ICRC. Committees should ensure that any information shared online by its members is in line with their own information classification policies. In order to facilitate the creation of the new platform, the national IHL committee steering group will provide advice, guidance and feedback to the ICRC on necessary improvements and actions. In recognition of the value of learning from states with or without a national IHL committee, states without a committee will also be provided with access to the platform.

7. Participation of states without a national IHL committee

States without a national IHL committee will be invited to nominate a main point of contact for the implementation of IHL in their state. Communications, updates and resources produced by the steering group will also be communicated to those contact points. The contact points will be invited to actively participate in regional and universal meetings and will have the same opportunities to benefit from the online communication platform as representatives from states with national IHL committees.

Toolkit for national IHL committees

To support the work of national IHL committees, a practical toolkit has been developed. To ensure that the toolkit continues to be useful and relevant, the national IHL committee steering group may be responsible for updating and further developing this resource as required.

1. [Table of National Committees and other national bodies on international humanitarian law, International Committee of the Red Cross](#)
2. [Factsheet: National committees for the implementation of international humanitarian law](#)
3. Model terms of reference (Annex 7 in the [Guidelines for Success](#))
4. [National IHL Committees: Guidance on composition and roles](#)
5. [Guiding Principles Concerning the Status and Methods of Operation of National Bodies for the Implementation of International Humanitarian Law](#)
6. [Practical advice to facilitate the work of National Committees on international humanitarian law](#)
7. [National Committees and Similar Entities on International Humanitarian Law: Guidelines for Success – Towards Respecting and Implementing International Humanitarian Law, International Committee of the Red Cross](#)
8. [Open Pledge to Promote the Establishment, Enhancement and Effective Functioning of National Committees or similar entities on IHL \(2024–2028\) – Statutory Meetings](#)
9. Training module – Introduction to IHL ([ICRC e-learning](#))
10. [IHL App](#)
11. [ICRC IHL Toolkit](#)
12. Model compatibility study (Annex 3 in the [Guidelines for Success](#))
13. Model annual report (Annex 6 in the [Guidelines for Success](#))
14. [Sample voluntary report toolkit](#)
15. [National implementation of IHL: Documentation, ICRC](#) (contains ratification templates, model laws, factsheets and other relevant guidance)

Potential resources that the steering group may wish to develop include:

- a compilation of national IHL committee terms of reference
- a compilation of national IHL committee action plans and current areas of focus
- a template for developing an onboarding module for new members of national IHL committees
- step-by-step guidance for establishing or reactivating a committee
- guidance on preserving institutional memory
- guidance for inter-agency coordination
- sample action plans
- dissemination guidance.



Workstream 3

IHL and peace

Outcome Document

Global Initiative to Galvanize
Political Commitment to
International Humanitarian Law



Co-chaired
by Bangladesh, Colombia,
Ethiopia, Qatar, Saudi Arabia
and the International Committee
of the Red Cross

Overview

Respect for international humanitarian law (IHL) is a strategic investment in peace. It reduces human suffering, sustains essential services, limits environmental degradation and preserves the social fabric on which recovery, reconciliation and long-term stability depend. In addition, respect for IHL, combined with a commitment to return to peace, is the only path to reduce the financial burden resulting from the magnitude of humanitarian needs witnessed in today's conflicts. Preserving pathways to peace must remain a deliberate objective that informs decision-making at all levels. This requires ensuring that the legal, institutional and operational systems necessary to fulfil IHL obligations remain functional throughout hostilities and during transitions toward peace.

As a means to achieve this, this document:

- provides guidance to strengthen systems before armed conflicts break out
- provides practical ways for states, mediators and other stakeholders to integrate IHL into mediation and negotiation processes
- identifies concrete and verifiable actions to maintain and support de-escalation, rebuild confidence and reduce the risk of renewed violence once hostilities end.

This outcome document does not seek to create new obligations, nor does it replace, reduce or otherwise modify the obligations states and parties to armed conflict have under international law, in particular IHL. Rather, it provides guidance to facilitate the implementation of those obligations in a manner consistent with the protective purpose of IHL.

Outcome

Before hostilities: strengthening systems that preserve pathways to peace

In order to preserve pathways to peace, the legal, institutional and operational systems that underpin IHL must remain functional, even when armed conflict breaks out.

Preparedness, in this context, means strengthening and safeguarding these systems in peacetime to ensure that core functions remain intact if hostilities arise and to limit the harm caused by these hostilities. The policy and planning choices made prior to a conflict affect whether legal obligations will be respected, which in turn influences whether parties to an armed conflict will be able to live in peace again after the conflict has ended.

The following sections present a non-exhaustive list of peacetime measures that will contribute to ensuring respect for IHL during times of war and to creating the foundations for recovery and long-term peace when hostilities come to an end. Where they exist, national IHL committees or equivalent interministerial bodies may support coordination across relevant authorities and help ensure that preparedness measures are developed and maintained in peacetime.

1. Building and maintaining peacetime systems for the separated, missing, dead and detained persons that can remain operational in times of armed conflict

When humanitarian obligations relating to separated, missing, dead and detained persons are upheld, people feel less resentment, carry less trauma and are less likely to get stuck in never-ending cycles of grief. This includes providing families with information about their missing loved ones, accounting for detainees and treating them in accordance with the law, and ensuring the dead are handled with respect and are properly identified. Integrating mental health and psychosocial support (MHPSS) activities in addressing these and other humanitarian needs leads to even more effective outcomes. During peacetime, states can take certain measures related to these obligations to create conditions that will be conducive to reconciliation and the eventual restoration of peace, including:

- a) developing and maintaining legal, administrative and technical frameworks and systems to ensure that persons deprived of their liberty, missing persons and the dead are protected and registered, and that any information relating to them is properly managed. States may consider adequately resourcing these systems and, when feasible, testing them in advance of a crisis so they can function without interruption in case of armed conflict.
- b) ensuring that civil registration and documentation frameworks, which enable legal identity and status, include contingency methods and simplified procedures that remain accessible during armed conflict.
- c) establishing or strengthening mechanisms that account for people separated from their loved ones or at risk of going missing, such as the national information bureaux that are mentioned in the Geneva Conventions. It is important to ensure these mechanisms can work alongside registration systems, mortuary and burial services, and tracing mechanisms, and to ensure they are operational from the start of an armed conflict, to prevent fragmentation or loss of information once hostilities begin.
- d) ensuring that safeguards against destruction, manipulation and misuse of records are built into administrative systems, including digital resilience, secure backup, controlled access, cyber-protection measures and clear authority lines for lawful information sharing during armed conflict.
- e) taking legal and administrative measures to ensure that, in the event of an armed conflict, access to essential services, including health care, is not restricted on discriminatory grounds, such as nationality or status.
- f) setting up oversight mechanisms for places of detention consistent with domestic and international law, including independent oversight, with a clear mandate, visiting procedures and trained personnel, so that such safeguards against ill-treatment, including sexual violence, and disappearance remain functional during armed conflict or periods of transition, in addition to the mechanisms already foreseen by IHL.

2. Preparing during peacetime for the protection of civilians and civilian objects, including civilian infrastructure and essential services

By putting measures in place during peacetime to protect civilians and civilian objects and limit the disruption to essential services during war, states can mitigate the human suffering and societal breakdown that often fuel prolonged instability. The following measures can help to maintain the conditions necessary for recovery, reconciliation and a return to peace:

- a) identifying, mapping and regularly updating information on infrastructure enjoying special protection and other infrastructure enabling the delivery of essential services for civilians as well as on their interdependencies, so that planning takes into account the foreseeable humanitarian consequences of armed conflict across the water, energy, health, sanitation, education, transport and communications sectors.
- b) integrating mitigation and service-continuity measures into contingency and emergency-preparedness planning to reduce disruption and enable early recovery, including preparedness to address explosive remnants of war and other explosive ordnance. This includes establishing systems to record, retain and share information on the use or abandonment of explosive ordnance with relevant authorities, civilian populations and organizations involved in marking, clearance, removal or destruction, as well as in the maintenance and repair of infrastructure.
- c) establishing civil-military coordination mechanisms and non-hostile contact procedures, including designated focal points and communication channels, to address urgent protection risks and to support the continuity of essential services in case of armed conflict.
- d) putting in place measures to safeguard cultural property and places of worship against the effects of armed conflict, including inventories and digital documentation, secure backup systems, emergency planning, evacuation procedures for movable cultural property where appropriate, coordination with competent cultural authorities and training of relevant civilian and military authorities.

- e) identifying and designating protected environmental zones, ideally in peacetime, to enhance the protection of areas of particular environmental importance in the event of an armed conflict, preserve critical ecosystems and support sustainable recovery.
- f) incorporating an assessment of the potential harm to civilians and civilian objects into planning processes, including cumulative societal and environmental impacts and long-term destabilization risks, and the heightened risks faced by children, persons with disabilities, women, older persons and other groups, so that security decisions are informed by protection considerations as well as operational objectives.
- g) preparing child-centred, gender-sensitive and disability-inclusive child-protection frameworks to prevent and respond to the recruitment and use of children by armed forces or armed groups, including procedures for their safe separation, handover to civilian child-protection actors, family tracing and reintegration.

3. Incorporating humanitarian restraint and building confidence through disarmament frameworks

Disarmament plays a critical role in upholding humanitarian norms, reducing the risk of escalation and building confidence among states, and hence helping to achieve the objective of peace for all people.

The following measures are proposed to contribute to creating conditions conducive to de-escalation, dialogue and sustainable peace, by helping prevent civilian suffering and protect the environment in case of armed conflict. They focus on integrating humanitarian considerations into national policies on disarmament and arms control during peacetime – including clearance, stockpile destruction, victim assistance, transparency and environmental considerations where relevant – as well as incorporating disarmament commitments into military doctrines and practices.

- a) Taking into account the views and perspectives of survivors and affected communities when drafting national policy on humanitarian disarmament. This helps to ground weapons policy in lived experience and to sustain political commitment.
- b) Joining, faithfully implementing and refraining from withdrawing from humanitarian disarmament treaties and agreements, encouraging others to join them and promote them as universal instruments, recognizing that they help to protect civilians, provide stability and ensure long-term security.
- c) Prioritizing humanitarian disarmament, both in times of peace and during armed conflict, through disarmament instruments and endeavours that seek to uphold and strengthen IHL by preventing, mitigating and remediating human suffering and environmental harm caused by the use of certain types of weapons. This people-centred approach to disarmament includes prohibitions or restrictions on the development, production, transfer, stockpiling or use of weapons; the establishment and strengthening of normative frameworks; and measures to assist victims and remediate harm, thereby contributing to confidence-building among states and the maintenance of peace.
- d) Placing the human cost and environmental impact of weapons and the risk of escalation at the heart of disarmament processes and negotiations, with a view to prohibiting or restricting weapons that have unacceptable effects, recognizing that the use of such weapons can fuel hatred, prolong hostilities and hinder reconstruction and reconciliation after conflict.
- e) Carrying out arms-transfer, export and procurement processes in a manner that complies with applicable obligations, while taking into account assessments of the potential harm to civilians, impacts on essential services, diversion risks, compliance patterns and long-term destabilization effects.
- f) Strengthening national arms-control frameworks by aligning domestic legislation with relevant international and regional instruments and ensuring that arms-control decisions incorporate appropriate risk assessments, including those relating to compliance with IHL.
- g) Strengthening regional and cross-border cooperation and information sharing to prevent diversion in arms transfers and illicit arms flows, and to support the effective implementation of arms-control measures.
- h) Establishing or maintaining procedures for reviewing weapons prior to adopting or acquiring new weapons and new means and methods of warfare. This includes carrying out assessments of autonomy, digital dependencies, predictability, cybersecurity and escalation risks and the role of human operators, in realistic operational environments, to the extent necessary to determine compliance with IHL.
- i) Incorporating appropriate safeguards into procurement and contracting processes to ensure that humanitarian considerations are taken into account when developing and deploying new weapons.

During armed conflict: integrating IHL into mediation and peace processes

During armed conflict, mediation and negotiation processes provide critical entry points for reinforcing compliance with IHL. Integrating concrete humanitarian commitments into mediation processes, ceasefires and special agreements can reduce suffering, build trust and preserve the conditions necessary for sustainable peace.

The following sections aim to provide guidance to states and mediators on integrating IHL into such agreements.

4. General considerations when integrating IHL into mediation and peace processes

The following elements are provided as general considerations to take into account when integrating IHL into mediation processes, ceasefires and special agreements:

- a) integrating discussions on implementing IHL obligations at the outset of any mediation and peace process, as confidence-building measures
- b) ensuring that engagement on IHL and humanitarian principles is not subordinated to political dynamics
- c) preserving the clarity and integrity of humanitarian obligations and ensuring that they are not treated as negotiable or subordinated to political interests
- d) where appropriate, integrating neutral states, regional organizations and impartial intermediaries, with the consent of parties to the armed conflict
- e) using locally grounded approaches that involve local actors, civil society actors and affected communities, and ensuring the full, equal and meaningful participation of women
- f) where relevant, offering technical, financial and logistical support to mediators, and fostering structured exchanges between legal experts, humanitarian practitioners and political actors to bridge gaps and promote mutual understanding.

5. Preliminary list of actionable steps during mediation and negotiation efforts

The following section provides an initial list of how some of the most important humanitarian issues and related obligations can be integrated into mediation and peace efforts, to maintain respect for IHL throughout the conflict cycle and to create the conditions to secure sustainable peace. They are provided as examples of how the operationalization of IHL obligations can be discussed with parties or between parties to an armed conflict. This list is provided as a first step towards a more comprehensive tool on integrating IHL into mediation and peace efforts, to be developed in the future.

5.1 Reaffirmation of IHL

The parties may use any opportunity during the mediation or negotiation process to reaffirm their obligations under IHL, in particular their obligation to respect and ensure respect for these rules in all circumstances and in good faith.

5.2 Measures on missing persons and information management

When parties seek to adopt further measures to fulfil their obligations regarding missing persons, persons deprived of their liberty and the dead, including through national information bureaux or other agreed tracing mechanisms, it is particularly important that they:

- a) enable families to report missing persons and request information on them, and ensure that families receive timely, accurate and accessible information on the search process and its results
- b) protect personal data collected for these purposes from being destroyed, manipulated or misused, and ensure they are shared in accordance with data-protection and agreed procedures
- c) establish or strengthen a dedicated national mechanism to actively search for, identify and clarify the fate and whereabouts of missing persons, with meaningful participation from families and appropriate data-protection safeguards in place.

5.3 Release, transfer and reintegration

When parties negotiate for the release, transfer and reintegration of persons deprived of their liberty, it is particularly important that they establish clear, time-bound procedures, such as:

- a) verification of identity and legal status
- b) provision of medical screening and continuity of care, including mental health and psychosocial support (MHPSS) where needed
- c) means to restore or issue civil documentation
- d) notification of families and facilitating contact prior to release
- e) referring people to health, social welfare, reintegration and livelihood services, including measures to prevent stigma, retaliation and renewed violence.

5.4 Dignified treatment of the dead during hostilities

When parties seek to adopt measures or agreements to fulfil their obligations regarding the dead, it is particularly important that they consider ways to:

- a) search for and recover the dead, and mark recovery or burial sites, including the GPS location where possible
- b) collect and preserve personal information and information relating to burial sites and circumstances of death, and preserve personal effects, while taking into account cultural, religious and community beliefs
- c) use chain-of-custody procedures for remains and effects
- d) communicate with families in a timely and open manner
- e) take into account forms of mourning and honouring the dead in accordance with the relevant religious, cultural and customary practices.

In addition, it is important to coordinate recovery operations with risk-mitigation measures concerning explosive remnants of war to ensure safe access. Ensuring that recovery and identification efforts continue during negotiation phases and that they are not suspended pending political settlement is crucial to fruitful results.

5.5 Humanitarian access

When parties put in place measures or agreements to fulfil their obligations regarding humanitarian assistance, it is particularly important that they:

- a) work together to agree on the technical arrangements that need to be put in place in order for humanitarian aid to be delivered safely and for all civilians in need to access such aid safely
- b) take steps to ensure that the exercise of the right of control never results in unduly delaying or rendering impossible the delivery of the humanitarian relief in the context of an international armed conflict (IAC – including occupation) and non-international armed conflict (NIAC)
- c) take steps to ensure that humanitarian arrangements respect the principles of humanity, neutrality, impartiality and independence.

As a means of meeting their obligation to respect and protect humanitarian personnel, objects and transport involved in the delivery of such assistance, the parties may consider implementing the practical actions outlined in the Declaration for the Protection of Humanitarian Personnel.

5.6 Protection of cultural property and places of worship

When parties seek to adopt measures or agreements to fulfil their obligations to respect and protect cultural property and places of worship, it is particularly important that they:

- a) take measures to minimize damage through appropriate precautions, information sharing and coordination
- b) take feasible measures to prevent looting, vandalism, illicit removal and destruction
- c) facilitate safe access, including where explosive hazards are present, for the assessment, emergency stabilization, protection or recovery of damaged cultural property and places of worship important to affected communities.

5.7 Child protection

When parties seek to adopt measures or agreements to fulfil their obligations in regard to the protection of children, it is particularly important that they:

- a) ensure that special measures are in place to protect children affected by armed conflict
- b) design measures to ensure that children allegedly associated with armed forces or armed groups are treated primarily as victims and that the best interest of the child is a primary consideration
- c) treat children in a manner consistent with their specific rights and protections

- d) release children from armed forces and armed groups without delay, swiftly demobilize them (where applicable), provide them with appropriate help for their physical and psychological recovery and social reintegration, and transfer them to designated child-protection actors in accordance with agreed handover protocols
- e) take measures to comply with the prohibition on unlawfully or arbitrarily depriving children of their liberty and the obligation to ensure that the arrest, detention or imprisonment of children is only a measure of last resort and for the shortest appropriate period of time, including by seeking alternatives such as non-custodial measures and non-judicial alternatives to prosecution
- f) take measures to ensure the rehabilitation and reintegration of children in an environment that fosters children's health, self-respect and dignity
- g) take measures to facilitate the tracing of family members and reuniting children with their families, and ensure access to civil documentation for all children without discrimination
- h) take measures to ensure that children's uninterrupted access to safe and quality education is restored as quickly as possible, recognizing that the destruction of schools and essential services has profound long-term impacts on their physical, cognitive and psychosocial development.

All such measures shall be implemented in accordance with the best interest of the child, with due consideration given to the child's views and evolving capacities.

