



ICRC

International Humanitarian Law at the National Level: Impact and Role of National Committees

Report
of a Meeting of Representatives
of National Committees
on International Humanitarian Law

Advisory Service

on International Humanitarian Law



ICRC

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**Report
of a Meeting of Representatives
of National Committees
on International Humanitarian Law
(Geneva, 25–27 March 2002)**

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LIST OF ABBREVIATIONS

1949 Geneva Conventions

Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949

Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea. Geneva, 12 August 1949

Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949

Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949

1977 Additional Protocols

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977

1954 Hague Convention

Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954

1980 Convention on Certain Conventional Weapons

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. Geneva, 10 October 1980

1993 Convention on Chemical Weapons

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris 13 January 1993

1997 Ottawa treaty

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997

1998 Rome Statute

Rome Statute of the International Criminal Court, 17 July 1998

Optional Protocol to the Convention on the Rights of the Child

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 25 May 2000

ICC

International Criminal Court

IHL

International humanitarian law

Guiding Principles

Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law, ICRC, 1996

PREFACE

Mr Jacques Forster
Vice-President, ICRC

At the time of publishing this report, the world is still ravaged by numerous conflicts. In many regions of the globe millions of people are displaced and are living in a state of anxiety generated by lack of security, lack of access to the most basic goods and services (water, food, health care), or separation from family members, of whom they often have no news. Others, counted in the hundreds of thousands, are detained, suffering the effects of wounds caused by fighting or maimed by landmines or unexploded ordnance, often long after the hostilities are over. All these individuals are vulnerable and they are all entitled to protection and assistance.

The aim of international humanitarian law is precisely to limit the suffering caused by war. Most of the rules making up this body of law are contained in the 1949 Geneva Conventions and their 1977 Additional Protocols. The ICRC works to meet this challenge, in particular through its protection and assistance activities for conflict victims. These activities include visiting persons deprived of their freedom, including prisoners of war (more than 370,000 detainees visited in 2002), restoring family links (360,000 messages collected and over 315,000 distributed in 2002), assistance work and activities in the area of health. Mention must also be made of the ICRC's permanent tasks, including the promotion of IHL. The ICRC currently has a permanent presence in more than 60 countries in Africa, the Americas, Asia, Europe and the Middle East, and is working in almost 80 countries.

In the opinion of all those who attended the Meeting of Representatives of National Committees held in Geneva from 25 to 27 March 2002, the best means of protecting the victims of situations of armed conflict remains compliance with IHL. For more than 130 years the ICRC has been actively promoting the development and application of this body of pragmatic rules, which seeks to reconcile the most elementary requirements of humanity and the necessities relating to the conduct of military operations.

According to the humanitarian treaties, States have primary responsibility for ensuring the implementation of and compliance with IHL and the clear obligation to fulfil this responsibility. To this end they must, in peacetime, adopt a series of legislative, regulatory or administrative measures on the national level. If IHL is to be applied in times of conflict, it goes without

saying that prior measures must have been taken by the national authorities before the outbreak of hostilities.

The ICRC, through its Advisory Service, supports States in their efforts to ensure implementation on the national level. In this regard, close contacts and cooperation with National Committees are obviously essential. Within the Committees, men and women make available their experience, their skills, their work and their commitment to ensure that real progress is made in the adoption of measures for the implementation of IHL. In March 2002, the ICRC brought together these men and women from all corners of the world, to give them the opportunity not only to reaffirm their commitment to IHL but above all to share, as representatives of National Committees, practical experience relating to its implementation in their respective countries. Here I would like to express, on behalf of the ICRC, my admiration and gratitude for the primordial role that members of the Committees play in performing this essential task.

As early as 1996 the ICRC organized a Meeting of Experts on Committees or other national bodies for international humanitarian law. It was the proceedings of this meeting that provided the basis for the Guiding Principles concerning the status and methods of operation of national bodies for the implementation of IHL. In addition to the Committees already established at the time, all States were invited to send representatives so that they could express their views on the pertinence and usefulness of these national bodies.

Since that 1996 meeting the situation has considerably changed. About 30 new Committees have been set up and there are now 62 of them around the world. While this increase in the number of Committees is not on its own conclusive evidence of progress in the area of national implementation, the establishment of such a body in a State is nevertheless a strong indication of the authorities' commitment to in-depth work on the matter of national implementation. Representatives of National Red Cross and Red Crescent Societies are very often full members of National Committees; they not only offer their expertise in this area but also contribute to the smooth running of the Committees, for example by providing secretariat services. Some Committees have even been set up within the National Societies themselves.

A look at the Table of National Committees existing to date and at the year of their establishment reveals a sort of snowball effect. The oldest-established interministerial Committees specifically devoted to IHL were set up following the ratification by States of the 1977 Additional Protocols.

New impetus for the creation of such bodies was given by the series of international and regional meetings organized or co-organized by the Advisory Service, such as the 1996 meeting mentioned above, the meeting of Central American Committees in El Salvador, also in 1996, that of African Committees in Abidjan in 1997, and the meetings of European Committees held in Brussels in 1999 and Budapest in 2001. These gatherings have already given the representatives of certain Committees the opportunity to exchange experiences and thus to enhance their activities.

We can therefore speak of the emergence of a worldwide network of National Committees, and our task now is to strengthen that network. That, indeed, was the object of the meeting held in March 2002. Thanks to the personal commitment of Committee members, several initiatives were taken and much progress was made. As a good many Committees had been active for several years, we felt that the time was right to examine together the impact of their work and to draw the appropriate conclusions, to take stock of the situation so as to enhance the effectiveness of each and every Committee, and also to help the more recently established Committees to opt for the best approaches and to avoid pitfalls.

The meeting thus encouraged the sharing of experience and the development of synergy among participants who were all driven by the same ambition: to move forward in the implementation of IHL.

It should be remembered that the year 2002 was the 25th anniversary of the adoption of the 1977 Additional Protocols. Some Committees marked the occasion by organizing events on the national level. The Additional Protocols represent a significant advance in the development of IHL. The major innovation brought by Protocol I lies in the extension of the definition of an international armed conflict to include wars of national liberation, and in the strengthening of the protection afforded to the civilian population against the effects of hostilities. The objective of Additional Protocol II is to ensure that the principal rules of IHL are applied in internal armed conflicts. Indeed, since 1945, the majority of conflict victims have been victims of non-international armed conflicts. Looking back at the 25 years that have passed since the adoption of the Protocols, it is only too evident that conflicts have proliferated, and this anniversary should not obscure the fact that failure to comply with the 1949 Geneva Conventions and their 1977 Additional Protocols is the main reason for the prolonged and intractable nature of conflict situations.

In view of the countless violations of IHL that occur in today's conflicts, the pertinence of IHL must be reaffirmed; its pertinence and also the

urgency of ensuring that it is respected. IHL applies regardless of the cause of and the reasons for the conflict. It is there to relieve the suffering of individuals affected by the conflict, whatever side they are on. Moreover — and it is important to emphasize this after the events of 11 September 2001 and their consequences — the application of the rules of IHL in no way hinder the fight against terrorism. IHL is not an obstacle to the bringing to justice of the presumed perpetrators of acts of terrorism: where it is applicable, it simply sets out to ensure that such individuals are granted judicial guarantees.

Everything possible must be done to limit the number of victims of armed conflict. It is in the name of those victims, those men, women and children, that we must all pool our efforts to ensure greater compliance with IHL. This is the spirit in which I stress the importance of the work that was done in Geneva between 25 and 27 March 2002 and that is reflected in the present report.

I wish to express warmest thanks to the Canadian government and the Canadian Red Cross, whose financial support made it possible for several Committees to take part in the meeting. Thanks to their support, there was good geographical representation at the meeting, which could truly be described as “universal”. My gratitude goes also to all those who contributed to making the meeting such a success.

It is my hope that the meeting, and this report, will provide extra incentive for everyone concerned and increase their enthusiasm for the work they are doing within their respective National Committees.

Geneva, February 2003

A handwritten signature in black ink, consisting of a stylized, somewhat abstract set of loops and lines, followed by a small flourish on the right side.

Jacques Forster
Vice-President of the ICRC

PRESENTATION

National implementation of IHL is a permanent process which calls for the cooperation of various ministries and/or national authorities. The establishment of National Committees for the implementation of IHL, although not an obligation under that law, can therefore be an effective means of ensuring that national measures are taken by States. This idea was launched, and subsequently confirmed, by several recommendations and resolutions adopted during international meetings.¹

In October 1996, the ICRC's Advisory Service organized a Meeting of Experts on Committees or Other Bodies for the National Implementation of International Humanitarian Law.² It was this meeting that led to the drafting, on the basis of the experience gained, of the Guiding Principles concerning the status and methods of operation of National Committees. These were designed to provide support for States which, wishing to be more actively committed to the national implementation of IHL, decided to establish such bodies.

Since then there have been many new developments: the number of Committees has doubled across the world; they have engaged in a wide range of activities; they have established closer links with the ICRC thanks to the decentralization of the Advisory Service; regional meetings of Committees have been held; and IHL has continued to develop.

For all these reasons, it seemed important to bring together the representatives of existing National Committees from all over the world, in particular to assess their impact and their role in the progress made by States in terms of national implementation.

¹ See in particular: Intergovernmental Group of Experts for the Protection of War Victims, 23-27 January 1995, Recommendation V; 26th International Conference of the Red Cross and Red Crescent, 3-7 December 1995, Resolution 1 (endorsing the aforementioned recommendation); 27th International Conference of the Red Cross and Red Crescent, 31 October-6 November 1999, Resolution 1: Adoption of the Declaration and of the Plan of Action (final goal 1.3, paras 13 and 14); United Nations General Assembly, Resolution 55/148, 12 December 2000; Organization of American States General Assembly, Resolution 1771 (XXXI-O/01), 5 June 2001.

² Cristina Pellandini (ed.), *Committees or Other National Bodies for International Humanitarian Law, Report of the Meeting of Experts (Geneva, 23-25 October 1996)*, ICRC, 1997, 130 pp.

Thus the Meeting of Representatives of National Committees on International Humanitarian Law was held in Geneva from 25 to 27 March 2002. Chaired by Mr François Bugnion, ICRC Director for International Law and Communication, and organized by the Advisory Service, it was attended by about a hundred representatives of 53 of the 62 Committees that existed at the time.

As well as taking stock of the developments that had occurred since the 1996 Meeting of Experts and assessing the impact and role of the Committees, the meeting was intended to encourage the exchange of concrete experience, to define the practical modalities of direct cooperation between Committees, and to propose tools and techniques designed to support, strengthen or diversify the activities of the Committees. On another level, the aim was to discuss the desirability of setting up a system for the exchange of information on national implementation and the possibility of active participation in such a system by the Committees.

Part I: Meeting of representatives of National Committees on international humanitarian law

The first part of this report gives an account of the proceedings of the meeting. It is divided into two sections, the first devoted to the current activities of the National Committees and their prospects for action in the future, and the second to means of strengthening the effectiveness of the Committees' work and the exchange of information relating to implementation.

Chapter 1: Current activities and prospects for action of National Committees worldwide

After the Advisory Service had summarized its activities for the promotion and support of National Committees since the 1996 meeting, an initial review was conducted of the progress achieved by Committees in different parts of the world. Every Committee had its distinctive features, whether relating to its mode of operation, its structure, its composition, its "seniority", the extent of its mandate or its areas of expertise. To reflect this heterogeneity, six Committees among those with pertinent experience in the fields of activity under consideration had the opportunity, during two round tables, to place in perspective their basic concerns and the new challenges facing them, in the light of their own experience.

The first round table was devoted to the traditional activities that make up, or should make up, the core of the Committees' mandates. The following issues were discussed: is an assessment of the implementation of the IHL treaties in national legislation the necessary starting point for the Committees' work? Are promotion and implementation of the ICC at national level within the competence of the National Committee on IHL or of an *ad hoc* Committee? Should the National Committee be an active participant in or a catalyst for the dissemination of IHL?

The second round table reviewed less frequent or more recent activities, whether relating to the development of IHL (for example, in the area of weapons or the protection of cultural property in the event of armed conflict) or to the extension of the Committees' role or mandate (for example, making recommendations to the authorities in connection with their undertaking to respect and ensure respect for the law).

It emerged from the round tables that the type of activities carried out by the Committees varied according to the implementation work already done on the national level, and that it was therefore difficult to provide, for the issues raised, single replies applicable to all Committees. On the other hand, it was pointed out that the Committees had to opt for a methodology and define their priorities, which did not rule out the taking of initiatives intended to promote the adoption of a new treaty or of a policy by the national authorities.

Chapter 2: Strengthening the capacity of the Committees' work and exchanging information on national implementation

In order to strengthen the effectiveness of the Committees' work, it was found useful, on the basis of their experience, to identify the factors contributing to their effectiveness and ways of overcoming the obstacles to appropriate action.

During the working group discussions, the participants were invited to review, taking the Guiding Principles as a unifying theme, the practical lessons learned from the Committees' experience. This exercise revealed not only a wide diversity in approaches but also the distinctive features of each Committee in terms of modes of operation, structure, composition, mandate and experience. It was particularly difficult for some more recent Committees, which were still dealing with matters concerning their establishment and could not yet carry out an evaluation of their activities.

The discussions confirmed the pertinence of the Guiding Principles defined following the 1996 Meeting of Experts.

Certain factors linked to the Committees' modes of operation had an undeniable influence on their effectiveness and impact. Among these factors were composition, working methods and relations with decision-making bodies. Direct cooperation between Committees and the resources available, whether human or financial, also played a decisive role. External communication and visibility on the national level were other important elements which helped make the Committees better known and contributed to producing, on the part of the national authorities, a conditioned reflex whereby the National Committee was systematically associated with any matter relating to IHL.

At a second stage, the question of the exchange of information on national implementation was raised. Unlike some international treaties, in particular those relating to human rights or protection of the environment,³ the 1949 Geneva Conventions and their 1977 Additional Protocols do not provide for any national reporting mechanism for the evaluation of measures to implement IHL. The only provisions that refer to the exchange of information in that regard are those requiring the States Parties to communicate to one another any information concerning national implementation of those international instruments.⁴ Other IHL treaties, such as the 1954 Hague Convention and its Protocols,⁵ the Ottawa treaty⁶ and the 2000 Optional Protocol to the Convention on the Rights of the Child,⁷ do provide for this type of mechanism.

Furthermore, a system of reports on measures taken by States for the implementation of IHL has been set up by the United Nations and the

³ For an overview of these mechanisms, see Elisabeth Kornblum, "A comparison of self-evaluating State reporting systems", *International Review of the Red Cross*, No. 304, January-February 1995, pp. 39-68; and No. 305, March-April 1995, pp. 137-160.

⁴ See Article 48/49/128/145 common to the 1949 Geneva Conventions and Article 84 of 1977 Additional Protocol I.

⁵ Article 26, para. 2, of the Convention provides that States must forward a report every four years to the Director-General of UNESCO. See also Article 30, para. 3, of the Second Protocol.

⁶ Article 7, para. 2, of the Convention requires States to report annually to the United Nations Secretary-General in order to ensure that the treaty's provisions are being observed.

⁷ Article 8, para. 1, of the Protocol requires each State Party to submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

Organization of American States through the adoption of resolutions by the General Assemblies of the two organizations.⁸

Several initiatives have been launched with a view to establishing a new mechanism or system for the exchange of information on the national implementation of IHL. However, none of these has received sufficient support.

The participants, in their capacity as persons directly involved in the national implementation of this body of law, were asked to give their opinion on the current and future role of the Committees in existing mechanisms, on whether it was advisable to set up a new system and, if so, on the possible involvement of the National Committees in such a system.

With very few exceptions, the Committees were not involved in the preparation of the national reports required by the IHL instruments. The participants considered that the Committees could, to a greater or lesser extent, become more closely involved. In this way they could remind the authorities of their obligation to draw up such reports, or could contribute to the preparation of the reports by gathering information or making comments on a draft drawn up by the authorities.

While most of the participants were opposed to the creation of a new, institutionalized system for the exchange of information on national implementation measures, they clearly stressed the usefulness of having additional information available on the work, experience and achievements of the Committees. The exchange of information should, moreover, offer more possibilities for contacts between Committees. The participants also emphasized that this exchange of information should take place on an informal basis and remain flexible.

Since it was not the aim of the meeting to adopt recommendations, two consolidated reports drawn up on the basis of the group work were

⁸ United Nations General Assembly, Resolution 32/44, 8 December 1977; Resolution 34/51, 23 November 1979; Resolution 37/116, 16 December 1982; Resolution 39/77, 13 December 1984; Resolution 41/72, 3 December 1986; Resolution 43/161, 9 December 1988; Resolution 45/38, 28 November 1990; Resolution 47/30, 25 November 1992; Resolution 49/48, 9 December 1994; Resolution 41/155, 16 December 1996; Resolution 53/96, 8 December 1998; Resolution 55/148, 12 December 2000; OAS General Assembly, Resolution 1270 (XXIV-O/94), 10 June 1994; Resolution 1335 (XXV-O/95), 9 June 1995; Resolution 1408 (XXVI-O/96), 7 June 1996; Resolution 1503 (XXVII-O/97), 5 June 1997; Resolution 1565 (XXVIII-O/98), 2 June 1998; Resolution 1619 (XXIX-O/99), 7 June 1999; Resolution 1706 (XXX-O/00), 5 June 2000; Resolution 1771 (XXXI-O/01), 5 June 2001.

submitted to the participants. The ICRC for its part reviewed the general conclusions reached at the meeting. These appear at the end of Part I.

Part II: Tools for the use of the Committees

The second part of this report contains a document entitled “Practical advice to facilitate the work of National Committees on international humanitarian law”, and another entitled “The exchange of information on national measures to implement international humanitarian law”. The practical advice, prepared by the Advisory Service, is a review of good practice and of pitfalls to be avoided. It is the fruit of the amalgam of many experiences and was produced at the participants’ request.

The document on the exchange of information on national measures also responds to a wish expressed by the participants during the meeting. In the course of the discussions on the involvement of the Committees in the national reporting mechanisms required by some IHL instruments, the participants suggested that the Advisory Service prepare a paper recapitulating the obligations of States in that regard.

The programme of the meeting and the list of participants are also given as annexes, together with the Table of National Committees as at 31 December 2002 and the Guiding Principles mentioned above, which are frequently referred to in this report.

PART I

**MEETING
OF REPRESENTATIVES
OF NATIONAL COMMITTEES
ON INTERNATIONAL
HUMANITARIAN LAW**

CHAPTER 1

CURRENT ACTIVITIES AND PROSPECTS FOR ACTION OF NATIONAL COMMITTEES WORLDWIDE

A. Activities of the Advisory Service on International Humanitarian Law to promote National Committees: Developments since the 1996 Meeting of Experts

Ms María Teresa Dutli

Head, Advisory Service on IHL, ICRC

As a preamble to this meeting, I feel it is important to refer to some matters which are certainly familiar to many of you and which are vital for the establishment and the work of National Committees on the implementation of IHL. They constitute the basis of the activities or initiatives that we shall be discussing during the coming two and a half days.

First of all, therefore, let us look back at the history of the Advisory Service. As we all know, the International Conference for the Protection of War Victims, held in Geneva in 1993, examined mechanisms designed to enhance respect for IHL. One part of the follow-up to that Conference was the meeting of an Intergovernmental Group of Experts mandated to study practical means of promoting full compliance with IHL and of promoting its rules, a meeting which took place in Geneva in 1995. This Group of Experts adopted a series of recommendations which were approved in their turn by the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1995). With a view to improving respect for IHL, certain measures were recommended, including the provision by the ICRC of increased support for States through advisory services. Another important recommendation was addressed to national authorities, who were advised to set up National Committees on the implementation of IHL. I would also mention a further recommendation inviting the ICRC to

organize a meeting of all such National Committees and to draw up reports on the proceedings.

Acting on this recommendation, the ICRC set up a new unit: the Advisory Service on International Humanitarian Law, whose task was to help national authorities meet their obligations under the IHL treaties. The Service's objective is to secure the ratification by States of all the IHL treaties and to encourage the adoption by those States of national measures for their implementation.

By IHL treaties, we mean not only the 1949 Geneva Conventions — to which virtually all States are party — and their Additional Protocols of 1977, but also other, more recently adopted treaties such as those concerning the use of certain weapons (1997 Ottawa treaty, 1980 Convention on Certain Conventional Weapons, its four Protocols and the amendment adopted very recently). Also included are treaties that specifically protect certain types of property, such as the 1954 Hague Convention and its 1954 and 1999 Protocols, and other legal instruments such as the 1998 Rome Statute, which gives the ICC jurisdiction over war crimes, among other offences.

Measures for the national implementation of IHL encompass various domains such as the translation of treaties into national languages, the promulgation, adoption or amendment of criminal legislation to ensure the repression of war crimes and other violations of IHL, respect for the red cross and red crescent emblems and the adoption of national legislation protecting those emblems, the adoption of laws defining and guaranteeing the status of protected persons and ensuring respect for fundamental guarantees in terms of humane treatment and due process, the appointment of legal advisers to the armed forces, proper identification of protected sites, the establishment of National Red Cross or Red Crescent Societies and the drafting of regulations governing their activities, the setting-up of civil defence organizations and national information bureaux, and compliance with provisions requiring that military objectives be located at a distance from densely populated areas. Furthermore, the principles of IHL must be taken into account in the development and production of new weapons.

To achieve these objectives, since 1996 the Advisory Service has been providing technical and legal assistance for the drafting of national legislation, preparing compilations of national legislation and jurisprudence and promoting the exchange of such documents. It also organizes seminars and meetings to discuss measures that could be proposed to the authorities

so as to help them prepare or adapt national systems with a view to guaranteeing respect for IHL. Publications relating to these issues are now being produced, with a view to facilitating the work of national authorities when it comes to the promotion and ratification of treaties and the process of having national legislation adopted. For example, concise fact sheets have been produced for every IHL treaty, together with model instruments of ratification, accession or succession relating to those treaties. In addition, the Advisory Service has produced practical guides to or models of national laws, such as the standard law on the protection of the red cross and red crescent emblems and names, and guides for countries governed by civil law and those governed by common law, so as to ensure that the repression of war crimes is provided for in national criminal law systems. The Service has also provided practical advice on the protection of cultural property in situations of armed conflict.

From 1996 up to the present, we have seen a considerable increase in the number of National Committees. The first meeting bringing together all the world's National Committees on the implementation of IHL was held in Geneva in 1996. At the time there were 35 National Committees. States that had not established such bodies were also represented at that meeting. Today the number of Committees has practically doubled. In different regions of the world, 62 National Committees have been set up to contribute to the application of IHL on the national level. Their geographical distribution is as follows: 21 in Europe, 10 in Asia, 14 in the Americas, 13 in Africa and 4 in the Middle East.

The activities of the Advisory Service in relation to the National Committees consist in encouraging their establishment (provided that certain minimum conditions necessary for their operation are met), offering technical assistance for the establishment process and to ensure that they can function properly, and promoting the exchange of information on their activities and the progress achieved.

With regard to the first of these objectives — encouraging or supporting the establishment of Committees — several activities have been successfully completed. Among these, I would again mention the first meeting of Committees or other national bodies on IHL which was held in Geneva in October 1996. On the basis of the discussions and exchanges of ideas that took place on that occasion, the Advisory Service drew up a document entitled “Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law”. These practical principles, stemming from the

experience gained by certain Committees and the proceedings of the meeting mentioned above, have been useful in facilitating the creation of new bodies and in harmonizing the mode of operation of existing bodies.

In addition, several meetings have been held at regional level so as to allow the exchange of opinions and experiences among National Committees, to initiate and encourage instruction and further training in new areas of IHL, to keep these bodies abreast of new developments in the implementation of IHL and to deal with problems encountered. Most of these meetings led to the publication of reports, some of which are included in the documentation you received for the present meeting.

In more concrete terms, the Advisory Service has also engaged in extensive activities in the area of technical assistance. These include participating, as an observer, in most meetings of National Committees, and organizing seminars, courses and training and information modules especially intended for members of Committees, to ensure that they all have the same knowledge of new issues and challenges arising from IHL. At the request of the Advisory Service or with its support, several studies have been carried out on the compatibility of national law with the obligations stemming from IHL. More than 40 of these studies have been conducted in different parts of the world, and some of them have been published. Among the documents you have received is a list of the countries having carried out such studies, which are mainly intended to serve as a plan of action for the National Committees.

Another important activity of the Advisory Service is to draw up, in coordination with the national authorities, draft legislation that can be adapted to each national context, and to submit comments on draft legislation prepared by the authorities, taking into account the obligations stemming from IHL.

The Advisory Service also provides support for the work of the National Committees and, in particular, for the application of IHL on the national level through the exchange of information. This exchange is an essential element of the legislative process. Indeed, laws must be adopted and must be promulgated not only within the country concerned but also must be known to all persons to whose acts those laws may apply. To this end, the Advisory Service makes every effort to participate in the exchange of information by means of its database containing a compilation of national legislation and jurisprudence. You will have the opportunity to consult the database during the course of this meeting. In addition, the Advisory Service publishes a biennial report on national implementation of IHL. The

report gives details of the States having ratified treaties or adopted national implementation measures during the period under review, provided that those details have been communicated to the ICRC.

Finally, another vital aspect of the activities of the Advisory Service is the holding of this meeting, which gives us the opportunity to compare our practical experience, define mechanisms designed to ensure that the National Committees function in the best possible way and can sufficiently diversify their activities, while examining possibilities for upgrading the exchange of information on activities for the implementation of IHL and on the results achieved in that regard.

B. Progress in different regions of the world

Interministerial Committees in sub-Saharan Africa

Mr Malefetsane Mohafa

President of the Lesotho National Committee

General situation

There are 13 interministerial Committees on IHL and its implementation in sub-Saharan Africa. Many States in the region have either already set up or are in the process of setting up such Committees.

Namibia and Zimbabwe both have Committees, established in the mid-1990s, which deal not only with IHL but also with human rights. The focus of these two Committees is on the human rights aspect of their mandate, which takes up a great deal of time because of the obligation under human rights instruments to report on the measures adopted. As a result, little time is left for IHL. The Malian Committee also has a dual mandate and meets on an irregular basis.

Zimbabwe is thinking of splitting its Committee into two, so as to have a body concerned exclusively with IHL. Should this be done, the chairmanship of the Committee would probably be transferred from the Ministry of Justice to the Ministry of Defence.

Some other States have set up National Committees for the implementation of IHL very recently: Cape Verde, Kenya, Lesotho, Malawi, Mauritius, the Seychelles and Togo.

The National Committee of Cape Verde has a dual mandate covering both human rights and IHL. It was established in September 2001 and met on 12 December of the same year, on the occasion of a day's events organized by the ICRC to spread knowledge of IHL.

The Kenyan National Committee has been responsible since 2002 for amending the country's Geneva Conventions Act so as to incorporate the 1977 Additional Protocols.

The Lesotho National Committee is very active, notably through its sub-committee in charge of implementation of the 1997 Ottawa treaty.

The Malawi Committee has provided little information on its activities. Ever since it was set up in 2000 it has experienced difficulty in organizing and holding meetings.

The Committees of Mauritius and the Seychelles are probably the most recently established in the region. Both have been very active from the start. The Seychelles Committee is working on an amendment to the Geneva Conventions Act, so as to incorporate the 1977 Additional Protocols and improve protection of the emblem. The Mauritian Committee for its part has just held its inaugural session.

The Ivorian, Beninese and Gambian Committees, set up in 1996, 1998 and 1999 respectively, are experiencing serious operational difficulties.

Other States such as Madagascar, Mozambique and Tanzania are committed to establishing National Committees and the ICRC has been asked for assistance in this process.

The Lesotho National Committee

In 1997, the Ministry of Foreign Affairs of Lesotho and the ICRC organized a seminar which brought together representatives of many important authorities responsible for implementation of IHL on the national level. The aim of the seminar was to exchange information, examine the implementation procedures adopted by Lesotho, and identify the measures that still remained to be taken and means of doing so.

On 1 March 2001, the Ministries of Foreign Affairs, Justice, and Human Rights and Constitutional Affairs, in cooperation with the ICRC's regional delegation in Pretoria, held a seminar on the follow-up to the recommendations made during the above-mentioned meeting of 1997. One of the achievements of this seminar was the creation of an interministerial Committee which met for the first time on 8 June 2001.

The Committee comprises representatives of various Ministries (Defence, Foreign Affairs, Justice, Human Rights and Constitutional Affairs, the Interior, Education and Health), government bodies (armed forces, police and university) and the Lesotho Red Cross Society. Representatives of

other ministries, non-governmental organizations (NGOs) and individuals will be co-opted as needed. The Committee meets regularly once a month and on an *ad hoc* basis when necessary.

The Committee is presided over by the Secretary-General of the Ministry of Defence, and the Vice-President is the Director of the Department of Legal Affairs. Coordination is provided by the Ministries of Justice and of Human Rights and Constitutional Affairs. The Committee's mandate is, in particular, to disseminate IHL and to advise the government on the ratification of the instruments of IHL and other matters relating to this body of law.

Activities

The Committee began by working on the incorporation of IHL in national legislation. To this end it set up a working group comprising representatives of the Ministries of Foreign Affairs, Defence, Justice, Human Rights and Constitutional Affairs, the armed forces, the police, the university and the Lesotho Red Cross Society. A bill for the implementation of the 1949 Geneva Conventions (the Geneva Conventions Act), prepared with the help of Mr Len Blazeby, the ICRC legal adviser based in Pretoria, was proposed for consideration and is due to be submitted to the drafting service of the Law Office. The next matter on the Committee's agenda is the 1997 Ottawa treaty.

The Committee does not yet have any clear legal basis. To secure such a basis and avoid lengthy procedures, it has recommended the adoption of a decree to this effect and has submitted to the Law Office a draft which includes, among other things, the Committee's *modus operandi*.

Prospects

Lesotho is not yet party to the 1954 Hague Convention or its Protocols. Furthermore, it has not yet declared its recognition of the competence of the International Fact-Finding Commission in accordance with Article 90 of 1977 Additional Protocol I. It is therefore giving these matters its closest attention.

As soon as it is allocated a budget, the Committee will begin working on tasks such as the translation of the 1949 Geneva Conventions into the national language, the dissemination of IHL in rural areas and the

production of information brochures. It will also provide training for members of the armed forces and the police on subjects pertaining to IHL. At its next meeting, the Committee will draw up a plan of action to ensure that its activities are carried out in a methodical way and will successfully achieve their aims.

The National Committee on Humanitarian Law of the Republic of Yemen: Achievements and plans for the future

Prof. Abdulwahab Shamsan

Member of the Yemen Committee

It is an undeniable historical fact that humanitarian rules have existed for a very long time. Despite the violence that has always characterized relations between parties to a conflict, the values of compassion and humanity are shared by all civilizations.

As IHL is a major element of public international law which appeals to sentiments of humanity and aims to afford protection to the individual in time of war, many States are receptive to its principles. Among those States is Yemen, which attaches great importance to military criminal legislation. Indeed, conflict situations necessitate the adoption of legislation imposing specific sanctions for violations of the law committed by members of the armed forces. In practice, this means untiring efforts on the part of Yemeni legislators who have striven, and are still striving, to achieve a clearer definition of the rights and obligations of the military, both in peacetime and in time of war, as they appear in the national Constitution and legislation.

Peace is not a permanent state. War and armed conflict between groups or countries can break out at any time, and it is the military that is the first to suffer the consequences. That is why Yemen speeded up the process of ratification of the 1949 Geneva Conventions and their 1977 Additional Protocols. Those ratifications took place in 1970 and 1990 respectively, and Yemen asserted its commitment to the rules and principles of IHL that are contained in those Conventions and Protocols. The ideals of IHL and the precision of its rules are such that the endeavour to disseminate and improve understanding of them on the national level is a task of the greatest importance. Yemen's leaders are making every effort to take the decisions necessary for the implementation of IHL. Yemen also takes part in regional and international fora convened to discuss these issues.

A careful reading of Law No. 67 of 1991 concerning the service of troops and armed security forces, the presidential decisions taken in accordance with Law No. 7 of 1996 on war crimes and related penalties, criminal procedure law No. 13 of 1994, Law No. 1 of 1990 relating to the legislative

authorities and Law No. 6 of 1995 relating to procedures for the trial and charging of representatives of the highest State executive authorities reveals that the Yemeni legislator attaches great importance to the protection of and respect for human rights in the event of armed conflict, in both military and civilian circles. Moreover, the Yemeni legislator has succeeded in adapting national legislation to the 1949 Geneva Conventions and the 1977 Additional Protocols. This is clearly seen in Section 3 (“War crimes”) of Law No. 21 of 1998 concerning war crimes and related penalties.

