

Written evidence submitted by International Committee of the Red Cross (UK and Ireland delegation).

The International Committee of the Red Cross

1. The International Committee of the Red Cross (ICRC)¹ is a neutral, impartial, and independent organization mandated to protect the lives and dignity of victims of armed conflict and violence. For over 160 years, the ICRC has been working to prevent suffering by promoting and strengthening international humanitarian law (IHL) and universal humanitarian principles.

Introduction

2. As global tensions unfold, many states are strengthening their defence capabilities and implementing preparedness initiatives in anticipation of large-scale conflict (LSC). NATO's concept of resilience and civil preparedness encompasses a broad range of civilian capabilities, infrastructure, and essential services that can strengthen defence.
3. As an impartial humanitarian organisation ICRC's contribution to this topic considers what this approach to resilience means for the protection of civilians and civilian life in armed conflict. The ICRC uses resilience in a different and complementary sense. For the ICRC, civilian resilience refers to the ability of people and communities to cope with the effects of conflict, maintain access to essential services, and protect their safety and dignity.
4. These two dimensions of resilience are closely connected but should not be conflated. A society may be resilient from a defence perspective while civilians remain exposed to the consequences of armed conflict. Conversely, civilian resilience can be undermined if civilian infrastructure, services and personnel become too closely integrated with military operations, exposing them to additional risks.
5. The UK should therefore pursue an approach to Article 3 preparedness that includes civilian resilience. This requires consideration of whether the use of civilian capabilities increases risks to civilians or civilian objects.
6. The ICRC has seen in different armed conflicts how defence planning, and other measures that bring civilians or civilian infrastructure closer to military operations, can expose civilians to heightened risks of attack and undermine the distinction between civilians and combatants.

¹ Established in 1863, the ICRC operates in over 90 countries with 15,120 staff. As part of the International Red Cross and Red Crescent Movement, the world's largest humanitarian network, the ICRC works closely with National Societies, including the British Red Cross,¹ to coordinate effective responses to conflicts and violence.

7. IHL is central to managing this tension. When properly incorporated into preparedness planning, IHL provides a framework for identifying vulnerabilities, maintaining the civilian-military distinction, protecting essential services and reducing avoidable risks to civilians. IHL should therefore be understood not only as a legal obligation that applies once conflict begins, but a component of effective strategic preparedness. This was highlighted in 'Bringing IHL Home: A Road Map for Better National Implementation of International Humanitarian Law', which the UK adopted².
8. This submission makes the following recommendations for where the UK should apply this approach to civilian resistance and preparedness:
 - Protect civilian populations and essential civilian life as part of Article 3 preparedness;
 - Carefully limit civilian involvement in defence-related activities to minimize as much as possible their exposure to hostilities
 - Strengthen defence resilience without undermining civilian protection, preserving the principle of distinction and the civilian character of essential infrastructure and services.
 - Embed IHL in the Defence Readiness Bill as both a legal requirement and a strategic component of preparedness

Recommendation 1: Protect civilian populations and essential civilian life as part of Article 3 preparedness.

9. States have an obligation to respect and ensure respect for IHL at all times, including in peacetime, by taking all necessary measures to ensure that IHL is respected should armed conflict occur.
10. Therefore, UK Defence's important role in supporting national resilience and Article 3 preparedness should also be assessed by how it enables the civilian population to protect themselves, maintain essential civilian life, and plan for recovery.

Streamline and develop coherent public information on civilian preparedness for LSCs

11. Civilian preparedness must include practical measures so people can protect themselves against dangers resulting from military operation, with public information accessible to all audiences. The UK already provides guidance on general emergency preparedness, including household emergency planning, evacuation, emergency contacts and cyber security. However, this information appears to be spread across multiple sources, with no single public preparedness

² The UK adopted the Bringing IHL Home road map at the 33rd International Conference of the Red Cross and Red Crescent in Geneva in December 2019.

framework specifically addressing LSCs for civilians, including encountering enemy forces, countering disinformation and locating and reporting missing family members.