5.8 The safe, voluntary and dignified return of displaced persons

When parties seek to adopt measures or agreements to support the safe, voluntary and dignified return of displaced persons, it is particularly important that they take steps to:

- a) ensure that anti-personnel mines and other explosive remnants of war are surveyed, marked and cleared in priority areas for return
- b) ensure the restoration of essential services or the adoption of plans for their timely restoration
- c) ensure access to civil documentation for all, including children who were born during the armed conflict or who were displaced by the armed conflict
- d) put in place transparent mechanisms to resolve housing, land and property issues, including restitution or compensation where appropriate
- e) ensure that return processes identify and mitigate accessibility barriers and protection risks affecting persons with disabilities, older persons and others with specific needs, including through appropriate protection and support measures.

5.9 Women's full, equal and meaningful participation

Women's participation shall be meaningful and equal to men's participation. When parties work towards ensuring the full, equal and meaningful participation of women, it is particularly important that they take effective steps to:

- a) ensure that women are fully involved in designing, negotiating, implementing and monitoring humanitarian commitments under any agreements the parties make
- b) set up dedicated consultation pathways for women's networks working on tracing, documentation, the safe and voluntary return of displaced persons and community reconciliation
- c) fund and deploy women with technical expertise on IHL-related issues
- d) recruit, train and include female experts in monitoring, verification or implementation teams (for issues such as access, explosive remnants of war, tracing and reintegration).

5.10 Community-based implementation and social-cohesion mechanisms

In addressing a variety of issues across conflicts, community-based and social-cohesion mechanisms may contribute to more effective implementation. In this regard, it is particularly important that the parties:

- a) formally recognize the importance of families of the missing and encourage their participation in search and clarification processes
- b) recognize the role of community-based mechanisms, including elders' councils, women's groups, traditional, religious and indigenous actors, customary reconciliation forums, clan structures and culturally validated practices
- c) recognize that safeguarding cultural heritage helps preserve the identity and dignity of affected communities and supports recovery, reconciliation and long-term stability, and therefore include measures for the protection, restoration and preservation of cultural property and places of worship as part of community recovery and reconciliation efforts
- d) recognize the importance of supporting and promoting civil society-led support – especially local, grassroots,

women-led organizations, religious and community leaders, and girl- and youth-led organizations – to improve prevention and response to sexual violence in conflict and post-conflict, and recognize the importance of supporting community mobilization campaigns to help shift the stigma of sexual violence from the victims to the perpetrators, and to promote related cohesion among community members.

5.11 Role of neutral and impartial intermediaries

The parties acknowledge that neutral, impartial and independent intermediaries may, where appropriate and with the consent of the parties, facilitate the implementation of humanitarian commitments and other agreed confidence-building measures.

Such actors may help, among other things, to complete and implement special agreements, as stipulated by IHL, release and transfer persons deprived of their liberty, search for missing persons, return human remains, establish humanitarian arrangements or implement other measures agreed between the parties.

The parties shall take appropriate measures to ensure that such actors are duly protected and can perform agreed facilitation roles safely and without undue interference. Neutral mediators and humanitarian intermediaries shall not be targeted, criminalized, sanctioned or otherwise impeded from carrying out humanitarian facilitation consistent with IHL, including safeguarding humanitarian dialogue undertaken in accordance with IHL.

5.12 Implementation framework and monitoring

Humanitarian commitments should specify designated focal points, timelines, reporting formats and agreed verification methods, including cooperation with neutral intermediaries where appropriate. The parties can establish a joint or coordinated mechanism to monitor implementation and provide regular progress reports, both when hostilities are ongoing and waning.

After hostilities: post-conflict implementation checklist for preserving pathways to peace

Once hostilities have ended or de-escalated, the legal, institutional and operational systems that are required for implementing IHL obligations need to be activated promptly, coordinated and sustained, if pathways to peace are to be preserved. Effective post-conflict implementation directly shapes public trust, social cohesion and the durability of peace.

This model checklist reflects operational priorities that have been identified during consultations on missing persons and the dead, detention, displacement and durable solutions, and children affected by armed conflict.

6. Institutional coordination and participation for post-conflict implementation

Effective post-conflict implementation depends on having a person or group of people in place that are responsible for coordination and, more specifically, that are capable of organizing obligations across sectors, led by a designated state authority. In many contexts, an existing national IHL committee or interministerial body may fulfil this role, provided it has the authority to coordinate operational implementation and avoid fragmentation during transition periods.

a) National post-conflict IHL coordination platform

- The lead authority is formally designated (named ministry or office).
- The foreign affairs, justice, interior, defence, health, environment, social welfare, civil registry and mine action authorities, as well as authorities responsible for cultural property and environmental protection, are represented.
- Local administration (state or municipal level) is included.
- The terms of reference explicitly cover detention and release, missing persons and the dead, civil documentation, explosive remnants of war, displacement and return, sexual violence response, as well as child protection and reintegration.
- The terms of reference include overseeing the implementation of any disarmament treaty or agreement concluded between the parties.
- A coordination mechanism is activated immediately after hostilities have ended or de-escalated and is maintained during intermittent hostilities.

Possible indicators that implementation has taken place: a decision or decree; terms of reference; a membership list; meeting minutes.

b) Participation framework

- Families of the missing have a well-defined and sustained role in designing, implementing and reviewing national mechanisms on the missing.
- Women's organizations and women-led organizations have defined, resourced and formalized participation channels, such that women's participation is full, equal and meaningful.
- Persons with disabilities and their representative organizations have defined, resourced and formalized participation channels, such that their participation is full, equal and meaningful.
- Children are able to participate in a safe, voluntary and age-appropriate manner, with safeguards in place.
- Community-based mechanisms are formally recognized as being important contributors to implementation and monitoring (including elders' councils, religious and traditional authorities, civil society actors, reconciliation forums and culturally validated practices).

Possible indicators that implementation has taken place: participation framework; consultation calendar; budget allocation; monitoring composition.

c) Protection monitoring and sequencing

- Findings from monitoring protection work systematically inform priority-setting and sequencing.
- Monitoring feeds into transitional justice, accountability and peacebuilding planning.
- Early warning analysis is integrated into implementation reviews.

Possible indicators that implementation has taken place: dashboards; referral pathways; review minutes.

7. Clarification of the fate and whereabouts of missing persons and the dignified management of the dead

Clarifying the fate and whereabouts of missing persons and ensuring the dead are managed in a dignified way are post-conflict obligations that have a significant influence on building public trust. It is important to take prompt action, put reliable information systems in place and maintain a sustained dialogue with families, so that social cohesion and reconciliation can take place.

a) National mechanism and strategy

- A legal mandate exists to search for, identify and clarify the fate and whereabouts of missing persons.
- A multi-year national strategy is adopted that recognizes the long-term nature of the clarification process.
- Predictable and sustained resourcing is identified.
- Interdependence with the medico-legal system, police and judiciary is clarified.

Possible indicators that implementation has taken place: law or decree; strategy document; budget allocation.

b) Data systems, registration and safeguards

- Operational ante- and post-disappearance data systems are in place.
- There is interoperability between tracing mechanisms, detention registries, medico-legal systems and civil registries.
- Operational data-protection safeguards are in place (access control, secure storage and lawful sharing).
- Civil registries and tracing databases are protected against destruction, manipulation, cyberattack and misuse during transition periods.

Possible indicators that implementation has taken place: standard operating procedures (SOPs); interoperability protocol; IT security documentation; data-sharing agreements.

c) Family engagement and case-level communication

- Individual case-management procedures enable families to submit information, access case files where appropriate and receive regular updates on progress.
- Standardized communication protocols define the frequency and format of updates, as well as the authorities responsible for providing them.
- Referral pathways provide access to MHPSS for people involved in clarification processes.

Possible indicators that implementation has taken place: case-management SOP; communication schedule template; helpdesk/hotline records; MHPSS referral protocol.

d) Dignified management of the dead

- Procedures are in place for recovering, documenting, identifying and returning the dead.
- First responders are equipped (body bags, PPE, forensic kits, mobile morgue capacity).
- Personnel are trained in recovery, chain-of-custody and documentation.
- Coordination between rubble clearance and explosive remnants of war clearance teams is established.
- Personal effects are recorded and preserved.
- Cultural and religious considerations are integrated where appropriate.

Possible indicators that implementation has taken place: training records; chain-of-custody forms; coordination minutes.

8. Detention review, release and reintegration

Post-conflict detention and release processes directly affect public trust and stability. Clear legal frameworks, structured review mechanisms and coordinated reintegration measures reduce irrational actions and support the transition back to peacetime governance.

a) Legal framework and safeguards

- Legal bases for internment and detention related to the conflict are clearly defined in law or regulations, including authority, grounds and procedural safeguards.
- Review mechanisms are in place to assess whether internment is still required and legal, particularly for non-international armed conflicts.
- Post-conflict release frameworks distinguish between:
 - POWs and other protected persons in international armed conflicts
 - persons interned for imperative security reasons
 - persons detained for criminal offences that are related or unrelated to the conflict.
- Release decisions, transfers or continued prosecutions are based on clearly articulated legal grounds and subject to review in accordance with IHL and, where relevant, domestic law aligned with international obligations.

Possible indicators that implementation has taken place: legal framework documentation; review body mandate; release criteria or procedures; interministerial legal guidance notes.

b) Registration and record integrity

- A continuous registration system is in place from the moment a person is captured until their release.
- There is interoperability between tracing mechanisms, civil registries and national information bureaux (where applicable).
- Record protection and backup measures are in place to prevent records from being destroyed or manipulated during institutional reform.

Possible indicators that implementation has taken place: registry database; interoperability protocol; audit report.

c) Oversight and access

- An active independent oversight body or judicial mechanism is in place.
- SOPs allow supervisory visits in accordance with IHL.
- Detention staff receive ongoing training on humane treatment and vulnerability screening.

Possible indicators that implementation has taken place: oversight mandate; visit agreements; training logs.

d) Operational release, transfer and repatriation procedures

- Time-bound SOPs are in place for the release, transfer or repatriation of persons deprived of their liberty.
- Specific procedures are in place for the immediate identification and release of captured children associated with armed forces or armed groups, including their prompt handover to civilian child-protection actors.
- Identity verification, medical screenings and documentation restoration are integrated into the SOPs.
- Procedures are in place to notify families prior to the release of their loved ones.
- Reintegration referral pathways include health, psychosocial and livelihood support.

Possible indicators that implementation has taken place: release SOP; interministerial protocol; referral directory.

e) Legal regime-specific obligations (where applicable)

- POWs are released and repatriated without delay after active hostilities have ended.
- The seriously wounded or sick are repatriated in accordance with applicable standards.
- Interned civilians are released when there are no longer legal grounds for their internment.
- In non-international armed conflicts, release occurs when legal or security grounds for detention no longer exist.
- Amnesty considerations are consistent with international law.

Possible indicators that implementation has taken place: repatriation plan; review outcomes; legal memoranda.

f) Reintegration and preventing retaliation

- Community preparation measures have been implemented.
- Anti-stigma initiatives are in place.
- Measures to prevent retaliation and renewed cycles of violence are established.
- Reintegration measures are age- and gender-sensitive, taking account of distinct needs and risks such as those of survivors of sexual violence and children unlawfully recruited by armed forces and armed groups.
- Disarmament initiatives are linked with reintegration and community recovery programmes.

Possible indicators that implementation has taken place: reintegration plan; community engagement records.

9. The safe return of displaced persons and long-lasting solutions

If displaced people are to be returned safely, voluntarily and in a dignified manner, and if other solutions are to be effective in the long term, coordinated legal, security and service-related measures need to be put in place. Addressing legal documentation, housing, land and property issues, and explosive remnants of war reduces the risk of renewed displacement and instability.

a) Preconditions for the safe, voluntary and dignified return of displaced persons

- Explosive remnants of war are surveyed, marked or cleared in priority areas.
- Risk education is provided.
- Essential services have been restored or restoration plans are in place.
- Safe access is ensured for engineers and service restoration teams.

Possible indicators that implementation has taken place: mine action reports; restoration plans; access authorizations.

b) Civil documentation and legal identity

- A documentation strategy is activated prior to or alongside the return of displaced persons.
- Mobile documentation teams or simplified procedures are in place.
- In civil documentation procedures, evidential value is given to documents issued by other parties to the conflict.
- Children are registered and receive legal proof of identity, including children who were born during the armed conflict or who were displaced by the armed conflict.

Possible indicators that implementation has taken place: policy directive; issuance statistics.

c) Housing, land and property

- A transparent restitution or compensation mechanism is in place.
- A claims registry has been established.
- A mechanism addressing unlawful occupation is in place.

Possible indicators that implementation has taken place: housing, land and property law; decisions database.

d) Consultations and long-lasting solutions

- Consultations are carried out with displaced persons and host communities.
- Reintegration programmes are in place that benefit both returnees and host communities.
- A multi-year investment plan is in place that supports livelihoods, services and infrastructure.
- Local integration and resettlement options are assessed when it is not possible for a displaced person to return.
- International cooperation or burden-sharing arrangements are initiated where relevant.
- Protection monitoring mechanisms are in place to identify risks of coercion, discrimination and premature return, and to inform corrective measures.
- Psychosocial and psychological support services are available to displaced persons, returnees and host communities, including community-based MHPSS interventions that facilitate safe reintegration and long-term recovery.

Possible indicators that implementation has taken place: consultation reports; programme framework; bilateral or multilateral arrangements.

10. Child protection and reintegration

Children affected by armed conflict require protection long after hostilities have ended. They need to be effectively reintegrated into society and provided with survivor-centred assistance, reintegration and education programmes. Reintegration support should be age-appropriate, gender-sensitive and disability-inclusive as well as trauma-informed, long-term and sustainable. Such support will contribute to preventing them from being marginalized in the long term and from returning to violence in the future.

a) Immediate protection and handover

- Protocols are in place for the release and handover of children associated with armed forces or armed groups.
- Protocols are in place to ensure continuity of education for returning children, including the rapid establishment of safe and accessible learning environments.
- Children are released from armed forces or armed groups and, during disarmament, demobilization and reintegration (DDR) processes, accommodated separately from adults to ensure their protection and access to appropriate services.
- Children are immediately referred to civilian child-protection actors.

Possible indicators that implementation has taken place: SOPs, including handover protocols; referral pathways.

b) Tracing, reunification and documentation

- Family tracing mechanisms are in place.
- Documentation processes respect the best interests and evolving capacities of the child.

Possible indicators that implementation has taken place: case-management protocol; documentation records.

c) Reintegration and long-term follow-up

- Child protection is integrated into disarmament, demobilization and reintegration, justice, education and return strategies.
- Reintegration programmes include gender-sensitive and age-sensitive approaches, including targeted support for girls and young mothers.
- Access to MHPSS, including specialized services where needed, especially for survivors of sexual violence, is ensured for all children.
- Accountability and child-sensitive justice mechanisms are established.
- A long-term follow-up mechanism is established.

Possible indicators that implementation has taken place: strategy annex; follow-up protocol.

d) Education and safe learning environments

- Access to education and vocational opportunities is supported. Education responses are inclusive and adapted to the needs of girls, children with disabilities and marginalized groups.
- Safe community spaces are in place.
- Teachers and educators are supported who have children formerly associated with armed forces and armed groups in their places of learning.
- Alignment with the Safe Schools Declaration and its guidelines, where applicable.
- Teaching practices include psychosocial support and avoid causing children any further trauma.

Possible indicators that implementation has taken place: education recovery plan; safeguarding guidance.

e) Child-related early warning indicators and participation

- Early warning indicators for risks of renewed violations affecting children (including attacks on schools, recruitment or child displacement) are established.
- Safe, confidential and child-friendly complaint and feedback mechanisms are established, including at community level.
- With relevant safeguards in place, children are encouraged to take part in recovery initiatives on a voluntary basis.

Possible indicators that implementation has taken place: early warning SOPs; risk assessments; safeguarding protocols.

11. Explosive remnants of war and environmental safeguards

Explosive remnants of war and environmental contamination affect recovery, return and long-term stability. Coordinated clearance, risk mitigation and environmental protection help to keep civilians safe, facilitate the safe, voluntary and dignified return of displaced persons, and support sustainable reconstruction.

a) Explosive remnants of war coordination

- Explosive remnants of war information-sharing mechanisms have been established, including the exchange of available information on the location and nature of explosive hazards.
- Data collection and casualty recording systems support prioritization of clearance operations.
- Return and recovery areas are prioritized for the survey, marking and clearance of explosive hazards.
- National work plans for explosive remnants of war surveying, clearance and risk education are developed with input from affected communities.
- National mine action frameworks link clearance, risk education and recovery planning.
- Mine risk education programmes are integrated into schools and other safe learning environments.
- Rubble clearance teams coordinate with explosive remnants of war specialists to ensure the safe restoration of infrastructure.
- Stockpiles of explosive ordnance are identified, secured and destroyed in accordance with applicable safety and environmental standards.
- Measures to support cross-border clearance and coordination, in order to improve regional security, are in place.
- Local volunteers are used to lead risk education and build community trust.

Possible indicators that implementation has taken place: mine action plan; tasking orders; coordination minutes.

b) Environmental risk mitigation

- Environmental risk mitigation is integrated into clearance and disposal methods.
- Contaminated land, water and toxic remnants are assessed and prioritized in recovery planning.

Possible indicators that implementation has taken place: environmental risk assessment; remediation plan elements.

c) Disarmament and weapons governance continuity

- Mechanisms to implement any disarmament treaty or agreement concluded between the parties are put in place.
- Article 36 weapons review procedures are maintained and applied.
- Interministerial coordination mechanisms for oversight, traceability and review of weapons transfers, procurement and stockpile management remain operational.
- Weapons marking, tracing and border-control cooperation mechanisms remain operational.
- Stockpile management systems ensure the safe storage and destruction of surplus weapons.
- Interministerial traceability and oversight arrangements are maintained.

Possible indicators that implementation has taken place: review procedure note; risk assessment template; oversight record.

12. Monitoring, reporting and periodic review of humanitarian commitments

The transparent monitoring and periodic review of humanitarian commitments can help ensure that they are effectively implemented and sustained over time. Reporting and verification mechanisms support accountability, allow authorities to identify gaps in implementation and enable measures to be adapted as circumstances evolve.

a) Monitoring and reporting

- Responsible authorities are designated for monitoring implementation across thematic areas (detention, missing persons, explosive remnants of war, return, child protection, etc.).
- Women's full, equal and meaningful participation within the designated authorities is ensured.
- A periodic reporting framework is established, including agreed reporting formats, timelines and responsible entities.
- Data and information from relevant ministries, operational agencies and local authorities are consolidated through the national coordination mechanism.
- Monitoring results are shared with relevant national authorities and, where appropriate, with oversight bodies or partners involved in implementation.