These efforts led to the adoption of appropriate laws and decisions, demonstrating the attention paid by the Yemeni legislator to human rights and IHL. Particular mention should be made of Law No. 43 of 1999 regulating the use of the red crescent and red cross emblems and prohibiting their misuse, as these emblems are a vital element of the protection afforded by the 1949 Geneva Conventions.

By focusing more closely on compliance with the rules of IHL, Yemen has undertaken to respect both human rights and IHL. It was with this aim in mind that the Yemeni Committee was set up in 1999 by presidential decision No. 408. Article 1 of the presidential decision established a permanent Committee and Article 2 gave it the following mandate:

- overseeing the application of existing legislation, verify its conformity with the rules of IHL and propose any necessary improvements, taking into account the current situation with regard to IHL;
- endorsing plans and programmes aimed at spreading knowledge of the basic principles of IHL among the various sectors of society and ensuring their implementation;
- overseeing the application of Law No. 43 of 1999 regulating the use of the red crescent and red cross emblems and prohibiting their misuse;
- preparing studies, organizing conferences, taking measures relating to IHL at the national level, and taking part in events and regional and international fora on the subject;
- contributing to the preparation of draft international conventions and protocols in the area of IHL and submitting proposals and recommendations in that regard;
- developing cooperation and exchanges with regional and international organizations working in the field of IHL and offering assistance to government bodies in the conduct of studies and the drafting of reports required by those organizations;

- coordinating efforts relating to IHL at intergovernmental level.

All these tasks are performed in practice by the Committee. To this end, special working groups have been set up.

1. The Commission of Enquiry comprises representatives of the Ministries of Economic Affairs, Justice, Foreign Affairs, Defence, the Interior and Education, of the National Committee, and of groups of specialists (university professors). It will have the following mandate:
 - to take part in the planning of military and civilian programmes of instruction;
 - to carry out projects, studies and enquiries in the area of IHL;
 - to draw up the studies and reports essential for the work of the National Committee.

The long-term programme of the Commission of Enquiry includes a study of the ICC system and examination of the draft third protocol additional to the 1949 Geneva Conventions.

2. The Publications Committee is made up of representatives of the Ministries of Information, Justice, Education and Health, of the National Committee and the publications officer working at the ICRC delegation in Sana'a. The mandate of this Committee is to:
 - spread knowledge of IHL among the population at large and among the armed forces in particular;
 - plan projects and programmes for the large-scale circulation of information on IHL;
 - examine and confirm the usefulness of convening conferences and round tables, take measures relating to the publication of information on IHL, and make proposals and recommendations to the National Committee on the matter;
 - develop cooperation and the exchange of information and experience with the National Committees of other States and with national, regional and international organizations.
3. The Committee for the Examination of Legislation is made up of representatives of the Ministries of Justice, Defence, the Interior and Foreign Affairs, of the legislative authorities and of the National Committee. Should the need arise, the Commission may consult a group of specialists. The task of this Commission is to examine the national legislation in force in order to determine to what extent it

conforms to the provisions of IHL, and to make the necessary proposals to bring it into line with IHL.

Despite major difficulties, mostly financial, the National Committee on IHL is making every effort to formulate and implement its programme, focusing on the following matters:

- publication of a handbook on the rules and principles of IHL for teachers in schools, teacher training establishments and various institutes; to this end, the Committee will organize training sessions at provincial level, mainly for teachers of social sciences and geography, with a view to introducing the subject gradually into the curriculum over the coming five years;
- enlisting the aid of university professors and military specialists in order to draw up a comprehensive cycle of instruction which will become part of the general curriculum of military academies, faculties and institutes.

Two years ago, with the help of the ICRC, the Committee initiated a programme in various schools in Yemen entitled “Drawn by Children”. These children’s drawings reflect human violence and cruelty. A competition on the provincial level is being planned for 2002, together with a public exhibition of the children’s work. Some of the drawings will be shown on the regional and international levels and, with ICRC support, will be published in the form of a calendar.

The National Committee is also thinking of planning and organizing several lectures and information sessions, giving priority to a session specifically designed for legal advisers and commanders-in-chief of army regiments. A special forum will be held for those responsible for training in ethical matters. In addition, talks and events will be organized for the civil sector, including professors of international law, students and instructors responsible for teaching the rules of IHL in the Republic’s schools, and officials responsible for programmes and information at the Ministry of Education.

In the same spirit, the National Committee spreads knowledge of the rules of IHL via the periodical *Al-Itar*, which will shortly be published on a monthly basis, and is examining all possibilities for increasing the publication’s readership. At present its circulation amounts to 5,000 copies.

Thus it is evident that the National Committee’s activities have already borne fruit.

Finally, in spite of material and technical difficulties, the Committee has made considerable progress and is pursuing its course at a rapid pace. The faith and trust placed in the ideals of IHL and in the role it plays in situations of armed conflict are reflected in the serious commitment of Yemen, which is making ever-greater efforts to disseminate and increase understanding of the rules and principles of IHL among its population and to guarantee protection of human rights and freedoms, both in peacetime and in time of war.

Overview of activities conducted by National Committees in the Americas

Mr Francis Belmar

Member of the Chilean Committee

I propose to present an overview, on behalf of all the countries of the Americas, of the work done to date by the continent's National Committees for the implementation of IHL.

There is a great deal of similarity in the Committees' working methods and in the range of government bodies that are associated with their activities.

First of all, it should be mentioned that the large majority of Committees in the Americas meet on a periodic basis and submit annual reports to their respective governments or parliaments.

Secondly, the governing bodies of most of the Committees in the Americas comprise representatives of the Ministries of Foreign Affairs and Defence and sometimes of the Ministry of Justice. The Ministries of Education, Health and the Interior are also represented on several Committees.

Some Committees have established working sub-committees; this enables them to fulfil comprehensively the mandate entrusted to them by the decrees that set them up and to ensure in-depth study of the various domains within their terms of reference.

Nevertheless, as you know, the primary role of Committees on IHL is to study implementation of the 1949 Geneva Conventions and their 1977 Additional Protocols, and to advise the authorities on their incorporation into the domestic legal system of each country.

All the Committees have carried out studies on this subject, and in some cases have examined and proposed draft legislation. Some of these drafts have not yet been submitted to the various parliaments, while in other cases this has already been done.

The provisions needing to be amended or adopted vary from country to country. In Chile, which is of particular interest to me, the Committee of which I am a member is now studying, in cooperation with the University of Chile, the amendments that need to be made to national legislation, notably the Criminal Code and the Military Justice Code, to bring them into line with the 1949 Geneva Conventions by including grave breaches of those international instruments.

Obviously, however, the priorities and the volume of work of the National Committees of the Americas are largely dependent on the historical context of their respective countries. I would like to stress the importance of the role played by Committees on IHL in countries like El Salvador, where the National Committee has made major progress taking into account the situation unfortunately besetting this sister country.

I would also like to point out here that there are 14 Committees on IHL in the Americas. Practically every country on the continent has set one up. May I take this opportunity to welcome the creation or reactivation of the Guatemalan Committee on 1 June 2001, the creation of the Peruvian Committee, and the reactivation of the Paraguayan Committee at the end of December 2001.

As I was saying, the Committees of the Americas are for the most part very similar in their modes of operation. The mandates with which they have been entrusted are also similar and the ministries or other government bodies represented on them are often the same.

In this context, I would like to focus more particularly on the tasks that the Chilean Committee has performed since 1995. I shall also outline the work done since 1997 in cooperation with the Argentine Committee, with which meetings are held every two years.

The ministries represented on the Chilean Committee are the Ministry of Foreign Affairs, which takes the chair and on whose premises the Committee's permanent secretariat is located, and the Ministries of National Defence, the Interior, Justice, Health and Education. The Ministries of Health and Education have in the past made an especially important contribution to the work carried out.

The Ministry of Health was involved when Parliament was offered advice on the drafting of a law on the protection of the emblem which was adopted in 1998. As for the Ministry of Education, it took an active part in the incorporation of the basic elements of IHL in curricula for secondary education. The Chilean teaching programmes were adopted at the end of 1999 and are now being used throughout the system of secondary education.

As I stated previously, the Chilean Committee is currently examining, with the cooperation of the Ministry of Justice, draft legislation which will be submitted to Parliament and which is intended to amend the Military Justice Code and the Criminal Code so as to include in national law grave breaches of the 1949 Geneva Conventions. In Chile, the incorporation of

concepts such as grave breaches of the Geneva Conventions is not automatic. That is why it is essential to amend domestic law, even though these international treaties were ratified by Chile long ago.

The meetings held every two years with the Argentine Committee are another aspect of our Committee's vital activities in the area of IHL. They provide an opportunity for a very positive and frank exchange of views on the experience acquired by the two Committees in their respective countries.

We maintain permanent contacts and fruitful exchanges with Argentina in this regard. Two biennial meetings have taken place to date, the first in Buenos Aires in April 1997 and the second in Santiago de Chile in October 1999.

While awaiting the third meeting, which we hope will be held in Buenos Aires this year, I would like to inform you of the main conclusions reached in October 1999 at the last meeting with the Argentine Committee, which are contained in the final report on the gathering.

- 1) The two Committees agreed to step up the exchange of information on their activities in the most important domains of common interest.
- 2) They stated that they would like to examine the possibility of holding bilateral meetings at regular intervals, that is, every two years.
- 3) They decided to exchange, on a regular basis, information on technical and legislative aspects of the examination and follow-up of draft laws on which the two Committees advised their respective governments and which were submitted to Parliament for debate. This exchange of information is already taking place and communication between the Committees has proved excellent.
- 4) Furthermore, they officially confirmed their support for the principle of the territoriality of the criminal jurisdiction of States.
- 5) They will strive to carry out joint activities relating to instruction in and implementation of IHL among the Argentine and Chilean armed forces. In this respect, although the third biennial meeting has not yet taken place, we have already begun exchanging experience on the current situation with regard to instruction in IHL within our respective armed forces.

These activities are part of the mutual confidence-building measures that Chile and Argentina have been taking in the area of defence since 1995. Ever since then, exchanges of views on matters concerning the defence of our two countries have been relatively constant.

To conclude, I would like to come back to what is being done in my country and clarify the situation with regard to the teaching of IHL in the Chilean armed forces. The army and the navy are the two arms within which most effort is made to disseminate IHL and where such instruction is given on a systematic basis. Since 1994 the Chilean Navy has sent a legal expert every year to the course on IHL held in San Remo. Since 1999 the Chilean Army has also sent an officer to the San Remo course, whether or not the officer concerned belonged to the military legal service. Indeed, the last officer who was sent by Chile and who received a grant from the ICRC remained at the San Remo Institute as an instructor. Finally, in 1998 the Chilean Army Military Academy invited the Chilean Committee to take part in an exercise simulating a situation of armed conflict and including instruction on IHL. It also organized, in cooperation with the ICRC, seminars during which staff officers received training in the implementation of IHL.

Committees on international humanitarian law in the Asia-Pacific region

Ms Helen Durham

Member of the Australian Committee

The situation in the region

There are currently seven National Committees for the implementation of IHL in the Asia-Pacific region, and several more should be established shortly. Although the Committees vary in terms of structure and precise aims, on the whole their composition and the general mandates entrusted to them are very similar. Some Committees depend on their countries' National Societies, while others do not. The work of a number of Committees centres on ratification and implementation of IHL treaties; others aim to develop dissemination of this body of law within their own countries. This presentation will comment briefly on the existing Committees in the region and then focus upon the work of the Australian Committee, which the author knows well and of which she has wide experience.

The Indonesian Committee was established by Ministry of Justice decree in 1980. It comprises 12 members, representing various government departments, academic circles and other groups of experts. The Committee's work consists in both examining the IHL treaties and their national implementation and promoting their dissemination. The Indonesian Red Cross Society is represented on this Committee and the ICRC attends meetings as an observer. A full report on the Indonesian Committee's activities over the past few years is available on request. These activities include the holding of seminars and workshops on IHL, the preparation of draft legislation relating to the 1977 Additional Protocols and to the emblem, and the translation of relevant IHL texts.

The Japanese Committee was established in 1999. It comprises representatives of the Prime Minister's Office, the Ministries of Foreign Affairs, Defence and Education, academic circles and the Japanese Red Cross Society. The Committee focuses mainly on studying means of spreading knowledge of IHL and the measures necessary for the implementation of relevant IHL treaties.

In New Zealand, the National Society provides the secretariat for the Committee on IHL. Other members include representatives of the Ministry of Foreign Affairs, the armed forces and academic circles. The Committee's mandate is to advise the government on ways of meeting its obligation to disseminate IHL.

In 2000 the Philippine National Red Cross established a National Committee to act as an advisory body on IHL and related matters. The Committee consists of representatives of the Ministries of Foreign Affairs, Defence, Education and Culture, and of the police, academic circles and relevant NGOs. The National Society hosts the Committee and ICRC representatives attend meetings as observers. The Committee's activities include disseminating IHL among various target groups and organizing events, drafting the broad lines of implementing legislation such as that relating to anti-personnel landmines, and encouraging the government to ratify IHL treaties, in particular 1977 Additional Protocol I and the 1988 Rome Statute.

The National Society of the Republic of Korea established a National Committee in 1977. This Committee consists of academics with expertise in IHL, members of the Republic of Korea Red Cross and representatives of the Ministries of Foreign Affairs and of National Defence. The Committee gives priority to dissemination of IHL and research on a range of related matters. Discussions are currently under way on the setting-up of a governmental committee on IHL which would deal with issues relating to ratification and implementation of the IHL treaties.

In Sri Lanka a National Committee was established in 2000. It comprises representatives of the government and of the ICRC. Members of the Sri Lanka Red Cross are not included owing to a dispute between the National Society and the government. The Committee has a sub-committee which, with the assistance of the Advisory Service, drafts domestic legislation to implement the 1949 Geneva Conventions. Also on the Committee's agenda is the question of accession to the 1954 Hague Convention.

Efforts are being made in the region to set up Committees on IHL in Bangladesh, India and Nepal. Proposals to this effect have been submitted to the respective governments and the matter is being followed up by the Advisory Service.

The Australian Committee

In November 1977, the Australian Red Cross agreed to establish a Joint Australian Red Cross/Government IHL Committee, an Australian Red

Cross National Dissemination Committee, and an IHL Committee in each of the eight States and Territories of Australia.

The Joint Committee was established in December 1978 and met twice a year until Australia ratified the 1977 Additional Protocols in 1991.

The Australian Red Cross National Dissemination Committee, including a representative of the Department of Defence, held its first meeting in January 1978 and changed its name to the Australian Red Cross National Committee on International Humanitarian Law in November 1983. From 1991 to 1995, when a representative of the Attorney-General's Department was appointed to the National Committee on IHL, the Attorney-General was kept informed of the National Society's dissemination programme by means of annual reports. The Committee expanded its membership in 1995 to include the Senior Legal Adviser to the Department of Foreign Affairs. At present this Committee comprises senior representatives of the Departments of Foreign Affairs and Trade, Defence, the Attorney-General and Emergency Management, together with academics and National Society leaders, including representatives of the departments dealing with matters relating to IHL, Youth and Communication. A number of other individuals serve on the Committee for specific purposes such as parliamentary liaison, legal research and dissemination of medical information. The ICRC sends a delegate to attend the meetings. The Committee is chaired by Professor Tim McCormack, Australian Red Cross Professor of IHL at The University of Melbourne.

The Australian National Committee has a broad mandate. On the one hand it assists and advises the government on IHL-related issues, and on the other it develops and approves dissemination programmes and materials. The Committee meets six times a year and often invites experts to give presentations on relevant topics such as the Review Conference of the 1980 Convention on Certain Conventional Weapons. The Attorney-General's Department provides the Australian Red Cross with funding to support its IHL dissemination programme. Funding for conferences has also been provided on an *ad hoc* basis through the Australian government's overseas aid programme.

The activities of the National IHL Committee during the last few years have included providing the government with expertise and advice on implementing legislation in areas such as the ICC. It has taken part in military exercises organized by the Australian Defence Force, encouraged and developed the teaching of IHL at university level, and conducted dissemination activities such as IHL moots, essay competitions and

conferences. With the assistance and cooperation of the ICRC, the Australian Red Cross has hosted a number of successful seminars on topics such as women and war, IHL and the media, humanitarian activities in emergency situations, the ICC, and the interface between human rights law and IHL. At each Committee meeting a report is presented on the latest developments in jurisprudence relating to IHL (including summaries of judgments handed down by the *ad hoc* international criminal tribunals), and a list of recent articles, papers and books on IHL is distributed.

In view of the expertise on IHL acquired by the Australian Red Cross, the government has requested its advice on a number of occasions during international negotiations on topics such as the ICC, the Ottawa treaty, the proposed third protocol additional to the 1949 Geneva Conventions, and review conferences of treaties relating to weapons. The Australian Red Cross also provides National Societies in the region with support in the area of dissemination of IHL when so requested.

Finally, the membership of the Committees set up in each of Australia's eight States and Territories varies, but it has proved useful to have representatives of a wide range of target groups. The individuals who chair these different Committees include lawyers, judges and representatives of the media and the military. The Committees' main tasks are to promote the dissemination of IHL among local communities and to provide input for decisions made at national level.

The experience accumulated by the Committees on IHL in Australia shows that such a body is essential to enable a government to meet its obligations under the 1949 Geneva Conventions and their 1977 Additional Protocols. Furthermore, IHL Committees provide an opportunity for the Red Cross and the government to learn more about each other and to understand the unique mandate and mode of operation of the International Red Cross and Red Crescent Movement.

Overview of activities conducted by the Committees of Central and Western Europe

Ambassador Arpád Prandler

Chairman of the Hungarian Committee

It is a great honour for me to take the floor on behalf of the National Committees of Central and Western Europe. My task is to give a brief overview of the activities of the National Committees of this region. It goes without saying that my report was prepared with the valuable contribution of the ICRC regional delegation in Budapest and with the kind assistance of the Advisory Service in Geneva.

First of all, allow me to remind you that, as a follow-up measure to a resolution adopted by the 26th International Conference of the Red Cross and Red Crescent in 1995, the ICRC convened a preparatory Meeting of Experts in Geneva in 1996 in order to promote the establishment of national advisory bodies in the field of IHL. Following that event the first Regional European Meeting of National Committees, organized by the Belgian Ministry of Foreign Affairs and the ICRC, was held in Brussels in 1999. This meeting served as a forum for both governmental experts and National Red Cross Societies in the field of IHL. The second Regional European Meeting, held in Budapest in 2001, built on the achievements of the first meeting and covered a wide range of issues such as the role of National Committees in the promotion of IHL, the activities of the Advisory Service, and the promotion of the ratification and implementation of the 1998 Rome Statute.

It is important to note that there has been a considerable increase in the number of National Committees on IHL in the region: at the 1996 Meeting of Experts in Geneva, 13 National Committees from this region were represented, whereas there were 15 in Brussels in 1999 and 18 in Budapest in 2001.

I take this opportunity to extend a warm welcome to the representatives of the newly established National Committees of the region and to wish them every success in their future activities.

If I may come back to the Budapest meeting, it should be mentioned in the first place that, according to the information received from the participants, most of the Committees did not really take part in the process of defining

the position of their respective governments on the ratification of the IHL instruments. However, they were active in promoting the implementation of the treaties once ratified. In view of this situation the participants emphasized in the recommendation adopted by the meeting that the Committees should seek to develop or strengthen their partnership with their national decision-making authorities in all matters related to IHL, including helping to shape the official position of their respective governments in international fora and negotiations related to IHL. In the exercise of their advisory role, the Committees should take initiatives in order to assist their national authorities. The ICRC anticipates that the delegations present at this meeting will review the progress they have made in this field during the past year and that they will also be able to make suggestions as to what should be done in the future in order to strengthen relations between the Committees and the relevant national authorities.

In the second part of my statement I would like to inform you about the establishment of new National Committees in the Central European region and to highlight some of the achievements of the existing Committees.

In 2001 Lithuania established its Committee, which is an advisory body of the Ministry of National Defence. Its task is to provide the relevant authorities with assistance in coordinating the implementation of IHL in Lithuania.

The Slovak Committee was set up by the Ministry of Foreign Affairs in September 2001 as a permanent interministerial advisory body. The role of the Committee is to analyse the status of implementation and application of IHL, to offer the relevant authorities recommendations concerning legislative measures, and to support the dissemination of IHL.

According to the latest information, Committees are expected to be established in the Czech Republic, Latvia and Romania in the near future.

Without attempting to give a comprehensive account of the work of all the region's National Committees, I would like to draw attention to some important aspects of their activities.

As you certainly know, the Belgian Committee is one of the oldest. It has always been very active and its work, mode of operation and organization has been a model for other States. The Committee has produced very valuable fact sheets, which are available on the ICRC Website, and has organized, among other things, a seminar on the protection of cultural property during armed conflict. Its work was given

new impetus by the royal decree of 6 December 2000 which broadened the scope of its activities.

The German Committee, established on the initiative of the German Red Cross, is a forum for consultation and coordination between the German Red Cross and the various departments of the federal government. The Committee, in cooperation with the relevant German ministries, recently prepared a report on the implementation of IHL in Germany.

The Greek Committee held a conference in December 2000 with the participation of the ministries associated with its work. Those ministries were requested to submit a presentation on the national implementation of IHL. The conference contributed greatly to the visibility of the activities of the Committee.

As for the work of the Italian Committee, it is worth mentioning that one of its recommendations concerning the amendment of Italian criminal law to provide for the repression of war crimes was recently accepted by the authorities.

Slovenia's Committee has been very active in facilitating the adoption of national measures for implementation of IHL. It has started working on issues such as the implementation, in the event of armed conflict, of rules relating to the protection of the environment, the protection of journalists, and the protection of works and installations containing dangerous forces. The Committee has also prepared a study on the implementation of IHL in Slovenia.

The Yugoslav Committee, which was initially established in 1970, was reactivated in 2001. It has dealt with issues such as the Review Conference of the 1980 Convention on Certain Conventional Weapons, the process of ratification of the 1998 Rome Statute, the issue of small arms and the possibility of carrying out an assessment of national implementation of IHL.

Last but not least, allow me to mention that the activities of the Hungarian Committee, established on the initiative of the Hungarian Red Cross in 1999, were approved and confirmed by the government in 2000. The Committee prepared a report on its work for the government at the end of 2001. The report also contains a study on the dissemination of IHL in Hungary, a study on the implementation of this body of law in the country, and recommendations addressed to the relevant authorities.

As you can see, there has been remarkable improvement in the work of the National Committees of the Central and Western European region. Also remarkable is the increase in the number of Committees from 13 to 18 since 1996. It should be noted, however, that despite these important developments a great deal of work remains to be done.

By way of conclusion, I would like to stress that the National Committees should strengthen their partnership with their national authorities and promote the study and dissemination of IHL. Finally, it is essential that they cooperate closely with the respective ICRC regional delegations and also with the Advisory Service in Geneva.

May I wish you every success in this task.

Some aspects of the legal status and activities of national bodies for implementation in the countries of Eastern Europe and Central Asia

Mr Vitaly Kalugin

Deputy Chairman of the Belarusian Committee

IHL is a body of principles and rules. The majority of countries have adhered to its main treaties. But, as Hans Korell, Deputy United Nations Secretary-General for legal matters, justifiably notes, in international relations it is not sufficient to express one's consent to be bound by a treaty. States have to respect and fulfil the obligations established under such treaties.

International treaties in the humanitarian sphere will achieve their purpose only when they are executed fully and in good faith by the contracting parties. Any international or national legal rule is just a pattern of proper behaviour intended for the subjects of international law; unless its implementation mechanism is activated it will remain no more than a phrase in the text of a legal instrument. Efforts are necessary for the implementation of IHL and for the practical application of the rules it contains. In other words, the implementation of the rules of IHL must be guaranteed.

In accordance with Article 1 common to the four Geneva Conventions of 1949 and 1977 Additional Protocol I, States Parties undertake to respect and to ensure respect for the provisions of these international legal instruments. This common obligation constitutes the legal basis for the application and observance of the provisions of international agreements aimed at providing protection for the victims of armed conflict.

The range of problems related to the fulfilment of the international obligations stemming from the 1949 Geneva Conventions and their 1977 Additional Protocols as well as other international treaties affording protection to war victims is rather broad and requires coordination of the activities of the many State bodies concerned. In order to facilitate this process, many countries have created interdepartmental committees or other bodies for the implementation of IHL. Although international treaties do not provide for the establishment of such bodies, the activities conducted by States to put their treaty obligations into practice have

demonstrated the necessity of the existence and the undeniable effectiveness of these National Committees.

The States that came into being after the collapse of the Soviet Union are no exception, and since 1996 many of them have embarked on the process of creating such bodies (the first in the region was the Moldovan Committee, set up at the Ministry of Justice by Decree No. 382-p of the government of the Republic of Moldova of 9 September 1996; then came the Belarusian Committee, established by Regulation No. 1242 of the Council of Ministers of the Republic of Belarus on 19 September 1997). At present there are national bodies for implementation operating quite successfully in seven States of the region: Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Ukraine and Tajikistan.

I have the honour to give a brief outline of the work of the National Committees for the implementation of IHL in the member States of the Commonwealth of Independent States (CIS), to describe the common features inherent in their legal status, to outline some of the results of their activities, and to draw attention to a number of problems which the members of National committees have to deal with in the countries of Eastern Europe and Central Asia.

What common and what specific features characterize the legal status of the Committees for the implementation of IHL in the countries of the region?

First, all of them have been established on the initiative of the executive and, as a rule, they are all standing, interdepartmental, deliberative government bodies (with the exception of the Georgian Committee, which was set up in accordance with Presidential Decree No. 327 of 22 June 1998 at the National Security Council). They comprise representatives of the Ministries of Justice, Defence, Foreign Affairs, the Interior, Education and Culture, and of other State bodies (for example, representatives of the Supreme Court and of the Prosecutor General's Office in Kazakhstan; of the Prosecutor's Office in Georgia; of government officials in Belarus and Ukraine), usually designated by government decision. Practically all the Committees also include members of the National Red Cross or Red Crescent Societies and representatives of academic circles. Their resolutions are of an advisory nature or contain recommendations for the authorities.

Secondly, all the Committees carry out their activities in accordance with regulations generally laid down by the government and defining their mandate, their rights, and the objectives to be pursued.

The interdepartmental character of the Committees predetermines their main tasks, which are common to all these bodies: coordination of the activities of ministries and other State bodies in the field of implementation of the rules of IHL at national level. The activities of all the Committees are connected only with problems of IHL; issues relating to the protection of human rights are outside their terms of reference. It should be noted that in general other functions and powers of the Committees also coincide. These are:

- to study and assess the conformity of national legislation with the rules of IHL;
- to facilitate the adaptation of national legislation to the provisions of the 1949 Geneva Conventions and other IHL treaties;
- to offer proposals (advisory opinions) concerning draft international treaties and national legislation regulating relations in the sphere of IHL;
- to encourage dissemination of IHL, etc.

All the National Committees may, in accordance with established procedure, initiate the drafting of legislation necessary for ensuring the fulfilment of international obligations relating to the protection of war victims and restrictions or prohibitions on the use of specific means and methods of warfare. They may also request any information they need for their activities from the State bodies concerned and set up working groups and expert committees on problems concerning IHL.

One of the Belarusian Committee's activities is to prepare, on the basis of proposals made by the State bodies concerned, advisory opinions on matters connected with the position of Belarus on various issues of IHL.

An analysis of the implementation of IHL at national level in the States of Eastern Europe and Central Asia from 1996 up to the present, and of the involvement of national bodies set up to facilitate the process, reveals that the activities of those bodies include the following:

- analysis of national legislation in force from the standpoint of its conformity with the rules of IHL, and determination of measures to be taken for the fulfilment of existing international obligations in this sphere;
- incorporation into national criminal legislation of the legal regime of responsibility for war crimes;
- promotion of laws providing legal protection for the red cross and red crescent emblems;

- facilitating the process of spreading knowledge of IHL among various sectors of the population;
- encouraging States' formal participation in international treaties (1998 Rome Statute, 1999 Second Protocol to the 1954 Hague Convention, etc.);
- dealing with the problem of the establishment of national bodies for the implementation of IHL.

As promoting the adaptation of national legislation to the rules of IHL is one of the main activities of all the Committees operating in the States of the region, their work connected with monitoring of national legislation is of great importance. Moreover, considerable progress has been made in the process of developing national legislation providing for the repression of war crimes and the protection of the emblems in those countries where, under the auspices of the National Committees, such studies have been carried out and proposals put forward accordingly on structural and legal measures aimed at the fulfilment of international obligations in the humanitarian sphere.

In particular, the Belarusian Committee set up a working group to carry out a comparative study of the provisions of national legislation and the rules of IHL. This study, completed in 1998, helped to define the Committee's other activities. On the basis of the conclusions reached by the Committee after this study, Parliament revised some articles of the draft Criminal Code, stipulating punishment for war crimes. The following laws were adopted: "On the Use and Protection of the Emblems of the Red Cross and Red Crescent" (came into force on 12 May 2000); "On the Belarusian Red Cross Society" (signed by the President on 24 October 2000); "On Withdrawal of Reservations to the Geneva Conventions of 1949" (came into force on 14 May 2001).

The process of formalizing the participation of States in international treaties adds a new dimension to the monitoring of national legislation. For instance, an *ad hoc* expert committee was set up at the Georgian Ministry of Justice to study whether Georgian legislation fulfilled international obligations in the field of criminal law, including the 1998 Rome Statute (Georgian Presidential Decree No. 177 of 1 March 2001).

Such monitoring studies carried out by the Committees on IHL have to a large extent predetermined and, it appears, will continue to predetermine successful reform of the legislation of the region's countries. For example, new criminal codes in Belarus, Georgia and Tajikistan, adopted in recent

years as a result of this work, contain specific chapters relating to responsibility for war crimes and ensuring an appropriate regime for repression. Similar provisions can be found in the Azerbaijani Criminal Code. Moreover, in these codes progressive trends emerged through the introduction of the concept of the responsibility of perpetrators of grave breaches and other violations of IHL. This means, first and foremost, the possibility of prosecuting acts committed in either international or internal armed conflicts. Secondly, the new codes do not limit criminalization to serious violations of the 1949 Geneva Conventions and 1977 Additional Protocol I which are specifically listed in those treaties. Criminal responsibility is also established for other violations of these and other treaties which, representing a danger to society, can also be considered as serious. This makes it possible to ensure repression of the war crimes enumerated in the 1998 Rome Statute even in a State which is not party to the Statute. Belarus, for example, cannot formalize its participation in this treaty because a number of the Statute's provisions are not compatible with its Constitution, but it has created the legal conditions necessary for repression of a greater number of war crimes.

A number of new codes adopted in the course of criminal law reform in Kazakhstan, Kyrgyzstan and Ukraine are not in complete accordance with IHL provisions, but the task of the Committees is not only to identify such discrepancies but also to introduce relevant amendments and addenda into criminal legislation. The Moldovan Committee is also actively involved in ensuring that the new draft Criminal Code is compatible with the rules of IHL while the Code is being debated in the national Parliament. It appears that the problem of making the new criminal codes of the Russian Federation, Uzbekistan and Turkmenistan compatible with the rules of IHL would be more easily resolved if these countries had an appropriate national body to promote implementation of this branch of the law.¹

The process of adopting new legislation to regulate the use and protection of the red cross and red crescent emblems in the countries of the region has also greatly advanced in recent years. In Azerbaijan (in 2001), Belarus (2000), Georgia (1997), Kazakhstan (2001 — the law on the protection of the emblems also stipulates the withdrawal of the reservations filed by Kazakhstan when it acceded to the 1949 Geneva Conventions and those relating to the use of a double emblem), Moldova (1999), and Ukraine

¹ Editor's note: These three countries have not set up National Committees to date.

(1999), laws have been passed to deal with the problems of defining the emblems and distinctive signs that are protected, determining the national body that is competent to regulate use of the emblems, determining the organizations that are authorized to use the emblems as protective and distinctive signs, and so on.

A very important role in the future of national legislation for the protection of the red cross and red crescent emblems was assigned to the Model Law on Protection of the Red Cross and Red Crescent Emblems adopted by the Interparliamentary Assembly of the CIS member States with the direct support of the ICRC Advisory Service. This model law constitutes a useful reference for legislators of countries in the region where appropriate laws have not yet been adopted or are in preparation — that is, Armenia, the Russian Federation and Tajikistan — because it offers model provisions consistent with the legal systems of the States of the region.