Civil defence and the protection of civilians

12. Civil defence organisations³ perform life-saving work in both times of peace and conflict. In armed conflict, they protect civilians against the dangers of hostilities and assist with recovery from immediate effects. Where the conditions under IHL are met, they benefit from specific protection and identification.⁴
13. Investment in civilian protection, emergency health capacity, evacuation arrangements, restoring and maintaining family links, and continuity of essential services can materially reduce the human cost of armed conflict. Civil defence should therefore be treated as an essential component of national defence readiness, not a separate humanitarian function.
14. Civil defence and other relevant actors should understand their specific status and associated protections under IHL, including the circumstances in which protection may be lost. UK Defence personnel should likewise understand their specific status under IHL as well as their protections and avoid tasking them with activities that could undermine their protected status without appropriate consideration of the risks.

Take a cross-government approach to protection of civilian life

15. Article 3 preparedness cannot be delivered by Defence alone. Other Government Departments should have defined responsibilities for protecting civilian life and maintaining essential services.
16. Health, Education and other authorities should plan events such as mass casualties and the treatment of wounded, managing and supporting those displaced, infrastructure maintenance and restoration, maintaining education access and identify vulnerable groups requiring additional assistance. Preparedness should reflect the needs and capabilities of women, children, older people and persons with disabilities.
17. Cross-government preparedness should include measures for preventing, mitigating and addressing family separation and missing persons. Humanitarian organisations, including the ICRC and British Red Cross, have substantial operational expertise that can support this.

³ [Home - The Joint Civil Aid Corps \(National Civil Defence\)](#)

⁴ International Committee of the Red Cross. (1977). *Protocol additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I)*, Article 62.
<https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-62>

18. The Government should systematically consult humanitarian organisations and civil society when developing civilian preparedness measures, including identifying additional risks for people with specific needs.

Recommendation 2: Carefully limit civilian involvement in defence-related activities to minimize as much as possible their exposure to hostilities

19. During a period of international tension, UK Defence will need to work increasingly with civilian authorities and society. This is an important element of NATO resilience and Article 3 preparedness.

20. The Government must systematically assess the risks created where civilians are asked to provide support to the armed forces, such as logistics or gathering of militarily relevant information.

21. The closer civilians are drawn to hostilities, the greater the risk that they or others around them will be perceived as contributing to military operations, exposing them to attack, detention, prosecution or other forms of harm.

22. The risk is not only whether an activity legally constitutes direct participation under the UK's interpretation of IHL; the practical risk also depends on how the adversary perceives the activity. UK Defence should consequently undertake assessments of the risks of proposed civilian support and only encourage activities where risks are low or mitigable. This assessment must be communicated to civilians.

Civilian personnel supporting Defence

23. Where civilians are required to perform functions that amount to direct participation in hostilities, serious consideration should be given to integrating them into the armed forces. Integration can strengthen discipline, training, and legal accountability, while helping to preserve the distinction between civilians and combatants.

24. Where civilian support is retained without integration, the Government must define:

- the activities civilians may undertake, including geographical and temporal limits;
- the potential risks and measures available to mitigate (e.g. shelters or protective gear);
- the information and training needed for these civilians, of which training in IHL is a core component.

Carefully plan for the use of civilian resistance in line with IHL

25. Civilian resistance against invading or occupying forces is not prohibited by IHL. However, many forms of resistance expose civilians to risks. If the UK Government anticipates or encourages armed civilian resistance, it should plan to ensure individuals can meet the requirements for prisoner-of-war status if they are captured. This includes appropriate organisation, responsible command, identification, and compliance with IHL.⁵
26. The formal integration of militias, volunteer corps or resistance groups into the armed forces, together with training in IHL would be the clearest way to ensure members respect IHL and be entitled to prisoner-of-war status.
27. These considerations should apply to digitally enabled resistance, including civilian cyber operations. Civilian hackers should not be encouraged to undertake cyber operations without appropriate training, command and control, and safeguards for IHL compliance. Appropriate public education should also be provided to highlight risks facing civilian hackers who may be acting of their own accord.
28. Children must never be used in hostilities whether kinetic and digitally enabled activities, such as collecting militarily-relevant information.