Possible indicators that implementation has taken place: reporting templates; monitoring dashboards; periodic implementation reports.

b) Verification and periodic review

- Independent or neutral verification modalities are identified where appropriate (including cooperation with neutral intermediaries or oversight institutions).
- Regular implementation-review meetings are held to assess progress, challenges and corrective measures.
- Lessons learned are incorporated into updated operational procedures, national policies and planning tools.
- Monitoring findings inform longer-term peacebuilding, recovery and institutional reform processes.

Possible indicators that implementation has taken place: review meeting minutes; updated SOPs; corrective action plans; lessons-learned reports.

13. Accountability for grave breaches and other serious violations of IHL and support for lasting peace

Ensuring accountability for grave breaches and other serious violations of IHL is an important component of building lasting peace in the aftermath of conflict. Effective and impartial investigations, accountability for those responsible, and broader transitional justice measures can help address the human cost of conflict, rebuild trust among affected communities, strengthen the rule of law and support reconciliation. Accountability and peace should not be viewed as competing objectives. By addressing serious violations and their consequences, accountability measures can contribute to restoring confidence in institutions, preventing renewed cycles of violence and supporting sustainable recovery.

The following measures, which reflect a combination of existing law and good practices, are particularly important in promoting accountability and fostering sustainable peace.

a) Criminal legislation and prosecution of grave breaches and other serious violations of IHL

- Criminal legislation is in place to facilitate the investigation and prosecution of grave breaches and other serious violations of IHL.
- Mechanisms are established to ensure effective and impartial investigations and, where appropriate, prosecution of those responsible for grave breaches and other serious violations of IHL allegedly committed by nationals, armed forces, or within the state's territory.
- Armed forces are provided with clear instructions on the types of incidents and information that should trigger investigations into potential grave breaches and other serious violations of IHL.
- Protections are in place to prevent retribution and reprisals against individuals who report grave breaches and other serious violations of IHL.
- National mechanisms are established or strengthened to review military operations resulting in harm to civilians or civilian objects, including civilian infrastructure enabling essential services, especially through post-strike assessments, inter-agency review processes and appropriate transparency measures.

Possible indicators that implementation has taken place: criminal codes; prosecution records; court rulings; investigation reports; post-strike assessment records; policies on reporting protections.

b) Transitional justice and reconciliation mechanisms

- Truth and reconciliation commissions or similar mechanisms are established, where appropriate, to address divisions and foster social cohesion.
- Processes are in place to address the needs of victims of IHL violations, including through reparations, acknowledgment of harm, memorialization efforts and other appropriate measures.
- Community-based initiatives are supported to promote dialogue, reconciliation and social integration among affected populations, including measures to prevent stigmatization and renewed cycles of violence. Transitional justice strategies explicitly integrate the views and needs of survivors and affected communities to ensure inclusivity and effectiveness.

Possible indicators that implementation has taken place: establishment of reconciliation commissions; reports on reparations; community engagement initiatives.

c) International cooperation and capacity-building

- International cooperation mechanisms are established to support accountability efforts, including the sharing of evidence and expertise on grave breaches and other serious violations of IHL.
- Capacity-building programmes are in place to train national authorities, including judicial and military personnel, on IHL compliance and accountability measures.

Possible indicators that implementation has taken place: international agreements; training programme reports; capacity-building assessments.



Workstream 4

Protecting civilian infrastructure Outcome Document

Global Initiative to Galvanize
Political Commitment to
International Humanitarian Law



Co-chaired
by Algeria, Costa Rica, Sierra Leone,
Slovenia and the International
Committee of the Red Cross

Overview

The shocking levels of damage and destruction to civilian infrastructure in armed conflict have shaken the public conscience. Too often, it has severed the vital lifelines that sustain humanity and dignity. To abandon or abuse the intransgressible limits placed by international humanitarian law (IHL) on such destruction is to risk returning to a world where future generations are forced to accept, as lawful, the reduction of entire cities to uninhabitable rubble by parties to armed conflict.

States and parties to armed conflict must, in good faith, uphold and comply with the IHL principles and rules protecting civilian infrastructure. The dangerously large gap between discourse and practice regarding even the most fundamental principles and rules of IHL, together with the lack of accountability for violations when they occur, remains one of the greatest obstacles to alleviating suffering during armed conflict.

At the same time, continuing to share understandings of the limits imposed by IHL on the means and methods of warfare and exchanging good practices to protect civilians and civilian infrastructure also has the potential to generate positive humanitarian outcomes for civilian populations. Central to this is preserving the protective scope of the concept of military objectives and the limits inherent in it, which exist to restrict the range of objects that may be lawfully targeted. Moreover, parties to armed conflict must always comply with all applicable specific protections, the prohibitions against indiscriminate and disproportionate attacks and the obligation to take all feasible precautions in attack and against the effects of attack.

This outcome document does not seek to create new obligations, nor does it replace, reduce or otherwise modify the obligations states and parties to armed conflict have under international law, in particular IHL. Rather, it provides guidance to facilitate the implementation of those obligations in a manner consistent with the protective purpose of IHL. In this workstream, the guidance includes procedures and good practices to ensure that objects to be attacked are not protected against attacks under IHL and ways to anticipate and mitigate the consequences of military operations, including attacks, on civilian infrastructure and the civilians dependent on it. It also identifies means of ensuring the continued access of civilians to essential services. For the purposes of this document, “essential services” denotes services vital to ensuring the subsistence of civilian populations, such as health, water, food production and distribution, electricity, wastewater treatment, solid waste disposal and education as well as all the interrelated systems on which people depend to meet their basic needs, such as market systems, financial systems and digital services that civilians rely on to access essential items, transportation for people and goods, and communications. Essential services require three critical elements to function: people (notably service provider staff), hardware (notably infrastructure) and consumables (such as fuel, chlorine and medicines). This document also addresses measures relating to ensuring the safe and sustained movement of essential service providers and flow of critical consumables.

The implementation of these measures will determine whether present and future generations may be spared the devastation resulting from the damage and destruction of civilian infrastructure that has become a hallmark of contemporary armed conflicts.

Outcome

1. Protecting all civilians and civilian objects, including civilian infrastructure, by upholding the limits imposed by the concept of military objectives

All objects, including infrastructure, are protected from attack and reprisals under IHL by default. They remain protected unless, and for such time as, they satisfy the strict criteria in the definition of military objectives.

The concept of military objectives, defined in Article 52(2) of Protocol I additional to the Geneva Conventions and reflected in customary international law, was devised to impose significant limits that states and parties to armed conflict must respect at all times. It consists of a cumulative two-pronged test which provides that military objectives are limited to those objects: i) which by their nature, location, purpose or use make an effective contribution to military action; and ii) whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

How these elements are understood and applied has profound implications for the protections afforded to civilians and civilian objects, including civilian infrastructure. Broad conceptions of military objectives mean more infrastructure destroyed, more civilians killed or injured incidentally and reduced access to essential services.

Under IHL, objects, including infrastructure, cannot be targeted based on blanket classifications. Each object to be attacked must individually fulfil both prongs within the definition of military objectives at the time of planning, deciding upon and executing the attack. Additionally, parties to armed conflict cannot attack complex infrastructure in its entirety merely on the basis that one or more buildings or other objects comprising them are military objectives. Objects that do not exhibit a sufficiently close connection to the fighting, such as war-sustaining objects and economic targets that do not make an effective contribution to military action, cannot satisfy the definition of military objectives. Nor can objects whose total or partial destruction, capture or neutralization does not offer a definite military advantage and would only offer purely political or economic effects or only serve to harm civilian morale.

The following measures, which reflect a combination of existing law and good practices, are particularly important to ensure that the definition of military objectives remains capable of providing meaningful protection:

- a) reinforce the critical importance of legal advisers who advise commanders being well versed in IHL, including but not limited to the definition of military objectives, and enable them to provide timely, clear and accurate advice, including through legal training based on scenarios
- b) integrate the definition of military objectives into military doctrine and codes of conduct and ensure that operational forces are effectively informed about and trained in the protection of civilian infrastructure and other civilian objects
- c) establish or adapt existing military doctrine, standard operating procedures, rules of engagement, codes of conduct, operational orders and targeting processes to reflect the importance of delineating infrastructure into the smallest distinct objects and assessing whether they individually satisfy the definition of military objectives; reinforce this in the training of military decision makers and operational units.

2. Respecting the heightened protection afforded to specific types of objects, including certain infrastructure, under special protection regimes

IHL grants special protection to certain types of objects, owing to their particular importance or the exceptionally grave risk to civilians if they are damaged or destroyed. Failing to respect these protections results in devastating consequences. Patients die, diseases spread, famine and malnutrition ensue, and populations face the threat of floods or radiation that could make areas uninhabitable for decades or even centuries. Communities suffer deep psychological harm and loss of their cultural, historic or religious identity. Entities meant to protect and assist civilians are unable to function. For these reasons, objects enjoying special protections that go beyond the general protections afforded to civilian objects may not lose their protection from direct attack simply by virtue of fulfilling the definition of military objectives, unless additional conditions are met. This is the case for certain objects, including infrastructure, such as:

- hospitals and other medical facilities
- objects indispensable to the survival of the civilian population

- infrastructure containing dangerous forces, notably dams, dykes and nuclear electrical generating stations
- cultural property, including but not limited to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments
- buildings, shelters and materiel of civil defence organizations.

To ensure the protection of these objects, it is particularly important to establish or adapt military doctrine, standard operating procedures, rules of engagement, codes of conduct, operational orders and targeting processes to reflect these special protection regimes and emphasize this protection in the training of military decision makers and operational units. Such measures must ensure that these special protections continue to apply even if the infrastructure or object in question satisfies the definition of military objectives under IHL and as long as the additional conditions imposed by IHL for loss of special protection are not met.

It is particularly important to afford similar protection in practice to other types of infrastructure, given the exceptionally grave risks for civilians if they are damaged or destroyed or their role in addressing the needs of civilians and other protected persons during conflicts, often in dangerous environments. They include:

- schools and other educational facilities, without prejudice to the specific protections they may already be afforded as cultural property
- infrastructure containing hazardous material, such as chemical plants, petroleum refineries and life sciences research laboratories, and other facilities which may also cause severe harm to the civilian population and the natural environment if damaged or destroyed
- the premises and assets of impartial humanitarian organizations.

3. Protecting civilian objects, including civilian infrastructure, through robust verification procedures and related measures

IHL can do little to prevent the humanitarian consequences of attacks against civilian infrastructure if parties to armed conflict fail to take steps to ensure that their attacks are directed strictly at military objectives, that those objects are not specially protected and that the means or method of warfare used can be so directed. To ensure that the attacking party respects the limits inherent in the concept of military objectives and to minimize errors in targeting, IHL requires parties to armed conflict to do everything feasible to verify that objects to be attacked satisfy the definition of military objectives. It further requires the attacking party to verify that the object is not otherwise subject to special protection. In case of doubt as to the status of an object, it must be presumed to be protected.

The following measures, which reflect a combination of existing law and good practices, are particularly important to ensure that infrastructure and other objects that are protected under IHL are not attacked:

- a) identify, map and regularly update information on civilian objects, including civilian infrastructure and other objects enjoying special protection, including cultural property and agricultural areas for the production of food-stuffs, and ensure that this information is communicated to military decision makers and operational units
- b) place infrastructure subject to special protection and other infrastructure enabling the delivery of essential services to civilians on “no-strike” or “restricted-strike” lists and apply strict requirements and procedures for their removal from such lists
- c) establish “no-fire zones” to protect civilian infrastructure
- d) ensure that these no-fire zones, objects on no-strike and restricted-strike lists and other similar measures are mapped, updated, integrated into targeting procedures and communicated on a timely basis to military decision makers and that operational units continuously review and cross-verify information relating to the status of potential targets in light of information available from all sources and whenever circumstances change, in particular when planning, deciding upon or executing an attack
- e) establish and apply elevated verification standards and procedures for infrastructure and other objects that are normally dedicated to civilian purposes, such as places of worship, houses and other dwellings and educational facilities, or that are in fact being used for civilian purposes.

4. Taking measures to account for the humanitarian consequences of damaging or destroying civilian objects, including civilian infrastructure

Damage and destruction to civilian objects, including civilian infrastructure, has the potential to cause severe and long-lasting humanitarian consequences for civilian populations. A non-exhaustive but well-documented list of examples includes displacement, reduced access to education and livelihoods, hunger and food insecurity, energy insecurity, an increased risk of outbreak and spread of infectious disease, and death. The risks and gravity of these humanitarian consequences for civilians vary depending, among other things, on age, gender and disability.

The interdependent nature of infrastructure, especially in urban settings, increases the likelihood of such consequences and requires special consideration. For instance, the significance of the infrastructure vis-à-vis other infrastructure and the delivery of essential services factor into the scale and severity of the humanitarian consequences for civilians. This significance may vary depending on the redundancies that are put in place and the degree to which other infrastructure has already been damaged or destroyed by the conflict. The resources of the state or party to armed conflict exercising control over such infrastructure are also relevant in this regard, as it may be less capable of preparing redundancies or repairing damaged infrastructure.

These consequences arise not only when civilian infrastructure is damaged or destroyed incidentally, but also when the infrastructure itself is attacked. This is particularly relevant when infrastructure and other objects are used for both civilian and military purposes.

IHL requires parties to armed conflict to take constant care in the planning and conduct of military operations to spare civilians and civilian objects. Moreover, those who plan or decide upon attacks must account for all reasonably foreseeable direct and indirect incidental civilian harm expected to be caused by the attack. This may include short- but also long-term, cascading and cumulative effects on civilians, including from the disruption of essential services. Attacks whose effects cannot be limited as required by IHL are prohibited as indiscriminate. In this regard, parties to armed conflict must do everything feasible to obtain information that will allow for a meaningful assessment of the effects of military operations, including attacks, on civilians.

The following measures, which reflect a combination of existing law and good practices, are particularly important to account for the humanitarian consequences of damaging or destroying civilian infrastructure:

- a) actively seek information reasonably available from all sources, including quality data and intelligence on the condition and interdependence of civilian infrastructure and the essential services it provides or enables, and ensure that this information is continuously updated and made available to field commanders
- b) develop civil-military liaison channels, including with local authorities, to ensure that information regarding civilian infrastructure, its condition, the services it provides and the civilians that rely on it can be obtained
- c) presume the presence of civilians inside or in the vicinity of infrastructure where there is evidence of human habitation or activity, unless otherwise apparent
- d) establish or adapt existing doctrine and codes of conduct, emphasizing the requirement to take all reasonably foreseeable direct and indirect incidental civilian harm from attacks into account, and incorporate good practices and procedures, including collateral damage estimation methodologies or similar assessments to that end
- e) ensure, to the extent feasible, that engineers, urban planners and water, environmental, cultural heritage and other specialists are included, in addition to legal advisers, in the decision-making process for targeting to provide expertise on the location and structural make-up of civilian infrastructure.

5. Addressing challenges when objects, including infrastructure, are used for both civilian and military purposes

During armed conflict, some infrastructure and other objects are used, or are intended to be used, simultaneously for civilian and military purposes. Such instances raise unique challenges and require measures additional to those applicable to civilian infrastructure more generally. Destruction or damage to such objects can have devastating direct and indirect humanitarian consequences for civilians. The fact that they may fulfil the definition of military objectives exposes civilians and civilian objects located within or in the vicinity of such infrastructure to harm and increases the risk of disruptions to the essential services it provides or enables.

In addition to those enumerated under outcome 4, the following measures, which reflect a combination of existing law and good practices, are particularly important to address these humanitarian challenges:

- a) develop or adapt doctrine and codes of conduct to allow for the targeting of such objects only when there is sufficient evidence that they are actually being used at the time of attack in a way that fulfils the definition of military objectives, and require that such use make a significant contribution to the military action of the adversary and ensure that the attack is consistent with any special protection
- b) adapt doctrine, codes of conduct, instructions, targeting procedures, collateral damage estimates and similar assessments to include the loss of civilian function or civilian use of such an object and the impact on the essential services it may provide or enable for civilians.

6. Avoiding, and in any event minimizing, all reasonably foreseeable direct and indirect incidental civilian harm resulting from attacks against infrastructure that has become a military objective or incidentally impacting civilian infrastructure

Harm to civilians resulting from damage and destruction to civilian infrastructure, such as death, injury, spread of disease and displacement, is not an inevitable consequence of armed conflict. Even if the infrastructure to be attacked satisfies the definition of military objectives and is not subject to special protections, parties have an obligation to limit the effects of the attack on civilians as much as possible. As mentioned above, parties to armed conflict must take constant care to spare the civilian population, civilians and civilian objects in the conduct of all military operations. Moreover, IHL requires that all feasible measures be taken to avoid, and in any event minimize, all reasonably foreseeable direct and indirect incidental civilian harm expected to be caused by an attack.

The following measures, which reflect a combination of existing law and good practices, are particularly important for avoiding, and in any event minimizing, all reasonably foreseeable direct and indirect incidental civilian harm:

- a) ensure the command authority for an attack is commensurate with the gravity and scale of the expected incidental civilian harm.
- b) ensure that practical measures aimed at avoiding, and in any event minimizing, the incidental civilian harm from attacks, including but not limited to those enumerated below, are clearly integrated into military doctrine, codes of conduct and operational frameworks and that all relevant personnel, including military decision makers and operational units, are trained on them regularly:
 - i) do everything feasible to employ only those weapons or tactics which have the greatest likelihood of avoiding, and in any event minimizing, incidental civilian harm, particularly that related to the damage or destruction of infrastructure that enables the delivery of essential services.
 - ii) adopt a policy that some means and methods of warfare, such as explosive weapons with wide-area effects, should not be used in populated areas, including where civilian infrastructure is located, unless sufficient mitigation measures are taken to reduce their wide-area effects and the consequent risk of incidental civilian harm. For instance:
 - avoid the use of unguided airstrikes and limit the explosive yield of munitions used in the vicinity of civilian infrastructure
 - favour the use of precision-guided munitions with low explosive payloads and pre-fragmented casings over weapons with a wider impact area.

Reference may be made to the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, which could serve as a complementary initiative in this context.

- iii) choose the timing and angle of attack that is most suited to limiting incidental civilian harm.
- iv) refrain from launching attacks that would result in the total destruction of infrastructure satisfying the defi-

nition of military objectives when temporarily disabling, partially destroying, neutralizing or capturing it would be effective in achieving the military advantage sought.

- v) consider the time, expertise, equipment and capacity needed for repair or restoration of the infrastructure, or parts thereof, to be targeted and its possible cultural significance where relevant, in addition to the danger to civilian lives and objects, when selecting among several military objectives which offer similar military advantages.
 - vi) warn civilians in advance of attacks that may impact them, include in the warning information pertaining to their access to essential services and ensure that such warnings can be easily received and understood by as many civilians as possible. In order to be effective, such warnings and related information must be accessible to civilians facing specific risks, including women, children, older persons and persons with disabilities.
- c) put in place a system for recording and retaining, to the greatest extent possible, information on the use and abandonment of explosive ordnance and create a process for providing that information to the party in control of the relevant territory and to civilian populations, including organizations and personnel involved in the marking, clearance, removal or destruction of such ordnance as well as in the maintenance and repair of the infrastructure.