In all the States of the region criminal responsibility — and in some countries administrative responsibility — has been established for misuse of the red cross and red crescent emblems. Furthermore, the adoption of legislation has led to practical measures such as the production of armbands bearing the red cross emblem, the issue of identity cards to medical personnel and the marking of the vehicles of medical services.

The Committees do a great deal of work in the area of dissemination of IHL among the armed forces and in educational establishments.

Dissemination programmes are carried out in the armed forces of all States in the region where there are national bodies for implementation of IHL. The Tajik Committee, for example, broached the issue of establishing a national centre for IHL training during one of its sessions, and such a centre was set up at the Tajik Military Academy in 2001.

In the Belarusian armed forces instruction in IHL is given on the basis of the Defence Minister's Order No. 590 of 1 November 1996 on measures relating to the study of the 1949 Geneva Conventions and their 1977 Additional Protocols. In 1997, a handbook on the rules of application of IHL for military officers received official approval. The provisions of IHL are taught, depending on the category of the military personnel concerned, in two training courses: tactical training and instruction on the State and the law. Similar dissemination programmes are carried out in the armed forces of Kazakhstan, Kyrgyzstan, Moldova, the Russian Federation and Ukraine.

For example, at the Frunze Army Academy in the Russian Federation, a centre for the study of IHL has been established, the General Skobelev

competition on IHL for officer cadets is held, and many other activities are carried out.

Work aimed at including IHL in the curricula and educational standards of institutions of higher education figures high on the list of priorities. For instance, acting on a recommendation by the Tajik Committee, the Ministry of Education included IHL in the State standards of professional education for lawyers and journalists. In Belarus, in accordance with the resolutions of the Committee, IHL is taught in all higher education and specialized secondary education establishments, and the basics of IHL are taught in more than 20 secondary schools in the country.

As regards other aspects of the activities of national implementation bodies in the States of Eastern Europe and Central Asia, it should be noted that one of their tasks is to work for the withdrawal of reservations filed when the 1949 Geneva Conventions were signed (the Russian Federation, Belarus and Ukraine) or acceded to (Kazakhstan), and when the States concerned became party to the 1998 Rome Statute, the 1999 Second Protocol to the 1954 Hague Convention, etc.

Thus, following a recommendation made by the Belarusian Committee, the process of withdrawal of the reservations made by Belarus to the Geneva Conventions was initiated and resulted in the adoption of the relevant law by Parliament in May 2001. Similarly, in December 2001, the problem of the withdrawal of reservations was resolved in Kazakhstan.

With the help of its National Committee, Tajikistan has become a party to the 1980 Convention on Certain Conventional Weapons and its four Protocols, and has ratified the 1997 Ottawa treaty and the 1998 Rome Statute (it should be noted that Tajikistan was the first State in the region to ratify the Statute). A special working group for the implementation of the Rome Statute has been set up within the framework of the Committee.

Similarly, acting on a recommendation of the Moldovan Committee, Moldova ratified the 1997 Ottawa treaty and became party to the 1954 Hague Convention and its First Protocol and to the 1980 Convention and its four Protocols. The Committee also drafted a law on the use and protection of the emblem which was adopted on 23 December 1999.

Seven States of the region have signed the 1998 Rome Statute. Apart from Tajikistan, this process is being pursued most vigorously in Georgia, with the active support of the National Committee. To determine the compatibility of the provisions of domestic legislation with the Statute

and to consider all the issues that might arise in this respect, a special commission was set up under the leadership of the Minister of Justice.

In Armenia, which signed this treaty in October 1999, the Constitutional Court is conducting a study on the compatibility of the Statute with the Constitution before ratification, in accordance with standard procedure for the ratification of international agreements. There are plans to set up a working group with a view to examining all the questions that may arise in connection with the implementation of this instrument. In Ukraine the issue of the compatibility of the Rome Statute with the Constitution was raised in the Constitutional Court in February 2001. In the Russian Federation a similar compatibility study is under way. The study is being coordinated by the Ministry of Foreign Affairs and is to precede the national implementation process. According to the conclusions reached by the Ministries of Foreign Affairs and Justice, there is no need for any amendments to the Constitution.

In Kyrgyzstan, Moldova and Uzbekistan, which have also signed the Statute, work is being done with a view to finding ways of implementing the Statute and overcoming the most important obstacles that could arise in this respect (regarding the provisions of the Constitution relating to the immunity of the Head of State).

On the recommendation of its National Committee, Belarus ratified the 1999 Second Protocol to the 1954 Hague Convention, and a draft law introducing amendments and addenda to the Criminal Code which would ensure criminalization of the acts listed in Article 15 of this international treaty is under discussion. At present, the draft law has been passed in its first reading by the Chamber of Representatives of the Belarusian National Assembly.

In Azerbaijan, which has never been in favour of setting up a National Committee on IHL, a Committee for the implementation of the 1954 Hague Convention and its Protocols has nevertheless been established.

Finally, a few words on the problems faced by all national bodies for the implementation of IHL.

First of all, it should be noted that the States of Eastern Europe and Central Asia are in the process of transforming their political and economic systems, and this is giving rise to serious economic, political and social difficulties. The problems encountered during this transitional period determine the priorities for all the region's States, and matters relating to the implementation of IHL are obviously not among those priorities.

In addition, the difficult economic situation does not allow them to allocate the financial resources necessary for the measures to be taken by the National Committees. To be more precise, there is no funding for their work, and this inevitably has a negative influence on their efficiency.

Among other problems is the fact that the membership of the Committees is subject to frequent changes, reflecting personnel changes at government level. This also affects the effectiveness of the Committees' work because new members have to be given the necessary training.

Despite all these difficulties, the positive results achieved by national bodies for the implementation of IHL set up in the States of Eastern Europe and Central Asia demonstrate that these interministerial Committees established by the executive can have a significant influence on the efficiency of the national implementation process, and can render invaluable services to State authorities in helping to identify the main activities required to meet the obligations imposed by the Conventions for the protection of war victims.

Summary of the discussions: Progress in different regions of the world

Mr François Bugnion (Director for International Law and Communication, ICRC) thanked the speakers for their accounts of the fruitful experiences of National Committees in their own countries and on the regional level. He made some brief comments on the work done by the Committees to meet the needs of their countries.

Mr Kalugin's contribution had attested to the very ambitious legislative efforts currently being undertaken by the States that emerged from the Soviet Union to amend their legislation, and all the presentations made had enhanced understanding of the tasks, activities and objectives common to all National Committees.

The remarkable results achieved in recent years reflected the increase in the number of Committees. With reference to participation in treaties, Mr Bugnion drew attention to a new task for the future: the task arising from the results of the Review Conference of the 1980 Convention on Certain Conventional Weapons which took place at the end of December 2001. Indeed, the Conference adopted the revised text of the framework Convention, which extended the field of application of the Convention and its Protocols to non-international armed conflict. The ICRC saw this development as a major success and recognized the importance of having the revised Convention ratified as quickly as possible, so that it could be applied fully to all ongoing conflicts.

The commitment made by a good number of National Committees to having the main IHL treaties translated into their national languages was also extremely important, as this was essential for the process of ratification by parliaments, the adoption of the legislation necessary for the implementation of those treaties and, naturally, for their dissemination. Such activities formed part of the process of adaptation of national legislation to the international obligations incurred by States when they became party to the various IHL treaties.

Mr Bugnion asserted that an analysis of domestic law (undertaken systematically in many countries, as mentioned by several speakers, including Mr Kalugin) in order to determine needs in terms of adaptation was the starting point for the various measures necessary to ensure that national legislation took full account of international obligations. He

pointed out that the establishment of international tribunals and other legal mechanisms made the adaptation of national legislation more important than ever. Finally, he announced that the involvement of National Committees in dissemination, and other matters relating to the key role they played in raising awareness of IHL by creating conditions favourable to ratification, accession, implementation and dissemination, would be discussed that afternoon.

Mr Holger Rotkirch (Chairman of the Finnish Committee) mentioned that the Finnish Committee had been reorganized in December 2001. Under the stimulus of the Budapest regional meeting and its repercussions, the Committee had redefined its objectives and composition. The entry for this Committee in the *Table of National Committees on IHL* therefore needed to be updated.

The Committee had been formally established by the Minister of Foreign Affairs in 1993. Its role was to coordinate cooperation between all those involved in circulating information relating to national implementation. It was mandated with two additional tasks at international level: preparing for International Conferences of the Red Cross and Red Crescent and other similar events; and monitoring of developments in IHL, with the taking of appropriate initiatives when required.

Mr Rotkirch added that the Committee comprised the Minister for Foreign Affairs, who was also the Chairman, the Ministers of Defence, Justice, Education, Labour and the Interior, staff officers of the armed forces and representatives of the Finnish Red Cross. He drew attention to a very recent development: the participation in the Committee of two NGOs, namely the Finnish Humanitarian Law Society and the Finnish branch of Amnesty International. He also mentioned that the Committee's new tasks had given it a more active and dynamic role in the development of IHL in Finland.

Mr Bosko Jakovlievic (President of the Yugoslav Committee) felt that, having heard the reports on the activities of Committees around the world, all the participants should be convinced of the value and importance of National Committees. Nevertheless, many geographical regions remained without any such bodies. It was not even known whether Committees were in the process of being established in those areas (in most cases nothing had yet been done in that respect), and Mr Jakovlievic proposed that the ICRC be asked to pursue its representations to the States concerned in order to complete the network.

Ms Vera Duarte Lobo de Pina (Coordinator of the Cape Verde Committee) stated that the Cape Verde Committee had a dual mandate, being in charge of both human rights and IHL. In view of the complementarity between human rights law and IHL, Ms Duarte Lobo de Pina felt that the option of a dual mandate was a sound one, especially for countries lacking financial, material and human resources.

Mr Mohammed Al-Hadid (Vice-President of the Jordanian Committee) expressed the hope that the 21st century would be the century of human rights and IHL. He feared, however, that following the events of 11 September 2001 there would be a regression to the previous century, for several countries had promulgated laws gravely affecting certain individuals on the grounds of their nationality. As a representative of a National Committee for the implementation of IHL, he wished to denounce any violation, especially in his region, in the strongest terms. He himself had witnessed violations of IHL, and he asserted that in the future the National Committee should really concentrate its attention on the practical implementation of treaties rather than working for ratification of the 1998 Rome Statute.

As for the discussion on raising awareness of national legislation on the matter, Mr Al-Hadid mentioned that four years previously Jordan had introduced, with the assistance of the ICRC, a charter on IHL in most schools. He added that Jordan had asked the National Committee and the ICRC to strengthen their cooperation for the dissemination of IHL within the armed forces, in order to complete the work already done in this respect. With the help of a dean of the University of Jordan, which is represented on the Committee, the latter hoped to hold a conference on IHL for the deans of law faculties with a view to seeing the subject included in the programmes of study at Jordanian universities and having it taught at degree and Master's degree levels. Mr Al-Hadid mentioned this conference because it might help other Committees to hold similar events in the future and thus encourage the introduction of IHL into university curricula in other countries.

Mr Al-Hadid concluded by saying that although Jordan had already passed a law protecting the red crescent emblem, the National Committee had nevertheless drawn attention to the need to amend the legislation to include the red cross as a protected emblem. He expressed the hope that the Committee would succeed in including all additional emblems approved by an additional protocol, so that they might all enjoy the same protection.

C. Main activities of Committees

Is a comparison between national law and international humanitarian law an essential first step in a Committee's work?

Ambassador José Luis Pérez Sánchez-Cerro

Vice-President of the Peruvian Committee and

Ms Marcela Arriola Espino

President of the Peruvian Committee

Incorporation of international law in Peruvian law

It is a great honour for me to take part in this important event organized by the ICRC, which is the world's leading institution for the promotion of IHL and with which Peru has maintained cordial relations for almost 20 years. On 5 June 1989, the two parties signed a headquarters agreement which consolidated a relationship whose central aim is to uphold IHL. I would also like to take this opportunity to point out that it was this international meeting which provided a stimulus for the activities of the recently established Peruvian Committee. I congratulate the ICRC on its initiative to hold a meeting such as this, bringing together participants from all over the world, for it allows the Peruvian Committee to assess the progress made in the area of IHL by other countries and to exchange ideas which will help it to enhance the compatibility between national legislation and international commitments.

In Peru, the main provisions relating to the incorporation of treaties in national legislation are contained in Articles 55 to 57 of the Constitution. The treaties in force which are binding on the State form part of national law. The conclusion and ratification of treaties are within the competence of the President of the Republic, with no involvement of the legislature, except in the case of certain categories of treaties such as those affecting human rights. In that case the prior approval of Congress is required. The denunciation of treaties is also the responsibility of the President of the Republic, who must inform Congress accordingly. In the case of treaties subject to the approval of Congress, its prior approval is also required for denunciation.

In Peru, legislation relating to the entry into force on the national level of treaties concluded by the State is governed by Law No. 26647 promulgated on 28 June 1996. This law specifies that ratification of treaties by the President must be effected by a decree at the highest level and, moreover, that the President must issue the corresponding instrument of ratification.

Peruvian legislation provides that, in addition to the stages of approval and ratification mentioned above, the incorporation of the international instrument in national law and its entry into force are subject to the conditions laid down in that respect in the international instrument itself. More precisely, the instrument is considered to be incorporated in national legislation from the date of its entry into force.

Consequently, it is clear that human rights treaties are automatically incorporated into the national legal system after approval by Congress and ratification by the President. Furthermore, the law specifies that the process of denunciation, amendment or suspension of treaties in force must be carried out in accordance with the provisions of those treaties or, in the absence of such provisions, in accordance with customary international rules. Indeed, national law recognizes the pre-eminence of international law in the settling of these matters.

The incorporation of the IHL treaties in Peruvian legislation began in 1955, the year in which the 1949 Geneva Conventions were approved by legislative resolution No. 12412 and subsequently ratified by the executive. The most recent such incorporation was that of the 1997 Ottawa treaty, by virtue of legislative resolution No. 26951 of May 1998.

All the IHL treaties which form part of Peruvian internal law, including those that came into force under the current Constitution, have been approved by Congress and subsequently ratified by the President of the Republic. Those which were incorporated into national legislation in 1978 by decree of the military government of the time are an exception. Today, as mentioned above, the incorporation of an IHL instrument would need the approval of Congress, as in all cases where the Constitution so requires for human rights treaties.

It should perhaps be mentioned here that although legal doctrine makes a distinction between human rights and IHL, the constitutional rule that requires the approval of Congress for human rights treaties also covers IHL. The purpose underlying this rule is to endow the adoption of particularly important treaties, such as those concerning respect for human dignity, with greater solemnity.

Another important matter governed by the Constitution is that of the level assigned to international human rights treaties in the hierarchy of national legislation. The 1979 Constitution, which preceded the one currently in force, stated clearly that human rights treaties were placed on constitutional level. The 1993 Constitution, however, omitted this provision, and some specialists assert that these treaties are on the same level as laws while others insist that they are constitutional in nature. The latter base their position on the fourth final provision of the current Constitution, which provides that rules relating to rights and freedoms recognized by the Constitution must be interpreted in accordance with the Universal Declaration of Human Rights and the international instruments on the subject ratified by Peru. If one considers that a constitutional rule cannot be interpreted by another rule of inferior status, it has to be concluded that human rights treaties must have equal status. So, although indirectly, we arrive at the conclusion that international human rights instruments are placed on the constitutional level.

It should be stressed that one of the top priorities of the constitutional reform currently under way in Peru is the need to stipulate expressly that human rights treaties occupy the highest level of the legal hierarchy.

Today, one of the most painful and distressing issues affecting countless people around the world is that of anti-personnel mines, which have taken such a heavy toll among innocent individuals. This is certainly one of the primary concerns requiring attention on the part of both IHL specialists and governments.

In this regard, Peru has made a substantial contribution to the application and implementation of the 1997 Ottawa treaty, which was approved by legislative resolution No. 26951 of 14 May 1998. On 16 June 1998, Peru deposited its instrument of ratification with the United Nations Secretary-General, thus becoming a State party to this multilateral treaty. The Ottawa treaty has been in force in our country since 1 March 1999.

Following the entry into force of this international instrument, the State bodies concerned began working for the implementation of the Ottawa treaty. By virtue of supreme resolution No. 430-99-RE of 17 September 1999, a Foreign Affairs/Defence working group on anti-personnel mines was set up, with the task of providing the appropriate political and technical coordination required for implementation of the treaty.

As was announced during the third meeting of States party to the 1997 Ottawa treaty, held in Managua, Nicaragua, in September 2001, Peru has

destroyed its entire arsenal of anti-personnel mines, comprising 321,368 of these weapons. The operation was carried out, in accordance with Article 4 of the treaty, on six occasions between May and September 2001, in full transparency, in the presence of representatives of the diplomatic corps and international organizations and of members of the national and foreign press.

The destruction of the Peruvian arsenal of anti-personnel mines, carried out using a local method which is safe, non-polluting and low-cost, was made possible by the financial assistance of the Managua Challenge Fund, made up of donations from the Canadian and Australian governments and administered by the OAS.

As regards mine clearance, Peru has achieved the following objectives:

- between January and March 1999, it finished demining the zones adjacent to the demarcation line between Peru and Ecuador;
- between October 1999 and March 2000, it finished demining the region where a road is to be built leading from the Peru-Ecuador border to the Tiwinza area;
- between December 2000 and February 2001, it completed a programme for the clearance of mines from 242 high-tension pylons of the EDEGEL company in the Huarochiri and Lima provinces; the programme was funded by the company concerned and carried out by the Peruvian national police;
- between 2 July and 30 November 2001, it completed the process of defusing the anti-personnel mines which were in the Zarumilla international canal, on the border with Ecuador. These military devices, originally deployed outside our territory, had been shifted to the Peruvian side by the *El Niño* phenomenon. The operation was carried out with assistance from Canada, Japan, the United States and the OAS.

Implementation of the 1997 Ottawa treaty was facilitated by the signing with the OAS Secretariat-General, on 17 May 2001, of an agreement for assistance in conducting a comprehensive operation against anti-personnel mines, under which Peru expects to receive funds amounting to 5,168,820 US dollars. Thanks to this agreement, assistance will be forthcoming for various activities: locating and removing anti-personnel mines in the border area between Peru and Ecuador; training of local personnel; purchase of special equipment; organization of training courses and information campaigns for the civilian population; provision of aid for

victims; and efforts to secure international cooperation. The agreement also provides for the training of personnel and the funding of work to defuse and remove mines deployed near the high-tension pylons of the Peruvian electricity grid. These mines are a threat to the civilian population because of their proximity to towns and villages, agricultural areas, pastureland and schools.

During the second quarter of this year it is planned to demine 350 high-tension pylons belonging to the State company ETECEN. The work will be done by the Peruvian national police in the Tumbes and Sullana areas on the Peruvian side of the border with Ecuador.

These major operations which remain to be carried out will be greatly facilitated by the establishment of the *Centro Peruano de Acción contra las Minas Antipersonal* (Peruvian centre for action against anti-personnel mines — *Contraminas*), whose main tasks will include promoting and fully implementing the 1997 Ottawa treaty, proposing and supporting national legislation in this area, and drawing up a plan of comprehensive action against anti-personnel mines.

Compatibility study

The Peruvian government is committed to the objectives of its Committee, which are as follows:

- to promote compliance with IHL on the national level (by conducting studies and making recommendations with a view to adaptation of the rules laid down by the State); and
- encouraging the dissemination of the rules and principles of IHL.

The Committee was set up only nine months ago and so is still relatively recent. At the outset it adopted regulations and a plan of work. Its priorities are as follows:

- legislation relating to anti-personnel mines;
- guarantees of protection (of persons, property, procedures, zones, emblems and signs);
- units and transports, property/siting, military tactics and weapons;
- police operations;
- training in IHL for the armed forces and police;
- grave breaches of IHL;

- dissemination of IHL;
- work carried out together with humanitarian organizations.

The Committee began by drawing up a draft law intended to bring criminal legislation into line with Article 9 of the 1997 Ottawa treaty.

In parallel, IHL will be disseminated within the armed forces and the police, with whom the Committee has already made contact, and in civil society, which will learn about this body of law for the first time. First and foremost, however, the population must be informed about the danger represented by high-tension pylons because of the mines planted around them.

The next matter on the agenda is the adaptation of our national legislation to the international rules contained in the 1949 Geneva Conventions and their 1977 Additional Protocols.

Importance of the compatibility study

As for the matter that the Peruvian Committee has been mandated to deal with, it is obviously of the utmost importance that studies be carried out on the compatibility of national law with IHL so that the Committees in different countries can organize their activities.

It is, of course, necessary to conduct a study before setting up a National Committee, but it is even more essential, from the practical viewpoint, to determine what obligations the State has incurred with respect to IHL and to what extent this body of law applies to national realities, so as to assess those obligations and begin work on the implementation process.

A research paper entitled *Encuentros y Desencuentros* (conformities and divergences) was prepared in Peru by Ms Elizabeth Salmón Gárate, under the auspices of the ICRC.¹ This most valuable document, which indicates the degree of compatibility between the Peruvian legal regime and international humanitarian rules, made it easier for us to adapt our legislation to the more than 600 articles contained in the IHL treaties. As I mentioned previously, the Committee began by tackling the legislation on anti-personnel mines.

¹ Elizabeth Salmón Gárate, *Encuentros y Desencuentros: El Perú y el Derecho Internacional Humanitario*, ICRC-Peru, 2001.

It is difficult to recommend that States which do not yet have Committees on IHL carry out a preliminary study as was the case in Peru. Indeed, every legal system is different and the situation in every country is also different. It is therefore not possible to generalize in this regard. A Committee can begin work only if it has identified the whole body of international humanitarian rules, in particular those that protect the individual, whether civilian or military, in times of civil war or international conflict.

IHL in a democracy

When a State is really determined to uphold and comply with human rights law and IHL, the adaptation of legislation is a supplementary measure. When this is not the case, such legislation sometimes proves to be a tool that is rather embarrassing for the authorities.

A Committee which encourages the implementation and dissemination of IHL must be strong and stable, and must be able to survive changes of government. Furthermore, it must have a wide range of objectives and activities, promote respect for the relevant legal rules and even make sure that they are respected.

The need to disseminate IHL

The activities of the National Committee in each country will receive support only if the inhabitants — citizens and foreign nationals, children, young people and adults — are aware of the existence of IHL, understand it and spread knowledge of its provisions. That is why this “law of war” has to be disseminated among all sectors of the population. To that end, meetings, debates and other means of reaching the general public must be organized and, within the limits of the available possibilities and resources, use must be made of the mass media, as will be done by the Peruvian Committee.

There can be no doubt that during the present meeting we shall have the opportunity to share our ideas, our objectives and our achievements, and this will be a rewarding experience for us all.

Is the International Criminal Court a topic for the National Committee on international humanitarian law or for an *ad hoc* committee?

Mr Gérard Dive

Member of the Belgian Committee

If the connection that should exist between National Committees on IHL and the 1998 Rome Statute had to be summed up in one word, it is the word “obvious” that would come to mind.

The reason is a simple one: during the coming months¹ by virtue of the Rome Statute, an international jurisdiction will be set up whose purpose is to ensure respect for the most fundamental rules of IHL; and this system will operate on the basis of the principle of complementarity,² which recognizes the primacy of the jurisdiction of national courts.

The feature common to all our National Committees is that each one is a body, usually an advisory body, responsible for examining, or verifying, the proper application of the rules of IHL in domestic law.³ The ultimate purpose of the work of the National Committees is therefore to make sure that national jurisdictions are competent to ensure respect for these essential rules in the domestic legal order, and that is precisely the principle of complementarity: guaranteeing that national courts have the capacity to ensure respect for IHL on the national territory. The ICC will have jurisdiction only if those courts are unwilling or unable⁴ to take the appropriate action, often because their country is directly involved in the armed conflict in question.

I shall approach the matter under discussion from two different angles: on the one hand, the role assigned to the National Committee; and on the other the reasons and the means available for making the National Committee the driving force or one of the driving forces in this area.

¹ At 15 January 2003, 87 States were party to the 1988 Rome Statute. The Statute entered into force on 1 July 2002. The Court's inaugural session is scheduled for 11 March 2003.

² Preamble, para. 10, and Articles 1 and 17 of the 1998 Rome Statute.

³ See *Second Regional European Meeting of National Committees and other Bodies on International Humanitarian Law. Proceedings*, ICRC, 2001.

⁴ Article 17 of the 1988 Rome Statute.

The 1998 Rome Statute: what is the role of the National Committee?

The main tasks that the National Committee can perform in regard to the implementation of the Rome Statute in domestic law can be placed in five categories: criminalization of new violations in domestic law; organization of the rules governing the competence of national courts in order to give effect to the complementarity between the ICC and those courts in the most efficient manner and thus put an end to impunity; examination of the rules of cooperation between the Court and the national authorities; assessment of the conformity of the Rome Statute with the Constitution and proposal of possible solutions in the event of incompatibility; and, finally, examination of the consequences of the rules of immunity in international law in general and in the light of the Statute, in order to determine the practical implications for domestic law.

Incorporation into domestic law of the crimes defined by international law

The aim of the 1998 Rome Statute is to establish international criminal jurisdiction and not to incriminate new acts. The task of the Court is to prosecute those accused of having committed the most serious acts designated as international crimes by previous Conventions or by custom. As mentioned earlier, however, the ICC takes action only where national courts have failed to fulfil their duty of repression.⁵ Thus it is first and foremost the responsibility of States to prosecute these crimes. For this reason, ratification of or accession to the Statute naturally prompts States to introduce these crimes into their domestic law if they want such breaches committed on their territory or by one of their citizens to be prosecuted by their own courts. This adaptation of national criminal law to the crimes covered by the Statute provides an opportunity to incorporate also all the grave breaches of IHL which are not yet included in domestic law. Here I am thinking on the one hand of the grave breaches listed in 1977 Additional Protocol I,⁶ not all of which are included in the list of war crimes appearing in the Rome Statute, and, on the other hand, the serious violations designated by the Second Protocol to the 1954 Hague Convention, adopted in 1999.⁷

⁵ Article 17 of the 1998 Rome Statute.

⁶ Article 85 of 1977 Additional Protocol I.

⁷ Article 15 of the Second Protocol to the 1954 Hague Convention, adopted at The Hague on 26 March 1999.

Complementarity of competence between national courts and the ICC

When national legislation is being adapted to the entry into force of the 1998 Rome Statute, two issues have to be examined in relation to the competence of national courts and tribunals.

First, this is the time to consider the advisability of maintaining the distinction between regimes for the repression of serious violations of IHL in the event of international and of non-international armed conflict. In the first case, the 1949 Geneva Conventions and 1977 Additional Protocol I give a list of war crimes that States must repress, while in the second case there is no such list. Article 8 of the 1998 Rome Statute changes this situation, as it considers certain acts to be war crimes — and therefore within the jurisdiction of the ICC — whether they are committed in times of international or of non-international armed conflict. However, it does not carry this principle to its logical conclusion, for the acts designated as war crimes are more numerous in international than in non-international armed conflict. It should be stressed that the decision made in Rome to maintain a distinction between the two situations was clearly a political choice and not a legal obligation.

Indeed, recent jurisprudence of the International Criminal Tribunal for the former Yugoslavia demonstrates that this distinction has lost its relevance in legal terms. In the *Tadic* case, for example, the International Criminal Tribunal cited Belgian law as evidence of a new customary rule whereby the same war crimes must be prosecuted whether they are committed in situations of international or of non-international armed conflict.

Secondly, according to the principle of complementarity established by Article 1 of the Rome Statute, the ICC will take action only when national courts fail to do so. First of all, therefore, it is up to national courts and tribunals to put an end to impunity for the most serious violations of IHL. They are particularly well placed to do this — as long as they are in a position to act at all — when the matter brought before them has a strong link with the State on which they depend. This would notably be the case if it were a question of a violation committed on the territory of the State concerned or by one of its nationals, or when the person presumed to have committed the violation is on the territory of the State concerned. But in many other situations the ICC may be in a better position than a national court to prosecute and judge a case. One basic reason for this is that the obligations relating to cooperation between States Parties and the Court are

generally much more highly developed and binding than obligations of cooperation between States when it is a State that brings the case. That is why, although ratification of the Rome Statute invites States to establish universal jurisdiction so that their courts can prosecute crimes covered by the Statute, it can be useful to set up a system whereby the competence of national courts is waived in favour of the ICC when the latter has more effective means of exercising its jurisdiction.

Article 18 of the Statute, which governs implementation of the principle of complementarity, in no way prevents a State having referred to the ICC facts brought before its own courts from choosing not to dispute the competence of the Court and to waive that of its national courts if the ICC Prosecutor decides to initiate an investigation.

Rules of cooperation between the ICC and national authorities

Article 86 of the 1998 Rome Statute creates an absolute obligation for States Parties to cooperate with the Court. In practice, this obligation requires those States to adopt detailed legislation enabling the competent legal authorities to respond in an appropriate manner to requests for cooperation addressed to them by the Court. It should also be noted that, unlike the Statutes of the International Criminal Tribunals, the Rome Statute allows States to ask the ICC to cooperate with their judicial authorities within the framework of legal proceedings brought on the national level. Here too, specific provisions should be included in domestic law to make this cooperation effective.

The 1988 Rome Statute and the Constitution

A good number of States, on ratifying or acceding to the Rome Statute, examine the compatibility of the Statute with their Constitutions. This has led some of them to carry out a systematic reform of constitutional provisions which are inconsistent with the rules contained in the Statute.

Others, however, have chosen to introduce a specific and general article into their Constitutions, stressing the obligation for the State to meet its obligations under the Statute.

A third group has decided to resolve any contradictions between the Statute and the Constitution by means of a progressive interpretation of the Constitution, which has enabled them to become party to the Rome Statute without amending their Constitutions.

Immunities, the 1998 Rome Statute and proceedings under domestic law

One of the basic questions to be asked by a State Party is whether it wishes to maintain the immunities granted by domestic law to persons occupying the highest State positions. If they do maintain such immunities, should such persons be suspected of having committed a violation within the jurisdiction of the Court, in application of the principle of complementarity they could not be prosecuted by the ICC. One way of resolving this issue would be to remove such national immunities only for the violations covered by the Rome Statute, but the Statute does not require the removal of national immunities as long as they do not prevent proceedings being brought before the ICC.

Reasons for and means of making the National Committee a driving force for implementation of the 1998 Rome Statute

Now we must examine the matter from the angle of the Committees' work in practice: why and how should the National Committee play a key role in promoting implementation of the Rome Statute?

We shall consider the primary role of the Committee, the bringing together of the relevant national authorities, and ways of making the National Committee the main body for examination and implementation of the Rome Statute.

The Committee's primary role

As emphasized earlier, for States wishing to ratify it, the Rome Statute entails amendments to their domestic law as regards implementation of IHL. And it is the National Committees that have the primary role of monitoring the process of adaptation of domestic law to bring it into line with the rules of IHL.

Bringing together the relevant national authorities

Having been established to promote national implementation of IHL, the Committees — which very often existed before the adoption of the Rome Statute — comprise representatives of all the authorities directly concerned with the ratification and implementation of the Statute (Prime Minister's office, Ministries of Justice, Foreign Affairs and National Defence). To set up an *ad hoc* commission with the task of examining the Statute would often

mean duplication of effort with the existing National Committee. Furthermore, the existing National Committee is often composed of individuals — in particular representatives of the National Red Cross or Red Crescent Society, judges, professors specializing in IHL — who can bring useful expertise to the analysis of the Statute and preparations for its incorporation into domestic law.

How can the National Committee be made the key body for examination and implementation of the Rome Statute?

Five proposals may be made in this respect.

1) Having officials responsible for the matter within the Committee

It is essential that in the course of its work the Committee be able to count on the presence — or even the active participation — of officials responsible for matters relating to the ICC within key ministries. These will usually be representatives of the Head of State or the Prime Minister and of the Ministers of Justice, Foreign Affairs and National Defence. If these officials are not already members of the Committee as representatives of their ministries or in another capacity, they should be invited either as experts or as members of a working group set up by and within the Committee and specifically in charge of matters pertaining to the Rome Statute.