Recommendation 3: Strengthen defence resilience without undermining civilian protection, preserving the principle of distinction and the civilian character of essential infrastructure and services.

29. During large-scale armed conflict, UK Defence must comply with its IHL obligations and take all feasible precautions to minimise harm to the civilian population. The principle of distinction must remain central.
30. Modern military operations increasingly depend upon civilian capabilities and technologies. This creates an important strategic tension: the same civilian infrastructure and capabilities that can make the UK more resilient from a defence perspective can become sources of vulnerability for civilians if they are closely associated with military operations.
31. Civilians and civilian objects should not be drawn unnecessarily into military operations, and preparations should prevent avoidable ambiguity regarding the civilian/ military character of persons or objects. Civilian support to Defence does not automatically amount to direct participation in hostilities, nor does it make civilian infrastructure a military objective. Where either threshold is met, however, protection against attack may be lost.

⁵ International Committee of the Red Cross. (1949). *Geneva Convention (III) relative to the treatment of prisoners of war, Article 4*. <https://ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-4>

32. The UK should therefore avoid unnecessary *dependance* on civilian people and infrastructure for military operations, where it could undermine the practical distinction between civilian and military activity or increase risks to civilian populations.

The same principle of distinction should apply to digital activities

33. Conflicts are increasingly fought in the digital environment. Civilians are highly dependent on the digital world, for everything from access to water, healthcare, and humanitarian actors.

34. In recent conflicts, civilians have been encouraged to collect militarily relevant information through mobile phones or applications. Civilian cyber-security specialists may be asked to defend military networks, while civilian cloud, satellite and other infrastructure can support military operations.

35. These developments risk drawing civilians into hostilities on a scale that was not envisaged. Critically, these civilians often have no or minimal understanding of the limits they must respect under IHL.

36. Before civilians are asked or encouraged to undertake digitally enabled activities connected to military operations, the government should assess their status, the risks and the measures required to ensure compliance with IHL.

Protect civilian infrastructure and essential services

37. Attention should be given to the use of civilian infrastructure for military purposes. Civilian transport, communications, energy, logistics and information systems may be essential to military operations. NATO recognises the substantial reliance of military operations on such civilian assets.

38. The military use of civilian infrastructure is not prohibited by IHL. However, civilian objects can become military objectives when the legal conditions are met.⁶

39. Even where infrastructure is not legally targetable under IHL, its association with military activities may increase the attack risk. Planning should, as far as possible, prevent or mitigate impacts on civilians through:

- physical or technical separation of military and civilian infrastructure;
- assessment of indirect or 'knock-on' effects before civilian infrastructure is used for military purposes;
- redundancy in electricity, communications, water and other essential systems;

⁶ International Committee of the Red Cross. (1977). Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), Article 52. <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-52>

- alternative arrangements for maintaining essential services;
- careful assessment of the risks arising when using civilian companies in military logistics;
- and plans for repairing and restoring essential infrastructure following damage.

40. Civilian infrastructure should not be considered an available reserve of military capacity. Its primary function of maintaining civilian life should remain central to decision-making.

41. Schools and universities should, wherever feasible, remain outside military use.⁷ Their continued civilian character is important to protect children and preserve access to education.

42. The Government should assess the consequences of using civilian infrastructure for military purposes and weigh the direct military benefit, the risk of attack, and the consequences for civilian populations.

Recommendation 4: IHL should be embedded in the Defence Readiness Bill because it is both an obligation and strategic enabler

43. The Defence Readiness Bill provides an opportunity to establish the basic legal framework necessary for national preparedness while leaving genuinely conflict-specific measures to emergency legislation, where the circumstances and requirements of a particular conflict are clearer.

44. Any legislation must align with and incorporate the UK's IHL obligations⁸ and other applicable international law under which the UK has responsibilities.