7. Protecting civilians and civilian objects, including civilian infrastructure, from disproportionate attacks

Even when attacks are directed against military objectives, they may lead to intolerable humanitarian consequences. For this reason, IHL prohibits attacks whose foreseeable direct or indirect incidental civilian harm would be excessive in relation to the concrete and direct military advantage anticipated.

The following measures, which reflect a combination of existing law and good practices, are particularly important to prevent such disproportionate attacks from being launched and to enable their cancellation or suspension once the excessive civilian harm becomes apparent:

- a) train military decision makers to determine whether an attack may result in excessive incidental civilian harm, including through scenario-based exercises, taking into account the unique characteristics of civilian infrastructure and the services it provides and enables
- b) ensure that the targeting cycle includes, to the maximum extent feasible, sufficient time to allow for the provision of advice from advisers with the relevant expertise as to the incidental civilian harm that may be expected
- c) ensure that all relevant information is made available to the individuals carrying out an attack and update them on a timely basis prior to the attack to equip them to make determinations as to whether the attack must be cancelled or suspended owing to a change in circumstances
- d) ensure, as in outcome 6(a) above, that the command authority for an attack is commensurate with the gravity and scale of the expected incidental civilian harm.

8. Protecting all civilians and civilian objects, including civilian infrastructure, from the effects of attacks by the adversary

IHL requires, to the maximum extent feasible, that parties remove civilians and civilian objects under their control from the vicinity of military objectives, avoid locating military objectives within or near densely populated areas and take other necessary precautions to protect civilians and civilian objects against the dangers resulting from military operations. Deliberately failing to take these precautions may, in some circumstances, amount to the use of “human shields”. IHL prohibits using the presence or movements of the civilian population or individual civilians to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations.

Whether or not a party complies with these obligations does not change the obligations of an attacking party. At the same time, the role that these so-called “passive precautions” can play in protecting civilians and civilian objects, including civilian infrastructure, from the potential effects of attacks must be underscored. To provide that protection, measures taken during peacetime are critical, as are those taken during armed conflict. IHL requires parties to armed conflict to take such measures to the maximum extent feasible.

Failing to take such measures can result in the dire consequences described above when infrastructure is destroyed or damaged because of attacks by the adversary. Civilian infrastructure is put at risk of attack when the parties use it for military purposes, and there is a risk of incidental civilian harm when the parties locate military objectives inside it or in its vicinity.

The following measures, which reflect a combination of existing law and good practices, are particularly important to maximize the protection of infrastructure and the civilians dependent on it from the effects of attacks:

- a) build redundancies into infrastructure, establish decentralized or alternative service delivery systems and develop restoration protocols, including during peacetime, with a view to ensuring continued access to essential services by civilian populations in the event of an armed conflict.
- b) develop or adapt existing doctrine and codes of conduct to avoid the use of civilian infrastructure for military purposes and the placing of military objectives in the vicinity of such infrastructure. Specifically with regard to educational facilities, reference may be made to the Safe Schools Declaration and its associated guidelines, which could serve as a complementary initiative in this context.
- c) develop or adapt existing doctrine and codes of conduct to ensure that tactics designed to exploit the proximity of civilians or civilian objects to military objectives to render them immune from attacks and other military operations or to otherwise favour one's own military operations or impede those of the adversary are never used.
- d) clearly separate the parts of infrastructure used for military purposes from the parts dedicated to civilian use and, when feasible and expected to enhance protection, communicate or make visible such distinctions to the adversary.
- e) provide military decision makers and operational units with accurate and timely information regarding the location and condition of civilian infrastructure and the essential service systems it enables or serves.
- f) ensure that military decision makers and operational units are trained to identify such infrastructure and instruct them to avoid using it or locating military objectives in its vicinity.
- g) give warnings to civilians to prepare for potential disruptions to essential services, especially when the above measures cannot be taken. Where feasible, provide clear information on safe access to alternative functioning services and appropriate shelter arrangements.

9. Continuously improving military practices to better protect civilians and civilian objects, including the capacity to anticipate, prevent, mitigate and respond to the effects of military operations on civilian infrastructure and the civilian populations dependent on it

The principles and rules that protect civilian infrastructure were codified at a time when there were considerably fewer resources, less technological capability and less expertise on limiting the effects of military operations and sparing civilians and civilian objects. There was not the knowledge that is widely accessible today on the direct and indirect humanitarian consequences that military operations have on civilian populations, including those resulting from damage and destruction to civilian infrastructure. Progress in these areas since then has generated greater potential for parties to spare civilians from the calamities of armed conflict.

For IHL to remain effective in limiting the impacts of armed conflict on civilian populations, it is crucial that states prioritize improvements in their capacity to protect civilians and civilian objects, including civilian infrastructure. This is especially the case whenever they decide to increase their defence capacities, including in new technologies of warfare. This extends to the measures included in this document, particularly the capacity to anticipate, avoid, minimize and respond to the effects of military operations on civilian infrastructure and the civilians who rely on it.

The following measures, which reflect a combination of existing law and good practices, are particularly important to continuously improve military practices in this regard:

- a) invest in training and capacity-building, including, when feasible, through the development of innovative methods using new and emerging technologies for the protection of civilian infrastructure and the civilian populations dependent on it.
- b) leverage and improve technologies to track attacks, assess damage and enable swift and effective responses to the effects of attacks in order to mitigate civilian harm.
- c) develop and strengthen cooperation with civilian authorities to form a knowledge base of risks to civilians and of measures to anticipate, prevent, mitigate and respond to those risks. Ensure this knowledge base is reflected in doctrine, codes of conduct, training and data modelling.
- d) establish multidisciplinary mechanisms and institutions for the purpose of consolidating, expediting and institutionalizing measures to anticipate, prevent, mitigate and respond to harm to civilian infrastructure and civilians. Ensure, to the extent feasible, that engineers, urban planners and water, environmental, cultural heritage and other specialists are included, in addition to legal advisers, in these mechanisms and institutions.
- e) create and implement mechanisms to proactively track harm to civilian infrastructure and civilians, including through after-action reviews, within a tightly defined but reasonable timeframe.

- f) document every phase of the targeting decision-making process, including target verification, proportionality assessments and decisions as to the precautionary measures taken to avoid, and in any event minimize, civilian harm.

To this end, it is particularly important to:

- i) regularly review and compare this documentation with post-strike assessments to evaluate the suitability of the targeting process
 - ii) set clear criteria for determining whether targeting processes must be updated or amended and incorporate lessons learned
 - iii) ensure that competent authorities are informed of incidents that may constitute war crimes and other violations of IHL and that they initiate criminal investigations when warranted, considering all relevant and credible information.
- g) establish or participate in peer-to-peer exchanges on good practices.

10. Protecting civilian objects, including civilian infrastructure, through the establishment of protected zones or similar measures

IHL sets out specific measures that parties to armed conflict can take to enhance the protection of individuals and objects. For instance, protected zones, such as neutralized zones, demilitarized zones and non-defended localities, may be used to designate specific areas where civilian infrastructure is located. These measures can be used to enhance the protection of civilian infrastructure above and beyond the robust protections that already apply by virtue of its civilian status.

The following measures, which reflect a combination of existing law and good practices, are particularly important to ensure the effectiveness of arrangements including but not limited to protected zones:

- a) implement and adhere to such arrangements in good faith, irrespective of their precise nature
- b) ensure the complete and effective demilitarization of such zones
- c) ensure that the location of such areas is clearly communicated to operational units with the direction that they are not to be attacked or used for military purposes
- d) clearly and visibly mark the zones, including, where possible and likely to result in greater respect, through means such as digital mapping
- e) establish supervisory, monitoring and verification mechanisms.

11. Ensuring continued access to essential services when exercising control over civilian objects, including civilian infrastructure

In armed conflict, including situations of occupation, a party to armed conflict may be tempted to destroy or seize all or part of the infrastructure under its control. In exceedingly narrow circumstances, this may be lawful insofar as it is justified by “imperative military necessity”. Separately, the party exercising control over civilian infrastructure may misuse it to cut off civilian populations from essential services, either to put pressure on the adversary or to punish the civilian population. In both cases, the resulting loss of access by civilian populations to essential services can lead to the same humanitarian consequences as described above in relation to attacks, including across borders and front lines.

The following measures, which reflect a combination of existing law and good practices, are particularly important to ensure the continued access of civilian populations to essential services:

- a) refrain from destroying, seizing or removing infrastructure or rendering it useless when doing so would deprive the civilian population of an object indispensable to its survival
- b) never use civilian infrastructure in a manner that deliberately disrupts or cuts off the access of civilians to essential services, including when those civilians are in territory under the control of an adversary, and in any event avoid causing such effects incidentally
- c) prioritize alternatives to destruction, notably seizure, where such alternatives are feasible and respond to imperative military necessity
- d) limit destruction or seizure to the specific part of the infrastructure that imperative military necessity requires
- e) assess in good faith whether the destruction or seizure of the property in question is required by imperative military necessity and maintain proportion between the destruction or seizure of property and the military advantage to be secured.

12. Safeguarding essential service providers, their personnel and critical consumables to ensure civilians have continued access to essential services

The delivery of essential services depends not only on infrastructure and other objects but also on people, particularly those involved in the operation, maintenance and repair of infrastructure, and on consumables, i.e. the materials necessary for the functioning of the infrastructure, such as fuel, disinfectants and medicines.

The impact of armed conflict on these critical components can lead to long-term deterioration of essential services, even in the absence of destruction or damage to the infrastructure. The cumulative impact is often the most destructive and difficult to recover from. It can have devastating, long-lasting and even irreversible consequences for civilian populations.

The risk of death and injury to essential service personnel, along with restrictions imposed by parties to an armed conflict on their movement, prevent them from safely accessing the areas where they are needed. These risks may also lead to fewer staff reporting to work. Before long, the civilian population loses access to the services that such staff and personnel enable.

Damage, destruction or restrictions disrupting the flow of critical consumables deplete the reserves that enable civilian infrastructure to continue to function. This can trigger price increases due to shortages, further exacerbating scarcity. What emerges is a vicious cycle that accelerates the degradation of infrastructure or compromises the quality and safety of services, such as the provision of clean water.

Moreover, failing to respect and protect the personnel of impartial humanitarian organizations as well as other hindrances to humanitarian access can negatively impact the delivery of essential services. This is particularly the case when humanitarian personnel undertake functions similar to those of essential service providers in relation to civilian infrastructure, when they support them in carrying out their activities or, more generally, when they undertake activities to meet the needs of civilian populations affected by armed conflict. Against this backdrop, the Declaration for the Protection of Humanitarian Personnel can contribute to ensuring the continued access of civilians to essential services when implemented in good faith and could serve as a complementary initiative in this context.

The following measures, which reflect a combination of existing law and good practices, are particularly important to safeguard essential service providers and their personnel as well as consumables:

Safeguarding essential service providers and their personnel

- a) set up robust domestic legal and policy frameworks to respect and protect essential service personnel and ensure their safe and sustained access to civilian infrastructure, including across borders and front lines
- b) develop relationships with essential service providers prior to and during armed conflict to understand their needs and existing capacities in order to facilitate their work and ensure they are respected and protected
- c) draw up operational plans with essential service providers and give the necessary support to facilitate their safe and sustained access to civilian infrastructure, including in instances where they must cross front lines
- d) establish coordination mechanisms, including an emergency hotline, among relevant authorities, service providers and neutral intermediaries, including, when necessary, across borders and front lines
- e) develop practical measures to increase the visibility of essential service personnel, vehicles and equipment when this enhances their protection.

Safeguarding consumables

- f) ensure the safe, rapid passage of consumables and spare parts necessary to guarantee continued access to essential services through agreed coordination mechanisms, priority checkpoint clearance and, where necessary, neutral intermediaries to facilitate their delivery across front lines
- g) maintain buffer stocks of consumables in multiple secure locations and diversify suppliers
- h) map key supply routes and storage sites and provide military decision makers and operational units with accurate and timely information regarding these locations
- i) assess the flow of consumables and the effects of any disruption on the civilian population and their access to essential services when evaluating the impact of attacks and other military operations, including the destruction and seizure of such consumables based on imperative military necessity
- j) ensure that restrictive measures that could delay or prevent the import of supplies do not result in disruptions to the delivery of essential services, including through well-framed standing carve-outs.

Workstream 5

Achieving meaningful protection for hospitals in armed conflict

Outcome Document

Global Initiative to Galvanize
Political Commitment to

International Humanitarian Law



Co-chaired
by Nigeria, Pakistan, Spain, Uruguay
and the International Committee
of the Red Cross

Overview

Medical facilities are afforded specific protection, which is one of the highest levels of protection under international humanitarian law (IHL), because they are indispensable to saving lives in armed conflict. Respecting and protecting them is a core legal obligation and a practical necessity to meet the obligation to care for the wounded and sick. It is inseparable from the obligation to respect and protect medical personnel and medical transports, which also benefit from specific protection under IHL. These protections are essential to maintaining the functioning of the health system as a whole during conflict. However, contemporary conflicts reveal a deeply troubling pattern of medical facilities being denied the supplies and essential services required for their functioning, subjected to attack or misused for military purposes, with dire consequences for the continuity of health care.

This outcome document does not seek to create new obligations, nor does it replace, reduce or otherwise modify the obligations states and parties to armed conflict have under international law, in particular international humanitarian law. Rather, it provides guidance to facilitate the implementation of those obligations in a manner consistent with the protective purpose of IHL, including on:

- establishing coordination platforms with medical providers, relevant authorities and humanitarian organizations
- mapping medical facilities, supply routes and the essential services on which they rely
- maintaining a network of interdependencies that enable medical facilities to function, including access routes for medical personnel and patients, supply routes and essential services
- adopting measures to prevent misuse
- integrating guidance to ensure effective warnings are delivered as required under IHL
- ensuring that even where a part of a medical facility becomes a military objective, measures are taken to limit the harm by integrating health expertise in proportionality assessments, facilitating safe medical evacuations and protecting medical equipment.

Together, these measures are intended to strengthen protection for medical facilities, so that they can remain sanctuaries from the fighting – thereby also protecting patients and medical personnel – and deliver life-saving health services even in the darkest moments of conflict. Overall, the workstream confirmed that when the existing rules of IHL are fully respected, attacks against medical facilities and their misuse for military purposes are much less likely to occur.

Outcome

Medical facilities: These are hospitals and other medical establishments and units, whether military or civilian, organized for medical purposes and assigned exclusively to medical purposes, including the care of wounded and sick persons or the prevention of disease. Such medical facilities may be fixed or mobile, permanent or temporary. This document uses the terms “hospitals” and “medical facilities” interchangeably.

1. Ensuring specific protection of medical facilities

All medical facilities performing medical functions benefit from “specific protection”, one of the highest levels of protection under IHL, above and beyond the general protection granted to civilian objects. Parties to an armed conflict are obligated to respect and protect medical facilities in all circumstances.

To respect medical facilities, parties to an armed conflict are prohibited from attacking them and must refrain from other military interference with their medical functions, in order to allow them to continue their humanitarian

functions. They must also refrain from misusing medical facilities for military purposes, outside their humanitarian function, to commit acts harmful to the enemy (referred to as “misuse of medical facilities for military purposes”).

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) ensure that targeting processes, including rules of engagement or codes of conduct as relevant, reflect the specific protection granted to medical facilities under IHL, and issue explicit orders based on these rules.
- b) identify, map and regularly update the location of medical facilities, both within the area of operations and in the immediate vicinity of such operations, with the support of medical providers wherever feasible. It is also necessary to assess their importance and their capacity to deliver medical care and receive patients in case of an evacuation from another medical facility, depending on the type of facility, e.g. hospital, clinic, primary-health-care centre or first-aid post. This information can be used to guide and inform military operations with a view to protecting medical facilities and maintaining access to health care.
- c) develop and continuously update a list of “no-strike” and “restricted fire” areas, based on regularly updated mapping, to identify the locations of all medical facilities and the essential services that enable their functioning, including water, fuel and electricity systems. GPS coordinates could be used for this purpose.
- d) establish a coordination platform involving health-care providers, relevant authorities and humanitarian organizations, to:
 - i) address potential disruption of medical services due to military operations
 - ii) re-establish full delivery of health-care services as soon as possible
 - iii) develop medical evacuation procedures that will ensure continuity of care in the exceptional case when part of a hospital becomes liable to attack.

2. Avoiding the misuse of medical facilities for military purposes, outside their humanitarian function

To respect medical facilities, all practical measures must be taken to avoid any misuse of such facilities for military purposes.

Misusing a medical facility to carry out acts harmful to the enemy, as elaborated in outcome 4 of this outcome document, does not necessarily, in itself, fulfil the two-pronged test to meet the definition of a military objective provided in Article 52(2) of Protocol I of 8 June 1977 additional to the Geneva Conventions. Unless it does so, the medical facility is not liable to attack, even after losing its specific protection.

The following measures, which reflect a combination of existing law and good practices, are particularly important to achieve meaningful protection for medical facilities:

- a) commit to never misusing medical facilities for military purposes
- b) issue explicit orders prohibiting any misuse of medical facilities for military purposes and provide training and clear orders to the armed forces to this end
- c) ensure that weapons are not used in medical facilities for any purpose other than those expressly allowed under IHL (as specified further in outcome 4.1 below), and take all measures necessary to implement this, including by adopting a “no weapons” policy in all medical facilities
- d) identify military alternatives to misusing medical facilities outside their humanitarian functions for military purposes and ensure that armed forces understand that, even if no feasible alternatives are found, the misuse of medical facilities for military purposes remains prohibited.

3. Facilitating the functioning of medical facilities during conflicts

To protect medical facilities, and to protect, collect and care for the wounded and the sick, parties to an armed conflict are required to take all feasible measures to support the functioning of medical establishments and protect them from harm, such as looting by private persons. This includes ensuring that medical facilities receive adequate medical supplies and equipment, so they can continue to deliver medical services. Parties to an armed conflict must also take all feasible measures to ensure that medical facilities are accessible to medical personnel and patients and retain access to essential services that are critical to their functioning, such as electricity, fuel and water.