2) Securing the support of the political authorities

To ensure that the political authorities (often the Minister in person or his/her advisers) support the Committee or at least allow it to take charge of matters relating to the ICC, it is important (especially when the political authority in person is not present within the Committee) to specify that the Committee's mandate is to carry out a *technical* analysis of the Rome Statute and to propose *technical* solutions allowing its implementation in domestic law. In some cases, the Committee can even put forward different technical options to this end, when these various possibilities represent different political choices.⁸

⁸ There are various possibilities for resolving contradictions between the Rome Statute and the Constitution: a broad and progressive interpretation of the Constitution, or the drafting of a single article for introduction into the Constitution, or the drafting of amendments to all the articles in the Constitution in which such contradictions appear.

The main thing is that the Committee must stress that it is only engaged in preparatory work and seeking technical solutions, and that decisions remain entirely in the hands of the relevant political authority.

3) Using the expertise of IHL practitioners and theorists

When it comes to a matter as complex as that of the ICC, it is essential that in the course of its work the Committee be able to count on the expertise of practitioners such as judges (responsible for applying the law) or the Public Prosecutor (responsible for prosecutions) on the one hand, and on the other of legal specialists (professors specializing in international criminal law or IHL), who are very useful for shedding light on all aspects of the matter from the technical standpoint. If the structure of the Committee does not allow the participation of such experts, there are two other possibilities for taking advantage of their expertise: a working group in charge of the Rome Statute can be set up; or the Committee can organize a day of study on the Statute and invite the experts to speak, or even to present drafts and lead discussions on them.

4) Forestalling political difficulties

To avoid a situation in which the political authorities dismiss the work of the Committee as a whole because it has made a proposal on a specific point — such as the amendment of the Constitution, the removal of an immunity or the establishment of universal jurisdiction — which is deemed unacceptable by the political authorities, this type of political difficulty should be identified and several different technical solutions proposed, each accompanied by a technical justification corresponding to the various political options that might be envisaged to resolve the difficulty concerned. For example, with regard to jurisdiction, if this is a politically sensitive issue for the decision-making authority (government or parliament), it is preferable for the Committee to propose several solutions (universal jurisdiction with or without linkages of territoriality or nationality, the possibility of waiving jurisdiction in favour of other foreign jurisdictions or of the ICC, etc.). This will leave the political authorities free to choose the technical option they find most appropriate, without discrediting or rejecting the work of the Committee.

5) Ensuring rapid progress

If the Committee is to be the key body in the preparation of implementing legislation for the Rome Statute, it is vital for it to be proactive and to be the

first to present drafts to the political authorities, so that the latter can proceed rapidly to ratification of the Statute and appropriate adaptation of its national regime for the repression of serious violations of IHL and of the rules governing cooperation between the national authorities and the ICC.

To conclude, as asserted at the beginning of this talk, the role to be played by National Committees in the examination and implementation of the Rome Statute appears perfectly obvious.

Is the Committee's role to disseminate international humanitarian law or to encourage others to do so?

Ms Helen Upton

Member of the United Kingdom Committee

I would like to begin by saying that I am very pleased to have been asked to say a few words today on the subject of dissemination of IHL and the role of the National Committees in this regard. I will try to describe the practice of the UK Committee in relation to the matter that we are considering this afternoon, that is, whether Committees should disseminate knowledge of IHL themselves or encourage others to do so.

I shall start by giving a brief overview of the United Kingdom (UK) National Committee, followed by some practical examples of its work in the area of dissemination. I shall then compare the advantages of the two approaches suggested to us at this meeting, and end with some comments on the current emphasis of the UK Committee. I shall try to keep this presentation as short as possible, because the most valuable feature of this round table will naturally be the sharing of ideas between all the different Committees.

The UK Committee was established in 1999. It is composed of members of government departments responsible for matters relating to IHL. These include representatives of the Ministry of Defence, the Home Office and the Department for International Development. The Foreign and Commonwealth Office chairs the Committee and coordinates its meetings. Representatives of the army, navy and air force legal services are also members, together with representatives of the British Red Cross. The Committee meets about once a year and there have been three meetings so far. There is also a sub-committee on dissemination, to which I will refer later, and a sub-committee working on Part I of the Plan of Action of the 27th International Conference of the Red Cross and Red Crescent.

The main objective of the UK Committee is to examine and coordinate government policy with regard to IHL. Work in this area necessarily creates an overlap between the functions of different departments. For example, work in the field of dissemination involves the Departments of Education,

Health and Defence and the Foreign Office. Our purpose is to coordinate activities relating to IHL carried out by different government departments, including coordination of developments in the law and national implementation measures. As we see it, the development of IHL raises both policy and legal issues and therefore needs to be considered from both of these perspectives. The Committee's work and its composition reflect this dual approach.

Among the roles of the UK Committee, the promotion and dissemination of IHL among the armed forces and other sectors of the population is a top priority. Indeed, the Committee recognizes that spreading knowledge of IHL is an essential factor in ensuring its effective application. This priority reflects the guidelines given in the principles for establishing National Committees, which mention dissemination as a crucial objective. It also corresponds to the important obligation of States party to the 1949 Geneva Conventions and their 1977 Additional Protocols to disseminate information on humanitarian law among both the armed forces and the civilian population.

Now I shall turn to the UK Committee's work in the field of dissemination. During the Committee's second meeting, it identified the initiatives to be taken in this regard and decided to set up a sub-committee to take them forward. This sub-committee has the task of considering dissemination in relation to certain population groups such as civil servants, journalists, NGOs, health workers, the judiciary and the armed forces.

Among the most notable results we have achieved in the field of dissemination, I would mention first of all the inclusion of IHL modules in training courses for diplomats, civil servants and government lawyers. Members of the Committee are currently organizing at our civil service college a full course on IHL especially designed for government lawyers. We have found that it is helpful to link training to key events in the area of implementation, such as the United Kingdom's ratification of the 1998 Rome Statute, so as to capitalize on increased awareness and interest in IHL issues. Members of the Committee have also been involved in drafting and commenting on a tri-service handbook on IHL for members of all three armed forces. It is intended that the handbook will constitute a comprehensive guide for application of IHL in the field. Finally, the Foreign Office has published a brochure on IHL which has been widely distributed within government departments and outside.

The brochure summarizes the main principles of IHL and sets out the relevant basic obligations.

These are some examples of the dissemination projects with which members of the UK Committee have been involved and, with these in mind, I shall now go on to consider the issue we are addressing today.

The Committee's main purpose is to ensure that obligations in the area of dissemination are met, whether the Committee disseminates the information itself or whether it encourages others to do so. Either of these two methods may be appropriate, depending on each individual Committee's resources, the time and expertise available to it, and its view of the priority that should be given to dissemination work in the circumstances prevailing in its own country. Indeed, what is best practice for one Committee may not be for another, and each Committee should be encouraged to discover and apply whichever method suits it best. There could be a combination of methods; for example a Committee may focus on encouraging others to conduct dissemination activities but nevertheless organize an annual event in its own name.

It is, however, worth considering the respective advantages of the two approaches.

If the Committee spreads knowledge of IHL itself, its public profile will be raised. This may have a beneficial impact on its effectiveness in achieving other objectives, such as the national implementation of international measures. It could develop its own pool of experts and forge a recognizable identity for itself, which could lead members of the Committee to become more closely involved with IHL and increase their motivation for their work within the Committee. Once again, this will depend on the priority given to dissemination activities. If a government has not fulfilled its basic obligations under international IHL treaties, this may be a more important task for the Committee to address. If, on the other hand, a State has already adopted national implementation measures, its Committee will be able to devote more resources to training and dissemination. There is, however, the possibility that this approach — whereby the Committee disseminates information itself — may lead to the duplication of effort and of skills that already exist in other bodies working in the area of IHL.

Let us look now at the approach whereby the Committee encourages others to disseminate IHL. This approach has the advantage of using the valuable experience of others, such as National Red Cross or Red Crescent Societies, which avoids duplication of resources. In addition, it makes it possible to reach a wider audience by using a range of different institutions engaged in dissemination activities. Links with academic circles may also favour further development of the law.

In the light of the experience of the UK Committee, it is clear that the main emphasis so far has been to encourage others to disseminate IHL rather than to engage in dissemination activities in the Committee's own name, despite the fact that most such activities have been carried out by individual members of the Committee as part of dissemination projects conducted within their own government departments.

For example, members of the Committee representing the army, navy and air force legal services report to the sub-committee on dissemination specifically on the subject of training for the armed forces. Those same members assist in organizing training for military personnel and play a key role in ensuring that all levels of the armed forces are aware of the importance of instruction in IHL.

The result of the UK Committee's current emphasis has been that its dissemination activities to date have mainly targeted civil servants and members of the armed forces — reflecting the composition of the Committee — who carry out dissemination activities in their own government departments. Because these groups are more directly concerned with IHL, training for them will remain a priority over training for other groups.

As dissemination work has focused on training for these two groups, it would now be useful for the UK Committee to consider in more detail how to reach a wider audience. In this respect, it is keen to explore new opportunities for supporting training activities carried out by other bodies, in particular the British Red Cross. This would greatly assist us in attaining our objective of disseminating information among other sectors of the population. It would also help the Committee to consider other priorities for implementing IHL, while retaining a general supervisory role to ensure that essential work on dissemination continues to be carried out properly.

In conclusion, I very much look forward to hearing the views of other participants, to sharing their experiences, and to learning about the aspirations of other Committees in the area of dissemination of IHL. I would also like to thank the ICRC for organizing this meeting and for providing us with this opportunity for exchanging ideas.

Summary of the discussions: Main activities of Committees

Mr Michael Bothe (President of the German Committee) highlighted the links between the compatibility of international law with domestic law and the system of exchanging information on the implementation of IHL.

In Mr Bothe's view, carrying out a comparative study between international law and domestic law was one of the most basic duties of States wishing to fulfil their international obligations. Embarking on an analysis of its national legislation was a token of good faith with regard to implementation of and respect for international law. Such an analysis should normally be carried out before the State incurs an obligation; very often, however, that was only possible when the scope of the obligation was clearly defined.

The compatibility of the domestic legal order with international law was far from being automatic. Mr Bothe shared the opinion expressed by the representatives of the Peruvian Committee, who stated that, as in a good number of States the status of international law was defined in the Constitution, that law was automatically incorporated into national legislation. Indeed, some Constitutions gave international law precedence over the Constitution or national legislation. In certain cases, the status of international law was equivalent to that of national legislation. In other legal systems, however, incorporation was not possible without a specific national law. Whatever the case, the incorporation of international law did not make it automatically applicable on the national level. To be convinced that that was the case, one had only to take the example of the repression of grave breaches of the 1949 Geneva Conventions.

Mr Bothe pointed out that the provisions of the 1949 Geneva Conventions and the 1977 Additional Protocols were not directly applicable, as they required additional national legislation. This demonstrated that analysis of the requirements of international law in relation to national legislation was a very arduous task, and that if States were informed of those requirements it would be easier for them to guarantee the compatibility of their national system with international law. He concluded by asserting that, in his view, such information should take the form of a systematic sharing of national experiences in that respect.

Mr Paolo Benvenuti (President of the Italian Committee) informed the meeting that in early 2002 the Italian Military Criminal Code applicable in time of war

(promulgated by Royal Decree No. 303 of 20 February 1941) had been considerably amended in accordance with proposals put forward by the Italian Committee.

On 31 January 2002, the Italian Parliament voted in favour of Law No. 6 approving Decree No. 41 of 1 December 2001, which contained urgent provisions relating to the participation of Italian military personnel in a multinational operation in Afghanistan dubbed “Enduring Freedom”.

By virtue of Article 8 of the decree, the Military Criminal Code applicable in time of war applied to the Italian expeditionary corps. This was the first time since the Second World War that the Code was considered to be applicable to a mission carried out abroad by Italian military personnel.

While the January 2002 law approved the decree of December 2001, it also amended the above-mentioned Code. The Code had not been amended since 1941, despite major developments in IHL, except for the abolition of the death penalty (Law No. 189 of 13 October 1994). Moreover, after a long period without being applied, the Military Criminal Code could not be brought up to date without the adoption of certain essential legislative amendments.

Mr Benvenuti went on to say that some of the substantial amendments of the Criminal Code applicable in time of war corresponded partially to the solution which had already been envisaged in a previous draft bill tabled in January 1998 by the Ministries of Foreign Affairs and Justice, in agreement with the Ministry of Defence, and which concerned the adaptation of military criminal legislation to international provisions, in application of the 1977 Additional Protocols. This bill was the result of work done by the Italian Committee, composed of representatives of several ministries and of the Italian Red Cross, but it was not discussed by the Parliament of the time.

Mr Benvenuti then reviewed some of the amendments. First of all, Article 165 had been reformulated to conform to Italy’s international obligations. It provided that the rules concerning violations of the laws and customs of war would apply in all situations of armed conflict, irrespective of whether there had been a declaration of war. The two contradictory provisions relating to judicial reciprocity on the one hand, and the request of the commander-in-chief relating to the repression of violations committed by Italian nationals against the enemy State and its citizens on the other, were removed. The obsolete requirement that war had to be

declared as a condition for the applicability of military criminal law in time of war was also abolished.

Secondly, a new provision, Article 184 *bis*, criminalized the taking of hostages. Any member of the armed forces violating the prohibition on the taking of hostages was punishable by a sentence of military imprisonment for a period of two to ten years. The same punishment applied to any member of the armed forces who threatened to wound or kill a person arrested or detained for reasons unconnected with the war who was unarmed or showed no hostile intent, for the purpose of forcing him or her to hand over persons or property.

Thirdly, the new Article 185 *bis*, concerning other offences committed against persons protected by the international conventions, was an interesting final provision which left no act amounting to a violation under the international conventions unpunished. Except in cases of behaviour constituting a more serious breach defined in other provisions, any member of the armed forces who, for reasons unconnected with the war, committed any act of torture or other type of inhumane treatment, carried out illegal transfers of persons or committed any other acts prohibited by the international conventions, including biological experiments or medical procedures not justified by the state of health of the person concerned, against prisoners of war, civilians or other persons protected by the international conventions was punishable by military imprisonment for a period of two to five years. It was also interesting to note that this article at last introduced the concept of torture into the Italian legal order. According to Mr Benvenuti, the provision described above could be improved, as it covered very diverse types of unlawful behaviour and allowed for a maximum sentence of only five years.

Fourthly, Article 183 was abolished. This provided for a maximum penalty of one year's imprisonment for a commander who, in a situation where there was no imminent threat to the safety of the armed forces under his command or to the military defence of the State, ordered, without previous due process, the shooting of a person caught in the act or found guilty of espionage or of a violation of the laws and customs of war.

Other amendments had been made to the Military Criminal Code applicable in time of war, some of them indirectly concerning IHL: the amendment of Article 9 gave a more precise description of the subjective and temporal field of application of military criminal law; the concept of "allied State or State associated in the war" appearing in Article 15 was broadened to read "State associated in war operations or participating in the

same operation or the same campaign”; the concept of military offence, contained in Article 47, was radically changed; the power to lay down military rules of a legal nature (the power to decree “*bandi militari*”), which was previously granted to commanders by Articles 17 to 20, was withdrawn; the offence of “failure to comply with the provisions applicable in time of war”, appearing in Article 87, was abolished; and, finally, the offence, pronounced by the commander, of desertion, which appeared in Article 155, was also abolished.

Mr Benvenuti concluded by pointing out that the amendments described above appeared to be a first legislative stage necessary to narrow, if not to fill, the gap between the provisions of the Military Criminal Code applicable in time of war and those of IHL currently in force. Article 2 of the law specified that it was only a temporary solution adopted until the entry into force of a new organic law in this domain. That was a pragmatic promise that should be kept as early as possible by the Italian legislative authorities, and was a new task for the Italian Committee on IHL.

Mr Stelios Perrakis (President of the Greek Committee) considered that without a prior compatibility study it was impossible to have a clear view of the judicial situation of a country, and in particular of any shortcomings in the national legal order as regards the country’s international obligations. Incorporating international law into national law required a series of supportive measures. With reference to IHL, Mr Perrakis noted that international obligations tended to accumulate over time. Taking his own country as an example, he asserted that the study conducted had made it possible to clarify the situation and, on that basis, to draw up a plan of action consistent with new international obligations and with the commitment made by the Greek government during the 27th International Conference of the Red Cross and Red Crescent. The fact that such plans of action set priorities was certainly helpful, but it was up to the Committee to make a start on the work. With regard to the priorities defined within the International Red Cross and Red Crescent Movement with regard to the issue of the emblem, the ICC and the protection of cultural property, which went hand in hand with the question of dissemination, Mr Perrakis confirmed that they had been taken into account. Finally, he reasserted the need for a compatibility study as the starting point for the work of National Committees.

Turning to the matter of the ICC, the National Committee recommended the adoption of a specific law on international crimes rather than the amendment of the Criminal Code.

Mr Perrakis concluded by stressing that in the area of dissemination the Greek National Committee felt that its role was both to disseminate IHL and to encourage others to do so.

Mr Eden Charles (Coordinator of the Trinidad and Tobago Committee) emphasized that compatibility between domestic law and IHL was a matter of the utmost importance for all National Committees. In the English-speaking countries of the Caribbean, the decision to ratify or accede to an international treaty was taken by the executive. Consequently, National Committees had to examine the legislation of their respective countries to make sure that nothing could hinder the harmonious fulfilment of international obligations. Mr Charles underlined the fact that a State which became party to one of these treaties would be in an awkward situation if it suddenly found itself unable to apply the treaty's provisions in a harmonious manner. For the Trinidad and Tobago Committee and for the other Committees of the English-speaking countries of the Caribbean, therefore, compatibility between domestic law and IHL was vital.

As for the question as to whether National Committees should play a primary role with regard to the ICC, the Trinidad and Tobago Committee felt that the answer was in the affirmative, given the fact that the government actively supported the establishment of the Court. In Mr Charles' view, every National Committee had to have sufficient information to help the population at large to express its opinion on the implications of having an effective ICC which would fill the gaps left by national jurisdictions and would prosecute those accused of serious violations of international law.

On the matter of dissemination in Trinidad and Tobago, the National Committee did not have the competence to take on such a task on its own. For that reason, as well as co-opting members active in other areas, workshops had been organized, together with the Ministry of Education for example, with a view to introducing IHL into the curricula of primary and secondary schools. The Committee felt that it was crucial to spread knowledge of this body of law.

Mr Jorge Santiago Pérez (President of the Dominican Committee) stated that his comments related to the dual role of Committees in disseminating IHL and encouraging others to do so. The Dominican Committee had carried out the tasks assigned to it in both respects. The basic objective of the Committee, which had been set up in 1995, was to support the State Secretariat for Foreign Affairs — which chaired the Committee — in matters concerning the monitoring and the application of IHL. The

Committee shared this task with the State Secretariat of the Interior, which comprised units such as the air force, the navy and the national army and police. The Committee was thus involved in training activities within these official military institutions and had succeeded in having the principles of IHL included in military training and instruction. As for dissemination, the Committee had received support from the State Secretariat for Education. It requested the assistance of these authorities in carrying out studies relating to the implementation of various IHL treaties. In this regard the Committee had given priority to examination of three legal instruments with a view to presenting them before the Congress of the Dominican Republic. The treaties concerned were the 1998 Rome Statute, the 2000 Optional Protocol to the Convention on the Rights of the Child and the 1993 Chemical Weapons Convention. As for the ICC, the Committee had invited representatives of all State institutions and of civil society to take part in a seminar on the subject and to state their opinions, which would serve as a basis for the presentation to be made before Congress.

Ms Vera Duarte Lobo de Pina (Coordinator of the Cape Verde Committee) expressed her support for the idea put forward by the representative of the Belgian Committee, namely that National Committees should be encouraged to take part in discussions on whether or not their respective States should ratify the 1998 Rome Statute.

Mr Eun-Bum Choe (President of the Korean Committee) felt that the role of the National Committee with regard to the dissemination of IHL should be to serve as a centre for the coordination of such activities, as its own resources would be very limited and would not permit it to launch dissemination programmes itself.

Mr Árpád Prandler (Chairman of the Hungarian Committee) agreed with most of the other speakers that National Committees on IHL and, if need be, certain specialized commissions, should engage in as many activities as possible.

He thanked Mr Dive for his talk on the ICC and added that all Committees on IHL and some special commissions should follow the Hungarian example and play a role in this regard. He stressed the importance of enlisting the help of experts, which was often necessary in dealing with matters relating to IHL and the ICC.

Turning to the study and dissemination of IHL, Mr Prandler remarked that all Committees must both take action themselves and encourage others to

do so. He was of the opinion that compatibility studies should also be conducted by experts.

Ms Helen Upton (member of the UK Committee) replied to a question asked by the representative of the Dominican Committee as to whether it was preferable for a Committee to engage in dissemination itself or to encourage others to do so. The activities of a Committee made both options possible. Ms Upton explained that some dissemination projects had been carried out by individual Committee members acting on their own initiative in their respective departments. These activities had not been conducted on behalf of the Committee, and the latter had not exercised full control over them. Seeing this, others had been encouraged to spread knowledge of IHL in their own departments. Ms Upton stressed that the situation she had described was an example of dissemination through other people who perhaps did not qualify as “catalysts”. She also stressed that the National Committee did not focus its attention on the activities of bodies unconnected with its members, and provided them with no support.

In reply to the question asked by the Cape Verde representative, who wished to know how Committees could achieve their objectives when they met on such an irregular basis, Ms Upton said that this situation could be explained by the role of the Committees, which was not really to ensure continuity but rather to report on various matters. What the members of the Committee had to do was to pursue their activities from day to day on an individual basis, on behalf of their own departments. She also felt that the more frequently the Committees met, the more effective they were.

Mr Gérard Dive (member of the Belgian Committee) answered several questions about the ICC.

In reply to a question asked by the Mongolian representative about the cost involved in the establishment of the ICC, he said that the only answer to this was that the more numerous the States party to the 1998 Rome Statute, the lower the cost of the Court for each of them.

With regard to the crimes defined in the Statute, Mr Dive pointed out that the instrument did not require States to incorporate them just as they were into national legislation. He added, however, that if the crimes were already grave breaches of the 1949 Geneva Conventions or of their 1977 Additional Protocols, there was an obligation to incorporate them into national legislation by virtue of those instruments.

According to Mr Dive, if the National Committee was not prepared to take action on the issue of the ICC, the solution might be to entrust this

responsibility to another commission. In that case the National Committee might suggest to the authorities concerned that an *ad hoc* commission be set up with more or less the same membership as the National Committee. Indeed, a good number of the subjects tackled by the *ad hoc* commission would be the same as those dealt with by the National Committee, especially when it came to the incorporation of war crimes into national legislation. Mr Dive felt that this was the best way of avoiding overlapping in the work of the two bodies and also of minimizing costs. He added that it was important to raise the matter with the political authorities.

In response to the concern expressed by the Ivorian representative about the failure to achieve universal participation in the Statute, and about the fact that certain States showed little enthusiasm for the idea of becoming part of the mechanism of the Court, Mr Dive said that such concerns were a further reason for ratifying the Rome Statute as quickly as possible. As the Statute had been negotiated down to the smallest detail in order to ensure that the Court enjoyed maximum independence, the Court would not become an instrument in the hands of one or several States: this was ruled out by the Statute. Finally, if it were recognized by a large number of small States it would gradually become fully universal, and this would prevent certain States from “playing policeman”.

As for the question asked by the representative of Cape Verde about the legislative implications of ratifying the Rome Statute, Mr Dive asserted that this could offer an opportunity not to amend certain articles of the criminal code but rather to establish, where this had not already been done, a real body of humanitarian law, which could be called “special humanitarian legislation” or “code of humanitarian law”. In Mr Dive’s opinion, ratification of the Statute had five implications for the State:

- 1) the obligation to cooperate with the Court when the latter so requested (for example, by collecting evidence or by seizing the property of persons found guilty in order to compensate the victims); Mr Dive pointed out that the new element introduced by the Statute as compared with the *ad hoc* tribunals was that it provided for reparation to victims, which would require broad cooperation;
- 2) active participation in the Assembly of States Parties, which was what gave life to the Statute and could lead to its development through review conferences, the first of which was scheduled for seven years after the Statute’s entry into force (a period during which thought could be given to the definition of the crime of aggression, a

definition which was to be introduced into the Statute during the first review conference at soonest);

- 3) the need to ratify the Statute because the countdown for the review conference could begin only once the Statute entered into force, and this held up the adoption of a definition of the crime of aggression which would allow the Court to take cognizance of that crime;
- 4) the financing of the Assembly of States party to the Rome Statute (here Mr Dive mentioned that if every State repressed, on the national level, the crimes listed in the Statute, the Court would have less to do and its costs would be correspondingly lower; there was therefore a real link between the introduction of incrimination into national legislation and the ultimate cost of financing the Court); and
- 5) the last practical consequence, the provision of information to the Court. Mr Dive stressed that it was not necessary for a State to wait for the Court to ask for its cooperation; if it had useful information in its possession (deriving from any official authority), it had to communicate it to the Court.

Mr François Bugnion (Director for International Law and Communication, ICRC) replied to several questions raised by the representatives of Committees. First of all he pointed out that, as had already been mentioned, the National Committees had a range of different activities. Some of these activities were common to them all, while others were specific to the situation in the country concerned. However, certain tasks were necessarily common to all the Committees and should be regarded as priorities by Committees just starting their work. Those priorities were adherence to the instruments of international law, adaptation of national legislation, and the encouragement of dissemination activities. Mr Bugnion felt that these three tasks were certainly common to all National Committees.

As for the problem raised by the Philippine representative about violations of IHL and human rights law, the situation in her country obviously gave rise to extensive overlapping of the two bodies of law (which meant that some offences could be violations of both). Mr Bugnion explained that there could be no respect for human rights in time of war if humanitarian law itself were not respected.

Mr Bugnion then turned to the question asked by the Korean representative about the compatibility between domestic law and international law. Although the Constitution stipulated that all treaties in force automatically formed part of domestic law, that did not necessarily

guarantee that international obligations were duly incorporated into that law. Mr Bothe had mentioned the need to have provisions on the repression of war crimes. According to the 1949 Geneva Conventions, States Parties were under an obligation to adopt the necessary legislation and to prosecute war criminals. The Conventions did not, however, specify the penalties to be imposed for such crimes. That was a task for national legislation and the incorporation process could not be avoided.

With regard to the question raised by the Ivorian representative as to whether a small country should ratify the ICC Statute, given that certain large countries had no intention of doing so or were even opposed to it, Mr Bugnion said that he entirely shared the view expressed by the Belgian representative, Mr Dive. In Mr Bugnion's opinion, experience had shown that it was small countries that ultimately had most to gain from the strengthening of mechanisms intended to ensure respect for the law, even when the great powers — or some of them — were sending out no positive signals in that regard. He mentioned the importance of bearing in mind that matters not settled by the law were settled by force, and that in a trial of strength the smallest were always the losers, on the international scene as in other contexts.

Mr José Luis Pérez Sánchez-Cerro (Vice-President of the Peruvian Committee) came back to the point raised by the German representative in connection with the fact that human rights treaties automatically formed part of the Peruvian legal order once the necessary procedure had been completed. It was not enough for a treaty to be signed; Congress had to approve it, the executive had to ratify it and the instrument of ratification had to be filed with the depositary. Once this process had been completed the treaty in question was fully incorporated into national legislation, to such an extent that national judges could base their decisions exclusively on the terms of treaties to which the State was party and those decisions became part of case law. The speaker also mentioned that Peru was undergoing a process of constitutional reform which tended to confirm the supremacy of treaties over laws, that is, to endow them with constitutional status. This process had a pyramidal structure, in accordance with pure legal theory, with human rights at the apex. He added that the Constitutional Committee set up by Congress had strongly asserted that treaties took precedence over national laws. Peru, like almost every other country in the world, was a signatory to the Vienna Convention on the Law of Treaties and was therefore committed to respecting those treaties both vis-à-vis other countries and in its national legislation. He added that a few days previously he had been in Mexico to take part in a Latin-American regional meeting on the ICC, and

stressed the fact that Peru was one of six Latin-American countries out of 31 to have signed and ratified the 1998 Rome Statute and to have adapted its legislation, its criminal codes and its Constitution accordingly. In many countries — and not only in Latin America, where almost all States had signed the Rome Statute but had but not ratified it — when the motivation behind the law was the desire for justice, it was easier to work in a flexible manner, with greater diligence and commitment, in an effort to adhere to those principles. When, on the other hand, the motivation behind the law was politics, the ratification process became bogged down, as was sometimes the case with the ICC Statute.

D. A wider range of topics and a greater role for the Committees

Rules on the use of weapons: What functions can a Committee perform?

Ms Maj Johansson

President of the Swedish Committee

As Director and Head of the Legal Department of the Swedish Ministry of Defence, I have presided over the Swedish Total Defence Council for Humanitarian Law (hereinafter “the Committee”) since 1998. The Committee was set up in 1991 and comprises representatives of the Ministry of Defence, the Ministry of Foreign Affairs, the Commander-in-Chief of the armed forces, the Swedish Agency for Civil Emergency Planning, the National Defence College, the Swedish Rescue Services Agency, the National Board of Health and Welfare, the National Service Administration and the Swedish Red Cross. The Committee is responsible for following developments in IHL. In addition, as the body responsible for coordination and development for the total defence authorities, it focuses more particularly on matters relating to information and education. Finally, the Committee takes the initiative in promoting the development, dissemination and application of the provisions of IHL within the Swedish total defence sector.

However, the Committee has no official function with regard to arms control. A special body — the Swedish Delegation for International Humanitarian Law Monitoring of Arms Projects — was established for this purpose as early as 1974. Sweden set up this special body in order to ensure that the weapons and methods used by the Swedish armed forces did not violate its international obligations.

The Swedish government designates the members of the Delegation, which comprises experts in international and national law, military and medical experts, and experts in arms technology.¹ The Delegation is an independent institution and is not part of the government or the armed

¹ At present the Surgeon-General, the Chief Engineer and representatives of the Ministry of Defence, the armed forces and the Ministry of Foreign Affairs.

forces. Its decisions are taken by consensus and on its own responsibility. At present representatives of the Ministry of Defence hold the chair and provide the secretariat. Meetings are held three or four times a year.

The armed forces, the Defence Materiel Administration and the Swedish Defence Research Agency are required to notify the Delegation of all new “mainly anti-personnel” weapons. According to its Chairman, “mainly” is to be interpreted in a broad sense and any weapon which could give rise to questions of legality must be scrutinized. Furthermore, the Delegation has a right of initiative if it becomes aware of any weapon it wishes to check, and it has also addressed general requests for information to relevant institutions. It inspects all weapons used in Sweden, including those used by the police and coastguards.

It does not, however, review weapons that are meant only for export and are not used in Sweden. Export contracts have to be approved by the National Inspectorate of Strategic Products.

The Delegation cannot halt the production of a weapon, but it can inform the government of any circumstance that has prompted questions or raised doubts during an inspection, or can notify a weapon that has not been reviewed. The Defence Materiel Administration is involved in the development of almost all weapons used in Sweden, which means almost all the weapons produced, as very few are manufactured only for export. Obviously, the Delegation can also review weapons acquired by the armed forces without the involvement of the Materiel Command of the Armed Forces; these would be mainly weapons bought outside Sweden. As most of the weapons used in Sweden are also produced in Sweden, the review is conducted at production stage. The Delegation can request further information from any relevant body, especially other State institutions and independent experts within or outside Sweden.

Like all authorities in Sweden, the Delegation is subject to the Freedom of the Press Act and its provisions relating to the public nature of documents, which allow general and anonymous requests for access to information. All its documents have to be registered and the register is open to the public. Appeals against its decisions can be addressed to the government.

This is one example of how a National Committee can perform certain functions in the area of arms control. I conclude by stressing the fact that there are many similarities between the National Committee on IHL and the arms control body. They both deal with issues concerning IHL. They both comprise representatives of various ministries and agencies who are

appointed by decree. They are both headed by representatives of the Ministry of Defence but work independently of the government, and, finally, they both hold meetings about four times a year. Despite these similarities, so far there has been no official contact between the Committee on IHL and the arms control body. This is obviously a situation which should be remedied in the future. For the time being it is most useful for the Committee to be kept informed of the work of the arms control body and, if necessary, to be able to offer its opinions.

Protecting cultural property in the event of armed conflict: How can national coordination be enhanced through a Committee?

General Álvaro Rivera Alemán
Member of the Salvadoran Committee

On behalf of the government of the Republic of El Salvador, I would like to say how pleased I am to take part in this meeting of representatives of National Committees on IHL, which will allow us to take stock of the objectives achieved and to establish plans of action for continued efforts to promote the application of this body of law.

I also take this opportunity to stress that El Salvador is a country which is striving to implement its peace agreements and which is currently working to establish sustainable development, a culture of peace, democracy, Central American integration and international globalization.

