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Protecting civilians in good faith: the updated Commentary to the Fourth Geneva Convention

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Following five years of research and consultations, the ICRC has published a new, updated Commentary on the Fourth Geneva Convention (GC IV) of 1949. GC IV is the cornerstone of protection for civilians in international armed conflict and occupation – protections that remain urgently relevant amid patterns of urban warfare, strikes on essential services, and persistent harm to people who are not, or are no longer, taking part in hostilities. The 2025 Commentary consolidates seven decades of practice, jurisprudence, and operational experience into a practical guide to applying GC IV's safeguards effectively today.

In this post, Jean-Marie Henckaerts, the head of the ICRC project to update the Commentaries on the Geneva Conventions of 1949 and their Additional Protocols of 1977, situates the updated Commentary in contemporary conflict realities and explains why GC IV's protective purpose must steer its interpretation. He argues that good faith interpretation – required by the Vienna Convention on the Law of Treaties – means reading GC IV in a way that realizes its humanitarian object and purpose, not hollowing it out through technical argumentation that defeats protection in practice.

ICRC Humanitarian Law & Policy Blog · Protecting civilians in good faith: the updated Commentary to the Fourth Geneva Convention

“It is possible to protect civilians in war.”

These were the words of ICRC President Mirjana Spoljaric when she [addressed the UN Security Council](#) earlier this year. She reminded the world that sparing civilians from the worst of war is not an aspirational ideal, but a legal obligation – and a political and moral necessity. Protecting civilians is not an option; it is the precondition for stability, peace, and recovery.

Yet every day we witness the opposite. Civilians are maimed and murdered, raped, tortured, starved, and driven from their homes. The horrors inflicted on civilians in today's conflicts echo some of the conditions in which the Geneva Conventions were forged, in the smouldering ruins of the Second World War. Their drafters resolved to sear into law, and into public consciousness, the principle that wars must have limits. Above all, they recognized that civilians needed clear, unambiguous protection in times of armed conflict. That recognition led to the adoption of the Fourth Geneva Convention, the only one of the four concerned with civilians instead of combatants.

Improved compliance with international humanitarian law (IHL), and real protection for civilians, begins with a clear and shared understanding of what the rules mean. That is where the ICRC's updated Commentaries come in. As was the case for the previous updated Commentaries on the [First](#), [Second](#) and [Third Geneva Conventions](#), the new Commentary on the Fourth Convention provides a practical guide to help practitioners, policymakers and academics apply its provisions in the world as it is.

But it must never be forgotten that the purpose of IHL is to protect lives, not to legitimize large-scale destruction. That means approaching the Convention, and its updated Commentary, with the good faith that international law requires – reading it in a way that preserves the balance between military necessity and humanity that all IHL rules incorporate and its protective purpose and spirit.

Treaty interpretation under the Vienna Convention

The Geneva Conventions are treaties, and as such, are subject to treaty law – most notably the Vienna Convention on the Law of Treaties. Article 31 of the Vienna Convention sets out the rule that treaties and conventions have to be interpreted in good faith, based on the ordinary meaning of their terms in their context and in light of their object and purpose and relevant subsequent practice.

Among these elements, “object and purpose” holds a special place. It directs interpreters to look beyond the words alone and consider the treaty's ultimate aim – its “soul”. This concept is an important guiding light when interpreting a treaty.^[1] For the Geneva Conventions, that soul is the protection of people who are not, or are no longer, taking part in hostilities. This can be gleaned from the titles of the Conventions, from their content, and also from their preparatory work and the circumstances of their adoption.

The object and purpose of the Geneva Conventions

The protective logic of the Geneva Conventions is unmistakable:

- The [First](#) and [Second](#) Conventions safeguard the wounded, sick, and shipwrecked military personnel, as well as medical and religious personnel, and the dead.
- The [Third Convention](#) protects prisoners of war, ensuring their humane treatment.
- The [Fourth Convention](#), the focus here, protects civilians in times of armed conflict and occupation.
- [Common Article 3](#), shared by all four treaties, extends protection to those taking no part, or no longer taking part, in non-international armed conflicts.

The balance between military necessity and humanity – a hallmark of IHL – is not an extra lens imposed by interpreters. It is already embedded in the text of the Conventions themselves. Thus, while certain powers are recognized, such as the authority to intern under [Article 21 of the Third Convention](#) or to adopt security measures under [Article 27 of the Fourth](#), these are tightly circumscribed by safeguards intended to prevent abuse. Far from being loopholes, they were deliberately drafted to correct past abuses and to strengthen protection. The Conventions also contain absolute rules, such as the prohibition of torture and other forms of ill-treatment, that reflect their peremptory character so that military necessity can never outweigh humanity for those rules.

In short: the object and purpose of the Geneva Conventions are protective, through and through. But recognizing this is not enough on its own; the way we interpret and apply the Conventions is the crux of the matter.

The meaning of good faith

If the object and purpose tells us what the Conventions seek to achieve, the principle of good faith tells us how they must be interpreted and applied.

Good faith begins with the interpreter. It requires honesty – undertaking the task “without fraud or intent to deceive” [\[2\]](#). Thus, for example, when an interpreter refers to sources of law and practice that inform their interpretation, this must be done in good faith and with reference to all the relevant sources. An interpreter must not pick and choose only the sources that support their conclusions, but refer to all relevant sources in a transparent manner.