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) take administrative and technical measures to maintain a continuous flow of medical supplies and equipment to medical facilities, including those required for paediatric and maternal health. Special agreements or arrangements may be concluded with the opposing party for this purpose.
- b) ensure that medical facilities retain access to vital resources such as electricity and water, so they can continue to provide medical services.
- c) establish contact with health-care authorities and providers to create a coordination platform that can guide and inform the armed forces regarding existing supply routes for medical supplies, or alternative resupply routes that will provide safe access for medical personnel and patients, and to map the water, electricity and fuel systems that medical facilities need to function.
- d) ensure that information is gathered and shared on factors that may impact access to and delivery of health-care services. This includes information on areas affected by landmines and explosive remnants of war, curfews and other restrictions on the movement of persons and medical supplies, including across borders and in situations of occupation. Such information may, for instance, be gathered and shared through a coordination platform, as mentioned above.
- e) take particular care to ensure that curfews and other measures do not detrimentally impact the movement of medical staff, patients and supplies, so that hospitals can continue to function. It is also important to establish procedures at checkpoints and along secured areas and routes that enable medical facilities to receive medical supplies and essential services, and will keep them accessible to both medical personnel and patients.

4. Ensuring that specific protection is only lost if all cumulative legal conditions are fulfilled

A medical facility shall not lose specific protection unless:

- the facility is being used to commit acts harmful to the enemy outside its humanitarian function,
- a warning has been issued, setting, whenever appropriate, a reasonable time limit for the harmful acts to cease, and
- the above-mentioned warning goes unheeded.

Even when a medical facility has lost specific protection, parties to armed conflict still need to ensure that wounded and sick patients who cannot be evacuated from the facility remain protected and that the health system, as a whole, can provide for the medical needs of the wounded and sick. This is in light of the fundamental obligation under the Geneva Conventions and customary IHL to collect and care for the wounded and sick.

Even when a medical facility has lost specific protection, it must not be attacked unless it qualifies as a military objective, the rule of proportionality is respected, and all feasible precautions have been taken to avoid, and in any event minimize, incidental harm to the wounded and sick, medical personnel and civilians.

The following measures, which reflect a combination of existing law and good practices, are particularly important to achieve meaningful protection for medical facilities:

- a) ensure that military manuals, rules of engagement or codes of conduct, as relevant, stipulate the exceptional circumstances under which a medical facility may lose specific protection
- b) ensure that any decision in this regard is made at the highest level of military command.

4.1 Preventing the loss of specific protection: understanding and refraining from acts harmful to the enemy

“Acts harmful to the enemy” refers to the use of military or civilian hospitals and other medical facilities, outside their humanitarian function, to directly or indirectly interfere in military operations, thereby causing harm to the enemy. Such acts should be interpreted narrowly and in good faith, to preserve the specific protection enjoyed by medical facilities.

The following acts are *not* considered acts harmful to the enemy under IHL:

- the personnel of the facility are armed, and use their weapons in individual self-defence or the defence of the wounded and sick in their charge
- the medical facility is protected by armed guards or members of the armed forces equipped with light weapons to prevent looting and violence, but not to oppose the capture or control of the medical facility by enemy forces

- small arms and ammunition taken from the wounded and sick, and not yet handed back to the proper service, are found in the medical facility
- members of the armed forces of a party to the conflict, including wounded and sick members thereof, are in the medical facility for medical reasons
- medical personnel in the medical facility are providing medical care to enemy forces.

The following acts, when duly verified, and only for such time as they are taking place, can be considered “acts harmful to the enemy” based on state practice:

- firing at the enemy from inside the medical facility for reasons other than individual self-defence
- setting up a firing position in a medical facility
- using a medical facility as a shelter from military operations for able-bodied combatants
- using a medical facility as an arms or ammunition depot
- using a medical facility as a military observation post, where it has been established that the facility is being used to support the military operations of the opposing party
- placing a medical facility within, or in proximity to, a military objective, with the specific intention of shielding that military objective from the enemy’s military operations.

The following measures, which reflect a combination of existing law and good practices, are particularly important to achieve meaningful protection for medical facilities:

- a) verify any allegations that a medical facility is being used to commit acts harmful to the enemy by using specific information confirming such acts that is reasonably available from all credible sources, such as military, medical and other public sources
- b) include in military manuals or codes of conduct, as relevant, acts that are listed under conventional IHL as not amounting to “acts harmful to the enemy”
- c) ensure that the concept of “acts harmful to the enemy” is interpreted narrowly and that any cases of ambiguity are resolved by giving precedence to fulfilling the object and purpose of the specific protection granted to medical facilities.

4.2 Preventing the loss of specific protection: understanding and implementing the warning requirement

A warning containing sufficient details must be given to allow those committing acts harmful to the enemy to terminate such acts, or, if they persist, to allow sufficient time for the safe evacuation of the wounded and sick, whenever possible, and thereby to protect the medical facility, medical personnel and patients. The warning also allows those in charge of a medical facility – where feasible and safe – to try to influence parties to armed conflict to remedy the situation or to respond to any unfounded allegations.

The obligation to issue such a warning applies at all times and may only be forgone in very exceptional circumstances, in particular in the exercise of self-defence, when combatants approaching a medical facility come under fire from inside that facility.

Warnings do not relieve the attacking party of its obligation to respect and protect the wounded and sick, including those who could not be evacuated from the medical facility, or of its obligations to respect the rule of proportionality and to take all feasible precautionary measures to avoid, or at least minimize, incidental civilian harm.

When a medical facility ceases to be misused for military purposes and continues to provide medical services, it regains its protection.

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) include in standard operating procedures and operational orders the following elements to inform and guide military operations and ensure that the warning issued is effective:
 - i) when issuing the warning, specify in sufficient detail the alleged act harmful to the enemy, so that those committing the act are aware of what must be done to avoid loss of specific protection for the medical facility.
 - ii) set out a reasonable time limit based on how long it could take for the harmful act to cease, for the parties to the conflict and/or hospital staff to respond to unfounded allegations and, should the harmful act persist, for the safe evacuation of patients and medical equipment, whenever possible, before any military response is initiated.

- iii) directly communicate the warning to the opposing party, the health authorities and the medical personnel in charge of the medical facility by telephone, email or any other direct method of communication available, supplemented as a follow-up, only when and if appropriate, by indirect means of communication such as leaflets or published announcements.
- iv) confirm receipt once a warning is received, to the opposing party and to the relevant health authorities or the medical personnel responsible for the medical facility. Medical personnel in charge of a medical facility who receive such a warning may also communicate this with the health authorities and the parties to armed conflict, provided that doing so does not endanger their safety or security.
- b) verify whether the warning has been heeded, using information reasonably available from all credible sources. If the act harmful to the enemy has ceased, the medical facility retains specific protection and cannot be attacked.
- c) make all reasonable efforts to restore trust, by demonstrating that the medical facility is no longer being misused for military purposes and will henceforth be exclusively used for medical services.
- d) be prepared to accord specific protection to the medical facility again as soon as there is information that acts harmful to the enemy have ceased.
- e) communicate the loss of the hospital's specific protection to the opposing party, the health authorities and the medical personnel in charge of the facility, with a view to giving a further opportunity to cease misuse or evacuate the facility.

5. Military responses to limit harm to the specific part of a medical facility that qualifies as a military objective

If the warning goes unheeded, then the part of the medical facility being used to commit “acts harmful to the enemy” may qualify as a military objective, but only if:

1. owing to its use for military purposes, and not as a result of its location or purpose, it makes an effective contribution to the enemy's military action, and
2. destroying, capturing or neutralizing it offers the attacking party a definite military advantage, in the circumstances ruling at the time.

Where a medical facility is comprised of several parts, only the smallest distinct part that is misused may qualify as a military objective, and not the facility in its entirety.

Even if part of a medical facility qualifies as a military objective, for an attack to be lawful the principles of proportionality and precautions, and the rules deriving from them, must be respected, as further elaborated in outcomes 6 and 7 below.

The following measures, which reflect a combination of existing law and good practices, are particularly important to achieve meaningful protection for medical facilities:

- a) prioritize the least harmful of the alternative military responses to launching an attack that maximizes protection for patients who cannot be evacuated and preserves all parts of the facility that do not qualify as a military objective. For example:
 - i) contain the threat by cordoning off the area where the medical facility is located
 - ii) negotiate an agreement or arrangement with the opposing forces to leave the medical facility, or to surrender
 - iii) consider whether a limited search operation could address the threat and would interfere less with medical functions.

When a search operation in a medical facility is considered, specify in the rules of engagement or codes of conduct, as relevant, that the authorization process for such operations includes:

- approval by a high level of authority
- the exceptional circumstances justifying such search operations and the documentation required, including evidence demonstrating that the anticipated level of interference likely to be caused by the search operation, is proportionate to the alleged threat.

Adopt necessary measures so that the personnel authorizing and conducting searches in medical facilities ensure that such searches neither unduly impede nor obstruct the delivery of health-care services in those facilities.

- b) retain on a “sensitive targeting” list medical facilities that are removed from the “no-strike” list so that all possible measures are taken to avoid, and in any event minimize, the harm caused, and to preserve their functions.

6. Ensuring respect for the principle of proportionality

The principle of proportionality must be respected both when a medical facility has lost its protection, qualifies as military objective and is liable to attack, and when a medical facility may be incidentally harmed by an attack against a military objective.

In both cases, the proportionality assessment must take into account all foreseeable direct and indirect incidental harm covering:

- the direct harm to civilians, other protected persons and civilian objects expected to be caused by the attack, including:
 - death and injury to:
 - patients, including wounded and sick combatants or fighters who refrain from acts of hostility, in line with the obligation to respect and protect them
 - civilians and medical personnel not directly participating in hostilities
 - damage to and destruction of the medical facility's infrastructure and equipment
 - death or a risk of deterioration in the condition of patients who cannot be evacuated safely
- the foreseeable indirect harm that the attack could cause, including:
 - the death of patients during evacuation due to the lack of adequate continued care
 - the longer-term harm to patients and affected populations owing to the hospital's inability to operate as well as the additional strain this puts on the health-care system as a whole.

If, after taking all feasible precautionary measures, the expected incidental harm to the wounded and sick, medical personnel, civilians and civilian objects under the proportionality assessment is excessive when compared to the concrete and direct military advantage anticipated, the attack is prohibited under the rule of proportionality.

Given the foreseeable direct and indirect incidental harm expected from attacking a medical facility, it is difficult to envisage situations in which such an attack would be lawful under the rule of proportionality.

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) consult public health or medical experts when evaluating the expected incidental harm to the medical facility and the health system as a whole, so that the armed forces can take those impacts into account for the purposes of their proportionality assessment
- b) include in the assessment of the incidental harm of any attacks that may affect a medical facility the extent to which the health system is already degraded or under strain as a result of the hostilities, and the consequent impact on the health system as a whole over time using all available credible sources of information
- c) take into consideration the measures on targeting processes listed in outcome 1, which are also relevant to respecting the rule of proportionality.

7. Ensuring respect for the principle of precautions

Parties to armed conflict must take constant care to spare civilians and civilian objects from the dangers arising from military operations. They must take all feasible precautions to avoid, and in any event minimize, incidental harm to the wounded and sick, medical personnel, civilians and civilian objects – such as medical equipment – in the exceptional situation when a part of a hospital becomes liable to attack. Patients, medical personnel and civilians who cannot leave the medical facility, for any reason whatsoever, remain protected from attack.

Ensure that the effects of the weapons chosen are limited, to the maximum extent possible, to those parts of the medical facility that have lost specific protection and take their expected effects into account in the proportionality assessment.

When conducting attacks in areas where medical facilities are located, parties to armed conflict must take all feasible precautions – in their choice of weapons and the means and methods of warfare – to avoid, and in any event minimize, incidental harm to such facilities.

Belligerents must take all feasible precautions in cases where a hospital could be incidentally harmed by an attack against a military objective located in the vicinity, or in the case of attacks against infrastructure that enables it to

function – such as electricity, water and fuel lines – that has become a military objective. This includes taking all feasible measures to avoid, and in any event minimize, incidental harm to the wounded and sick, medical personnel and civilians. Similarly, special care should be taken not to destroy, damage or otherwise render inoperable medical equipment.

Belligerents must take all feasible precautions to protect medical facilities under their control against the effects of attacks, including by avoiding locating military objectives in such facilities or in their vicinity.

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) adopt a policy that certain weapons, means and methods of warfare that may be expected to produce effects that extend well beyond the targeted military objective should not be used in populated areas, including where a medical facility is located, unless sufficient mitigation measures are taken to reduce those effects and the consequent risk of harm to the medical facility. Wherever feasible, use light weapons if fighting takes place in the vicinity of medical facilities.
- b) prepare a contingency plan to address disruptions to health services that:
 - i) ensures that adequate medical supplies are available, together with water, electricity and fuel reserves, to maintain continuity of care in the event that they are destroyed, damaged or otherwise no longer available
 - ii) identifies referral health facilities based on a regularly updated mapping of medical facilities to rapidly restore health services, including the need for paediatric and sexual and reproductive-health-care services
 - iii) provides guidelines on safe evacuations
 - iv) facilitates evacuations when necessary to preserve the life and health of patients, before launching an attack, while ensuring that the wounded and sick, and pregnant and post-partum women and newborns who are evacuated, have access to continued medical care.
- c) ensure the safe evacuation of the medical facility, including by negotiating an agreement or arrangement with the opposing party to secure access routes to and from the facility.
- d) take all feasible measures to:
 - i) protect medical equipment from damage and destruction
 - ii) pay special attention to the presence of potentially dangerous equipment, such as oxygen tanks and biological or chemical hazards, that risk expanding the effects of the attack
 - iii) take into account the integrated nature of systems within medical facilities where damage to one component, such as oxygen supply, power or sterilization, can risk disrupting the entire continuum of medical and surgical care.
- e) if it becomes apparent that it is not feasible to evacuate patients under the circumstances, cancel or suspend the attack or exercise maximum restraint in attacking the medical facility, as the continued presence of patients increases the likelihood that the attack would cause excessive incidental harm and therefore violate the rule of proportionality.

8. Ensuring implementation of IHL rules governing the specific protection of medical facilities

States and parties to the conflict must comply with their IHL obligations to respect and protect medical facilities. Measures can be taken in peacetime to fulfil that obligation, by adopting legislation and taking practical measures to fully integrate the protection of medical facilities into military manuals, rules of engagement or codes of conduct, as relevant, ensuring that IHL rules are known and understood through instruction and training for the armed forces or armed groups and all decision makers who have a role in implementation.

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) incorporate these IHL obligations and related recommendations into military doctrine, policies and practice, including military manuals, standard operating procedures, rules of engagement, operational orders, national legal and regulatory frameworks and codes of conduct, as relevant
- b) ensure that these obligations and recommendations are also covered in training for military personnel and members of armed groups, to encourage appropriate practice throughout the chain of command, and regularly evaluate the effectiveness of such training
- c) develop training programmes for medical personnel and all others involved in the implementation process.

9. Ensuring enforcement of IHL rules protecting medical facilities

States are required to enact the legislation necessary to prohibit grave breaches and other serious violations of IHL and to provide effective penal sanctions for persons committing, aiding or abetting, or ordering to be committed, any serious violation of IHL.

States are required to investigate and prosecute all serious violations of IHL and hold the perpetrators and those with command responsibility for such actions accountable. This contributes to deterring future violations and improves compliance with the law.

This therefore requires domestic legislation to allow for the prosecution of serious violations of IHL as criminal offences, including the following acts affecting medical facilities, with corresponding penalties that adequately reflect their gravity.

- **Attacks against medical facilities:** Intentionally directing attacks against a medical facility that cannot be considered a military objective whether or not the facility was using a distinctive emblem or other method of identification indicating protection under the Geneva Conventions amounts to a serious violation of IHL in both international and non-international armed conflicts.
- **Disproportionate attacks affecting health facilities:** An attack against a medical facility or an attack that incidentally harms a medical facility with the knowledge that the expected harm to civilians and civilian objects, including the medical facility, the wounded and sick and medical personnel, would be clearly excessive in relation to the concrete and direct military advantage anticipated, amounts to a serious violation of IHL in both international and non-international armed conflicts.
- **Perfidious use of medical facilities:** Parties to an armed conflict who use medical facilities or transports with the intent of leading the opposing parties to believe they are protected, while using them to launch attacks or carry out other acts harmful to the enemy, commit an act of perfidy. If such an act results in the death of, or injury to, individuals belonging to an adverse party, it constitutes a serious violation of IHL in both international and non-international armed conflicts.

The following measures, which reflect a combination of existing law and good practice, are particularly important to achieve meaningful protection for medical facilities:

- a) establish and/or strengthen existing systems to monitor, investigate, document and suppress:
 - i) allegations of attacks against medical facilities, including when the facilities in question are alleged to have lost specific protection
 - ii) military interference in the functioning of medical facilities
 - iii) misuse of medical facilities
 - iv) blocking of medical supplies.
- b) ensure all military decisions affecting medical facilities are subject to domestic review, including as part of lessons-learned exercises.
- c) where circumstances permit, make use of existing neutral and independent mechanisms such as the International Humanitarian Fact Finding Commission, where states accept its competence, which should be requested to document such incidents and present its findings to the parties, or to use its good offices to facilitate the restoration of an attitude of respect for IHL.
- d) implement relevant United Nations Security Council resolutions, especially:
 - i) Resolution 2286 (2016) on protection of the wounded and sick, medical facilities, personnel and transport as well as humanitarian personnel exclusively engaged in medical duties in armed conflict
 - ii) Resolution 1998 (2011) on children and armed conflict, condemning attacks against hospitals under international law and calling upon parties listed in the secretary-general's annual report on children and armed conflict to address such violations, including through time-bound action plans.
- e) give effect to resolutions adopted at the 32nd International Conference of the Red Cross and Red Crescent (2015) entitled "Health care in danger: Continuing to protect the delivery of health care together" and the 31st International Conference of the Red Cross and Red Crescent (2011), entitled "Health care in danger: Respecting and protecting health care".
- f) ensure that perpetrators and those with command responsibility for such actions, in cases where attacks against medical facilities amount to grave breaches or other serious violations of IHL, are held accountable, at the national or international level, including as applicable before the International Criminal Court. In all cases adopt appropriate remedial measures to prevent further violations.

- g) use existing means to hold states responsible for breaching their IHL obligations to respect and protect medical facilities, including through the International Court of Justice where relevant.
- h) consider enacting appropriate penal or disciplinary sanctions to address the misuse of medical facilities for military purposes.
- i) train members of the judiciary, prosecutors and forensic experts on the conduct of hostilities and on the specific protection granted to medical facilities under IHL.