The implementation of IHL within the country is an integral part of the Constitution of the Republic and of El Salvador's foreign policy, which are both centred on the individual. Among the main principles of this policy are the peaceful settlement of disputes through the means and mechanisms provided for in international law, and a commitment to establishing and maintaining international peace and security.

In this regard, it should be recalled that El Salvador is a party to the 1949 Geneva Conventions and their 1977 Additional Protocols, to the 1972 Biological Weapons Convention, to the 1980 Convention on Certain Conventional Weapons and its Protocols, to the 1993 Chemical Weapons Convention and to the 1997 Ottawa treaty.

In November 1977, in order to meet its commitments in an appropriate manner, El Salvador issued an executive decree establishing its National Committee on IHL.

This national advisory body offers assistance to the government on all matters pertaining to treaties, implementation measures and dissemination of this body of law. Composed of representatives of the Ministries of Foreign Affairs, Defence, Education, the Interior, Public Health and Social Welfare, together with other institutions, it is coordinated by the Ministry of Foreign Affairs and its operation is governed by internal regulations.

In practical terms, the Committee works through sub-committees which are active in the areas of legislation, dissemination and training, and also in the area of the protection and management of cultural property, special priority being accorded to the 1954 Hague Convention, to which El Salvador has been a party since March 2001.

In that regard I am pleased to inform you that the Committee has embarked upon the process of identifying and drawing up an inventory of cultural property so that it can be marked with the protective emblem. Doing this in peacetime not only affords protection to such property in the event of war but also raises the population's awareness of the value of the cultural property that surrounds it and thus promotes a culture of respect for and appreciation of the country's historical heritage.

The Committee has achieved positive results, especially in areas such as the dissemination of the 1954 Convention and its Protocols and the training of members of the armed forces and of cultural centres to promote implementation of the Convention. It has also carried out a study on the legislation relating to the protection of cultural property that is currently in force.

I am happy to inform you that on 8 December 2001 the Vice-President of the Republic inaugurated the process of identification of cultural objects at the Joya de Cerén archeological site, in the presence of Mr Thierry Meyrat, the ICRC regional delegate. This gem of Mayan culture is an historical site that has been registered in the World Heritage List of the United Nations Educational, Scientific and Cultural Organization (UNESCO). With a view to raising awareness of the value and importance to humanity of the cultural property and the heritage of all peoples, the Committee has also published an educational version of the 1954 Hague Convention and its Protocols.

Among other achievements on the national level I would mention the planned reform of the Military Justice Code and the Criminal Code in order to include provisions relating to violations of IHL, and the running of training programmes on IHL for members of the armed forces and the civil police.

This meeting also provides an opportunity to highlight the fact that the Salvadoran armed forces play an active part in the application and dissemination of IHL. Indeed, the Department of Human Rights, itself attached to the Department of Legal Affairs, forms part of the structure of the Ministry of National Defence.

Furthermore, as the system of instruction which governs training for members of the armed forces focuses on the pre-eminence of human dignity, democratic values and respect for human rights, IHL is becoming an increasingly important priority among the subjects on the curriculum.

It was in this spirit that under the auspices of the Human Rights Section of the United Nations Observer Mission the following two works were published: *Doctrina Militar y Relaciones Ejército Sociedad* (Military doctrine and relations between the army and society) and *Relaciones Civiles Militares en el Nuevo Marco Internacional* (Relations between civil society and the military in the new world order).

Between 1997 and the present, and with the support of the ICRC, some 12,000 members of the armed forces — senior officers, non-commissioned officers, soldiers and administrative personnel — have received training through courses or seminars.

It is also important to draw attention to the use of the armed forces' Computerized Centre for Tactical Training in the organization in July 2000 of the first international armed conflict simulation exercise on the application of IHL in Central America and the Caribbean. The exercise was conducted for officers from Costa Rica, El Salvador, the United States, Guatemala, Honduras, Mexico, Nicaragua, Panama and the Dominican Republic.

In view of the success of that event, the experience is likely to be repeated, in particular to make IHL better known in the participating countries.

Some of the results achieved by the National Committee and the armed forces would not have been possible without the invaluable support of the ICRC. The activities of this organization in the areas of protection and assistance are vital for countless individuals the world over.

I would like to stress once again that, thanks to the work done by its National Committee, El Salvador fulfils the commitments made by the government of the Republic with regard to IHL. More specifically, the Committee has set itself three major objectives in the area of the protection of cultural property:

- to complete the guidelines for the identification of cultural property and to set up local committees with the task of ensuring that they are followed;
- to support the process of keeping a register of the cultural property inventorized in the country;
- to continue to develop training activities.

The role played by National Committees with regard to the protection of cultural property must be limited to determining courses of action and conducting certain activities on the national level. Apart from that, responsibility for protecting cultural property lies with local players, beneficiaries, protagonists and those who create the cultural heritage of their respective communities.

In conclusion I would like to say how encouraging it is to see the interest shown in IHL as an instrument that makes it possible to prevent and put a stop to violence, and to observe that it applies to all the different situations faced by societies around the world.

Developing and calling for respect for the law: What can a Committee do?

Mr Iskander Ghattas

Secretary-General of the Egyptian Committee

Role of National Committees

The establishment of national bodies for the defence and promotion of IHL is seen by the authorities concerned as a pressing need in order to meet the challenge of fully implementing this body of law. The national bodies which have been set up to that end and which carry out a range of tasks, depending on the circumstances, all pursue the same objective, and this justifies their being designated as “National Committees on IHL”.

Indeed, the implementation of IHL is a real challenge. This challenge was taken up by the participants in the 26th International Conference of the Red Cross and Red Crescent, who adopted the slogan “from law to action”, meaning that practical measures had to be taken to ensure better application and strict compliance with the rules of IHL, a reflection of the commitment made by the States party to the 1949 Geneva Conventions to “respect and ensure respect for” IHL (common Article 1).

Similarly, it became clear that the implementation of IHL was not a temporary task performed at a given moment in time, but one that demanded permanent effort. That effort in its turn gave rise to the need for an official structure such as a National Committee, a consultative body made up of experts in IHL. These National Committees, however, are not all cast in the same mould. They vary in accordance with the cultural, judicial, economic and political circumstances of each State.

The promotion of IHL — the basic mission of the National Committees — involves two main objectives, that is, the participation of States in the instruments of IHL and the implementation of those instruments on the national level.

Participation of States in the instruments of IHL

This activity can take the form of providing support for the authorities in defining the position of the country concerned during diplomatic negotiations with a view to the adoption of international conventions

and to their ratification, implementation and incorporation into domestic legislation and regulations.

The first interministerial Committees dealing specifically with IHL were set up following the adoption of the 1977 Additional Protocols, and were composed essentially of members who had taken part in the negotiation of those texts. Practice has shown that States which have such Committees have made more substantial progress in the implementation of IHL than have other States which are party to the same treaties but have not established such Committees.

National implementation of the instruments of IHL

The 1993 International Conference for the Protection of War Victims requested that an intergovernmental group of experts be set up to seek practical ways of promoting full respect for IHL and the application of its rules. A meeting was accordingly held in Geneva in January 1995; one of its recommendations was that National Committees be established “to advise and assist governments in implementing and disseminating IHL”.

As the ICRC emphasizes, one of the worst enemies of the Geneva Conventions is ignorance. That is why one of the first duties of National Committees was to promote a “culture of peace, by engaging in efforts to raise awareness of the provisions of IHL and their lofty aspirations through the media and by means of education and training programmes”.

Implementation of IHL, the primary task of National Committees, by its very nature requires the involvement of government bodies with expertise in various spheres, and regular consultation and cooperation on the national level, to ensure that governments are in a position fully to meet their international obligations.

That means having clearly defined plans, programmes and projects, with explicit priorities and the requisite political will, all indispensable conditions for mobilizing the necessary human, technical and financial resources.

In this context, National Committees must endeavour to establish close cooperation with the various parties concerned and to create synergy between the relevant political and social forces. Furthermore, they must be ready to fulfil any other function entrusted to them by governments in connection with the obligations incumbent on all States party to international agreements on IHL.

The implementation of IHL presupposes the establishment of a list of measures that States have to take on the national level in order to meet their obligations. To facilitate this process the ICRC has drawn up an indicative list of the provisions of the 1949 Geneva Conventions and their 1977 Additional Protocols which require such measures. Obviously, many rules of IHL must be complied with on the domestic level without being the subject of national legislative measures (directly applicable rules). Others require action on the part of the government or parliament to be included in the State's legislation; this is the case in particular for legal provisions relating to misuse of the red cross or red crescent emblems and to criminal sanctions for violations of IHL.

The National Committees are invited to draw up a list of legislative measures and regulations which merit special attention. Some Committees decide to deal separately with matters relating to civilians and those relating to the armed forces.

Some States have incorporated the provisions of IHL in military handbooks in addition to efforts made on the legislative level. Particular attention should be paid to criminal legislation so as to harmonize it with the obligations stemming from the humanitarian treaties and thus to ensure the compatibility of the domestic legal order with international obligations.

It should be remembered, however, that implementation is not limited to this intensive and prolific legislative activity; it has to be accompanied by equally intensive and large-scale efforts in the areas of awareness-raising, training and education, especially among the categories of individuals directly concerned with IHL.

Another point to be stressed is the importance of the financial resources to be made available to the National Committee in order to facilitate its operation and to guarantee its autonomy. The Committee should have its own budget which should be sufficient to cover the tasks it is called upon to perform.

Matters requiring further study

- 1) What means are available to the National Committees to strengthen their role and enable them to help States define their position in all areas relating to IHL, whether during diplomatic negotiations or at meetings organized by regional or international organizations?

The effectiveness of a National Committee within a State depends on several local factors, both socioeconomic and political. Judicious selection

of the members of the Committee and the participation of representatives of the government bodies most closely concerned with IHL will make a positive contribution to the Committee's influence and to the credibility of its activities.

Each National Committee should draw up a yearly plan of action taking into account, among other things, various national, regional and international measures for implementation of IHL, and more particularly the activities under way within international bodies.

With a view to increasing its potential as a State advisory body, the National Committee should set up working groups responsible for examining issues relating to IHL, in particular those concerning international instruments under negotiation or in the process of ratification, and for informing the government of the appropriate position to be taken in that regard.

Considerable importance must be attached to cooperation between National Committees within the same region because of the probable similarities of the legal systems and the social, cultural, economic and political contexts of the countries concerned. There are many mechanisms for regional cooperation: regional meetings or seminars constitute an appropriate forum for the exchange of experiences and for the definition of a common position. In addition, the regular exchange of information, visits by experts of one Committee to other Committees concerned and the setting-up of working groups on specific subjects will make a significant contribution to increasing the recognition accorded to National Committees on the local, regional and international levels. It is highly desirable that such regional exchanges take place on a regular basis.

- 2) Is it possible for a National Committee to act as the guarantor of the application of and respect for IHL by the State and by other States in relation, for example, to the use of the emblem or the repression of violations of IHL and of war crimes?

National Committees have a recognized function of evaluating on a permanent basis what has been done and what remains to be done. They may also be entrusted with the task of monitoring respect for IHL, that is, detecting violations of this body of law and proposing to the authorities concerned the measures required to remedy the situation. This function could also be fulfilled by promoting coordination between the different government bodies in order to avoid any such violations.

Where the Committee's membership is representative of the government departments with responsibility for IHL, this enhances its credibility and dissipates any shadow of doubt about its activities. Thus the Committee could play, on its own level, a role as "custodian" of IHL in a State anxious to meet its international commitments and ensure respect for international law.

- 3) Can a National Committee go as far as calling on the country's authorities to take action, whether publicly or bilaterally, in the face of violations of IHL committed by other States?

The International Conference on Human Rights that took place in Teheran in 1968 denounced the fact that "States parties to the Red Cross Geneva Conventions sometimes fail to appreciate their responsibility to take steps to ensure the respect of these humanitarian rules in all circumstances by other States, even if they are not themselves directly involved in an armed conflict".

Faced with grave and repeated breaches of IHL, for example during the Iran-Iraq war or in the occupied Palestinian territories, the ICRC has made countless representations demanding a stop to such violations. National Committees should also have this power of protest in the event of violations of IHL, as well as the possibility of raising any problems relating to humanitarian emergencies and of exchanging information on ways of resolving such problems.

In fact the National Committee, as a well-balanced representative of government bodies and civil society, should strive to cooperate closely with the relevant government departments so as to make sure that the State and other States fulfil their international obligations with regard to IHL. The Committee should offer its services to the government on an entirely objective basis to assist it in defining its policy in this respect, to act as its primary interlocutor on everything relating to IHL, and to help it prevent any violation.

- 4) Should a National Committee wait to be approached by its country's authorities or use its power of initiative?

The ICRC's right of initiative is defined as the right to approach a State Party with a proposal to conduct humanitarian activities in behalf of victims. Similarly, the Guiding Principles concerning the Status and Role of National Institutions for the Protection and Promotion of Human Rights recognize that such institutions have "the power to hear a matter without

higher referral” and that they may provide advice, recommendations, proposals and reports on any issue concerning the protection and promotion of human rights. They are therefore entitled to decide to take up any violation of human rights and to propose any measures designed to put an end to it.

What is the situation with regard to the National Committees on IHL? The reply to this question depends on the particular circumstances of each country. In France, for example, the National Consultative Committee for Human Rights, which is also in charge of IHL, has a power of initiative or a “faculty of self-referral”. It is unanimously stressed that the National Committees on IHL must have the power to follow up the implementation of their recommendations, a power paralleled by the recognition of a certain freedom of action that allows them to take initiatives and thus avoid becoming no more than a sterile bureaucracy. The National Committees should therefore have the power to make proposals or take initiatives, especially in the matter of legislation.

This new function of National Committees will be more easily accepted if they have become firmly established among the State bodies concerned by maintaining a constant dialogue with the latter and also with the National Red Cross and Red Crescent Societies and civil society. This dialogue should not be limited to periodic meetings of varying frequency but should be pursued throughout the year so as to ensure that the Committees are present on a permanent basis and are fully accepted.

The National Committees’ current activities and prospects for future action

As remarked by Mr Max Huber, from the strictly legal standpoint, a true law of humanity has been established, whereby the individual, his integrity and his dignity are defended in the name of a moral principle extending far beyond the limits of national law and of politics.

Similarly, the 27th International Conference of the Red Cross and Red Crescent proclaimed that the “power of humanity” was “the strength of individual commitment and the force of collective action”. It added: “Both must be mobilized to relieve suffering, ensure respect for human dignity and ultimately create a more humane society”.

This power is being exercised at the dawn of a new century which has already seen grave violations of IHL compounded by major natural disasters. Diseases old and new are causing widespread suffering. The

health and social services, completely overwhelmed, are incapable of meeting the growing needs, and everywhere it is the weak who suffer the most. Faced with this distressing situation, the participants in the 27th International Conference undertook “to bring real help and comfort, wherever it is needed, to save and improve the lives of millions”.

Before I conclude, it would seem appropriate to review some operational aspects of the humanitarian action conducted in particular by the International Red Cross and Red Crescent Movement. Resolution 1 of the 27th Conference included among its final goals “provision for the rights and acute needs of the most vulnerable people as the first priority for humanitarian action”. Similarly, in the “Strategic partnership to improve the lives of vulnerable people”, one of the goals listed is to take “new initiatives to meet the needs of vulnerable people and to reduce discrimination and violence in the community”, and another is to work for “improved health for vulnerable people based on strengthened cooperation between States and National Societies”. To achieve this objective, there is a whole range of services to promote preventive primary health care, monitor the welfare of vulnerable individuals (especially in regions where access is difficult and public services are few, and in the poorest districts of large towns), organize blood transfusion, strengthen the State’s capacity to prevent, treat and control communicable diseases and those that can be prevented by vaccination, give first-aid training to help the population to prepare for emergency situations and to take action when they occur, help States to address the growing problem of road accidents, and pay particular attention to the needs of “street children” by meeting their special needs and focusing on the prevention of sexual and physical exploitation and other forms of violence. Again, according to the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief, “[The] members of the international community (...) recognize [the] obligation to provide humanitarian assistance wherever it is needed”. These objectives are part of the extended mission of the Red Cross in peacetime, a mission endorsed by a number of resolutions adopted within the Movement.¹ The 25th International Conference of the Red Cross asked governments to “consider the drug problem as a whole, in both consumer and producer countries”, and to “consider the potential human resources that the International Red

¹ See *Handbook of the International Red Cross and Red Crescent Movement*, 13th edition, ICRC and International Federation of Red Cross and Red Crescent Societies, Geneva, 1994, p. 835 ff.

Cross and Red Crescent Movement could mobilize for the prevention of drug abuse or for treatment and rehabilitation of drug addicts”. Moreover, a recommendation addressed to the League² suggested that it “consider the fight against any kind of mental suffering or known dependence as a major Red Cross and Red Crescent priority”. For their part, the National Societies were requested to “form groups of experts on this subject to assess the most urgent problems on which attention and efforts should be concentrated, notably in the countries worst hit by the problems of drug dependence” and to “pay special attention to social welfare programmes for the rehabilitation of drug addicts with the cooperation of public and private institutions”.

This recommendation echoes the appeal that appears in the Declaration on the Guiding Principles of Drug Demand Reduction adopted by a special session of the United Nations General Assembly (8-10 June 1998). The appeal stresses the need to forge partnerships and to put in place demand reduction strategies designed to increase public responsibility and awareness and to promote community mobilization.

The National Committees are strongly encouraged to take part in the provision of this vast range of humanitarian services and to prove that IHL is worthy of its designation as “best law”, for it embodies the most noble aspirations of humankind.

² Editor’s note: Now called the “International Federation of Red Cross and Red Crescent Societies”.

What involvement can the Committees have in the 28th International Conference of the Red Cross and Red Crescent?

Mr Jean-Luc Blondel

Head, Division for Policy and Cooperation within the Movement, ICRC

The International Conference of the Red Cross and Red Crescent is an indispensable forum for dialogue between States and representatives of the International Red Cross and Red Crescent Movement. It focuses on issues of common interest to these partners, each of which in its own way is involved in the promotion and implementation of IHL.

Introducing an innovation, the 27th International Conference unanimously adopted a Plan of Action for the years 2000-2003 comprising 12 goals, and many participants made specific humanitarian pledges (378 such pledges were filed). Among the promises made by the 54 countries represented at this meeting of National Committees, a few examples may be mentioned:

- 13 pledges to ratify IHL treaties, nine of which have already been fulfilled;
- four pledges to review or withdraw reservations to the 1949 Geneva Conventions or their 1977 Additional Protocols, one of which has been fulfilled;
- eight pledges to review or adapt national laws relating to the emblem, three of which have been fulfilled;
- five pledges to establish National Committees on the implementation of IHL, all of which have been fulfilled.

One of the weaknesses of International Conferences of the Red Cross and Red Crescent, and indeed of other conferences, is lack of follow-up and failure to implement the resolutions adopted. This weakness can be remedied, partly at least, by the establishment of appropriate follow-up mechanisms. The ICRC and the International Federation of Red Cross and Red Crescent Societies (the Federation) were requested to report to the 2003 International Conference on the implementation of the Plan of Action, while every State and National Society, together with the ICRC and the Federation, were requested to report on the measures taken to fulfil the individual pledges made. The ICRC and the Federation jointly developed the tools necessary to facilitate exchanges of information relating to the

Plan of Action and to the pledges, specifically by circulating a questionnaire on the follow-up to the 27th International Conference and setting up a data bank which is accessible on the ICRC Website (http://www.icrc.org/eng/conf27_followup).

The National Committees on IHL can play an important role in the implementation of the Plan of Action adopted by the 27th Conference. In fact, many elements of the Plan and many of the pledges made correspond to the tasks assigned to the Committees and can therefore help strengthen their work. These include:

- ratification of and respect for treaties, withdrawal of reservations; implementation of IHL and protection of vulnerable groups in times of armed conflict; national implementation in peacetime; promotion and dissemination; compliance with IHL in the use of weapons;
- assistance to the government bodies responsible for preparing the replies to be given in the questionnaire on follow-up to the Conference, thus adding to the content of the data bank on the subject;
- preparation of the International Conference scheduled for December 2003, whose agenda necessarily includes several areas of government action, the Committees being a forum for interministerial discussion.

Finally, in the absence of formal international mechanisms for the implementation of IHL, it is important to give prominence to national instruments (and to encourage the exchange of such instruments). The National Committees play a vital role in that regard, not only for their own countries but also on a broader scale, by helping to promote IHL on the regional and international levels.

**IMPROVING THE EFFECTIVENESS
OF THE COMMITTEES' WORK
AND EXCHANGING INFORMATION
ON NATIONAL IMPLEMENTATION**

Discussions in working groups

**A. Improving the effectiveness
of the Committees' work**

Introduction to the topics to be discussed

Ms Isabelle Küntziger

Legal Adviser, Advisory Service, ICRC

The topic on which you will be focusing this morning lies at the heart of this meeting. Indeed, the ICRC, and more particularly its Advisory Service, considers that improving the effectiveness of the Committees' work is really essential in the strategy aimed at supporting the promotion and national implementation of IHL.

However, if effectiveness is to be improved, first of all a way has to be found to assess the impact of the Committees' work. How is one to go about finding means of strengthening a concept, a notion whose outlines are not clearly defined?

It is precisely for that reason that one of the objectives of this meeting is to take stock of the impact and role of the Committees, and another is to propose tools and techniques for supporting, strengthening or diversifying their activities.

First and foremost it must be clear what we mean by "the impact of the Committees' work". After listening to all the very interesting contributions made yesterday, which among other things gave an overview of the progress made in different regions of the world, I feel that that impact — which is naturally measured by the attitude of the national authorities to IHL — may be discerned in various domains: first, in the authorities' identification or awareness of the national measures to be adopted; second,

in the fact that the authorities possess — even if only in their filing cabinets — draft laws, administrative measures or regulations prepared by the Committee; third, in the fact that discussions or debate on those drafts has been initiated between the authorities and the Committee; fourth, in the adoption by the authorities of the Committee's draft instruments, proposals or recommendations, which is the ideal situation; and fifth, a more modest but equally essential indicator, in the raising of the profile of IHL on the national level.

As Mr Jacques Forster pointed out in his introductory address, while the increase in the number of Committees is not on its own conclusive evidence of progress in implementation of IHL, the establishment of such a body in a State is nevertheless a strong indication of the authorities' commitment to initiating in-depth work on the matter. However, once that step has been taken, and after several years of activity, the time has come to ask the basic question: what is the real impact of the Committees' work and activities?

It is difficult for the ICRC to become involved in this process itself and for it to assess in a systematic manner the Committees' impact on the progress of IHL on the national level. There are two reasons for this.

First of all, the ICRC does not always have sufficient information. It gains its information mostly through the close contacts that the legal advisers of the Advisory Service or National Societies maintain with you in the different parts of the world. Here I take the opportunity to stress the importance for the ICRC of receiving information from yourselves. It is essential that this continuous and regular flow of information between the Committees and the ICRC be encouraged. Such information is invaluable, because it is the fruit of your practice and your experience. This is what enables us to circulate details of your experience and practice among the other Committees, by including them in the report on national implementation that the Advisory Service produces every two years or in the database that the Service constantly updates, and also by communicating them during the direct contacts that the ICRC has with some of you.

Secondly, and above all, it is difficult for an outside organization to establish with any certainty the causal link between the existence of the Committee and the progress made by States in the area of IHL, whether in regard to participation in treaties, the withdrawal of any reservations, or the adoption of such and such a national measure.

Only the Committees themselves are in a position to carry out this exercise. While they may understandably be reluctant to do so, I do not believe that reluctance is justified.

It could be said that the National Committees do not have an “obligation to produce results”, but rather that they have an “obligation to provide means”. They meet, conduct compatibility studies, organize conferences and seminars, produce publications, prepare draft laws; in short, they do everything in their power to encourage their respective States to become party to the instruments of IHL, and to encourage their authorities to adopt laws on the emblem or include the teaching of IHL within their armed forces. Obviously, however, they are not responsible for the ultimate adoption or otherwise of such measures by their governments.

That being understood, there is no obstacle to the Committees’ embarking on a concrete assessment of their work and their impact. On the contrary, it would be most useful to be able to identify cases in which Committees have had a direct impact on the adoption of a measure or on the ratification of a treaty. Indeed, it would be very interesting to consider the possibility of analysing why and how, in a specific case, the work, the action, the recommendations and the representations of a Committee has had the desired effect. This is important in order to see to what extent such action could be reproduced elsewhere in the hope of achieving the same positive result.

In my view, it is in this spirit that we should understand the idea of “assessing the impact of the Committees’ activities”.

This is precisely the type of exercise that we propose you undertake during this meeting. Yesterday, during the discussions that followed the round table debates on the Committees’ activities and prospects, you already had the opportunity to express your opinions as to the role played by the Committees in the successful results achieved on various issues relating to IHL. But it is this morning, during the working group discussions on Topic I (Improving the effectiveness of the Committees’ work), that you will focus on that assessment.

As the main aim of this session is to take stock of the impact of the Committees and to learn lessons useful for improving the effectiveness of their work, it is suggested that you identify, on the basis of the experience gained by the Committees, the factors conducive to their effectiveness and impact, and also ways of overcoming obstacles to their activities. As

participants, you are invited to identify these factors in very concrete terms for the Committee you represent.

To assist you in this exercise, it is proposed in preparatory document B that, taking the Guiding Principles concerning the status and methods of operation of National Committees as a unifying theme, you compile the practical lessons learned from the experience of your Committees. Among the various issues raised in the Principles, some are particularly pertinent, such as the Committees' composition, procedure and working methods, their relations with decision-making bodies, their mutual cooperation and the availability of resources. External communication and visibility, areas that are not covered in the Guiding Principles, also merit examination. The extracts from the Guiding Principles contained in the preparatory document are those relating to the issues on which the working group discussions are expected to focus.

The aim of this approach is not to amend the Guiding Principles but to see whether it might be useful to produce a new document intended to develop the "operational" aspects of the Committees.

Before you get down to work, and to give you a taste of your topic, Mr Savin Jogan, Chairman of the Slovenian Committee, has been asked to share with you the self-evaluation exercise that his Committee has carried out.

Thus you have a framework for conducting your evaluation exercise among yourselves and for drawing conclusions from your practice, whether sound or otherwise. As so many of you have accepted the invitation, I have no doubt that you are ready to play the game, and trust that your discussions and exchanges of ideas will be fruitful.

The importance of self-evaluation by Committees: A case study

Mr Savin Jogan

Chairman of the Slovenian Committee

I shall begin by expressing my conviction that the first world meeting of representatives of National Committees on IHL will be a great success. I am certain that it will help strengthen cooperation and increase the effectiveness of the efforts being made to implement fully the principles and provisions of IHL. I would also like to take this opportunity to thank the International Committee of the Red Cross for having taken the initiative of organizing this important meeting, and for preparing such valuable material for our future activities. I think it would be useful to convene such meetings on a regular basis, for example every two or three years.

In accordance with the objectives and the basic definitions established for our meeting, I will focus mainly on issues relating to the status, working conditions and experience of the Slovenian National Committee. I believe this information could be of interest and benefit to other National Committees as well. This conference provides an excellent opportunity for the exchange of information and for the sharing of valuable experience. Furthermore, it can serve as a forum for discussing the dilemmas and difficulties that may be encountered in different regions around the world, and for seeking solutions that would improve the effectiveness of the Committees' work.

The Slovenian Committee was set up by government decree at the beginning of April 1999, at the proposal of the National Red Cross Society. At that time it was the first Committee of its kind in Central and South-Eastern Europe. Its basic function is to promote the implementation and dissemination of IHL. It also advises and assists the government in the exchange of information on implementation measures, and in the examination and drafting of national measures — legislative, regulatory or practical — for the application of international and national instruments. When the Committee was established we had reason to hope that, in addition to achieving effective interdepartmental coordination, it would guarantee the coherence of the efforts being made to bring national legislation into line with the instruments of IHL.

The Secretariat of the Committee has its headquarters at the Ministry of Foreign Affairs, and the Committee's membership has been gradually extended. In the beginning it consisted of representatives of the Ministries of Foreign Affairs, Defence, Justice, the Interior, Health, Education, Science and Sports, and Culture, of the government Office for Refugees and of the National Red Cross Society. Later on the programme of work expanded and the Committee included representatives of the Ministries of the Environment and of Labour, Family and Social Affairs. We are also considering the possibility of extending membership to experts in various areas of IHL.

Every year the Committee adopts a programme of work for the following year; the current programme covers the period up to July 2002. The programme is then submitted to the relevant ministries and to the government for consideration. It identifies the bodies responsible for various tasks (ministries, experts, NGOs, individuals) and sets deadlines for the drafting of reports and other documents to be discussed by the Committee. Regrettably, certain deadlines have had to be extended since we do not have enough qualified people to draft such reports and documents.

The topics studied, discussed and approved by the Committee to date are as follows:

- the status of ratification or notification and publication of the most important instruments of IHL;
- information on preparations for the ratification of the 1998 Rome Statute;
- a national study on the harmonization of national legislation with the instruments of IHL;
- a survey of the criminal sanctions provided for in domestic law in the event of grave breaches of the rules of IHL;
- dissemination of and instruction in IHL within the Slovenian armed forces;
- information on the knowledge, instruction and advanced training in this area of the police and security forces;
- the status and position of refugees under IHL;
- the status and activities of the civil defence corps;
- the Slovenian National Bureau for prisoners and internees;
- the protection of cultural property in the event of armed conflict;

- the inclusion of information on IHL in the curricula of primary and secondary schools;
- the application of the National Red Cross Society Act in accordance with proposals made by the ICRC.

The usual working method is to examine a specific topic within one of the ministries or organizations represented on the Committee, to secure approval of the draft prepared jointly with the representatives of other ministries and organizations concerned, and to hold a final discussion on the matter during a plenary meeting. In some cases (when issues such as the protection of the red cross emblem or the inclusion of IHL in primary and secondary school curricula are being discussed), special working groups have been set up with the participation of associate experts. Depending on the discussion, the draft that has been prepared may be approved or returned to the authors with proposals for additions. In the first case the Committee usually accepts the proposals or suggestions for improvement, together with certain changes in the legislation, regulations and activities in the relevant area or department. Such recommendations are usually forwarded to the government or to the ministries or other bodies concerned.

To date the Committee has produced two annual reports on its work; these were submitted to the government. On the basis of the first report the government made decisions obliging individual ministries to perform tasks falling within their respective fields of activity.

A more concrete view of relations between the Committee and the government can be gained from the discussion on the ratification of recent IHL instruments; the basic instruments had previously been ratified or had been the subject of notifications. In its annual report for 2000 the Committee pointed out (and the government accepted) the urgent need to ratify certain relevant instruments. The government accordingly adopted a resolution on 31 May 2001 inviting the ministries concerned to work towards participation in the following international instruments:

- 1976 Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques;
- 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries;
- Protocol II to the 1980 Convention on Certain Conventional Weapons, as amended on 3 May 1996 (mines);

- Protocol IV to the 1980 Convention on Certain Conventional Weapons, adopted in 1995 (blinding laser weapons);
- 1998 Rome Statute;
- 1999 Second Protocol to the 1954 Hague Convention;
- 2000 Optional Protocol to the Convention on the Rights of the Child.

The adoption of the resolution by the government does not mean that the work of the Committee is finished. Following the adoption, the Committee contacted the relevant ministries with the request that they designate the individuals in charge of coordinating preparations for implementation of the ratification procedures and commence the activities required to that end.

The ratification of the 1998 Rome Statute by Slovenia on 22 November 2001 was the result of a joint effort. When the instrument of ratification was deposited with the United Nations Secretary-General, Slovenia became the 48th State to ratify this crucial IHL instrument. Representatives of Slovenia will take part in the preparatory meetings for the establishment of the ICC, to be held at United Nations headquarters in April and June 2002. We also anticipate that the first meeting of States Parties will be convened in September 2002 (if 60 States have ratified the Statute by the summer), as proposed by the United Nations International Law Commission in November 2001. Furthermore, the Ministry of Justice is completing a proposal for the amendment of the Criminal Code, the Criminal Procedure Act and the Execution of Criminal Sanctions Act in order to harmonize them with the provisions of the Rome Statute. At the same time, a bill on Slovenia's cooperation with the ICC is being drafted along the lines of the December 2000 Act governing the country's cooperation with the International Criminal Tribunals for the former Yugoslavia and for Rwanda. The Committee will take part in all these activities within the limits of its capacities.