The Bill should appropriately establish powers for civilian mobilisation,

45. The Bill should establish mechanisms for coordinating civilian resources with Defence. Powers to requisition or direct the use of civilian infrastructure, services, or personnel. These must be carefully defined and not create an assumption that civilian resources are simply extensions of military capabilities.

46. Where civilians may be brought physically or functionally closer to hostilities, the Government should establish clear criteria for when such powers may be exercised, together with requirements to assess the consequences for civilian

⁷ Foreign, Commonwealth & Development Office. (2024). *Voluntary report on the implementation of international humanitarian law at domestic level* (2nd ed.). GOV.UK. <https://www.gov.uk/government/publications/implementation-of-international-humanitarian-law-at-domestic-level-2024-voluntary-report/voluntary-report-on-the-implementation-of-international-humanitarian-law-at-domestic-level-second-edition>

⁸ The UK has adopted the Geneva Conventions into its domestic legal framework. See the Geneva Conventions Act 1957. *Legislation.Gov.Uk*, 2022, www.legislation.gov.uk/ukpga/Eliz2/5-6/52/contents

protection, measures to mitigate the risks, and procedures to ensure compliance with IHL.

The Bill should establish appropriate Infrastructure resilience requirements

47. This includes redundancy, segmentation and continuity planning for essential civilian services. Where civilian infrastructure is used to support military operations, there should be a requirement to assess:

- the legal status of the infrastructure when used for military purposes;
- the risk of attack resulting from its association with military activities;
- the potential consequences for civilians if it is damaged or destroyed;
- and available alternatives that would reduce risks to civilian life.

48. Digital resilience provisions should likewise address the protection of civilian digital infrastructure and civilian cyber specialists supporting military activities. These risks should be assessed at the planning stage rather than waiting until hostilities have begun.

Additional civilian and military powers must be balanced against the risks created by increased civilian involvement in military activities.

49. The Government may require additional powers to mobilise civilian resources and coordinate national activity as a conflict escalates. The ICRC does not seek to preclude such powers where they are genuinely necessary. Rather, their necessity must be weighed with the risk created for civilians.

50. Any additional legislative powers affecting civilian infrastructure or personnel should be subject to clear legal criteria, proportional safeguards and appropriate oversight.

IHL as a strategic component of preparedness

51. IHL should be embedded throughout defence readiness planning and not treated as a matter solely for legal advisers once a conflict has begun.

52. This is not simply a matter of legal compliance. Planning in accordance with IHL can strengthen strategic preparedness by identifying vulnerabilities before they become operational problems. It can help the UK determine where civilian and military functions should be separated, where civilian personnel may face particular risks, how essential services can be protected and how civilian mobilisation can be structured without unnecessarily exposing civilians to attack.

53. Defence personnel, civil defence organisations, emergency services, civil servants and members of the public who may be expected to participate in hostilities should receive appropriate training on IHL. This should include the rules concerning:

the distinction between civilians and combatants;

- civilian participation in hostilities;
- the status of persons participating in organised resistance;
- the protection of civilian objects;
- the risks associated with military use of civilian infrastructure; and
- the protection of schools, hospitals and other civilian facilities.

IHL should also be disseminated to civilians who may be expected to participate in resistance or other defence activities.

Conclusion

54. NATO's approach to resilience rightly recognises that military forces depend upon civilian infrastructure, services and capabilities. ICRC's experience of armed conflict demonstrates that this interdependence can also create vulnerabilities for civilians.

55. The UK, in considering NATO Article 3 preparedness, should therefore systematically factor in civilian resilience, rather than it being achieved at the expense of the other. IHL provides both the legal obligations and a practical strategic framework for doing this. Embedding IHL into preparedness can help the UK anticipate vulnerabilities, preserve the distinction between civilian and military activity, protect essential services, and reduce avoidable risks to civilians.

56. The ICRC would welcome continued engagement with the UK Government and Parliament on these issues, including sharing operational and legal experience concerning civilian protection and preparedness.

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