Workstream 6

Upholding international humanitarian law in the use of information and communication technologies during armed conflicts

Outcome Document

Global Initiative to Galvanize
Political Commitment to

International Humanitarian Law



Co-chaired
by Ghana, Luxembourg, Mexico,
Switzerland and the International
Committee of the Red Cross

Overview

Information and communication technologies (ICTs) have become essential to the lives of people throughout the world. In our digitalized and connected world, essential services for civilian populations, as well as people's ability to connect with loved ones and pursue economic development, depend on the integrity and availability of ICTs. In conflict-affected areas, reliable ICTs are critical for civilians to access essential goods and services, for governments to provide services, and for supporting medical services and humanitarian activities, including those of the International Red Cross and Red Crescent Movement. While ICT capabilities may enable belligerents to achieve military objectives without necessarily causing harm, or with less harm to civilians or civilian objects than kinetic operations, their use in contemporary conflicts has also given rise to harmful ICT activities affecting civilian populations, data and infrastructure, including across international borders. Disparities in technological capacities and cybersecurity resilience may further exacerbate such risks, including by affecting the ability of states and other relevant stakeholders to prevent, mitigate and respond to harm arising from ICT activities during armed conflict.

The workstream underscored the imperative to protect civilian populations and preserve human dignity in contemporary and future conflicts. To this end, it is essential to uphold and strengthen respect for international humanitarian law (IHL) in the use of ICTs to protect civilian infrastructure, networks, communications and data against harmful ICT activities during armed conflict.

In their use of ICTs, states must comply with international law, 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. 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. The application of IHL does not legitimize or encourage conflict.

This outcome document does not seek to create new obligations, nor does it replace, reduce or otherwise modify the obligations states and parties to armed conflict have under international law, in particular IHL. Rather, it provides guidance to facilitate the implementation of those obligations in a manner consistent with the protective purpose of IHL, notably to:

- protect the civilian population and civilian data and infrastructure from harmful ICT activities
- safeguard medical services, humanitarian activities and other specially protected persons, objects and activities from harm arising from ICT activities, and uphold the prohibitions on sexual violence and the recruitment and use of children in hostilities, including where such acts are committed through or encouraged or facilitated by ICT activities
- address the spread of information in violation of IHL
- minimize the risk of harm to the civilian population arising from the military use of civilian ICT infrastructure and prevent civilians – from hackers to personnel of technology companies – involved in ICT activities from violating IHL or from inadvertently putting themselves at risk.

The workstream further underlined the importance of the following overarching elements in strengthening respect for and implementation of IHL in relation to ICT activities, with a view to protecting civilians and other persons and objects affected by armed conflict:

- recognizing that, in conflict-affected areas, reliable ICTs are critical for civilians, governments and humanitarian actors, and that ICT activities can inflict human costs even without causing physical damage, underscoring the need to uphold humanity and human dignity in war

- committing to promote and clarify the application of IHL to ICT activities, and to take all necessary measures, individually and collectively, to mitigate risks to the civilian population and ensure that ICT activities remain consistent with the protections afforded by IHL
- continuing the study and discussion of how IHL applies to ICT activities, building on discussions under the workstream and this outcome document, with a view to further building and promoting a shared understanding that safeguards civilians from harm
- promoting transparency through the public sharing of national views on how international law, including IHL, applies to ICT activities, as well as the exchange of lessons learned and good practices on mitigating civilian harm
- supporting capacity-building at bilateral, regional and global levels to strengthen states' ability to implement and apply IHL in relation to ICT activities.

Outcome

1. Protecting the civilian population and civilian data and infrastructure from harm arising from ICT activities during armed conflict

Contemporary armed conflicts show that ICT activities can pose risks to the civilian population and civilian data and infrastructure. Such activities can seriously affect civilians and other protected persons and objects, including where essential services – namely services vital to ensuring the subsistence of civilian populations, as well as all those inter-related systems on which people depend to meet their basic needs – including electricity, water, sanitation, food production and distribution, telecommunications, health care, education, humanitarian and emergency services or financial services, are disrupted, even in the absence of physical damage.

In the conduct of ICT activities in the context of and associated with an armed conflict, compliance is required at all times with IHL, including but not limited to the principles of humanity, military necessity, distinction, proportionality and precautions.

ICT operations reasonably expected to cause death or injury to persons, or to result in damage to or destruction of objects, amount to attacks under IHL. This includes operations that are reasonably expected to disable ICT systems, depending on their effects on these systems. Such ICT operations must be conducted in accordance with all IHL principles and rules on the conduct of hostilities, including the prohibitions on attacks against civilians and civilian objects, indiscriminate attacks and disproportionate attacks, and the principle of precautions.

Data lies at the heart of an increasingly digitalized world and plays a central role in the functioning of essential civilian services and humanitarian activities. The way data is handled during armed conflicts may affect people's lives and dignity. Medical, civil registry, biometric, financial and humanitarian data, among others, are integral to the delivery of public and social services. Deleting, manipulating, denying access to, or disclosing such data without authorization may disrupt essential services and expose individuals and communities to serious harm. Information-gathering activities per se are not prohibited under IHL, including when they involve accessing data.

Several IHL principles and rules offer protection to the civilian population and civilian data and infrastructure against the dangers arising from ICT activities during armed conflicts, including:

- the principles that the right of the parties to armed conflict to choose methods or means of warfare is not unlimited, and that a party to an armed conflict may only resort to those means and methods of warfare that are necessary to weaken the military forces of the enemy
- the principles and rules governing the conduct of hostilities, including the principles of distinction, proportionality and precautions and the related prohibitions on attacks against civilians and civilian objects, indiscriminate attacks and disproportionate attacks
- the obligation to take constant care to spare the civilian population, individual civilians and civilian objects in the conduct of military operations
- the rules protecting property from pillage, seizure and destruction.

The following measures, which reflect a combination of existing law and good practices, are particularly important for states and parties to armed conflict to strengthen the protection of the civilian population and civilian data and infrastructure from harm arising from ICT activities during armed conflict:

- a) establish and apply rigorous procedures for ICT operations to ensure compliance with IHL, including to verify that targets qualify as military objectives and are not subject to special protection, and to assess and avoid, and in any event minimize, the risk of incidental civilian harm.
- b) base ICT operations including targeting procedures on all reasonably available information actively sought from relevant sources, including reliable data and intelligence, which are supported by legal advice, as required under IHL; and to the maximum extent feasible, seek expertise from cybersecurity and other relevant technical specialists on the structure, interconnectivity and civilian dependencies of ICT infrastructure.
- c) where ICT infrastructure qualifies as a military objective under IHL but continues to serve civilian functions, take into account all reasonably foreseeable direct and indirect incidental harm on the civilian population, data and infrastructure resulting from the total or partial loss of its civilian use and the consequent impact on civilian services it provides or enables, in accordance with the principles and rules of proportionality and precautions in the planning and conduct of attacks.
- d) in implementing the obligation of taking all feasible precautions in the choice of means and methods of warfare, select those means and methods that are expected to cause the least incidental civilian harm, including by rigorously assessing whether ICT-enabled or other non kinetic means and methods would reduce the risk of civilian harm compared to available kinetic alternatives.
- e) apply appropriate geographic, temporal and system-based limitations (“fencing”) in the conduct of ICT operations, to avoid, and in any event minimize, the risk of incidental civilian harm.
- f) continuously monitor their ICT operations and ensure the ability to adjust or terminate them to prevent unintended or excessive civilian harm. Where feasible, incorporate technical safeguards, such as kill switches, to enable the halting, limiting or isolation of ICT operations if they risk spreading beyond their intended target, including to civilian networks or infrastructure or those of third-party states.
- g) take all appropriate measures to conduct ICT activities that are supported or enabled by artificial intelligence or other emerging technologies in a manner consistent with IHL and with the measures above.

2. Minimizing the risk of harm to the civilian population arising from military use of civilian ICT infrastructure during armed conflict

Except for certain military networks, the ICT environment is predominantly civilian. However, the interconnection between civilian and military networks, and military use of civilian ICT infrastructure, create specific challenges for their protection.

Where civilian ICT infrastructure, including infrastructure provided by technology companies, is used for military purposes, not every such use renders it, or even parts thereof, a military objective under IHL. Nevertheless, military use may increase the risk that such infrastructure will be attacked, thereby exposing civilians and civilian objects in physical proximity to, digitally connected to, or dependent upon it, to incidental harm.

IHL prohibits attacking civilian objects, including civilian ICT infrastructure. However, military use may turn such infrastructure, or parts thereof, into military objectives only for such time as they meet the criteria stipulated under IHL. Such determinations require particular care and a case-by-case assessment.

When attacking such military objectives, states and parties to armed conflict must respect the prohibitions on indiscriminate and disproportionate attacks and the principle of precautions, including where the civilian population relies on that ICT infrastructure for the delivery of essential services. All feasible precautions must be taken to conduct attacks in a manner that affects only those components or functions of the ICT infrastructure used for military purposes, and to avoid, and in any event minimize, damage to those serving civilian functions.

To protect the civilian population against the effects of attacks, states and parties to armed conflict must, to the maximum extent feasible, take all necessary precautions to protect civilians and civilian objects under their control from the dangers arising from military operations.

In addition to the measures set out in outcome 1 above, the following measures, which reflect a combination of existing law and good practices, are particularly important for states and parties to armed conflict to minimize the risk

of harm to the civilian population arising from the military use of civilian ICT infrastructure during armed conflict:

- a) allocate appropriate financial and technical resources and adopt planning, design and configuration measures in advance of and during armed conflict, with a view to minimizing the exposure of civilians and civilian ICT infrastructure to the effects of ICT activities.
- b) to the maximum extent feasible, physically or technically separate the components of ICT infrastructure used for military purposes from those serving civilian functions, including through network segmentation or other appropriate configuration measures. This includes, to the maximum extent feasible, segregating data used for military purposes from those serving civilian needs, such as through separate storage and management and access-control arrangements.
- c) strengthen the resilience of essential civilian ICT infrastructure and services, including through redundancy, contingency-planning and other measures to reduce the risk of incidental civilian harm.

3. Minimizing risks related to the involvement in ICT activities during armed conflict of civilians on the territory of a state or under its jurisdiction or control

In today's armed conflicts, the involvement of civilians in ICT activities during armed conflicts has become more pronounced. In some situations, states have tolerated, facilitated or encouraged civilians to conduct ICT activities against the adversary, including activities that may affect civilians and civilian objects.

As civilians are drawn closer to hostilities, they risk exposure to harm. Many may be unaware of the risks involved, the potential legal consequences of their conduct, or the IHL rules they need to follow.

Civilians – from hackers to personnel of technology companies – must comply with IHL and other applicable law when conducting ICT activities in the context of and associated with an armed conflict.

Under international law, states and parties to armed conflicts are responsible for IHL violations committed by civilians whose ICT activities during armed conflict are attributable to them, including hackers and personnel of technology companies. States must take all appropriate measures to prevent IHL violations from being committed through or facilitated by the ICT activities by civilians on their territory or under their jurisdiction or control, and to suppress such violations if they do occur. States undertake to disseminate IHL as widely as possible in order to make IHL known to civilians in their respective countries. They must not encourage, aid or assist civilians in violating IHL, including through ICT activities.

Civilians are protected against attack unless and for such time as they take a direct part in hostilities. Under certain limited circumstances, civilian involvement in ICT activities may amount to direct participation in hostilities. In order to avoid the erroneous or arbitrary targeting of civilians, before and during attacks, parties to armed conflict must take all feasible precautions in determining whether a person may lawfully be made the object of attack, including whether the person is a civilian and, if so, whether they are directly participating in hostilities, including through ICT activities. In case of doubt, IHL requires that the person be presumed to be protected against attack.

Children must not be allowed to take part in hostilities during armed conflict, including through ICT activities.

The following measures, which reflect a combination of existing law and good practices, are particularly important for states and parties to armed conflict to minimize risks related to civilian involvement in ICT activities during armed conflict:

- a) take appropriate steps to inform civilians who may be involved in ICT activities in the context of and associated with an armed conflict of the legal and practical risks of doing so. These could include sharing information about IHL rules via social media, dedicated applications, radio or other means of mass communication, or developing IHL-compliant model codes of conduct that civilians conducting ICT activities should be asked to follow.
- b) avoid, to the extent feasible, involving civilians in ICT operations amounting to direct participation in hostilities, to protect them from the dangers resulting from military operations. Where such participation nevertheless occurs, integrate civilians into the armed forces to the extent feasible.
- c) take all feasible measures to prevent children from taking part in hostilities through ICT activities, for example through education and awareness programmes for children and caregivers; by adapting the national legislation and policies prohibiting the recruitment and use of children to address online means, and enforcing them; and by considering age restrictions on access to digital tools that could amount to direct participation in hostilities, where appropriate.

4. Protecting civilian ICT products and services provided by technology companies during armed conflict

ICT products and services provided by technology companies are widely used by the civilian population, governments and impartial humanitarian organizations, including during armed conflicts. Their disruption, degradation or misuse can therefore have significant humanitarian consequences. Such ICT products and services, as well as the civilian personnel providing them, are protected under IHL.

At the same time, technology companies increasingly provide cybersecurity and other ICT services or products to parties to armed conflict. Depending on the nature of the services or products provided and the circumstances of their use in close connection to hostilities, the protection afforded under IHL to the civilian personnel, products and services involved may be temporarily lost. In such situations, civilians and civilian objects that rely on such products and services may also be exposed to harm.

In order to enhance the protection of civilian ICT products and services provided by technology companies during armed conflict, technology companies should:

- a) duly consider that providing ICT products and services to parties to armed conflict carries both legal and practical risks, and where they provide such products and services, allocate appropriate financial and technical resources and adopt planning, design and configuration measures in advance of and during armed conflict, with a view to minimizing the exposure of civilians and civilian ICT infrastructure to the effects of ICT activities.
- b) understand, assess and take measures to minimize the risks of harm to civilians and civilian objects, whether to the personnel or property of these companies, or due to their physical proximity, digital connection to, or dependence upon the relevant infrastructure or services. This includes, to the extent feasible, physically or technically separating their infrastructure, services and products used to support military operations from those used for civilian purposes.
- c) take measures to prevent their personnel from engaging in, facilitating or otherwise becoming involved in conduct amounting to violations of IHL, including through the provision of ICT products or services to parties to armed conflict, and to take appropriate action should any such situations occur.

5. Safeguarding medical services, humanitarian activities and other specially protected persons, objects and activities from harm arising from ICT activities during armed conflict

The health-care sector and impartial humanitarian organizations are especially vulnerable to ICT activities during armed conflict. The increasing reliance of medical and humanitarian services on interconnected systems and digital data means that disruptions to ICT infrastructure or services can directly affect life-saving medical operations, compromise sensitive data, impair the work of impartial humanitarian organizations and their personnel, and jeopardize the delivery of assistance.

Medical personnel, units and transports, as well as humanitarian personnel and objects, must be respected and protected at all times, in accordance with IHL, including from harm arising from ICT activities. ICT activities during armed conflict must not unduly disrupt the functioning of medical services and humanitarian activities, including their data, ICT and communication systems, in accordance with IHL.

The confidentiality of medical and humanitarian data must be respected, in accordance with IHL. This protection is critical to preserve trust in the work of medical services and impartial humanitarian organizations.

Parties to armed conflict must also take all feasible measures, in the prevailing circumstances and in light of the resources available to them, to prevent medical services and humanitarian activities from being harmed, including through ICT activities by third parties such as cyber criminals and other non state actors not attributable to a party to an armed conflict, in accordance with IHL and other applicable international law.

Certain other objects and activities benefiting from special protection under IHL, including objects indispensable to the survival of the civilian population, works and installations containing dangerous forces, cultural property and civil defence, may also face grave risks from ICT activities. The special protection accorded to them must be respected, including when conducting ICT activities during armed conflicts. This protection includes their data and the ICT infrastructure indispensable to their functioning.

ICT activities have been used to commit or facilitate acts of sexual violence or to recruit or use children in hostilities. IHL prohibits sexual violence and the recruitment and use of children in hostilities, including where such acts are committed through or encouraged or facilitated by ICT activities.

The following measures, which reflect a combination of existing law and good practices, are particularly important for states and parties to armed conflict to safeguard medical services, humanitarian activities and other specially protected persons, objects and activities from harm arising from ICT activities during armed conflict:

- a) support discussions and efforts to make the specific protection afforded under IHL to medical services and humanitarian activities identifiable and visible in the ICT environment, including through the development of a “digital emblem”, and continue engaging with the ICRC on the legal, technical and diplomatic avenues for its implementation.
- b) explicitly reaffirm their commitment to respecting and protecting medical services and humanitarian activities, including the data, ICT and communication systems of these services and activities, and to facilitating their operations in the ICT environment, as well as to respecting the special protection for objects indispensable to the survival of the civilian population, works and installations containing dangerous forces, cultural property and civil defence, including their data and the ICT infrastructure indispensable for their functioning. Such commitments should be reflected in national law, policy, military doctrine and practice.
- c) where feasible, support and facilitate the development of adequate cybersecurity and data protection measures for medical service providers and impartial humanitarian organizations, and assist in strengthening their resilience to ICT threats affecting their systems and operations.
- d) strengthen relevant national legal and policy frameworks addressing online conduct that may constitute or facilitate violations of IHL, including, among others, those related to sexual violence and to the recruitment or use of children in armed conflict, and ensure effective implementation and coordination among relevant authorities. Particularly to prevent unlawful recruitment and use of children, broader governmental efforts should be undertaken to educate children and caregivers about the associated risks.
- e) integrate specific safeguards into military doctrine, standard operating procedures and rules of engagement to prevent and address violations committed through or facilitated by ICT activities, including sexual violence and the recruitment or use of children in hostilities. Measures, where feasible, include regulating the use of personal ICT devices in operational settings, restricting the sharing of sensitive images or information, and prohibiting the use of ICTs to unlawfully recruit or involve children in hostilities.

6. Addressing the spread of information in violation of IHL

In contemporary armed conflicts, ICT activities are increasingly used to spread information for a variety of purposes, including as part of information or psychological operations. Such activities are not unlawful per se and may, in some cases, contribute to the protection of civilians, for example by giving civilians an effective advance warning of an attack or by helping to direct them to safety. At the same time, the spread of information through ICT activities may constitute, contribute to or facilitate violations of IHL, or otherwise increase the risk of harm to civilians. The use of ICTs, particularly through social media platforms or messaging applications or when combined with artificial intelligence and other emerging technologies, can significantly amplify the speed, scale and reach of such information.

IHL contains several rules that impose limits on the spread of information, including through ICT activities. States and parties to armed conflict must refrain from, and take all feasible measures to prevent, the spread of information in violation of IHL, including through the use of ICTs. This includes spreading information that incites or encourages IHL violations, exposes persons deprived of liberty to insults or public curiosity, or whose primary purpose is to spread terror among the civilian population. In certain specific circumstances, the spread of information constitutes or facilitates perfidy.

Medical services and humanitarian activities must be protected from ICT-enabled disinformation which obstructs their work during armed conflict. Such acts unduly interfere, and are incompatible with, the obligation to respect and protect medical and humanitarian personnel and their activities.