In parallel, legal verification of translations of the 1999 Second Protocol to the 1954 Hague Convention on the Protection of Cultural Property, amended Protocol II and Protocol IV to the 1980 Convention on Conventional Weapons, and the 2000 Optional Protocol to the Convention on the Rights of the Child was carried out at the relevant ministries (Ministry of Defence, Ministry of Culture, Ministry of Labour, Family and Social Affairs). The ratification of these instruments is presently going through ministerial or parliamentary procedure.

Ratification of certain IHL treaties was included in the proposals submitted to the government by the Committee this month, together with the report on its work in the year 2000.

Relations with the media and the public are a special aspect of the Committee's working methods. Press conferences were held to mark the 50th anniversary of the Geneva Conventions, the 100th anniversary of the first Hague Peace Conference, and the presentation of the Committee's first programme of work. On our return from this important meeting, the Committee plans to hold a press conference to present in detail the content and results of the programme and the work of the Committee itself.

This is the way in which the Slovenian Committee commenced its activities and in which it now carries them out.

After almost three years of activity it can be said that the Committee's work has ensured prompt and systematic follow-up of the efforts and results of IHL development worldwide. The Committee knows what it has achieved and what major tasks lie before it in the national implementation of the principles and rules of IHL. On the basis of its work and proposals, these topics will be subjected to careful and responsible consideration within the government, government departments and ministries, and within the Slovenian armed forces and police. The media and the general public have not yet been made aware of the importance of IHL, but the first encouraging signs of this development have been noted. In the area of dissemination of IHL, the Committee's efforts have been effective as regards informing and educating the security services, the police and the Slovenian armed forces. Among the activists in the National Red Cross Society (in particular young people), the attention paid to the protection of war victims is now focused on the law of The Hague, thanks to the work of the Committee. The Committee has partly succeeded in disseminating the basic concepts of IHL in primary and secondary schools: on its initiative, an analysis of the content of the curricula has been completed from this standpoint. We are trying to define, with the school authorities, changes in the content of the programmes and teaching methods with a view to ensuring wider knowledge of the principles and rules of IHL. Cooperation with the ICRC and its regional delegation in Budapest is of great assistance and provides us with invaluable support.

Nevertheless, despite the efforts deployed and the results achieved, the Committee is still encountering a number of difficulties. One of these is the very small number of people qualified in IHL who are involved in the activities of ministries, agencies and organizations. This shortage of

qualified personnel has obliged the Committee to postpone discussion of topics such as the selection and establishment of hospital and safety zones and localities, the appointment and training of qualified personnel to facilitate the application of the provisions of IHL, protection of the natural environment and so on. In addition, public opinion in Slovenia does not show the close interest in issues relating to armed conflict that is characteristic of the Balkans and other regions considered to be “at risk”. There is practically no cooperation with other National Committees on IHL in the region, and the Committee is only in the first stages of involvement in information exchange systems on national implementation. Within the Committee, however, we have great hopes that knowledge and awareness of the importance of IHL, together with the will and readiness to draw up a long-term inventory of the measures to be taken in this field, will, step by step, motivate and spur into action not only the ministries and organizations represented on the Committee but also other public bodies and NGOs. This will give our work greater resonance and help increase its influence within society as a whole. The situation could be improved by the holding of courses in IHL for senior ministry officials within the framework of the Administrative Academy. The first such course took place last May at the suggestion and with the support of the Slovenian Committee on IHL.

Consolidated report on discussions in working groups: Improving the effectiveness of the Committees' work

Co-rapporteurs: **Mr Gérard Dive**
Member of the Belgian Committee,
Ms Isabelle Küntziger
Legal Adviser, Advisory Service, ICRC

This consolidated report summarizes the discussions that took place in the following working groups:

Group 1 (English/French)

Chairman: **Mr Robert Young**
Member of the Canadian Committee

Rapporteurs: **Mr Len Blazeby**
Legal Adviser, ICRC Pretoria
Ms Julie Gaudreau
Legal Adviser, Advisory Service, ICRC

Group 2 (English/Spanish)

Chair: **Mr Elias Solis González,**
Member of the Panamanian Committee

Rapporteurs: **Ms Cristina Pellandini**
Legal Adviser, ICRC Mexico
Ms Sophie Graven Minnig
Legal Adviser, ICRC Moscow

Group 3 (English/Russian)

Chair: **Dr Mohammed Al-Hadid**
Vice-President of the Jordanian Committee

Rapporteurs: **Mr Stéphane Hankins**
Legal Adviser, ICRC Bangkok
Mr Shérif Attlam
Legal Adviser, ICRC Cairo

INTRODUCTION

The main purpose of the meeting was to assess the impact of the National Committees and draw conclusions with a view to improving the effectiveness of their work. Participants had therefore been invited to consider their practical experience with a view to identifying factors contributing to their effectiveness and ways of overcoming the obstacles to appropriate action.

To facilitate this exercise, it was proposed that the Guiding Principles serve as a unifying theme, with a more detailed examination of a number of the issues raised in the Principles, such as the Committees' composition, procedure and working methods, their relations with decision-making bodies, their mutual cooperation and the availability of resources. It was also proposed that consideration be given to areas such as external communication and visibility. The working groups addressed each of these topics in turn.

The intention was not to amend the Guiding Principles¹ but to see whether it might be useful to produce a compendium of the Committees' positive and negative experiences. Indeed, the meeting provided confirmation that the Guiding Principles, an outcome of the 1996 meeting of experts, remained pertinent.

The participants' contributions highlighted the wide range of possible approaches and the distinctive features of each Committee in terms of its procedure, structure, composition, mandate and experience. A number of the more recent or relatively inexperienced Committees found it easier to focus on the Committees' establishment and early proceedings rather than to contribute to an overall assessment.

This report is a summary of proceedings rather than an exhaustive record of the debate, which would have had to report on the distinctive characteristics of each Committee and every example cited by participants.

The main conclusion to be drawn from the discussions was that there was no miracle cure applicable to all cases. Instead, there was a range of solutions which could be adapted to the circumstances of each Committee and the situation prevailing in each State.

¹ ICRC, *Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law*, Geneva, October 1996.

1. LINK WITH THE EXECUTIVE AND LEGISLATIVE AUTHORITIES

The majority of Committees said that it was valuable and even essential to establish relations with the legislature (parliament) or to strengthen existing ties.

Parliaments needed to be fully informed of Committee proceedings and activities. It was pointed out in this connection that Committee decisions were often put into effect through the adoption of new or amended legislation, a fact that justified links between the Committees and parliaments. However, the working groups showed that these links existed in two forms which were sometimes extremely dissimilar:

- 1) Some Committees appeared to favour formal relations with parliament, with either some full Committee members also being members of the legislature, or a parliamentary liaison officer or technical adviser being appointed to take part in Committee meetings.
- 2) Other Committees preferred informal ties. For example, chairs of parliamentary Committees involved in one way or another in the implementation of international humanitarian law (IHL) were invited to meetings held to discuss issues on which parliament would subsequently be called to take action. A number of Committees informed members of parliament about the outcome of discussions that might be of interest to them, whether in the form of reports, resolutions, decisions or draft proposals for legislation.

Whatever the approach taken, participants emphasized that relations with parliament must not distract the Committees from the technical focus of their work. It was essential that they avoid debate of a purely political nature.

Stress was also laid on the importance of relations with the executive branch. In many cases, by virtue of the very composition of the Committees — which often included many ministerial representatives — such relations were straightforward. Yet certain Committees had few if any representatives from the relevant ministries. It was underlined that the effectiveness of a Committee's work in the area of implementation increased in proportion to the closeness of its ties with government. Since most decisions concerning practical implementation had to be taken by government or the political authorities, direct ties could only enhance effectiveness.

2. COMPOSITION: DEGREE TO WHICH THE COMMITTEE IS REPRESENTATIVE, EXTENSION AND DIVERSIFICATION OF ROLES

It was noted in opening that the Committees could take one of two distinct forms, either as a government advisory body or as a body representing all national sectors — not only the political arena (government, parliament and the judiciary) but also civil society (NGOs and academic and scientific circles).

Participation of ministerial representatives

Most participants stressed the value of giving Committee membership to representatives of all ministries which, however peripherally, had a role to play in the implementation of IHL. It was essential, for example, that there be representatives of the Ministries responsible for Foreign Affairs, Justice, Defence, Internal Affairs, Health and Civil Defence. It was highly advisable to include Ministries of Education and Culture in debates on matters within their purview, such as the dissemination of IHL and protection of cultural property. Obviously, appropriate working methods had to be adopted to avoid the efficiency of Committee proceedings being adversely affected by too wide a membership.

It was also pointed out that membership should be invested in ministries themselves rather than in their appointed representatives, so as to guarantee the continuity of participation in Committee meetings.

One solution most frequently favoured in the interests of continuity was to encourage ministries to appoint representatives with direct responsibility for IHL issues, on condition that they maintain regular or permanent links with the political authorities.

However, high-level representatives should also attend meetings, even if only occasionally, in order to learn about Committee activities or take certain decisions.

Participation by National Red Cross and Red Crescent Societies

It was generally agreed that National Red Cross and Red Crescent Societies should take part, as far as possible, in the work of the Committees. National Societies' expertise and their ability to provide logistic support — in particular the secretariat — were particularly valuable.

Participation by experts

All participants stressed the great benefit of involving experts such as members of the judiciary and of academic and even scientific circles in the proceedings of the Committees or their working groups, mainly in order to oversee projects in their respective fields of activity. For example, doctors could make a very useful contribution in matters relating to civil defence or the work of medical units.

Participation of NGOs and civil society

Participants agreed that it was important to establish links between the Committees and civil society. In this regard there were two schools of thought.

Some Committees had decided to involve representatives from well-established NGOs or civil society (youth movements and women's associations) in their work, while others had chosen not to seek the participation of civil society on the basis that discussions between representatives of the various authorities would be more open and effective if they could be assured of confidentiality. NGOs and civil society were therefore excluded. However, even where this was the case it was deemed important to involve civil society in the Committees' activities by way of conferences, meetings on specific topics, the exchange of information and so on. Given the special status of National Red Cross and Red Crescent Societies, their participation was not called into question.

General emphasis was placed on the need to ensure that Committee members were sufficiently knowledgeable about IHL. Where this was not the case, they should be offered training, through courses organized by National Societies or the ICRC, for example.

3. OPERATING PROCEDURES: WORKING METHODS AND RESOURCES

Continuity and rhythm of work

There were substantial differences in this regard. Here as elsewhere, it became apparent that there was no tailor-made solution which could apply uniformly to every Committee and every country. Each working group highlighted the need to give the Committees a large measure of

organizational freedom so that they could each take account of their specific circumstances.

In order to ensure the effectiveness of the Committees' work and motivate their members, however, it was essential that meetings be held on a regular basis. In this connection there was a need for rules of procedure, although the Committees should be at liberty to tailor these to their requirements. Emphasis was placed on the role of the Committee chair and secretariat in preparing for and ensuring the smooth running of Committee meetings. In addition to having the necessary authority to direct proceedings, the chair must enjoy the recognition on the part of the political authorities and civil society he or she needed to gain recognition for the Committee.

Secretariats must play a key role in preparing meetings and other activities and producing reports and minutes. They must also act as their Committees' point of contact with the authorities and civil society, providing and disseminating information about Committee activities.

Working methods

Most Committees had found it effective to adopt a variable and flexible structure for their membership and proceedings. This usually meant the organization of plenary meetings, for purposes of decision-making, and working groups, where the bulk of the committee's work was prepared and carried out. Some participants said that major and/or specific decisions must be taken by a core group of representatives of the principal authorities concerned. However, several others said that each working group should be chaired by the representative of the relevant ministry — namely, the Committee member most closely involved with the group's objectives. For example, the representative of the Ministry of Justice would chair a working group considering the drafting of legislation on grave breaches of IHL, while the National Society would chair a group set up to consider the dissemination of IHL or ways of making the Committee better known.

It was generally agreed that plans of action were necessary and should usually be drawn up annually. The content and scope of such plans varied enormously. For example, the question was raised as to whether they should provide for working group meetings, define the nature of each working group and specify the topics to be discussed. The consensus was that an annual plan of action must not only establish priorities but also set

concrete goals. The setting of goals would serve to motivate members and encourage self-evaluation.

The first priority identified by the Committees was to carry out a compatibility study, that is, a study on the status of implementation at national level. A number of Committees had compiled fact sheets by theme describing the status of implementation of IHL both in law and regulations and in practice.

Several speakers had found it useful to tailor working methods to the objectives to be achieved. The effectiveness of certain Committee activities was heavily dependent on confidentiality, while other activities, such as the organization of conferences and preparatory meetings on topics dealt with by the Committee, were effective only if they were open to the wider involvement of civil society. A case in point was the organization of press conferences on compliance with IHL.

Lastly, participants stressed the importance of presenting Committee decisions in the form of resolutions or reports. It was essential to ensure that these decisions were brought to the attention of the authorities concerned, and that of government and parliament in particular.

Minutes and archives

Certain participants said that Committee meetings must be minuted and archived. A majority also felt that activity reports should be prepared, preferably once a year, so that the Committees could not only evaluate their work but also have a reliable means of conveying information to the public and the relevant authorities.

Resources

Most Committees did not have a regular budget. As a result they could not count on having the necessary funding for their work and were compelled to spend time on activities which were not really part of their primary mission. Participants agreed nonetheless that this situation was not and could not be an obstacle to the Committees' work, since the various ministry representatives were often in a position to provide the necessary resources.

However, the Committees should be able to rely on a minimum budget for basic expenses (photocopying, mail and telephone costs). One possible

solution might be to involve Ministries of Finance in some of the Committees' decisions, in the presentation of reports or in the planning of future activities. That would make it easier to obtain a budget of this sort.

4. DIRECT COOPERATION BETWEEN COMMITTEES

Participants agreed unanimously that bilateral and multilateral links between Committees were essential. Stressing the complementary nature of regional and international meetings, they expressed the wish that meetings of the kind described in this report be organized at regular intervals. They also drew attention to the key role of the ICRC in coordinating and arranging for the exchange of information, particularly through its regional delegations and the Advisory Service.

Bilateral and multilateral contacts enabled the Committees to derive mutual benefit from their accumulated expertise and experience. It was proposed that every Committee appoint one or more members to take on the task of developing relations with its counterparts. This role could be entrusted to members whose functions outside the Committee required them to travel regularly on official business.

Some participants pointed out that effective cooperation did not necessarily depend on formal links or agreements. It was made possible primarily by the pooling of experience and discussion of themes of common interest.

5. EXTERNAL COMMUNICATION AND VISIBILITY

Participants agreed that communication was central to the task of providing better information for the public and the authorities. Indeed, some Committees had decided to set up working groups on this matter.

It was proposed that where possible the Committees make use of Websites to publicize their activities. Moreover, the ICRC Website should give an electronic address for each Committee. The ICRC could also host a forum for discussion or the sharing of ideas, and the Committees could prepare newsletters for publication on the ICRC Website.

It was suggested that the Committees and their activities could be better publicized if annual conferences were organized on specific topics.

6. FINAL REMARKS

It became clear during this extremely enlightening debate that there was a degree of synergy between discussion on the impact of the Committees' work — especially where it touched on cooperation — and Topic II (Systems for exchanging information on national implementation).

B. Setting up an information exchange system on national implementation

Introduction to the topics to be discussed

Ms Anna Segall

Legal Adviser, Advisory Service, ICRC

Introduction

Some IHL instruments create an obligation for States to prepare and submit national reports on the implementation of their provisions. Moreover, a system of reporting through the Secretariats of the United Nations and the Organization of American States (OAS) on measures taken by States to implement IHL has been set up by resolutions adopted by their respective General Assemblies.

Several initiatives have been launched with a view to establishing a new mechanism similar to an information exchange system on national implementation of IHL. So far these initiatives have not received sufficient support.

The aim of this session is to discuss the present and future role of Committees with regard to existing mechanisms and the advisability of setting up a new information exchange system on national implementation of IHL. If it is found that such a new system is desirable, the possibilities and modalities for the Committees to take an active part in it will also be discussed.

As representatives and members of National Committees on IHL, you are directly involved in national implementation and that is why your opinion on these matters will be extremely useful.

I shall now review the main points of the preparatory document which you have received and which is intended to facilitate discussions within the working group.

Existing mechanisms

Unlike some other international treaties, especially those relating to human rights and protection of the environment,¹ the 1949 Geneva Conventions and their 1977 Additional Protocols do not provide for any mechanism permitting evaluation of national reports on the measures taken by States to implement those instruments. The only provisions referring to an exchange of information on the subject are those requiring States Parties to communicate to one another any information relating to national implementation of those international texts.² Other IHL instruments, however, such as the 1954 Hague Convention and its Protocols,³ the 1977 Ottawa treaty⁴ and the 2000 Optional Protocol to the Convention on the Rights of the Child,⁵ do provide for such mechanisms.

In addition, a system of reporting through the Secretariats of the United Nations and the OAS on measures taken by States to implement IHL has been set up by resolutions adopted by the General Assemblies of those organizations.⁶

¹ For a detailed account of those mechanisms, see Elisabeth Kornblum, "A comparison of self-evaluating State reporting systems", *International Review of the Red Cross*, No. 304, January-February 1995, pp. 39-68; and No. 305, March-April 1995, pp. 137-160.

² Articles 48/49/128/145 common to the four 1949 Geneva Conventions and Article 84 of 1977 Additional Protocol I.

³ Article 26, para. 2, of the Convention provides that States must forward a report every four years to the Director-General of UNESCO. See also Article 30, para. 3, of the Second Protocol.

⁴ Article 7, para. 2, of the Convention requires States to report annually to the United Nations Secretary-General in order to ensure that the treaty's provisions are being observed.

⁵ According to Article 8, para.1, of the Protocol, each State Party must submit a report to the Committee on the Rights of the Child providing comprehensive information on the measures it has taken to implement the provisions of the Protocol, including the measures taken to implement the provisions on participation and recruitment.

⁶ United Nations General Assembly, Resolution 32/44, 8 December 1977; Resolution 34/51, 23 November 1979; Resolution 37/116, 16 December 1982; Resolution 39/77, 13 December 1984; Resolution 41/72, 3 December 1986; Resolution 43/161, 9 December 1988; Resolution 45/38, 28 November 1990; Resolution 47/30, 25 November 1992; Resolution 49/48, 9 December 1994; Resolution 41/155, 16 December 1996; Resolution 53/96, 8 December 1998; Resolution 55/148, 12 December 2000; OAS General Assembly, Resolution 1270 (XXIV-O/94), 10 June 1994; Resolution 1335 (XXV-O/95), 9 June 1995; Resolution 1408 (XXVI-O/96), 7 June 1996; Resolution 1503 (XXVII-O/97), 5 June 1997; Resolution 1565 (XXVIII-O/98), 2 June 1998; Resolution 1619 (XXIX-O/99), 7 June 1999; Resolution 1706 (XXX-O/00), 5 June 2000; Resolution 1771 (XXXI-O/01), 5 June 2001.

Initiatives aimed at establishing a new system

The idea of a mechanism of periodic reports on the national implementation of IHL was proposed and rejected at the 26th International Conference of the Red Cross and Red Crescent in 1996. It was replaced by the adoption of the recommendations of the Intergovernmental Group of Experts for the Protection of War Victims, including the one proposing that the ICRC strengthen its capacity to provide support for States in their efforts to implement IHL. This recommendation was followed up by the establishment of the Advisory Service on International Humanitarian Law.

Some European National Societies pursued the matter and drew up a proposal for a “voluntary review procedure.”⁷ In November 1999 the 27th International Conference of the Red Cross and Red Crescent adopted the Plan of Action for the years 2000-2003, which stated in final goal 1.3 “An information exchange system on implementation of international humanitarian law is to be considered”.

Among the National Societies involved in this initiative, the German Red Cross, through its IHL Committee, has been particularly active. That is why we have asked the Society to share with us its experience and the method it has chosen in drawing up its national report on implementation.

What is the role played by Committees in existing mechanisms for the exchange of information or for reporting on implementation?

As mentioned previously, some IHL treaties create obligations for States Parties with regard to reporting. Reports on the measures taken by States to ensure implementation of IHL are also expected to be submitted every two years to the United Nations General Assembly and every year to the OAS General Assembly.

The questions to which the working groups could usefully reply are as follows.

⁷ For more details, see the report prepared by the Danish Red Cross: International Law Committee of the Danish Red Cross (ed.), *Voluntary Review Procedure on National Implementation of International Humanitarian Law*, Copenhagen, 1998. Several other initiatives were also taken: in 1997 the Council of Delegates adopted Resolution 4, which invited National Societies to examine the proposal for a voluntary review procedure with their respective governments; in May 1999, the IHL Committee of the German Red Cross organized a meeting of experts to discuss the feasibility of such a mechanism; and in November 1999, at the 27th International Conference of the Red Cross and Red Crescent, the Swiss government and the German Red Cross held a workshop on the issue.

Do the authorities involve the Committees in the preparation of these reports? Do the Committees offer to draw them up or to contribute to their preparation?

If not, why are the Committees not involved or why do they not propose their cooperation? Is it because of a shortage of human and financial resources, lack of interest on the part of the authorities, or weariness due to the number of reports having to be prepared on so many other matters?

What means or arguments could be used to promote the involvement of the Committees? In States where studies have been carried out on the compatibility between domestic law and IHL, could these not be used as a basis for the national report? Could this not be seen as an opportunity for a Committee to raise its profile vis-à-vis the national authorities, to render them a service and also to take advantage of the opportunity offered by the drafting of the report to engage in a dialogue with the authorities on the status of national implementation?

What are the arguments for and against a new system?

The ultimate objective of the establishment of any system of exchanging information on the implementation of IHL is obviously to improve compliance with that body of law. To determine what added value any new system would offer, it is essential to review the different existing mechanisms to see whether they are really inadequate and whether the creation of a new system would effectively remedy their shortcomings. Only once this analysis is completed will it be possible to assess to what extent the creation of the new system in question would be desirable and to consider what form it should take.

In carrying out this analysis, due account must be taken of the purpose assigned to the new system: the systematic compilation of measures adopted on the national level and their circulation to other States, critical analysis of the national measures adopted, or the placing of the exchange of information on the matter on an institutional basis.

What form should the new system take?

Should consideration of the previous point lead to the conclusion that the creation of a new system would bring added value, the following points should be discussed.

What should be the content of the information to be exchanged or the reports to be submitted? Would it be better to opt for a system whereby the domain in which the exchange of information is requested is specified (by IHL instrument, or by topic such as the repression of war crimes or training within the armed forces, etc.), or, on the contrary, to opt for a broader exchange of information on the status of national implementation? By national implementation, do we mean only the national measures adopted, whether legislative, administrative or regulatory, or do we also mean State practice intended to respect or ensure respect for IHL?

The body and the framework within which the system would be organized should also be defined. Here there are two major questions: to whom should the information or reports be submitted; and at what intervals should this exchange of information take place?

What would be the role of the Committees in a new system?

Still assuming that it would be desirable to set up a new system, several questions arise with regard to the involvement of the Committees.

As a matter of principle, is the involvement of the Committees compatible with their primary function, which is to promote national implementation? Would there not be a risk that the Committees might find themselves in the position of “judge and party”, insofar as they are the bodies supposed to be working for better implementation of the law?

As things are at present, what roles could be played by the National Committees in such a system: the gathering of information at the national level, the drafting of the report, the coordination of its preparation, or also participation in a committee of experts responsible for analysing national reports?

More basically, the question is whether a system involving only the Committees would be a valid one.

Overview of initiatives to establish an information exchange system

Ms Heike Spieker

Secretary of the German Committee

In March 2002 the ICRC held the first global meeting of representatives of National Committees on IHL. One of the two main topics considered was the setting-up of an information exchange system on national implementation of IHL. For the purposes of that meeting, the German Committee on IHL built on earlier initiatives of its present Chairman, Mr Michael Bothe, and of the German Red Cross and prepared a model questionnaire, together with a report on the implementation of this body of law in Germany.¹ Both the questionnaire and the report were presented at the meeting in March 2002.

History of the initiatives

The idea of setting up an information exchange system is not at all a new one; it has been tabled several times over the past 30 years. It stems on the one hand from the fact that the 1949 Geneva Conventions of 1949 assume, and in many instances require, that States Parties take legislative and administrative measures to guarantee and facilitate the proper implementation of IHL. On the other hand, the system of periodic reports evaluated by committees of experts is a well-established method in international law of promoting the proper implementation of international treaties. This is why ways have been explored to bring these two elements together and thereby improve the application of IHL.

The drafting of periodic reports is a rather widely used means of enhancing compliance with international treaties. In view of the gross violations of IHL which continue to be committed in armed conflicts throughout the world, it is crucial to consider how this method could contribute to improved implementation of international law applicable in such situations.

Article 84 of 1977 Additional Protocol I takes up Articles 48/49/128/145 common to the four 1949 Geneva Conventions and obliges States

¹ German International Humanitarian Law Committee, *Germany: Information Exchange System on National Implementation of International Humanitarian Law. Questionnaire*, 20 March 2002.

Parties to “communicate to one another, as soon as possible, through the depositary and, as appropriate, through the Protecting Powers, (...) the laws and regulations which they may adopt to ensure its application”. Some 20 years after the adoption of Additional Protocol I, at the meeting of the Intergovernmental Group of Experts for the Protection of War Victims held in preparation for the 26th International Conference of the Red Cross and Red Crescent, the Dutch government launched the idea of establishing a reporting procedure and of setting up an international review body charged with the examination of the reports.² Even though the initiative was well received by quite a number of States, the opposition was too strong and the proposal was withdrawn.

Nevertheless, some European National Societies pursued the matter and proposed the setting-up of a “voluntary review procedure”.³ The 27th International Conference took up the issue in 1999. As part of the preparations for the 27th International Conference, the German Committee on IHL held a meeting at which experts⁴ discussed the possibility of establishing a “voluntary reporting system” for IHL, focusing on a comparison of reporting systems in the areas of human rights, environmental law and the law relating to arms control,⁵ on the one hand, and those used for IHL on the other. The discussions showed that there were substantial differences between IHL and the other three bodies of law. The experts therefore concluded that it would be inappropriate to promote a system of reporting, which might be perceived as an instrument for verification and enforcement.

² This initiative was intended to ensure follow-up to Resolution V of the 25th International Conference of the Red Cross and Red Crescent of 1986 entitled “National measures to implement international humanitarian law”.

³ See the summary of and the proceedings relating to this initiative led by the Danish Red Cross in: International Law Committee of the Danish Red Cross (ed.), *Voluntary Review Procedure on National Implementation of International Humanitarian Law*, Copenhagen 1998. In 1997 the Council of Delegates of the International Red Cross and Red Crescent Movement adopted Resolution 4, inviting National Societies to examine with their respective governments a proposal for a voluntary review procedure.

⁴ The proceedings of this meeting of experts can be found in M. Bothe (ed.), “Towards a better implementation of international humanitarian law. Proceedings of an expert meeting organized by the Advisory Committee on international humanitarian law of the German Red Cross, Frankfurt/Main, May 28-30 1999”, *Bochumer Schriften zur Friedenssicherung und zum Humanitären Völkerrecht*, Vol. 43, Berlin, 2001.

⁵ See the analyses of Rüdiger Wolfrum, Philippe Sands and Erik Myjer, *ibid.*, pp. 19-54; and of Elisabeth Kornblum, “A comparison of self-evaluating State reporting systems”, *International Review of the Red Cross*, No. 304, January-February 1995, pp. 39-68; and No. 305, March-April 1995, pp. 137-160.

At the 27th International Conference of the Red Cross and Red Crescent, the Swiss Federal Department of Foreign Affairs and the German Red Cross together organized a workshop on the topic “Ensuring respect for IHL — Towards appropriate mechanisms”. The aim of this workshop was to discuss possible mechanisms for ensuring greater respect for and more effective implementation of the law, focusing on two specific issues. One of these was the creation of a mechanism for the exchange of information on IHL in the form of periodic reports. Although the idea was well received and described as an “interesting approach”, no decision was taken to actively promote and pursue it.

At the end of the Conference a Plan of Action for the years 2000–2003 was adopted. One of its three themes⁶ was “Protection of victims of armed conflict through respect for IHL”. The Plan identified five “final goals” to be pursued. Final goal 1.3 was “Universal acceptance of IHL and the adoption of all necessary measures by States at the national level to ensure the implementation of their obligations under international law”. Under paragraph 13 of this goal, States party to the Geneva Conventions not only undertook to “adopt the necessary implementing measures”, in particular national legislation for the repression of war crimes, genocide and crimes against humanity and for the protection of the red cross and red crescent emblems, but were also encouraged, with the support of the National Societies, “to create or further develop national committees or other mechanisms” in order to “facilitate coordination between ministries”. In conclusion, the activities proposed explicitly include “to consider an information exchange system on implementation of IHL”.

The concept of an “information exchange system”

When this process is analysed, it becomes obvious that the idea has gradually attracted increasing interest. In all discussions considerable attention has been focused on various questions and aspects of the matter, in particular who would draft the reports and for whom, what they would cover, the nature of the information to be provided, the aims to be pursued, what States would participate in such a system, and the way in which the system should be set up. Certain procedural aspects have also

⁶ The other two are “Humanitarian action in times of armed conflict and other disasters” and “Strategic partnership to improve the lives of vulnerable people”.

been examined. With successive discussions the conviction emerged that any exchange of information and experience should be carried out in a spirit of cooperation rather than one of confrontation, denunciation of violations or repression. Accordingly, the idea of a “reporting system” was transformed into a “voluntary review system”, and finally into an “information exchange system”. It may be noted that in modern IHL there has been a gradual shift in priorities from respect for and application of the law to implementation.

An information exchange system of this kind has to have the following characteristics. First, it must support the States party to the IHL treaties and their respective governments and facilitate their tasks. All States Parties encounter difficulties when it comes to fulfilling their obligations under humanitarian law. The implementation of the provisions relating to the protection of cultural property in times of armed conflict is a prime example of this problem. The range of activities and measures required of the States party to the respective treaties is very broad, rather complex and extremely detailed, and, finally, these activities and measures have to be carried out in peacetime.⁷

Secondly, such a system must allow the exchange of information and experience in the area of IHL. In Germany, for example, the adaptation of criminal law through the drafting of an International Criminal Code was greatly facilitated by comparative studies on similar initiatives taken in other States. These studies were undertaken when the draft statute of an international criminal court was under preparation and have continued following the adoption of the Rome Statute in 1998. Without such studies, the consultations and deliberations would certainly have been much more lengthy and arduous in Germany.

Thirdly, an information exchange system is a non-confrontational method which relies on cooperation. While offering the same basic advantages as a reporting system, in particular the previously mentioned fact that it facilitates implementation and the provision of information, it is not perceived negatively as a means of denouncing violations of the law or as a system of repression, and does not entail any form of liability. As compared with most existing reporting systems, the focus of an information exchange

⁷ On this point, see the initiatives taken by the ICRC and UNESCO to facilitate and support implementation of the regime relating to protection of cultural property in times of armed conflict.

system is completely different: its aim is not to highlight any weaknesses of the States Parties and any infringements or even violations of IHL, but to relieve the sometimes heavy burden on a government of meeting its obligations under IHL.⁸

Given these characteristics, an information exchange system does have some similarities with a compatibility study, but there are nevertheless significant differences. In principle, IHL is not directly applicable in domestic law, and neither are the obligations resulting therefrom on the level of domestic legislation. Even in legal systems, especially monistic systems, where international law is automatically transformed and incorporated into national law, the only effect of such incorporation is that the provisions of international law become an integral part of domestic law. Mere incorporation does not necessarily mean that the provisions of international law are automatically binding on the national authorities, nor that they are sufficiently clear, detailed and concrete. A provision of international law can have a real effect only if it is concrete and practical, and immediately applicable for those authorities and individuals who have to apply it in an actual situation. To ensure and facilitate such direct and immediate applicability is the specific effect of implementation of international law. National authorities need practical and concrete rules for the application of IHL. Since such rules are hardly ever found in IHL itself, they have to be provided and put into effect by the national legislator — by implementing the provisions of IHL. In this context, an information exchange system based on systematic exchanges can aid national legislators and governments in their efforts to ensure full application of international law.

The German report on the implementation of IHL

As mentioned in the introduction, the German Committee on IHL decided after the 27th International Conference in 1999 to actively pursue the idea of an information exchange system, possibly in cooperation with other National Committees. It therefore decided in 2001 to prepare a pilot report on the implementation of IHL in Germany whose format, structure

⁸ In States Parties with a federal system, these problems and burdens are even more serious because of the division of power between the central authority and federate authorities and the mutual limitations on influence that result.

and content could possibly be used as a model for contributions to an information exchange system. This pilot report is based on a model questionnaire comprising 28 questions. Most of the questions are rather general, focusing mainly on States' obligations under the IHL treaties and on State practice. The questionnaire could therefore be used by all National Committees.