Good faith also relates to the task of interpretation itself, i.e. *how* the interpretation is to be undertaken. [\[3\]](#) This involves applying a set of considerations, notably reasonableness, the importance of balancing different treaty elements, and the principle of effectiveness of the treaty. [\[4\]](#)

Interpretation in good faith means that the Conventions have to be interpreted so as to give effect to the protections for war victims they enshrine, to make them effective. That is what international law requires. As the International Court of Justice made clear in the [Gabčíkovo-Nagymaros case](#) in 1997: “The principle of good faith obliges the Parties to apply [a treaty] in a reasonable way and in such a manner that its purpose can be realized.” This is the benchmark for interpreting the Geneva Conventions, too.

Thus “[w]hen a treaty is open to two interpretations one of which does and the other does not enable the treaty to have appropriate effects, good faith and the objects and purposes of the treaty demand that the former interpretation be adopted.” [\[5\]](#) In other words: interpretation in good faith means giving effect to the protections enshrined in a convention.

Fulfilling the Geneva Conventions’ humanitarian purpose

When interpreting and applying the Geneva Conventions, states should therefore ensure that their underlying humanitarian purpose is fully realized. This can be done, for example, when technology changes and states adapt their

interpretations to ensure that the rationale behind the protections remain in place. Today, for instance, the [prohibition of exposing protected persons to public curiosity](#) must be interpreted to mean not only by printing their picture in newspapers, but also by showing them on social media.

As our Chief Legal Officer aptly [stated](#), “[c]ompliance with IHL needs to be about fulfilling its humanitarian purpose, not skirting the limits”. Too often, however, parties to conflicts adopt unacceptably narrow interpretations that do not honour the law’s deeper humanitarian purpose and are not in compliance with their obligations. Examples include:

- If Parties formally grant passage to humanitarian relief consignments, as required under Articles [23](#) and [59](#) of GC IV, yet impose technical arrangements so burdensome that relief never arrives in practice.
- If detaining authorities provide internees with only the bare minimum of food necessary to keep them alive, ignoring that the Conventions require that food be ‘sufficient in quantity, quality and variety to keep internees in a good state of health and prevent the development of nutritional deficiencies’, and that ‘account shall also be taken of the customary diet of the internees’.
- If Parties treat timelines such as “as soon as possible” or “without undue delay” as elastic, stretching them so far that protections are rendered meaningless, instead of taking seriously the urgency that they were meant to convey.

Conclusion: keeping the balance between military necessity and humanity at all times

The Geneva Conventions do not shy away from the realities of war. They recognize that parties may, in limited circumstances, need to take measures of control or security. But these exceptions were never meant to swallow the rule. To realize the Conventions’ purpose, they must be interpreted strictly, with safeguards taken seriously and protections never [hollowed out](#). That is what the drafters intended by including the rules and safeguards, knowing that, without them, civilians would invariably be exposed to abuse. What was designed as a shield must not be turned into a sword. To read the Conventions otherwise is to betray their very soul.

That is why the principle of good faith is indispensable: it keeps interpretation anchored in the Conventions’ object and purpose, ensuring that their protective spirit prevails over technical evasions.

With the publication of the updated Commentary on the Fourth Geneva Convention, the ICRC has completed its comprehensive reexamination of all four Conventions. These Commentaries consolidate 75 years of law and practice into a vital tool for practitioners, policymakers, and scholars alike. But they are more than reference works. They are guides to help ensure that the Geneva Conventions are applied as they were meant to be: for the protection of human beings in times of war.

References

[1] The methodology for the determination of the object and purpose of international treaties, with a particular focus on the Fourth Convention, is discussed in more detail in a [recent article](#) by my colleagues Kubo Mačák and Ellen Policinski.

[2] Richard K. Gardiner, *Treaty Interpretation* 170 (2nd ed. 2015). See also Mark E. Villiger, *Commentary on the 1969 Vienna Convention on the Law of Treaties* 425 (2009) (“Good faith requires the parties to a treaty to act honestly, fairly and reasonably, and to refrain from taking unfair advantage.”).

[3] Gardiner, *supra* note 18, at 171.

[4] Territorial Dispute case (Libya v. Chad), supra note 17, para. 51 (In international law, the principle of effectiveness is regarded as “one of the fundamental principles of interpretation of treaties.”).

[5] ILC, Yearbook of the International Law Commission, Vol. II, 1966, p. 219, para. 6.

See also:

- Tilman Rodenhäuser, [Internment by non-state armed groups: legal and practical limits](#), October 15, 2024
- Tim Wood, [Procedures for internment review under the Fourth Geneva Convention: reflections from New Zealand](#), September 19, 2024
- Camilla G. Cooper, [Internment pursuant to the Fourth Geneva Convention during an international armed conflict: practice and reflections from Norway](#), June 6, 2024
- Jelena Pejic, [Civilian internment in international armed conflict: when does it begin?](#), May 23, 2024
- Mikhail Orkin, [The internment of protected persons and the Fourth Geneva Convention](#), May 16, 2024

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