The following measures, which reflect a combination of existing law and good practices, are particularly important for states and parties to armed conflict to address the spread of information in violation of IHL:

- a) take all feasible measures to assess, prevent and mitigate the risk of information operations, including when supported or enabled by artificial intelligence or other emerging technologies, harming the civilian population and other protected persons, including by undermining their safety, dignity or access to essential services.
- b) refrain from spreading information that dehumanizes the adversary or propagates hatred against the civilian population, including through ICTs, and take appropriate measures to ensure that their armed forces, other public authorities, or persons acting on their behalf do not engage in such conduct.
- c) support, where feasible, medical service providers and impartial humanitarian organizations in building capacities to strengthen resilience against disinformation and other harmful information activities, including by facilitating their ability to gather, verify and disseminate accurate information in line with their medical or humanitarian activities; strengthening their preparedness and contingency-planning to address exposure to harmful information; and encouraging the development of context-appropriate responses to harmful information affecting civilians within their areas of operation.
- d) engage with relevant actors, including the technology sector, to reduce the risk that online platforms or other ICT services are used to incite, encourage or facilitate violations of IHL or otherwise harm civilians and civilian objects. This may include developing appropriate legal and policy frameworks and promoting the adoption by technology companies of safeguards and practices designed to detect, assess and address harmful information in situations of armed conflict.
- e) endeavour to strengthen societal resilience to harmful information activities, including by supporting the availability of reliable information, protecting journalists and media where required by IHL and other applicable law, and promoting preparedness measures that enhance the ability of the civilian population to access trustworthy information during armed conflict.
- f) refrain from shutting down civilian access to the internet or other ICT services unless justified by imperative military necessity, as such measures risk harming the civilian population. Where such restrictions are imposed, take mitigation measures to minimize adverse effects on civilians to the greatest extent possible.

7. Cross-cutting measures to strengthen the implementation of IHL in relation to ICT activities

The following cross-cutting measures, which reflect a combination of existing law and good practices, are particularly important for states and parties to armed conflict to strengthen the implementation of IHL in relation to ICT activities, including measures to be taken by states in peacetime:

- a) disseminate IHL knowledge within armed forces and among the wider population, particularly among those who may be involved in ICT activities, and integrate IHL principles and rules and their application to ICT activities into national legislation, military doctrine, standard operating procedures, rules of engagement, codes of conduct and training, as appropriate.
- b) make available qualified legal advisers to military units and commands responsible for ICT activities, particularly in the planning and conduct of such operations.
- c) conduct legal reviews of ICT capabilities that function as new weapons, means or methods of warfare in their study, development, acquisition or adoption, to ensure that their employment, would not, in some or all circumstances, be prohibited by international law. Such reviews should be conducted through, inter alia, rigorous testing, evaluation, verification and validation of ICT capabilities, to better understand their functioning, propagation and potential effects on civilian systems.
- d) adopt all necessary legislative, regulatory and other measures, including, where appropriate, penal sanctions, to prevent and suppress IHL violations committed through or facilitated by ICT activities by persons or on territory under their jurisdiction or control.
- e) take appropriate measures during the design, development and deployment of ICT capabilities to reduce the risk of their unintended spread, repurposing, reengineering or misuse in ways that may amount to or contribute to violations of IHL, including through appropriate cybersecurity safeguards, such as encryption, and technical measures, such as built-in kill switches, to limit their propagation or unauthorized reuse.
- f) promote voluntary information-sharing and confidence-building measures aimed at reducing risks to civilian ICT infrastructure, including exchanges of good practices among states, the establishment of communication channels and other practical risk-reduction arrangements, and, where appropriate, voluntary reporting of significant ICT incidents that have caused unintended civilian harm, in order to enhance collective understanding and risk mitigation.

- g) promote transparency and shared understanding through the development and public sharing of national views on how international law, including IHL, applies to ICT activities, including in the form of national or common positions, and through the exchange of lessons learned and good practices to minimize civilian harm.
- h) support capacity-building at bilateral, regional and global levels to strengthen states' ability to implement and apply IHL in relation to ICT activities.
- i) foster cooperation among states, technology companies, impartial humanitarian organizations and civil society to use ICTs in ways that enhance the protection of civilians, including through the development of context-specific guidance or practical arrangements.
- j) encourage cooperation between technology companies and impartial humanitarian organizations to improve preparedness and response to ICT threats affecting protected persons and objects, including through information-sharing and cybersecurity support, while respecting the humanitarian principles of neutrality, impartiality and independence.
- k) integrate gender- and age-sensitive, and disability-inclusive approaches into national frameworks and operational practice in order to strengthen the implementation of IHL, including in identifying and addressing ICT-related risks.

Workstream 7

Naval warfare

Outcome Document

Global Initiative to Galvanize
Political Commitment to
International Humanitarian Law



Overview

The world's oceans, seas and waterways serve as a source of life: for fragile ecosystems and a diverse array of plants and animals, for the millions of fisherfolk who sustain global food security, for the ever-increasing volume of global trade, and for the expanding energy resources and infrastructure on which our societies depend. The oceans remain a shared global space, used by all, including in times of armed conflict. But naval warfare has undergone a significant transformation, expanding across multiple domains and exposing civilian seafarers, infrastructure and global supply chains to new and evolving risks. As maritime operations become more modernized, more complex and more interconnected, it is crucial that long-standing legal frameworks keep pace to ensure they achieve their protective purpose. At the same time, states have legitimate responsibilities in terms of safeguarding their security and protecting their populations and critical maritime interests. The application and interpretation of the law of naval warfare should therefore seek to protect those who are not involved in the fighting, including civilians and neutral states (i.e. states not party to the armed conflict), and address the security considerations of states, including the protection of maritime routes, sea lines of communication and civilian objects, including maritime infrastructure.

The law of naval warfare protects civilians and civilian objects at sea, and against the effects of naval warfare on land as well, including those arising from blockades, maritime zones and contraband controls. The principles of distinction, proportionality and precautions act as key safeguards for merchant vessels – namely, ships engaged in commercial or private service – and for state vessels other than warships and auxiliaries, all of which are civilian objects and as such are therefore protected against both direct attack and incidental harm. Submarine communication cables and pipelines are likewise protected. Civilian objects may become military objectives only for such time as, by their nature, location, purpose or use, they make an effective contribution to military action and where their total or partial destruction, capture or neutralization offers, in the circumstances prevailing at the time, a definite military advantage.

The consultations on naval warfare have identified several practical measures and produced guidance as to how to apply the law of naval warfare in the 21st century in a way that best protects civilians and civilian objects and that upholds humanity even in armed conflict at sea while taking into account operational considerations.

The consultations also highlighted the importance of respecting maritime neutrality – a branch of international law that governs the rights, duties and restrictions of neutral states during armed conflict at sea – to prevent the geographic spread of war and protect the populations of neutral states, particularly archipelagic and coastal states. The interlinkage between the law of naval warfare, including the law of maritime neutrality, and the law of the sea, particularly the United Nations Convention on the Law of the Sea of 1982 (UNCLOS), has proven to be critical. Particular attention should also be given to the special geographical, legal and security circumstances of archipelagic and coastal states. Archipelagic sea lanes, territorial seas and surrounding waters are essential for the livelihoods, food security and economic stability of their populations, as well as for global maritime trade. Naval operations conducted in or near such waters should therefore respect the rights, duties and security interests of archipelagic and coastal states under international law, including the law of the sea encompassing the protection of civilian navigation, fisheries and maritime connectivity. Furthermore, the principle of humanity remains central to protecting civilians – both on land and at sea – from becoming an object of attack and from the risks arising from armed conflict at sea, including those associated with means and methods of naval warfare, such as blockades, which heighten risk of hunger, food insecurity and starvation.

This outcome document does not seek to create new obligations, nor does it replace, reduce or otherwise modify the obligations that states and parties to armed conflict have under international law, in particular international humanitarian law (IHL). Rather, it provides guidance to facilitate the implementation of those obligations in a manner consistent with the protective purpose of IHL. To this effect, the workstream has identified the following practical measures to respect humanity at sea and particularly protect civilians and civilian objects at sea.

Outcome

1. Protecting civilians and civilian objects during naval warfare, including by applying the principles of distinction, proportionality and precautions

Merchant vessels, including container ships, bulk carriers, tankers, passenger ships, ferries, fishing vessels, and the persons and cargo on board, must never be made the object of attack unless and for such time as they qualify as a military objective under IHL. Even then, the principles of proportionality and precautions apply to avoid, and in any event minimize, incidental harm to crews (including seafarers), passengers, nearby vessels, offshore infrastructure, civilian populations on land, and the marine environment, and they prohibit attack if such harm may be expected to be excessive.

Certain categories of vessels – including, *inter alia*, small coastal fishing vessels, small boats engaged in local coastal trade, medical transports, humanitarian vessels and vessels engaged in transporting cultural property – are exempt from attack and capture, subject to certain conditions, including the obligation not to take a direct part in hostilities.

Any use of force, during visit and search, contraband control, and blockade enforcement operations, against merchant vessels that do not qualify as military objectives under IHL must be strictly limited to the minimum lawful force necessary to compel compliance or submission to capture.

Ensuring that civilians and civilian objects are effectively protected during naval warfare requires clear, robust and actionable guidance to be embedded into military doctrine, training, planning, operational directives and procedures in a manner suited to the domestic framework. To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important:

- a) deploying robust intelligence, surveillance, reconnaissance and authorization processes that support effective and reliable target selection and verification; proportionality assessments; the selection of means and methods of naval warfare; and the identification of all reasonably foreseeable effects of attacks at sea on civilians, civilian objects, other protected persons, and other exempt or specifically protected objects; and ensuring that such intelligence informs the implementation of precautions in attack, whether in offence or defence
- b) taking measures to preserve, to the maximum extent feasible, civilian navigation, fishing activities and free, safe and unimpeded passage of ships engaging in the trade of essential goods during naval hostilities, including through clear notification, coordination and facilitation procedures
- c) using safe harbours or areas and measures, as designated in agreements between states or parties to the armed conflict, to the maximum extent feasible, for the duration of the naval operations to reduce the risk of civilian seafarers being caught in crossfire or becoming stranded on vessels and in turn exposed to prolonged physical, economic and psychological harm.

2. Protecting civilians from hunger, food insecurity and starvation caused by the effects of naval warfare, including blockade

Experience demonstrates that blockades and other maritime interdiction operations, such as exclusion zones and contraband control, can significantly increase the risk of hunger, food insecurity and starvation. They can severely disrupt the flow of commercial goods, foodstuffs, and medical and other essential supplies, and hinder humanitarian relief operations, even to neutral states. Prolonged operations may lead to economic collapse, disruptions in global trade, interference to fishing and fishing-related activities, loss of household income, deterioration of water and sanitation systems, severe public health impacts and long-term dependency on humanitarian assistance, all exacerbating civilian suffering on land. Blockade-like measures can have the same effect.

A blockade that has starvation of civilians as a purpose is unlawful. A blockade will also be unlawful if the harm to civilians is or may be expected to be excessive in relation to the concrete and direct military advantage anticipated. Furthermore, a blockade must not be implemented in a manner that involves indiscriminate use of starvation as a method of warfare, regardless of any resulting military advantage. Full respect for relevant obligations, for example to provide for free passage of food and other essential supplies for the civilian population, is necessary to ensure a blockade is not indiscriminate in its application. Restricting relief to civilians for purposes such as seeking to intimidate or punish the civilian population would also be inconsistent with IHL rules governing humanitarian relief, as well

as other rules of IHL. An occupying power cannot establish and maintain a blockade to circumvent its obligations to ensure the basic needs of the civilian population under occupation.

Vessels exclusively engaged in humanitarian relief missions must not be attacked and, where they have been granted safe conduct, must not be captured. This includes vessels carrying supplies indispensable to the survival of the civilian population, as well as vessels engaged in relief actions and rescue operations.

The following measures, which reflect a combination of existing law and good practices, are particularly important to ensure civilians are effectively protected from hunger, food insecurity and starvation resulting from methods of naval warfare:

- a) using established maritime and, where applicable, aviation notification channels to inform all potentially affected parties – including all states (belligerent or neutral) and parties to the armed conflict, seafarers, local authorities, and vessels and aircraft in the affected areas – in a clear, timely and effective manner about any maritime interdiction operations imposed.
- b) establishing procedures to ensure that the scope, geographic extent, location and duration of operations such as blockades and maritime exclusion zones are strictly required by military necessity and consistent with the principle of proportionality, and that they respect the rights of neutral states and the legitimate uses of the seas in accordance with the UNCLOS, including the requirements to avoid adversely affecting neutral uses of maritime space and facilitate safe passage of vessels and aircraft where such zones significantly impede free and safe access to ports and coasts of neutral states and in other cases where normal navigation routes are affected, except where military necessity does not permit it.
- c) regularly assessing the proportionality of operations such as blockades, including by anticipating and monitoring civilian harm (such as malnutrition and shortages of food, medicine and other essential goods and services) – including harm resulting from the cumulative impact of other restrictions; ensuring that any claimed military advantage remains concrete and not speculative; and adopting the least harmful means while taking steps to effectively mitigate the civilian impact.
- d) adopting special international agreements or other technical arrangements aimed at avoiding, or in any event minimizing, disruption of shipments of food, agricultural inputs and medical and other relevant supplies to civilian populations, including in neutral states.
- e) when a civilian population is inadequately supplied with food, medical or other essential supplies, allowing and facilitating rapid and unimpeded passage of humanitarian relief, which is impartial in character and conducted without any adverse distinction, subject to the right to prescribe the technical arrangements, including search, under which such passage is permitted in strict accordance with IHL and in good faith. This includes ensuring safe passage for vessels exclusively engaged in humanitarian activities; safeguarding the transit of medical and other essential supplies; identifying safe passage routes and procedures in coordination with relevant stakeholders; and communicating these arrangements and adjusting operations as necessary.
- f) taking active measures to reduce interference with merchant shipping upon which civilian populations depend, including by establishing safe navigation routes, operational procedures and technical arrangements to ensure the continued flow of adequate food, other essential supplies and medical supplies for civilians and wounded or sick members of the armed forces, and excluding such items from contraband lists while clearly notifying belligerent and neutral states and relevant authorities of the goods subject to contraband control.

3. Complying with IHL rules on means and methods of naval warfare, including means and methods relying on new or emerging technologies

Traditional means and methods of naval warfare can have devastating effects on civilians at sea, such as the detonation of naval mines, which can damage or destroy civilian vessels and injure, kill or shipwreck people on board, or unexploded ordnance at sea, which may pose a long-term danger.

New and emerging technologies are increasingly used in the maritime domain, including weapons with varying degrees of autonomy and systems relying on artificial intelligence to inform decisions about targets and the means of attack. While new and emerging technology capabilities may enable belligerents to achieve military objectives without necessarily causing harm, or with less harm to civilians or civilian objects than kinetic operations, their use in contemporary conflicts has also given rise to harmful activities affecting civilian populations, including at sea. Certain electronic, cyber and space-enabled means and methods of warfare may significantly disrupt commercial shipping, aviation and fishing activities and impact the civilian population.

The right of the parties to the conflict to choose methods or means of warfare at sea is not unlimited. Parties to a conflict must comply with international law applicable during armed conflict at sea when employing all means and methods of warfare, including those based on new and emerging technologies. Advancements in naval technology and the increasing use of unmanned maritime systems raise important questions regarding the status of such vessels, their navigational rights and obligations and the extent to which they may engage in belligerent acts under the international law applicable to armed conflict at sea. In the study, development, acquisition or adoption of a new weapon, means or method of naval warfare, the determination must be made whether their employment would, in some or all circumstances, be prohibited by international law.

To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important to ensure that the development and use of weapons, means and methods of naval warfare, including those relying on new and emerging technologies, comply with IHL:

- a) taking measures to develop and clarify robust legal and policy frameworks along with standard operational procedures for employing new and emerging technologies – including unmanned and autonomous maritime systems, and those relying on artificial intelligence or space capabilities – during armed conflict at sea. These frameworks and procedures should set out permissible roles and missions, operational limits, command and control requirements, risk mitigation for civilians and civilian objects and standards for training and accountability.
- b) developing and refining systems and procedures to prevent or mitigate disruptions to civilian systems resulting from cyber and electronic warfare activities – including jamming and spoofing – which may lead to target misidentification, navigation errors, collisions and groundings, and interfere with search and rescue and port operations.
- c) operating unmanned aerial and maritime systems in the maritime domain in a manner that protects civilian navigation and aviation, including by ensuring that attacks are strictly limited to military objectives; implementing procedures to prevent misidentification, collision risks, and interference with civilian vessels, aircraft and off-shore infrastructure; and coordinating with air and maritime traffic management authorities.
- d) conducting naval mining operations in a manner that avoids, and in any event minimizes, risks to civilian navigation and respects the rights of neutral states, including by:
 - i) using mines only for lawful military purposes and refraining from any attack using mines that is not, or cannot be, directed against a specific military objective.
 - ii) refraining from the use of free-floating mines, particularly where their use would be indiscriminate or would otherwise violate international law applicable to armed conflict at sea.
 - iii) when laying mines in belligerent waters, ensuring that neutral vessels can safely exit the mined area once the mining operation begins.
 - iv) prohibiting the laying of mines and other hostile actions in neutral waters (i.e. the internal waters, the territorial sea and the archipelagic waters, including their seabed and subsoil).
 - v) if it is necessary to lay mines in the exclusive economic zone or the continental shelf of a neutral state, notifying that state and ensuring, *inter alia*, that they do not endanger artificial islands, installations and structures within such zones and do not interfere with access thereto; avoiding, as far as practicable, interference with the exploration or exploitation of the zone by the neutral state; and paying due regard to the protection and preservation of the marine environment.
 - vi) ensuring that existing passage rights for neutral vessels through international straits and archipelagic sea lanes are not impeded, unless safe and convenient alternative routes are provided.
 - vii) paying due regard to lawful uses of waters subject to high seas freedoms by neutral states and neutral shipping, including by providing safe and practicable alternative routes.
 - viii) after the cessation of active hostilities, parties to the conflict doing their utmost to remove or render harmless the mines they have laid, with each party removing its own mines. Regarding mines laid in the internal waters, archipelagic waters and territorial seas of the enemy, each party must notify the other party of their position and proceed with the least possible delay to remove the mines in its internal waters, archipelagic waters and territorial seas or otherwise render these waters safe for navigation.
 - ix) in addition to fulfilling applicable legal obligations to remove or otherwise render harmless naval mines, endeavouring to reach agreements without delay between the parties to the armed conflict and, where appropriate, with other states and international organizations to share information and provide technical or material assistance, including, where appropriate, through joint operations, to remove minefields or otherwise render them harmless.