Both questionnaire and report were drawn up on the initiative of the German Committee. Tasks were assigned to all its members, in particular representatives of government ministries. The data provided by the members were compiled and included in the report by a drafting committee composed of a small number of Committee members. The report was completed just before the present meeting.

The conclusions of the report focus on the three issues. First, it became quite clear that federal systems in particular and, in general, systems with any kind of local autonomy give rise to specific difficulties and problems. This is especially the case when an implementing measure has to be adopted by the national authorities and such adoption implies a sharing of competencies between different authorities. The most striking example is doubtless provided by the protection of cultural property in times of armed conflict. In the German context, because of the federal system and the division of power between the federal authorities and those of the *Länder*, considerable difficulties arise when the *Länder* have to fulfil, at their own expense, obligations of the federal government, as is the case when it comes to the identification and marking of cultural sites. Secondly, the report highlights once again the benefits brought by a national legal system whose provisions in the areas of criminal and disciplinary law are drafted in a clear and precise manner. Indeed, the existence of explicit and precise criminal and disciplinary provisions strengthens the rule of law; such provisions have proved to be appropriate in the German context and offer the advantage of being directly applicable by judges and courts. Thirdly, the report pinpointed some questions to be answered with regard to the instruction given to the armed forces, in particular in the framework of missions in which they are currently involved outside German territory. Finally, it revealed shortcomings in domestic regulations on the marking of civilian hospitals and medical services, in that there is no indication as to who should ensure such marking and under what conditions.

Follow-up

The questionnaire and report being the result of a commitment made by the German Committee on IHL,⁹ the Committee wishes to share this experience with other National Committees. The German Committee played a proactive role throughout the process, and all the participants agree that without its driving force it is probable that neither the questionnaire nor the report would have been completed. In view of the recommendation made in the Plan of Action¹⁰ adopted by the 1999 International Conference (“an information exchange system on implementation of IHL is to be considered”), this initiative might encourage other National Committees — whatever their specific composition and structure — to follow suit. It is to be hoped that similar reports will be prepared, so that an information exchange system can at last be set up. To facilitate this process, the German Committee would be happy to meet interested National Committees in order to discuss the reports they plan to present, preferably before the 28th International Conference of the Red Cross and Red Crescent scheduled for 2003.

⁹ A commitment made at the second European Meeting of Experts on Committees or other national bodies for international humanitarian law, Budapest, 2 and 3 February 2001.

¹⁰ Final goal 1.3, para. 13.

Consolidated report on discussions in working groups:

Information exchange systems on national implementation

Co-rapporteurs: **Mr Michael Meyer**
Member of the UK Committee,
Ms Anna Segall
Legal Adviser, Advisory Service, ICRC

This consolidated report summarizes the discussions that took place in the following working groups:

Group 4 (English/French)

Chairman: **Mr Mario Bettati**
President of Sub-Committee “F” on Humanitarian
Law and Action, French Committee

Rapporteurs: **Mr Umesh Kadam**
Legal Adviser, ICRC New Delhi
Mr Yves Petermann
Legal Adviser, ICRC Budapest

Group 5 (English/Spanish)

Président: **M. Joseph Joof**
Member of the Gambian Committee

Chairman: **Mr Frédéric Gouin**
Legal Adviser, ICRC Tashkent
Ms Kathleen Lawand
Legal Adviser, ICRC Abidjan

Group 6 (English/Russian)

Chairman: **Ms Inna Yemelianova**
Member of the Ukrainian Committee

Rapporteurs: **Mr Anton Camen**
Legal Adviser, ICRC Budapest
Ms María Teresa Dutli
Head, ICRC Advisory Service

INTRODUCTION

The purpose of this session was to discuss the present and future role of the Committees in existing reporting mechanisms, whether it is advisable to set up a new system for the exchange of information on national implementation of international humanitarian law (IHL) and, if so, the possibility that the Committees might take an active part in such a system and the ways in which they could do so.

1. EXISTING MECHANISMS

With one exception, at the time of the meeting the Committees had no role in preparing reports to meet the obligation to report on IHL incumbent on their respective States under treaty or pursuant to resolutions of the United Nations or the General Assembly of the Organization of American States. The reasons for this include the following:

- 1) the Committee's mandate may not allow it to engage in reporting;
- 2) a separate government body may already be responsible for preparing reports;
- 3) the report requires information which may not necessarily be available to the Committee because of its specialized or sensitive nature;
- 4) with constraints in terms of resources and competing priorities, reporting might not be a primary objective for the Committee.

Some representatives felt that a Committee could help in preparing reports by commenting on draft texts or by assisting in the collection or collation of information. This might raise the Committee's profile within the government and help demonstrate its value to the authorities.

It was also suggested that Committees could play a role in encouraging their respective governments to meet their IHL reporting commitments. To this end it was suggested that it would be useful for the ICRC Advisory Service on IHL to prepare a fact sheet on the States' reporting obligations and commitments under IHL instruments.

A State considering becoming party to an IHL instrument that lays down reporting obligations might usefully consider whether the existing Committee, or a subcommittee with the relevant expertise, could be assigned this function.

2. SETTING UP A NEW INFORMATION EXCHANGE SYSTEM

Background

The idea of a system of periodic reports on national implementation of IHL was proposed — and rejected — at the 26th International Conference of the Red Cross and Red Crescent in 1996. It was replaced by the adoption of recommendations made by the Intergovernmental Group of Experts for the Protection of War Victims. One of these was that the ICRC should strengthen its ability to support States in their efforts to implement IHL. This was followed by the setting-up of the Advisory Service on IHL.

Some European National Societies pursued the matter, proposing the establishment of a “voluntary review procedure”. In November 1999, the 27th International Conference of the Red Cross and Red Crescent adopted a Plan of Action for the years 2000-2003, whose Final Goal 1.3, paragraph 13, stated that “(...) an information exchange system on implementation of international humanitarian law is to be considered (...)”.

Views on a formalized reporting or information exchange system

The vast majority of Committee representatives were opposed to any compulsory reporting system or indeed any institutionalized information exchange system. Arguments against such systems were as follows:

- 1) many States felt that they were already overburdened with reporting obligations and were reluctant to take on more, especially where resources were scarce;
- 2) a few representatives expressed doubts that any such mechanism would enhance respect for IHL;
- 3) many representatives observed that a significant amount of information on IHL and its implementation was already available (for example, on the ICRC Advisory Service database).

It was also observed, however, that the preparation of reports can be a useful tool for self-evaluation and for assessment by third parties. Committees were of course free to undertake comprehensive reviews of national implementation measures. It was noted that this could assist Committees in identifying areas where further action was required.

Support for increased information exchange

The Committees agreed that it would be useful to receive more information about the work, experience and achievements of other Committees, particularly those in the same region or with a similar legal system. This would allow them to benefit from the knowledge and materials (e.g., legislation, publications and training programmes) of others. It would also enable Committees to enter into direct contact with each other.

It was generally agreed that such information exchange should occur on a flexible and informal basis. One method would be to increase use of Websites. Committee or government Websites could include information on the Committee and on national implementation measures. The ICRC Advisory Service database might be expanded in order to include, in the section containing information on Committees, their contact details, particular areas of interest and any recent developments. It would also be helpful for Committees to provide the ICRC Advisory Service with information on national implementation measures for incorporation into the database.

Committees could consider establishing a Website of their own within their region. This might require assistance from outside sources.

There was also general interest in the Committees' production of annual reports, which could be made available to their authorities and perhaps to other Committees (electronically or on paper). These could be based on the reports which some Committees submitted to their own governments.

Participants agreed that meetings of representatives of all the Committees were very useful for sharing knowledge and experiences, and for establishing contacts with other Committees. There was general support for holding another such meeting, perhaps in four years' time, before the International Conference of the Red Cross and Red Crescent. This would make the resulting report available for the International Conference.

Similarly, support was expressed for the convening of meetings on a regional basis and the organization of bilateral meetings.

3. FINAL REMARKS

The general feeling of the meeting was that Committees should increase their contacts with other Committees and engage more actively in the sharing of information of common interest. It was also felt that the ICRC Advisory Service should continue to play a prominent role in collecting and disseminating information on national implementation measures and facilitating contacts between Committees.

Summary of the meeting and plans for the future

Ms María Teresa Dutli

Head, Advisory Service on IHL, ICRC

The time has now come to draw some conclusions.

First of all, however, and on behalf of the Advisory Service, I would like to congratulate the National Committees on IHL on the substantial amount of work they have done over the past few years and to tell them how impressed we are. Indeed, I found the presentations made on the first day of the meeting extremely rewarding, for they illustrated the progress made in the field of national implementation in every part of the world. That progress is most heartening and encourages us to continue to work along the same lines, certainly with renewed energy.

The aim of this meeting was not to make decisions, but to extract all the substance from the ideas exchanged and, in some areas, to investigate new possibilities. The discussions and exchanges of experience have shown once again that circumstances, experiences and the activities actually undertaken vary from one region of the world to another and that it would be impossible to draw any universally applicable conclusions.

The value of this meeting has already been acknowledged by all concerned. Indeed, your very active contributions have made it a great success. It has given us the opportunity to establish or renew the personal contacts that are so indispensable for the accomplishment of the work of your Committees. Several of you have mentioned that you would like other meetings of this kind to be held, and various intervals have been suggested. We have taken note of your proposals and will take them into account. Rest assured that we will do our utmost on both the regional and the global level — with a longer time frame — to continue the process of meetings between National Committees, so as to facilitate exchanges of views and encourage cooperation. Following this very stimulating experience we are convinced of the usefulness of persevering in this course.

It is also essential to highlight the importance of the role played by the National Committees. There is no denying that today IHL is often given a rough ride. A great deal of determination and tenacity is required to apply it

and to ensure its application, to think about its development, to take it seriously and to make sure that it is taken seriously by others. The National Committees are a necessary and even an indispensable means of achieving this. As advisers to your governments, you can take action to foster creation of the conditions necessary for compliance with IHL, and compliance begins with preparatory work on the national level.

What will be the follow-up given by the Advisory Service to the discussions that have taken place at this meeting? Several avenues have been opened up and will be explored.

First of all, the report on the meeting will be distributed not only to all the participants but also to all existing National Committees and to all the States party to the 1949 Geneva Conventions and their respective National Societies. It will deal comprehensively with the various topics covered, which I shall briefly review here.

It is important that the National Committees' activities serve as a stimulus for the authorities. However, this must not be done at any price. National implementation must take place in the best possible conditions all over the world. The establishment of a National Committee must not serve as a pretext that masks the absence of concrete measures in different areas. The National Committees can be effective only if they meet regularly, have recognized areas of competence and, above all, have the means they need to function. It is also necessary that the recommendations they make are put into effect and hence that they enjoy due recognition. A National Committee should act as the moral conscience of the government by insisting on the importance of the matters with which it deals. It must therefore constantly ask itself whether this is really the case and consider what can be done to ensure that it is.

There are highs and lows in the life of a Committee. The Advisory Service could perhaps produce a document designed to help National Committees to find their rightful place vis-à-vis the authorities, when this place has to be acquired or regained, to establish themselves in a better position, to raise the resources essential for the exercise of their mandate, and to enhance their credibility. This would be a simple document containing practical advice on the Committees' operation and recipes intended to facilitate effective work in the long term and to help overcome the various difficulties encountered. It would be based on the very varied experiences that we have just shared and on the discussions held at this meeting. It would suggest means of facilitating the work of the Committees and

cooperation among them, and of negotiating a way out of the impasses in which they can find themselves from time to time.¹

The matter of resources has a crucial influence on the work of the Committees. This is a well-known fact, but it was again highlighted during the discussions of the past two days. That is hardly surprising, but it is paradoxical in that at the same time a degree of willingness has been noted to support efforts deployed in the area of national implementation. The following suggestion has been made: instead of making bilateral contributions (which is often difficult, as it is not always easy to identify needs), a special fund could be set up to support the work of the National Committees to promote national implementation. This is not an entirely new idea, but it has yet to be explored. The Advisory Service could sound out the reaction of a number of potential contributors to the possibility of setting up such a fund, which would be intended for the Committees encountering the greatest difficulties because of a shortage of resources.

Turning now to the matter of reporting and the exchange of information, the views expressed were unanimous. There is a plethora of systems of periodic reports, but none of them is really satisfactory. During the working group discussions and in plenary, several systems of periodic reports were mentioned, notably those established by the 1997 Ottawa treaty and by resolutions of the United Nations General Assembly and that of the OAS.

In this regard too the Advisory Service could ease the burden on the Committees by preparing a document setting out in simple terms the obligations stemming from certain IHL treaties and from the resolutions of international organizations.² This would ensure that the Committees were fully aware of the need to submit and/or the possibility of submitting such reports. They could then draw up the reports themselves or approach their governments to make sure that they were drawn up, possibly with the Committees' support.

The German Committee mentioned that it was ready to support the efforts of other Committees wishing to become more closely involved in an

¹ Editor's note: In the meantime the Advisory Service has drawn up a document entitled "Practical advice to facilitate the work of National Committees on international humanitarian law", which can be found in Part IIA of the present report.

² Editor's note: In the meantime the Advisory Service has produced a fact sheet entitled "Exchange of information on national implementation of international humanitarian law", which can be found in Part IIB of the present report.

information exchange system. Several compatibility studies, which the Advisory Service could help make available, have been carried out around the world. These could be used as the starting point for such a system.

Again, the Advisory Service could explore the suggestion that contacts between Committees be facilitated by computerized tools. Several National Committees are in the process of setting up their own Websites or have already done so. Information on the activities of the Committees could be exchanged by this means. We could also envisage including more material in the Advisory Service's Web pages. Possibilities in this regard will be examined with our computer specialists. For example, our Web pages could give access to the list of existing National Committees, with direct links to their sites. A new section could be installed giving details of the Committees' most prominent activities or the most recent information. On the one hand this would make their activities better known worldwide, and on the other it would foster bilateral contacts between Committees, which in our view are essential. On this point we remain convinced that it is in the Committees' interest to establish direct contact with their counterparts and to pursue all initiatives taken to this end.³

We shall also take a closer look at the idea and the possibility of encouraging the exchange of annual or biennial reports on the activities of the National Committees. A compilation of such activities by region could be submitted to International Conferences of the Red Cross and Red Crescent as a contribution to ensuring respect for IHL. This is another avenue to be further explored.

The matters and suggestions reviewed here will be examined so that we can move on beyond our current activities. However, despite our commitment and our conviction of the importance of working for national implementation, our resources are also limited and we count on you to forge ahead in this respect. This task requires not only initiative, imagination and perseverance but also a critical approach which does not consider the taking of particular measures as an end in itself but as a tool whose effectiveness must be constantly evaluated in terms of the results achieved.

³ Editor's note: In the meantime the Advisory Service has set up an electronic "Forum" giving Committees the opportunity to exchange information, questions and experience. Further details on the electronic "Forum" are available on the ICRC Website (<http://www.icrc.org>).

These considerations and suggestions are rather cursory in comparison with the ample content of the debates and the ideas put forward. We shall examine closely the consolidated reports and the possibilities for acting on the proposals made. All the discussions and proposals will be included in a report which you will receive and which we hope will serve to sustain the dialogue. Thanks to the cooperation of the National Committees and the momentum they have created, this meeting has constituted a link in the chain of the national implementation process. We attach a great deal of importance to the maintenance and intensification of this dialogue.

PART II

**TOOLS FOR THE USE
OF THE COMMITTEES**

1. Practical advice to facilitate the work of National Committees on international humanitarian law

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INTRODUCTORY REMARKS

National Committees on international humanitarian law are bodies offering advisory services to the authorities. Their purpose is to promote and facilitate the implementation of this body of law on the national level. Their activities should cover all the relevant instruments of international humanitarian law.

Following the Meeting of Experts on Committees or other national bodies for international humanitarian law held in Geneva from 23 to 25 October 1996 by the Advisory Service on International Humanitarian Law of the ICRC, the Advisory Service drew up a document entitled *Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law* (hereinafter “Guiding Principles”). The aim of the Guiding Principles was to provide support for States wishing to establish such a body and to harmonize the methods of operation of existing bodies.

The objective of the present document, which supplements the Guiding Principles, is to facilitate and harmonize the work of the National Committees and the relations between them. The advice offered is based on examples of Committees’ best practice and on discussions within the Advisory Service following the first worldwide meeting of representatives of National Committees on international humanitarian law held in Geneva in March 2002. Models for use by the Committees are also provided (in boxes in the text). The Practical Advice covers the organization, working methods and means of communication of bodies for implementation of international humanitarian law, and also considers the relations they have to establish on both the national and the international level.

1. COMPOSITION

The success of any collective human endeavour, such as a National Committee on implementation of international humanitarian law, depends on the elements of which it is composed. Having the right people in the right positions is crucial. Similarly, the competence and motivation of the participants, the time they are prepared to devote to the Committee and the flexibility of the Committee's organization are all factors that can have a decisive influence on the success of its work.

1.1. Making sure that all the ministries concerned are represented on the Committee

All the ministries concerned with the implementation of international humanitarian law must be represented on the Committee, beginning with the Ministries of Foreign Affairs, Justice and Defence. The latter is a special case: both the civilian administration and the military staff should be involved in the work of the Committee. The Ministries of the Interior, Culture, Health and Education must also be represented, together with the National Red Cross or Red Crescent Society. The Committee itself should be attached to the ministry that is most active in the implementation of international humanitarian law, or to the National Society if that is the body most closely involved in such activities.

Another important point: to ensure the continuity of the Committee's work it is the ministries themselves that should be members of the Committee rather than any one individual designated to represent a ministry.

1.2. Striking the right balance between level in the hierarchy, availability and competence of Committee members representing ministries

With regard to Committee members who are representatives of ministries, a proper balance must be found between three requirements which are sometimes difficult to reconcile. First of all, ministerial representatives must be of a sufficiently senior level to be able to take decisions on behalf of the authority they represent, thus increasing the chances of the Committee's recommendations being followed up. Secondly, the appointment of very high-level representatives is not always an ideal solution. Indeed, it is likely that because of their other commitments they will not always be available to attend meetings and take part in other Committee activities. Finally, it is preferable that the members of the Committee be

officials with direct responsibility for international humanitarian law within their respective ministries.

Moreover, if the individuals in charge of international humanitarian law within the ministries concerned cannot represent their ministries as such, they should at least be involved as special advisers, even if this means that several representatives of the same ministry take part in the Committee's proceedings.

1.3. Assigning responsibilities according to issues addressed and ensuring flexibility in participation

As a rule, Committees hold plenary meetings, during which decisions are taken, and working group meetings during which most of its activities are prepared and carried out. The chairmanship of each working group should fall to the representative of the relevant ministry, that is, the member of the Committee most closely involved in pursuing the objective in question. Indeed, it is important that there be a clear division of responsibilities within the Committee and its working groups. The ministry in charge of ensuring progress on the matter at hand should be designated and a deadline set for achieving the objective. That will help to make sure that the matter is followed up. This approach could be fostered by the preparation of a work sheet on the subject by the working group concerned (see point 3.3).

By making the most of the time available to each member, it should be possible for the ministries concerned, such as the Ministries of Culture, Health or Education, to take part only in proceedings of the Committee that fall within their area of competence. For example, only the authorities concerned by the issue addressed would be called upon to take part in Committee meetings, or, as mentioned above, working groups on specific matters could be set up comprising representatives of the relevant ministries.

1.4. Striking a balance between being open to civil society and the need for confidentiality

It is important to assess whether the participation of representatives of civil society (NGOs, youth movements, women's associations, etc.), as full members of the Committee will bring added value to its long-term work or constitute an obstacle to frank and effective discussion among members who represent various authorities. Another possibility is to involve civil society in the Committee's activities on an *ad hoc* basis, in

particular when it comes to conferences, meetings on specific subjects or exchanges of information. Whatever the case, the Committee has to reconcile a desirable degree of openness with the possible need for confidentiality in its discussions.

2. HUMAN AND FINANCIAL RESOURCES

Making proposals relating to national implementation is not a costly process requiring substantial funds. Yet the question of resources, whether human, material or financial, is crucial for strengthening the activities conducted by a Committee and for increasing the effectiveness of its work.

2.1. Having the necessary knowledge and information

The Committee has to make sure that its members have the necessary knowledge of and information about international humanitarian law. Where the need is felt, they could receive training, by attending courses given by the national authorities themselves (such as the armed forces), by the National Red Cross or Red Crescent Society, or by the ICRC.

Similarly, new members should receive all necessary information about the workings of the Committee and its achievements. One way of ensuring this is to put one Committee member in charge of internal training/information.

2.2. Ensuring that the Committee has its own budget and resources

While there is no need to remunerate its members, it is most desirable that the Committee should have a budget that allows it to cover its own running expenses (photocopies, mail, telephone). Ideally, as soon as it is set up the national authorities should automatically grant it logistic resources (premises for its meetings, a photocopier, a person in charge of the secretariat, Internet access) and a working budget. If this is not the case, the Committee can again raise the matter with the authorities when it is revitalized, when its mandate is extended or when its legal basis is modified.

Whatever the situation, as the Committee is made up of ministerial representatives, an internal sharing of working expenses should be

organized from the outset. This can be done by determining what expenses each ministry or department is actually prepared to cover (photocopies, human resources, production of documents).

When it comes to the organization of occasional events (seminars or conferences), the Committee can also seek to obtain funds on a one-off basis or to form external partnerships, for example with the National Red Cross or Red Crescent Society or with universities or other academic institutions.

3. WORKING METHODS

The aim of the National Committee is of course to make sure that international humanitarian law as a whole, including recent developments such as the establishment of the International Criminal Court and the adoption of the latest instruments on the use of certain weapons, is implemented effectively on the national level. To perform this task, the Committee has to adopt clear and appropriate working methods. The more effective its working methods, the more credible the Committee's work, and the more frequently its expertise will be sought.

3.1. Identifying measures to be taken on the national level: the compatibility study

The first thing to do is to analyse the status of implementation of international humanitarian law on the national level. This analysis, also known as a compatibility study, makes it possible to identify shortcomings and set priorities with regard to the measures to be adopted. The methodology used and the structure or the form chosen may vary from one study to another. As part of its function of providing technical assistance, and to offer support to States who so request, the ICRC Advisory Service has produced a blueprint for this type of study (see model below). The study should contain a description and an assessment of national mechanisms for the implementation of international humanitarian law, a description of the relationship between domestic law and international law in the State in question, and a discussion of national implementation measures, such as any legislative measures taken. The general points of each type of measure must be considered, its effectiveness assessed and conclusions drawn accordingly.

In general it is preferable for this study to be conducted by the Committee, or at its request. The study will have to be updated regularly and should constitute the starting point for the Committee's work, and more specifically the basis for the drafting of its plan of action (see point 3.2).

As far as possible, these compatibility studies should be open to consultation by the public, or even be published. This would, in particular, make them available to other Committees. The authorities, however, may prefer the study to remain confidential, and such an approach can, in certain cases, ensure greater efficacy in the adoption of the national measures recommended. In that event consultation of the study should at least be authorized on request, following decisions taken by the Committee on a case-by-case basis.

The Committee must bear in mind that conducting a study on all the measures needing to be taken is only a first step towards their realization.

MODEL

Compatibility study between domestic law of [State] and the obligations stemming from international humanitarian law

- I. INTRODUCTION
[Objectives, utilization, distribution]
- II. NATIONAL MECHANISMS FOR IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW
[Description and assessment of such mechanisms]
- III. DOMESTIC LAW AND PUBLIC INTERNATIONAL LAW
[Description of the relationship between international law and domestic law in the State in question]
- IV. ASSESSMENT OF NATIONAL MEASURES FOR IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW
 1. Participation in treaties
 2. Translation of treaties into national language
 3. Dissemination and instruction
 4. Legislative measures and regulations
 - Protection of red cross and red crescent names and emblems and of other distinctive signs
 - Repression of war crimes
 - Judicial guarantees
 - Protection of children
 - Identification (medical and religious activities, armed forces, press, installations and works containing dangerous forces, cultural property and places of worship)
 - Structures providing protection and assistance (National Red Cross or Red Crescent Society, civil defence, national information bureau, protected zones and localities, graves registration service)
 - Environment
 - Military planning (separation of military objectives and civilian objects, determination of the lawfulness of new weapons)
- V. CONCLUSIONS AND RECOMMENDATIONS
[Summary of conclusions of sections II and IV, and recommendations relating to measures to be taken]

ANNEX

[List of laws and other legal instruments cited]

NB: This is a simplified version of a more detailed model available from the ICRC Advisory Service.

3.2. Setting priorities and objectives: the plan of action

On the basis of the findings of the compatibility study, the Committee must determine the subjects on which it is going to focus its activities. One efficient means of doing this is to adopt a plan of action. Such plans, which can vary widely in terms of content, scope and degree of precision, and which may cover a one-year period, for example, must set not only priorities but also concrete objectives, must define a general strategy for each objective, and must designate the body or individual responsible for the achievement of each objective. This last point will also facilitate monitoring of the extent to which the content of the plan of action is being carried out, enable the Committee to assess the plan's effectiveness (see point 3.5), and further strengthen the Committee's motivation.

As suggested in the model, the Committee's objectives may be divided into the following categories:

- participation in treaties and analysis of the validity of reservations: action that the Committee can take to encourage the State to ratify/accede to the various treaties of international humanitarian law, and to withdraw reservations which no longer have any justification;
- adoption of measures of national implementation: action that the Committee can take with a view to the adoption by the authorities of measures for the dissemination and teaching of international humanitarian law and of legislative measures or regulations for its implementation;
- monitoring of new developments in international humanitarian law on both the national and the international level: monitoring by the Committee of national and international developments and action that it can take to incorporate these developments in national implementation (examples: in the event of violations of international humanitarian law, reminding the authorities of their obligation to respect and ensure respect for international humanitarian law; encouraging the authorities to adopt national procedures for determining the lawfulness of newly developed weapons, in accordance with Article 36 of 1977 Additional Protocol I);
- internal operation of the Committee: internal measures that the Committee can take to strengthen its own effectiveness.

Of course, there is nothing to prevent a Committee from choosing a different classification or other issues aimed at ensuring better implementation of international humanitarian law on the national level.

MODEL

Plan of action for [period] of the [name] Committee, adopted on [date]

Distribution list

I. OBJECTIVES, STRATEGIES AND RESPONSIBILITIES

1. Participation in treaties and examination of validity of reservations
(*Example*
Objective: promoting ratification of the Ottawa treaty on mines.
Strategy: present arguments to the Ministry of Defence.
Responsibility for pursuing the objective: Ministry of Defence representative on the Committee.)
2. Adoption of national implementation measures
(*Example*
Objective: implementation of the Rome Statute of the International Criminal Court.
Strategy: prepare a draft bill for submission to Parliament.
Responsibility for pursuing the objective: Committee working group in charge of the repression of war crimes.)
3. Monitoring of new developments in international humanitarian law on the national and the international level
(*Example*
Objective: monitoring the proceedings of an international conference on international humanitarian law and ensuring that they are subsequently taken into account by the authorities.
Strategy: advise the authorities during preparations for the conference and take part in it as an expert or a member of the delegation of the State in question.
Responsibility for pursuing the objective: Ministry of Foreign Affairs representative on the Committee.)
4. Internal operation of the Committee
(*Example*
Objective: amendment of the Committee's charter.
Strategy: adopt a new draft and submit it to the authority to which the Committee is attached.
Responsibility for pursuing the objective: Committee in plenary session.)

II. EVENTS AND CONTACTS

1. Participation in/organization of conferences, seminars and study sessions
[Subjects, dates, places]
2. Contacts with other Committees
[Countries of Committees in question, issues to be discussed, dates, places]

III. BUDGET

1. Amount needed [Allocation]
2. Funds available and to be sought
[Allocation, source, and strategy for securing possible budget increase]

IV. SCHEDULE

[Dates of plenary meetings and known deadlines]

3.3. Adopting a thematic approach: the work sheet

It is important that the Committee should not dissipate its energy and its resources but bring them to bear on the priorities defined in the plan of action (see point 3.2). One way of doing this is to adopt a thematic approach by producing work sheets. Once it has clearly determined the obligations incumbent on the State and the situation with regard to implementation in the area chosen, the Committee must determine the activities that should be conducted to remedy any shortcomings and propose an appropriate decision to the relevant authorities, together with a precise time frame for the taking of the measures in question.

This thematic approach fits in very well with the flexible organization of activities by means of working groups as recommended above (see point 1.3). For example, a working group involving the members most directly concerned might be set up to deal with a particular matter.

Moreover, by determining precisely which authorities are responsible for following up the matter, the work sheet encourages every member to play a part and stresses the importance of the role of each.

Here it might be useful to point out that the Committee should in no way feel restricted in the choice of issues to be addressed. All instruments relevant to international humanitarian law are within its competence, ranging from implementation of the Statute of the International Criminal Court to protection of the emblems, from the repression of war crimes to the implementation of treaties concerning different types of weapons, and from dissemination of the Geneva Conventions to the protection of cultural property. If other bodies have been established to deal with any of these matters, the Committee must cooperate with them in as effective a way as possible (see points 5.1, 5.2 and 5.3).

MODEL

[Insert subject]: work sheet No. ...

(updated on day/month/year)

- I. PROVISION(S) TO BE IMPLEMENTED
 1. International legal basis
 - Name(s) of treaty(ies) concerned
 - Number(s) and content of article(s) concerned
 2. National legal basis
 - Name(s) of law(s) incorporating the treaty(ies) mentioned above
- II. STATUS OF THE ISSUE
 1. Existing measures [description]
 2. Action already taken and results achieved (chronological order)
 - Authority(ies) taking action (executive and legislative authorities, Committee, one of its working groups or members)
 - Action taken and result(s) achieved
 3. Analysis of necessary implementation measures
 - Shortcomings
 - Measure(s) to be taken to remedy those shortcomings
- III. PROPOSAL OF PRACTICAL MEASURES AND SUBMISSION TO THE AUTHORITY RESPONSIBLE FOR THE MATTER
(*Example*: “The Committee proposes that the report of the working group, together with a draft bill amending the criminal code, be submitted to the Minister of Justice, with a request that the Minister recommend action on the Committee’s proposal”)
- IV. FOLLOW-UP
 1. Date of submission to the relevant authority, period allowed for reply, and contacts with the authority concerned
 2. Issue by the Committee of a reminder within the time frame established
 3. Reply from the authority
- V. BUDGETARY IMPLICATIONS
 1. Measure(s) 1
 - Ministry(ies) or authority(ies) responsible for the matter [where appropriate, indicate the working group or sub-committee in charge and the name, first name, position, address, telephone and fax numbers and e-mail address of its chairperson]
 - Financial implications [amount and source]
 2. Measure(s) 2 ...

ANNEXES

[Documents relating to the issue in question, such as report of the working group or sub-committee in charge of the matter, the text of the law or regulation to be amended with indication of source, the text of the draft law, regulation or administrative measure prepared by the Committee]

3.4. Keeping a record of work done: the annual report

Reports have to drawn up on the Committee's activities, usually on an annual basis. Such reports are an effective means of informing the authorities concerned and the public at large (see point 4.1) of the work done by the Committee. They should contain, as a minimum, details of the progress made and results achieved with regard to the objectives defined in the plan of action (see point 3.2), and of activities relating to cooperation, in particular with other National Committees.

Furthermore, by giving the Committee the opportunity to review its achievements, a report can be a useful tool for evaluating the work done (see point 3.5).

More generally, annual reports allow the Committee to build up a record of its activities as an institution, which is important over the long term. From this viewpoint, and although more for internal purposes, the taking of minutes of Committee meetings and the constitution and conservation of archives are also important. The secretariat of the Committee has a crucial role to play in this regard, since this is the service that will be responsible for taking minutes of meetings and drawing up reports.