- e) conducting legal reviews of capabilities at sea (or those to be used on land that would have an effect at sea) that function as new weapons, means or methods of warfare at the earliest possible stage of their study, development, acquisition or adoption, to ensure that their employment would not, in some or all circumstances, be prohibited by international law. Such reviews should be conducted through, *inter alia*, rigorous testing, evaluation, verification and validation of capabilities, to better understand their functioning, propagation and potential effects on civilians.

4. Respecting civilian objects at sea, in particular civilian infrastructure such as submarine communication cables and pipelines, and protecting it from the effects of naval warfare

There is a wide variety of civilian objects at sea, in particular infrastructure such as submarine communication cables and pipelines, energy infrastructure (e.g. offshore windfarms, oil platforms, power cables, tidal generators) navigational aids, ports, infrastructure supporting roadstead use, aquaculture installations, inshore or offshore desalination plants, maritime search and rescue installations, and underwater cultural heritage. Submarine communication cables and oil or gas pipelines are crucial for virtually all aspects of modern life. At the same time, such infrastructure is inherently vulnerable to attack or incidental harm during armed conflict at sea. Damaging or destroying them can cause potentially far-reaching civilian consequences.

Protection of civilian objects at sea, including offshore infrastructure, such as submarine communication cables and pipelines, is enhanced by good-faith international cooperation, recognizing that many such facilities transcend national boundaries and are essential to global connectivity, economic stability and the well-being of populations, including those in archipelagic and coastal states.

The principles and rules on the conduct of hostilities during armed conflict at sea apply to attacks and other military operations that may affect civilian objects at sea, including civilian infrastructure (see outcome 1 above). All civilian objects, including civilian infrastructure, are protected from attack and reprisals under IHL. They remain protected unless and for such time as they satisfy the strict criteria in the definition of military objectives. Even when an object fulfils the definition to be a military objective, if it is simultaneously being used for civilian purposes, it must not be attacked if the expected incidental harm to civilians or civilian objects, including the natural environment, would be excessive in relation to the concrete and direct military advantage anticipated.

Ensuring submarine communication cables and pipelines and other civilian infrastructure at sea are effectively protected from the effects of naval warfare requires integrating clear, robust and actionable guidance into military doctrine, planning, operational guidance and procedures in a manner suited to the domestic framework. To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important:

- a) ensuring that civilians working aboard, or otherwise present on or near civilian infrastructure at sea are appropriately considered in the assessments of proportionality and the application of precautionary measures
- b) refraining from directing attacks against offshore civilian infrastructure, including submarine communication cables, oil and gas pipelines; avoiding, and in any event minimizing, all reasonably foreseeable incidental civilian harm anticipated from attacks affecting such infrastructure; and, to the maximum extent feasible, refraining from using such infrastructure for military purposes
- c) taking care to avoid damage to cables and pipelines laid on the seabed which do not exclusively serve the belligerents
- d) respecting specific protections, including those applicable to objects indispensable to the survival of the civilian population
- e) considering the establishment of protected or demilitarized zones around civilian infrastructure at sea to protect them against the effects of naval hostilities, for example, through special agreements between parties to the conflict
- f) exploring in peacetime, together with all relevant stakeholders, the feasibility of legal, technical and other measures aimed at enhancing the protection of civilian infrastructure at sea during armed conflict, including studying and better understanding the fragility of civilian infrastructure at sea, assessing and quantifying the potential human and environmental cost on land and at sea of military operations affecting this infrastructure, and ensuring such information is available to commanders and informs their planning and decisions
- g) strengthening collaboration, including through enhanced information-sharing, maritime domain awareness and civil-military coordination with relevant civilian infrastructure operators, with a view to preventing, mitigating and responding to risks affecting such infrastructure in accordance with international law.

5. Protecting the natural environment from the effects of naval warfare

Armed conflict at sea can have significant long-lasting impacts on the marine and land environment. Damage to vessels in combat may result in oil spills, the release of hazardous substances and debris. Bombardments, underwater explosions and shipwrecks can devastate fragile ecosystems and marine environments, and incidents involving nuclear-powered vessels carry risks of radioactive contamination to both human and marine life.

The natural environment must not be the object of an attack unless it becomes a military objective. It must be respected and protected consistent with the applicable international law during armed conflict at sea.

Ensuring that the natural environment is effectively protected from unlawful damage during naval warfare requires clear, robust and actionable guidance to be embedded into military doctrine, training, planning, operational directives and procedures in a manner suited to the domestic framework. To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important:

- a) taking measures to prevent and mitigate environmental damage, such as oil spills, hazardous waste release and the destruction of fragile ecosystems, including:
 - i) incorporating appropriate limitations, including in standard operating procedures and operational orders, on the use of certain weapons and other means and methods of warfare at sea if they are likely to cause wide-spread, long-term and severe damage to the natural environment, or other unlawful environmental damage in contravention of the applicable international law
 - ii) determining how to properly handle and dispose of destroyed or damaged vessels and their cargo
 - iii) protecting vessels designed or adapted exclusively for pollution response in the marine environment when they are engaged in such activities, such as by designating a special emblem for such vessels and ensuring that all parties to the armed conflict are notified of their protected status.
- b) adopting and implementing measures prior to and regularly during military operations, to avoid, and in any event minimize, all reasonably foreseeable incidental harm to the natural maritime environment, such as by adopting internationally recognized indicators for those effects and supporting scientific research to increase understanding of them.
- c) avoiding hostile actions, where feasible, in marine areas containing rare or fragile ecosystems or the habitat of depleted, threatened or endangered species or other forms of marine life by:
 - i) identifying and designating – ideally in peacetime – areas of particular environmental importance or fragility at sea and notifying all states and parties to armed conflict
 - ii) creating protected or demilitarized zones around areas of rare or fragile ecosystems at sea to prevent damage or attack through special agreements between parties to the conflict
 - iii) ensuring that the protection of these areas is reflected in a strategic objective at the highest level prior to military operations and this objective is integrated into all military doctrine and training.
- d) using existing legal frameworks that regulate and designate marine protected areas to inform decision-making under the law of naval warfare, including assessments of environmental harm arising from means and methods of warfare, notably the Agreement under the UN Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (BBNJ Agreement), the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea (Part XI Agreement), relevant conventions and instruments under the International Maritime Organization, and the World Heritage Convention. Given that analysis of marine protected areas involves personnel with specialized skills, conservation and coordination mechanisms in place under such treaties may provide further guidance to shape operational planning and conduct in a given location.

6. Respecting, protecting, searching for, collecting and caring for the wounded, sick, shipwrecked and dead

Becoming shipwrecked at sea, whatever the reason, is often deadly, and when a vessel is attacked or damaged during an armed conflict at sea, the people on board may be wounded, fall ill or be shipwrecked or killed. Modern search and rescue operations at sea already face numerous challenges in peacetime, including the sheer scale of the ocean and the difficulty of locating individuals in vast, dynamic environments, the dangers posed by marine wildlife, the absence of food and fresh water, and the dangers posed by weather and sea conditions. Search and rescue is made infinitely more perilous during armed conflict particularly where hostilities are intense and conducted on a large scale: vessels and aircraft collecting and caring for the wounded, sick, shipwrecked and dead – already in limited supply – are likely to find themselves in highly dangerous areas affected by the conflict.

Assisting people in distress at sea is a fundamental legal obligation, both in times of peace and armed conflict, as reflected in the Second Geneva Convention and Protocol I additional to the Geneva Conventions, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue, the UNCLOS and in customary international law. After each engagement, parties to the conflict must, without delay, take all possible measures to search for, collect and evacuate the wounded, sick, shipwrecked and dead without adverse distinction.

Such people must be respected and protected in all circumstances. Under the rules of IHL, belligerents must refrain from attacking such people and hospital ships, coastal rescue craft and other medical transports. The dead at sea must be treated with dignity and must not be despoiled. Belligerents must search for those who remain unaccounted for, to provide the families with answers about the fate and whereabouts of their loved ones. Information on the wounded, sick, shipwrecked and dead must be collected and transmitted to the other belligerent or the Central Tracing Agency of the International Committee of the Red Cross (ICRC) to inform families and their armed forces (this is also important for detainees – see outcome 7).

To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important to ensure that the wounded, sick, shipwrecked and dead are respected, protected, searched for, collected and evacuated:

- a) embedding the search and collection of the wounded, sick, shipwrecked and dead into belligerents' tactics to ensure that they are treated as standard functions in any military operation
- b) establishing, where feasible, a communications procedure by agreement between the belligerents which may include notification of the shipwreck or of the shipwrecked people to other belligerents or, as appropriate, those able to undertake search and collection; temporary cessation of hostilities in affected areas; sharing the coordinates of safe areas or routes where the use of supporting aircraft, vessels and other craft and installations can operate; and establishing a humanitarian zone in contested waters
- c) putting in place measures to assist belligerents with informing, where required, and without prejudice to the belligerent's own obligations in terms of search and rescue, the search and rescue authority and the nearby coastal states and third-party vessels in the vicinity of an engagement of the time and location where a targeted vessel was struck and of any other relevant information to support effective search and rescue; ensuring that protected search and rescue assets are clearly identifiable and factored into belligerent targeting and notification processes; and putting in place measures to ensure that other vessels that may be called on to support search and rescue are not attacked
- d) establishing clear procedures for belligerents to appeal for the humanitarian assistance of commanders of neutral merchant vessels or other craft to take on board and care for wounded, sick or shipwrecked people and to recover the deceased; taking appropriate measures to coordinate with responding vessels and their flag states, including those that provide assistance on their own initiative; ensuring that all such vessels are granted the necessary special protection, support and facilities to effectively carry out these humanitarian functions; and ensuring that a clear distinction is maintained between military vessels and neutral vessels providing humanitarian action to ensure that neutral vessels are not accused of breaching neutrality
- e) deploying new technology to enhance the search for and evacuation of the wounded, sick, shipwrecked and dead at sea and provide needed medical support, and developing innovative technologies to increase these capabilities
- f) embedding into military doctrine, standard operating procedures and rules of engagement the systems, forms and processes to ensure that information on all wounded, sick, shipwrecked and dead people is collected; this includes procedures for the national information bureau or equivalent entity to inform the Central Tracing Agency of the ICRC for onward transmission to the state or party to the armed conflict concerned and the families
- g) establishing clear procedures and forms for handling the dead at sea with dignity, including standardizing record-keeping; promoting dignified land burial, and, if burial at sea is unavoidable, ensuring burials are carried out individually and that all relevant information has been recorded; using standardized identification procedures; and carrying out a careful medical examination prior to disposal
- h) supporting after-action reviews, which should assess the handling of the dead to ensure that lessons are learned for future engagements and operations.

7. Respecting and protecting those deprived of their liberty at sea

Boarding, inspection and seizure of vessels at sea can all lead to people being detained. Likewise, once the wounded, sick and shipwrecked are collected after an engagement, certain individuals among them might be identified for detention. People deprived of their liberty under any circumstances are inherently vulnerable; this is even more true for detention at sea during armed conflict. Certain obligations must therefore be fulfilled to ensure that the conditions of detention are good, such as registering detainees and providing them with procedural safeguards. In international armed conflict, persons detained at sea fall under the protection of the Third or Fourth Geneva Conventions (where they meet the relevant criteria) and are in all cases protected by customary IHL. In addition, wounded, sick or shipwrecked prisoners of war recovered at sea are simultaneously protected by the Second Geneva Convention.

Persons deprived of their liberty at sea should be transferred to IHL-compliant places of detention on land as soon as practicable. In some instances, transfer to land is required by law: the Third Geneva Convention strictly prohibits the internment of prisoners of war at sea. IHL applicable to all detainees requires minimum living conditions and procedural safeguards. Furthermore, holding detainees aboard a warship or other seaborne military objective without necessity risks violating prohibitions against holding detainees in places where they are exposed to the dangers of hostilities, and violating the obligation to protect civilians from the effects of attacks, and, more generally, the obligation to take constant care to spare the civilian population in military operations. In accordance with the law, any detainees must be held in line with IHL, meeting the minimum standards of conditions and treatment. Where detainees are held for reasons unrelated to the conflict, detention must be in line with applicable human rights law. Similarly, detainees must be provided with the procedural safeguards and judicial guarantees relevant to the grounds on which they are detained to the best of the detaining authority's ability until they disembark. In certain circumstances, neutral states may be required to receive and intern people deprived of their liberty at sea.

To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important to ensure detainees at sea are respected and protected:

- a) integrating IHL obligations on detention at sea into military manuals, doctrine, rules of engagement, training and operational planning, including procedures to limit temporary detention or transit at sea to the absolute minimum, ensure suitable onboard conditions and trained personnel, provide for the transfer of detainees promptly to appropriate land-based facilities – including through coordination with neutral states where necessary (including resource-pooling arrangements for example) – and ensure the provision of applicable judicial guarantees and procedural safeguards
- b) embedding systems and procedures into national legal and policy frameworks, military doctrine and operational planning to ensure that information on all people taken into custody at sea is collected and transmitted through the party's national information bureau or equivalent entity to the Central Tracing Agency of the ICRC for onward transmission to the state or party to the armed conflict concerned and the families, and ensuring that the ICRC has access to people deprived of their liberty for reasons related to the conflict, whether interned or detained
- c) ensuring the prompt release of all merchant crew and passengers captured at sea unless they have taken direct part in hostilities
- d) creating guidelines and educational materials on the protection of detainees at sea and exchanging good practice
- e) ensuring that neutral states have the necessary legal and policy frameworks and operational procedures in place to accept, process and accommodate people deprived of their liberty at sea in accordance with their legal obligations under treaty and customary law.

8. Protecting neutral maritime trade and ensuring global commerce continues, as any disruption would create adverse effects on civilian populations worldwide

During an international armed conflict at sea, the relationship between belligerents and neutrals is governed by the law of neutrality, including maritime neutrality, among other bodies of law. Such rules are rooted in the desire to limit the geographic spread of war and protect the interests of states that are not involved in an armed conflict, including their populations and their trade.

The law of naval warfare includes the right of neutral states to continue to trade among themselves, and with belligerents, subject to lawful restrictions such as the rules governing contraband and blockade. Nowadays, disruptions to global commerce, in particular of essential goods and services including energy resources, could adversely affect civilian populations worldwide. The exercise of navigational rights and freedoms by merchant vessels, in accordance

with international law, must be respected. All neutral vessels must be guaranteed free and safe passage, for example, through a maritime exclusion zone if that zone impedes free and safe access to neutral ports and coasts, and in other cases where normal navigation routes are affected. Neutral vessels must be allowed to leave the territorial waters of a belligerent state safely and to resume commercial activity. The key maritime and port infrastructure of neutral states must be protected.

To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important to limit the impacts of naval warfare on neutral states:

- a) enabling free and safe passage for neutral vessels, in accordance with international law applicable during armed conflicts at sea, by taking protective measures and maintaining and operating safe maritime corridors to keep shipping lanes open for safe transit of neutral shipping, and at a minimum when disruptions to global trade cannot be avoided, ensuring that belligerents are paying special attention to essential goods
- b) incorporating the protections for neutral trade and territory during armed conflict at sea into military doctrine, standard operating procedures and rules of engagement
- c) taking steps to enhance maritime domain awareness to ensure that belligerents are monitoring neutral shipping, including vessel movements, cargo, crew and other personnel, with a view to mitigating risks that could affect the safety and security of neutral trade during hostilities at sea, including through the effective notification of military activities in areas potentially hazardous to merchant shipping
- d) developing guidance and processes on protecting neutral seafarers from the effects of armed conflict at sea, including by ensuring that, upon the outbreak of an armed conflict, neutral merchant vessels are permitted to depart from belligerent territorial waters, ports or other areas of active hostilities safely, and are protected from attack during their transit, including when under escort where necessary
- e) restricting the use of visit and search of neutral merchant vessels to circumstances where there are reasonable grounds for suspecting that the vessel is liable to capture under international law applicable to armed conflict at sea, and ensuring that such measures are applied with full consideration for the safety of the crew, the protection of cargo and the continuity of lawful neutral trade
- f) exchanging practices and policies among governments and the shipping industry to protect merchant vessels from being unduly delayed or affected by the enforcement of contraband measures
- g) ensuring investigations are prompt and there is accountability when harm caused to seafarers or damage to civilian vessels may contravene international law applicable to armed conflict at sea.

9. Strengthening training, dialogue and cooperation on the law of naval warfare and its implementation and application

Training for naval forces, cross-government engagement, and international dialogue are essential to promote and improve understanding of and adherence to the law of naval warfare, including IHL. In addition, these cooperative measures would reinforce the understanding of the interplay between the law of naval warfare, including IHL, and the law of the sea, particularly the UNCLOS.

To this effect the following measures, which reflect a combination of existing law and good practices, are particularly important to ensure effective training, dialogue and cooperation on the law of naval warfare:

- a) systematically integrating the international law applicable to armed conflict at sea (including IHL, maritime neutrality, prize law, the law of the sea, environmental law, human rights law, etc.) into military doctrine, operational planning, the conduct of operations and standard operating procedures.
- b) clarifying the interaction between the law of the sea and the law of naval warfare, particularly the obligation of both coastal and user states to ensure the safety of sea lanes, especially straits used for international navigation during armed conflict.
- c) reinforcing the critical importance to commanders of having legal advisers at all levels and across all domains who are well-versed in the international law applicable to armed conflict at sea.
- d) putting in place continuous and comprehensive training programmes on international law applicable to armed conflict at sea for all armed forces that may be required to fight at sea and training other government personnel who may be involved in maritime operations.
- e) developing and adopting all necessary legislative, regulatory and other measures, including, where appropriate, criminal sanctions, to prevent and suppress IHL violations committed by persons or on territory under their jurisdiction or control during naval operations

- f) encouraging cooperation to support capacity-building and the sharing of relevant expertise, including through, where appropriate, the transfer of search-and-rescue technology, such as maritime-domain-awareness tools, mine-clearance expertise, environmental-response capacity, legal training and regional information-sharing, with a view to narrowing gaps in capabilities and strengthening states' ability to effectively implement and apply the international law applicable to armed conflict at sea.
- g) clarifying states' views on how international law applicable to armed conflict at sea applies during non-international armed conflict.
- h) supporting the update of the San Remo Manual on International Law Applicable to Armed Conflicts at Sea (1994).
- i) engaging in sustained international dialogue and cooperation to build a common understanding of legal, humanitarian and military challenges posed by contemporary naval warfare to collectively develop practical responses and solutions. In this regard, states are encouraged, on a voluntary basis and in accordance with their national frameworks, to exchange relevant experiences, best practices and lessons learned, including through dialogue and information-sharing, with a view to enhancing the effective application of the law of naval warfare and improving the protection of civilians and civilian objects at sea.