MODEL

Annual report for [year] of the [name] Committee

- I. INTRODUCTION
[Distribution, reminder of the Committee's mandate and composition]
- II. ORGANIZATION AND STRUCTURE
 1. Plenary meeting(s) of the Committee
 - Date(s)
 - Matter(s) dealt with
 2. Opinions, recommendations and reports adopted by the Committee
 - Date(s) of adoption and issue(s) addressed
 3. Working groups
 - Number and subjects dealt with
 - Chairmanship and composition
 - Report(s) adopted
- III. SPECIFIC ACTIVITIES AND RESULTS
 1. Promotion of participation in treaties and analysis of the validity of reservations
 - Activity(ies) undertaken (especially those provided for in the plan of action)
[Dates, role played by the Committee, etc.]
 - Result(s) achieved
 2. Adoption of national implementation measures
 - Activity(ies) undertaken (especially those provided for in the plan of action)
[Dates, role played by the Committee, etc.]
 - Result(s) achieved
 3. Monitoring of new developments in international humanitarian law on the domestic and international levels
 - Activity(ies) undertaken (especially those provided for in the plan of action)
[Dates, role played by the Committee, etc.]
 - Result(s) achieved
 4. Cooperation
 - Activity(ies) undertaken (especially those provided for in the plan of action)
[Dates, role played by the Committee in taking part in or organizing conferences, seminars, study sessions; contacts with other Committees or bodies in charge of implementation of international humanitarian law]
 - Result(s) achieved
- IV. EVALUATION
 1. General work of the Committee
 2. Comments on specific activities or results

ANNEXES

- Annex I Reports on meetings
- Annex II Reports of working groups
- Annex III Texts of opinions and recommendations and of any draft law or document prepared by the Committee during the year

3.5. Periodic evaluation of the Committee's work

It is certainly desirable to include in the Committee's annual report (see point 3.4) an evaluation of its work in general and comments on the results of the most significant activities that it has conducted during the period under review.

As a general rule the Committee should, at regular intervals, evaluate its achievements and identify the obstacles it has encountered. This will allow it to consider ways of overcoming those obstacles. Drawing on its own experience and, where appropriate, on that of other Committees, it will then be able to forge ahead and strengthen its action.

4. COMMUNICATION

In today's world it has become an obligation to make one's activities known as widely as possible. It would be regrettable if the Committees' work did not receive the recognition it deserved for lack of proper communication. The Committees should therefore systematically seek to "make known their know-how".

4.1. Presenting the Committee and its activities by means of effective communication methods and tools

The Committee must draw the attention of not only the authorities but also other target groups who are interested in international humanitarian law to its activities. Breaking out of the circle of insiders is one of the conditions for its success, and sometimes even for its survival. It must therefore identify the target groups in question and develop its ability to communicate in order to play its role to the full.

This communication strategy can be pursued by various means, depending on the context and the resources available to the Committee:

- design of a logo and use of notepaper with the Committee's letterhead;
- distribution of a newsletter;
- creation of a Website;
- production of a brochure presenting international humanitarian law and the role played by the Committee in its implementation;

- organization of annual conferences or seminars, alone or in partnership with other bodies, and participation in major events relating to international humanitarian law held on the national level;
- organization of the public presentation of the Committee's annual report (see point 3.4), and of the situation of implementation of international humanitarian law on the national level.

4.2. Ensuring the availability of a network of contacts

Visibility is an important factor for the Committee's effectiveness. It is highly desirable that the Committee have at its disposal a network of individuals or bodies whom it can keep informed of its activities and the results achieved. This network would in its turn pass this information on to its own contacts. To this end, a working group on communication could be set up within the Committee with the task of working out an appropriate strategy, and keeping a file listing the details of individuals and institutions interested in international humanitarian law.

The chairman of the Committee also has a vital role to play in raising its profile, as he or she is particularly well placed to ensure that it is known and recognized by the political authorities and civil society. The chairman could, for example, attend all major events relating to international humanitarian law that are organized on the national level.

The complementary role of the secretariat as a link between the Committee and the authorities or civil society is also important in this regard. In particular, as the service that produces the Committee's annual reports (see point 3.4) and other documents, it has the opportunity to draw attention to the Committee's activities and spread information about them among various target groups.

5. RELATIONS WITH NATIONAL AUTHORITIES

The National Committee must fit smoothly into State structures, of which it forms a part. It is important that its activities have repercussions on the work of other authorities and that it develop its credibility vis-à-vis those authorities and make its expertise and its services available to them. Maintaining the best possible relations between the Committee and the other authorities is therefore of mutual interest.

5.1. Maintaining close working relations within the executive

It is essential that the Committee maintain regular and close working relations with the ministries which are represented on it, on which it depends or which are concerned by the measures that it seeks to promote. Obviously, the greater the Committee's success in making known the quality of its work and the usefulness of its services, the more the executive authorities will consult it. Conversely, the more information available to the Committee on ministerial initiatives taken in areas relating to international humanitarian law, the greater the effectiveness of its work. The Committee must therefore keep the authorities regularly informed of its activities and work in consultation with them, for example by engaging in the following activities:

- having government representatives circulate information on the Committee's proceedings within their respective ministries;
- informing the authorities of the opinions and recommendations adopted, distributing the annual report, and maintaining a regular dialogue with them (for a model of an annual report, see point 3.4);
- adopting a proactive attitude aimed at encouraging the authorities to get into the habit of consulting the Committee on all matters relating to international humanitarian law, for example by systematically proposing its expert advice on any such matter;
- including in its priorities subjects relating to international humanitarian law that are likely to be of interest to the authorities (for a model plan of action setting priorities for the Committee, see point 3.2);
- cooperating with any other bodies whose activities are connected with international humanitarian law, such as human rights commissions, disarmament commissions, bodies set up within the framework of the Ottawa treaty on anti-personnel mines, or the national authority established in accordance with the provisions of the 1993 Chemical Weapons Convention.

5.2. Developing links with the legislative authorities

It is important for the Committee to develop links with the legislative authorities and to keep them informed of its activities and decisions (opinions, recommendations, etc.). Such links can be useful at three levels for the implementation of international humanitarian law. First of all, these authorities are directly concerned with the adoption of legislation. Secondly, they are sometimes very well placed to directly address questions

to the executive. Thirdly, specialized parliamentary committees (dealing with a specific topic or having particular competence) are a target audience likely to be directly interested in the Committee's expertise.

The following are some examples of what the Committee could do with a view to forging links with the legislative authorities:

- regularly inviting certain representatives of the legislative authorities (such as the chairmen of parliamentary committees involved in the implementation of international humanitarian law) to attend Committee meetings, especially working meetings on matters requiring action by Parliament, on the occasion of the presentation of the Committee's annual report (for a model annual report, see point 3.2), when pertinent issues are on the parliamentary agenda or when proposals have been put forward by the Committee;
- requesting that the Committee be heard on certain issues debated by Parliament (for example, during discussions relating to the ratification of a treaty);
- submitting to parliamentarians the results of all activities that concern them (such as draft bills).

Thus the Committee must inform the legislative authorities of its activities, but must also keep an eye on the parliamentary agenda. One way of doing this is to entrust the task to one of its members.

5.3. Cooperating with the judiciary in the implementation of international humanitarian law

Among their other activities, the judicial authorities are responsible for the repression of violations of the law, including war crimes and misuse of the red cross and red crescent emblems, and also for certain aspects of cooperation with the International Criminal Court, all areas that are within the competence of the Committee. The Committee and the magistracy have a common interest in organizing the exchange of information. The Committee has everything to gain from being informed of relevant matters dealt with by the judicial authorities, and the latter can benefit greatly from the Committee's expertise in international humanitarian law, and from the events it organizes. For example, the Committee could make representations with a view to having the courts punish cases of misuse of the emblem, or could hold advanced training courses in international humanitarian law for judges.

6. INTERNATIONAL COOPERATION

The National Committee is an advisory body whose role is to offer the authorities advice on matters within its competence. It may nevertheless become involved at the international level, by working hand in hand with sister Committees in other countries or by making a contribution to the international exchange of information on national implementation of international humanitarian law.

6.1. Strengthening direct links between Committees

Bilateral or multilateral cooperation between Committees, allowing the exchange of information and of comments on their respective experiences relating to the implementation international humanitarian law, has proved most useful. Such cooperation may have a formal basis (agreements between Committees) or take place at informal meetings. It may be promoted by the following activities:

- designating one or several Committee members to be in charge of direct relations with other Committees; in order to keep costs to a minimum the member in question could be someone who by virtue of his or her function outside the Committee regularly goes abroad on official missions and could take advantage of this to meet with the Committees (or one of their members) in the countries visited;
- arranging for documents drafted in the national language whose content the Committee wishes to share to be translated into a language having wide international currency;
- systematically announcing events, conferences or other activities organized by the Committee;
- asking other Committees for opinions or advice on operating methods and practice and on national implementation measures adopted or planned.

In order to facilitate such cooperation between National Committees, the ICRC Advisory Service has set up an electronic “Forum” allowing Committees to exchange all sorts of information, questions and experiences (see the last section below for further information).

6.2. Maintaining relations with international organizations and other bodies and taking part in exchanges of information on implementation of international humanitarian law

The national authorities alone are competent to maintain regular relations with the international organizations concerned with international humanitarian law. However, a Committee has various opportunities to play a useful part in this cooperation and thus ensure a better exchange of information on implementation of international humanitarian law, by:

- proposing to the government that it contribute to the drafting of the Secretary-General's report to the United Nations General Assembly on the status of the 1977 Additional Protocols, and asking for a copy of the report;
- proposing that a member of the Committee represent the government, or accompany the delegation in an expert capacity, at meetings held by international organizations where issues relating to international humanitarian law are on the agenda;
- providing the authorities with support in the gathering and communication of information relevant to the instruments of international humanitarian law;
- keeping the ICRC Advisory Service regularly informed of any changes affecting the Committee (its mandate, composition, contact details, chairmanship, secretariat), of its activities and of progress made in the implementation of international humanitarian law on the national level, so that the Advisory Service can circulate the information among other Committees via the ICRC's Website or via the Advisory Service's database (see below for further information).

FOR FURTHER INFORMATION

The necessary details for contacting National Committees directly may be found at the ICRC's Website (<http://www.icrc.org>).

An electronic "Forum" for the use of National Committees has been set up by the ICRC Advisory Service on international humanitarian law. This "Forum" allows Committees to establish a dialogue, exchange information on their activities and solve the problems that arise through the pooling of experiences. It also enables the Advisory Service to centralize all the information concerning the National Committees that the latter provide. More details about the "Forum" are available on the ICRC Website at the address given above.

Should you have any questions or require further information, the Advisory Service is at your disposal at the following address:

*Advisory Service on International Humanitarian Law
International Committee of the Red Cross
19 Avenue de la Paix,
CH – 1202 Geneva
e-mail: advisoryservice.gva@icrc.org*

2. The exchange of information on national measures to implement international humanitarian law

Any system for exchanging information aims to improve compliance with the law. International humanitarian law (IHL) has no uniform mechanism. A range of complementary, compulsory or optional systems exists, involving either the simple forwarding of information or the submission of periodic reports. This inter-State exchange of information may involve international organizations, depositaries of the treaties, National Committees for IHL, and the International Committee of the Red Cross (ICRC).

STATES' OBLIGATIONS

Transmission of information: official translations, laws and implementing regulations

The 1949 Geneva Conventions and their 1977 Additional Protocol I, which are part of the core of IHL, provide for the exchange of information between States Parties on national measures to implement their provisions.

According to the terms of Articles 48/49/128/145 common to the Geneva Conventions, and of Article 84 of Protocol I, the States Parties must communicate to one another the official translations of the treaties in question and any laws and regulations they have adopted to ensure implementation. These translations are to be communicated in peacetime through the Swiss government, which is the depositary of the Geneva Conventions and their Protocols, and in wartime through the Protecting Powers.

The term “laws and regulations” is understood here in the broadest sense. It covers all legal instruments issued by both the executive and the legislative powers that have any bearing on the implementation of the treaties in question.

States must thus inform one another of the measures they take by virtue of the provisions requiring them to do so (such as criminal laws repressing grave breaches of IHL or legislation regulating the use of the emblem), and also of any other laws and regulations they adopt to ensure compliance with the Conventions and Protocol I.

Other treaties provide for similar systems for exchanging information. The 1993 Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, for example, in addition to providing for certain verification procedures, also requires the States Parties to inform the Organization for the Prohibition of Chemical Weapons of the legislative and administrative measures taken to implement its provisions (Art. 7, para. 5).

Likewise, the 1999 Second Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict requires the parties to communicate without delay information to one another, through the Director-General of UNESCO, on the laws and administrative provisions they adopt to ensure that the Protocol is applied (Art. 30, para. 3).

The aim in transmitting this information is to enable each party to examine how the others construe and fulfil their obligations. Errors, differences and contradictions can thus be brought to light or even avoided; the system can also prompt the parties to endeavour to outdo each other in their efforts at implementation.

Systems for reporting on the application of certain conventions

The exchange of information is the purpose of the reporting systems for which provision is made in other instruments of IHL. These documents, which are presented periodically, generally contain analysed data and often cover fields other than the adoption of legislative and administrative measures.

According to Article 26, paragraph 2, of the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict, for example, the States Parties must submit a report to the Director-General of UNESCO at least once every four years providing any information they deem appropriate on the measures which their respective administrations have taken or prepared or are envisaging for the implementation of the Convention and the Regulations for its execution.

Article 7 of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction requires the States Parties to submit an annual report to the Secretary-General of the United Nations informing him in particular of national implementation measures, the stockpiles of anti-personnel mines, the location of mined areas, the quantities of anti-personnel mines retained

for training purposes, the destruction of anti-personnel mines, and the measures taken to warn civilians and prevent them from entering mined zones.

Finally, Article 8 of the Optional Protocol to the Convention on the Rights of the Child, of 25 May 2000, stipulates that each State Party must, within two years following the entry into force of the Protocol for that State, submit a report to the Committee on the Rights of the Child providing information on the measures it has taken to implement the provisions of the Protocol, including those on the recruitment of children and their participation in hostilities. Further information on the implementation of the Optional Protocol is included in the subsequent reports the State Party submits to the Committee on the Rights of the Child (Art. 44 of the Convention).

INFORMATION TRANSMITTED WITHIN INTERNATIONAL ORGANIZATIONS

United Nations

Since the adoption of the Additional Protocols in 1977, the General Assembly has regularly requested the Secretary-General to report to it on the status of these instruments. Initially, that report concerned only the signing and ratification of the two Additional Protocols, but its content has gradually been extended in accordance with the biennial resolutions on which it is based. It now includes an increasing amount of detailed information, which the Member States and the ICRC present on a voluntary basis. Furthermore, this information now covers the measures taken by the States towards the implementation of IHL as a whole.

Regional organizations

Regional organizations also provide a framework within which information on national measures to implement IHL can be exchanged.

Pursuant to the resolutions adopted each year by the General Assembly of the Organization of American States, for example, numerous reports have been drawn up on the subject within that Organization since 1998, either by the Secretary General, the Permanent Council, the Member States, or the ICRC.

Similarly, an office for monitoring the implementation of IHL was set up within the legal department of the League of Arab States in 2001. The tasks of that office include collecting information and drawing up an annual report.

Role of the National Committees for international humanitarian law

Within the framework of their respective mandates, and in particular their activities to provide advice and assistance to government authorities, the National Committees for IHL can play a very useful role in the exchange of information.

Some Committees have already been very active in this respect, but all are encouraged to step up their involvement as far as possible, either:

- by encouraging their governments to honour their commitments to transmit information and issue reports;
- by encouraging their governments to supply relevant information in the context of the optional procedures, particularly within international organizations; or
- by providing assistance in the preparation and/or editing of reports or other documents, whether by commenting on drafts, helping to seek or collect information at the national level, or coordinating preparatory activities.

The National Committees also contribute more directly to the exchange of information by developing cooperation amongst themselves or with the ICRC.

ROLE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

Working through the Advisory Service on IHL, the ICRC has considerably enhanced its activities to promote the exchange of information on national measures of implementation.

Database

One essential measure adopted by the Advisory Service was the creation of a public database, which can be accessed through the ICRC Website (<http://www.icrc.org/ihl-nat>).

The database contains the text of legislative measures and regulations adopted by States and, where at all possible, the texts of national court decisions relating to IHL.

The content of the database is compiled using the information made available to the Advisory Service, notably by a network of experts based throughout the world.

Biennial report

Every two years, the Advisory Service also publishes a report summarizing the national measures of implementation taken by governments. The report includes country-by-country information on the status of ratification of IHL treaties, the legislation enacted with a view to implementing the law, whether or not a National Committee has been established and, if so, what it has accomplished.

The Advisory Service also provides *ad hoc* assistance to all those involved in these complementary systems and takes part directly in certain cases.

ANNEXES

- I. Programme of the meeting**
- II. List of participants**
- III. Table of National Committees
on International Humanitarian Law**
- IV. Guiding principles concerning the status
and methods of operation of national bodies
for the implementation of international
humanitarian law**

ANNEXE I

*Meeting of Representatives of National Committees
on International Humanitarian Law*

Geneva, 25-27 March 2002

*Chairman: Mr François Bugnion,
Director for International Law and Communication, ICRC*

Programme

Monday 25 March

- 08h45 – 09h15** Arrival of participants and registration
- 09h15 – 09h30** **Opening statement**
Mr Jacques Forster, Vice-President, ICRC
- 09h30 – 09h45** **Objectives and organization of the meeting**
*Mr François Bugnion, Director for International Law
and Communication, ICRC*
- 09h45 – 10h00** **Activities of the Advisory Service on International
Humanitarian Law to promote and assist National
Committees: Developments since the 1996 Meeting
of Experts**
Ms María Teresa Dutli, Head, Advisory Service on IHL, ICRC
- 10h00 – 10h20** *Coffee break*
- 10h20 – 12h15** **Progress in different regions of the world**
- 10h20 – 10h50** **Africa and the Middle East**
*Mr Malefetsane Mofafa, President of the Lesotho Committee
Prof. A. Shamsan, Member of the Yemen Committee*
- 10h50 – 11h05** **The Americas**
Mr Francisco Belmar, Member of the Chilean Committee
- 11h05 – 11h20** **Asia and Pacific States**
Ms Helen Durham, Member of the Australian Committee
- 11h20 – 11h50** **Europe and Central Asia**
*Mr Árpád Prandler, Chairman of the Hungarian Committee
Mr Vitaly Kalugin, Deputy Chairman of the Belarus Committee*

	11h50 – 12h15	Discussion
12h15 – 12h30	Impact of the Committees' activities: A few observations by the ICRC <i>Ms Isabelle Küntziger, Legal Adviser, Advisory Service on IHL, ICRC</i>	
12h30 – 12h45	Developing and calling for respect for the law: What can a Committee do? <i>Mr Iskander Ghattas, Secretary-General of the Egyptian Committee</i>	
12h45 – 14h15	<i>Lunch</i>	
14h15 – 17h30	Current activities and prospects for the future	
	14h15 – 14h30	Diversity in the role, working methods and activities of Committees <i>Ms Anna Segall, Legal Adviser, Advisory Service on IHL, ICRC</i>
		Round table: Main activities of Committees
	14h30 – 14h45	Is a comparison between national law and international humanitarian law an essential first step in a Committee's work? <i>Ms Marcela Arriola and Mr José Luis Pérez Sánchez-Cerro, President and Vice-President of the Peruvian Committee</i>
	14h45 – 15h00	Is the International Criminal Court a topic for the National Committee on international humanitarian law or for an <i>ad hoc</i> commission? <i>Mr Gérard Dive, Member of the Belgian Committee</i>
	15h00 – 15h15	Is the Committee's role to disseminate international humanitarian law or to encourage others to do so? <i>Ms Helen Upton, Member of the UK Committee</i>
		Discussion
	15h55 – 16h15	<i>Coffee break</i>
		Round table: A wider range of topics and a greater role for Committees
	16h15 – 16h30	Rules on the use of weapons: What functions can a Committee perform? <i>Ms Maj Johansson, President of the Swedish Committee</i>

16h30 – 16h45 Protecting cultural property in the event of armed conflict: How can national coordination be enhanced through a Committee?

Mr Alvaro Rivera Alemán, Member of the El Salvador Committee

Discussion

17h30 – 18h15 Implementation and dissemination tools: Presentation and instructions for use

Ms Julie Gaudreau, Legal Adviser, Advisory Service on IHL, ICRC

Mr Jean-Nicolas Marti, Deputy Head, Unit for Relations with Armed and Security Forces, ICRC

Ms Katie Sams, Delegate to Academic Circles, Education and Behaviour Unit, ICRC

Ms Johanne Dorais-Slakmon, Head of the “Exploring Humanitarian Law” project, ICRC

19h30

Dinner hosted by the ICRC

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Tuesday 26 March

09h00 – 12h30 Topic I: Improving the effectiveness of the Committees’ work

Working groups

(including coffee break, 10h30 – 11h00)

09h00 – 09h10 Introduction to working group discussions

Ms Isabelle Küntziger, Legal Adviser, Advisory Service on IHL, ICRC

09h10 – 09h30 The importance of self-evaluation by Committees: A case study

Dr Savin Jogan, Chairman of the Slovenian Committee

09h30 – 12h30 Working group discussions on Topic I:

Identifying the factors which contribute to the Committees’ effectiveness and impact and the elements which may hinder them in their work, looking in particular at: membership; operation and working methods; links with decision-makers; cooperation between Committees; external communication and visibility; resources.

Group 1 (English/French)

Chairman: Mr Robert Young, Member of the Canadian Committee

Group 2 (English/Spanish)

Chairman: Mr Elías Solís González, Member of the Panamanian Committee

Group 3 (English/Russian)

Chairman: Mr Mohammed Al-Hadid, Vice-President of the Jordanian Committee

12h30 – 14h00 *Lunch*

14h00 – 17h30 **Topic II: Setting up an information exchange system on national implementation**

Working groups (including coffee break, 15h30 – 16h00)

14h00 – 14h10 Introduction to working group discussions

Ms Anna Segall, Legal Adviser, Advisory Service on IHL, ICRC

14h10 – 14h30 Overview of initiatives to establish an information exchange system

Ms Heike Spieker, Secretary of the German Committee

14h30 – 17h30 Working group discussions on Topic II:

Role of the Committees in existing reporting mechanisms; pros and cons (added value) of a new system; what form a new system might take (topics covered, body to receive reports, frequency); possible role for Committees in a new system.

Group 4 (English/French)

Chairman: Mr Mario Bettati, President of the Sub-Committee on Humanitarian Law and Action, French Committee

Group 5 (English/Spanish)

Chairman: Mr Joseph Joof, President of the Gambian Committee

Group 6 (English/Russian)

Chairman: Ms Inna Yemelianova, Member of the Ukrainian Committee

17h30 – 17h45 **Review of the day's work and plans for Wednesday's proceedings**

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Wednesday 27 March

- 09h30 – 10h50** **Presentation of the results of working group discussions**
- 09h30 – 09h50** **Presentation of the results of working group discussions**
 Co-rapporteurs: *Mr Gérard Dive, Member of the Belgian Committee and Ms Isabelle Küntziger, Legal Adviser, Advisory Service on IHL, ICRC*
- 09h50 – 10h10** **Discussion**
- 10h10 – 10h30** **Consolidated report on Topic II**
 Co-rapporteurs: *Mr Michael Meyer, Member of the UK Committee and Ms Anna Segall, Legal Adviser, Advisory Service on IHL, ICRC*
- 10h30 – 10h50** **Discussion**
- 10h50 – 11h10** *Coffee break*
- 11h10 – 11h30** **What involvement can Committees have in the 28th International Conference of the Red Cross and Red Crescent?**
Mr Jean-Luc Blondel, Head, Division for Policy and Cooperation within the Movement, ICRC
- Discussion**
- 11h50 – 12h15** **Summary of the meeting and plans for the future**
Ms Maria Teresa Dutli, Head, Advisory Service on IHL, ICRC
- 12h15 – 12h30** **Closing statement**
Mr François Bugnion, Director for International Law and Communication, ICRC
- 12h30 – 14h00** *Lunch*

ANNEXE II

LIST OF PARTICIPANTS**National Committees****AUSTRALIA**

- Ms Helen Durham
International Humanitarian Law Manager, Australian Red Cross

AUSTRIA

- Mr Philipp Charwath
Department for Human Rights, IHL and Minority Issues, Ministry of Foreign Affairs

BELARUS

- Mr Victor Golovanov
Chairman of the National Committee for the Implementation of IHL
- Mr Vitaly Kalugin
Deputy Chairman of the National Committee for the Implementation of IHL

BELGIUM

- Mr Gérard Dive
Deputy Legal Adviser, Ministry of Justice
- Mr Benjamin Goes
Deputy Adviser, Prime Minister's Office

CANADA

- Ms Tara Ashtakala
Coordinator, International Policy and Liaison, Canadian Red Cross Society
- Mr Robert Young
Legal Officer, Department of Foreign Affairs and International Trade

CAPE VERDE

- Ms Vera Duarte Lobo de Pina
Coordinator of the National Committee for Human Rights
- Ms Lídia Maria Pires Sancha
Deputy Head, Red Cross of Cape Verde

CHILE

- Mr Francisco Belmar
Legal Adviser, Ministry of Defence

COLOMBIA

- Mr Reinaldo Botero Bedoya
Director, Presidential Programme for Human Rights and IHL

CÔTE D’IVOIRE

- Mr Gaba Madou
Vice-President of the National Interministerial Committee for the Implementation of IHL
Assistant Director for the Promotion of Human Rights and Public Liberties
- Mr Siene Ouläï
President of the National Interministerial Committee for the Implementation of IHL
Minister of Justice and Public Liberties

CROATIA

- Ms Katija Damsanovich
International Relations Department of the Croatian Red Cross
- Mr Nenad Javornik
President of the Croatian National Committee on IHL
Executive President, Croatian Red Cross
- Ms Romana Kuzmanic Oluic
First Secretary, UN and Human Rights Department

DOMINICAN REPUBLIC

- Ambassador Jorge Santiago Pérez
President of the Permanent National Committee for the Implementation of IHL

EGYPT

- Mr Maher Abdel Wahed
Attorney-General
- Mr Iskander Ghattas
Secretary-General of the National Committee on IHL
Vice-Minister of Justice for International Cooperation
- Mr Ibrahim Hammad
General of Police, Department of State Security

EL SALVADOR

- Ms Claudia Herrera Nosthas
Legal Adviser, Ministry of Foreign Affairs
- Gen. Álvaro Rivera Alemán
Deputy Minister for National Defence

FINLAND

- Ms Gunvor Kronman
Director, Organization and Policy, Finnish Red Cross
- Ms Maija Lahti
Legal Adviser, Finnish Red Cross
- Mr Holger Rotkirch
Director-General for Legal Affairs, Ministry for Foreign Affairs

FRANCE

- Prof. Mario Bettati
President of the Sub-Committee on Humanitarian Law and Action
(National Advisory Committee on Human Rights)

GAMBIA

- Mr Joseph Joof
President of the Interministerial Committee on IHL
Secretary of State for Justice and Attorney-General

GEORGIA

- Mr David Bazerashvili
Head of Department of International Relations, Ministry of Justice
- Mr Jemal Gakhokidze
President of the Interministerial Committee on IHL
Acting Secretary of the National Security Council of Georgia

GERMANY

- Prof. Michael Bothe
President of the German Red Cross Committee on IHL
- Ms Heike Spieker
Secretary of the German Red Cross Committee on IHL
International Legal Adviser, German Red Cross

GREECE

- Prof. Stelios Perrakis
President of the Committee for the Implementation and Dissemination
of IHL

GUATEMALA

- Mr José Luis Domínguez
President of the Guatemalan Committee for the Implementation of IHL
Adviser, Chancellery
- Ms Myriam Ruth Pinto Mazariegos
Executive Secretary of the Guatemalan Committee for the Implementation of IHL
Adviser, Chancellery

HUNGARY

- Ambassador Árpád Prandler
Chairman of the National Committee for the Dissemination and Implementation of IHL
Head of the International Law Department, Ministry of Foreign Affairs

INDONESIA

- Ms Risma Indriyani
Secretary of the Interministerial Committee on IHL
- Ms Lies Sulistianingsih Siregar
President of the Interministerial Committee on IHL

IRAN

- Mr Abbas Sahraei Ardekani
Secretary of the Iranian National Committee on IHL
Secretary-General, Iranian Red Crescent Society
- Mr Ali Arian
Head of Principles and Law Office, International Affairs Department
Iranian Red Crescent Society

ITALY

- Mr Roberto Bellelli
Judge, legal expert
- Prof. Paolo Benvenuti
President of the IHL Committee of the Italian Red Cross
Professor of International Law, University of Florence

JAPAN

- Mr Kiyoshi Igarashi
Director, Planning and Coordination Division, International Relations Department, Japanese Red Cross Society

JORDAN

- Prof. Mohammed Al-Ghazwi
Professor, Jordanian University (Amman)
- Mr Mohammed Al-Hadid
Vice-President of the National Committee for the Implementation
of IHL
President, Jordan National Red Crescent Society
- Mr Khaled Al-Takhayneh
Head of Human Rights Section, Ministry of Foreign Affairs
- Mr Mohammed Tarawneh
Judge

KENYA

- Mr Julius Kiplagat Kandie
President of the National Committee for the Implementation of IHL
Solicitor General
- Mr Nathan Ronoh Tuimising
State Counsel

KOREA (REPUBLIC OF)

- Mr Eunju Ahn
Deputy Director, Treaties Bureau, Ministry of Foreign Affairs and
Trade
- Mr Eun-Bum Choe
President of the Advisory Committee on Humanitarian Law of the
Republic of Korea National Red Cross
- Mr Kak-Soo Shin
Director-General, Treaties Bureau, Ministry of Foreign Affairs and
Trade

KYRGYZSTAN

- Mr Jakyp Toktobekovich Abdyrakhmanov
Minister of Justice
- Mr Bolot Boroshilovich Saipov
Executive Secretary of the Interdepartmental Committee on the
Implementation of IHL
Chief, International Relations Division, Legislation Department,
Ministry of Justice

LESOTHO

- Ms Polo Evodia Chabane
Principal Legal Officer

- Mr Malefetsane Mohafa
President of the Lesotho National Committee for IHL
Principal Secretary, Ministry of Defence

LITHUANIA

- Mr Bartas Trakymas
Secretary of the Committee for the Implementation of IHL
- Mr Dainius Zalimas
President of the Committee for the Implementation of IHL

MALAWI

- Ms Alexina Chimzimu
Senior Deputy Secretary, Ministry of Defence
- Mr Marko D. Chiziko
Senior army officer

MALI

- Col. Anatole Sangaré
General Supervisor of Police and Technical Adviser, Ministry of Armed Forces and Veterans

MAURITIUS

- Ms Krishnawtee Beegun
Permanent Secretary, Prime Minister's Office

MOLDOVA

- Ms Tatiana Filatova
Head of Department, Ministry of Justice
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Secretary-General, Slovak Red Cross

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Legal Adviser, Advisory Service on IHL

**Table of National Committees on international humanitarian law
31 December 2002**

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Argentina	<i>Comisión de Aplicación del Derecho Internacional Humanitario (CAIHL)</i> c/o Ministerio de Defensa Azopardo 250, Piso 13° 1328 Buenos Aires Tel.: +5411 43468877	<u>Established:</u> 1994 <u>Legal basis:</u> Executive Decree No. 933/94 of 16 June 1994 <u>Operation:</u> internal regulations	<u>Representatives:</u> Foreign Affairs, Defence, Interior, and Justice <u>Chairmanship:</u> rotating among the participating ministries <u>Secretariat:</u> Ministry of Defence	<ul style="list-style-type: none"> • to ensure implementation of international humanitarian law by drawing up laws, regulations and other texts designed to ensure respect for international commitments in this area • to teach and disseminate international humanitarian law among the military and civilians
Australia	Australian Red Cross National Committee on International Humanitarian Law c/o Australian Red Cross National Office 155, Pelham St. 3053 Carlton, Victoria	<u>Established:</u> 1981 <u>Legal basis:</u> administrative understanding <u>Operation:</u> internal regulations	<u>Representatives:</u> Foreign Affairs, Justice, Defence, academic circles, experts, and Australian Red Cross <u>Chairmanship and secretariat:</u> Australian Red Cross	<ul style="list-style-type: none"> • to promote knowledge of international humanitarian law • to advise the government on issues relating to obligations arising from the humanitarian treaties and on all matters concerning international humanitarian law
Austria	Interministerial Working Group on the Dissemination of International Humanitarian Law c/o Ministry of Foreign Affairs Völkerrechtsbüro Abt. I/7 Balhausplatz 2 1014 Vienna	<u>Established:</u> 1988 <u>Legal basis:</u> <i>ad hoc</i> mandates	<u>Representatives:</u> Chancellery, Foreign Affairs, Defence, Justice, Interior, Austrian Red Cross, and academic circles <u>Chairmanship and secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to coordinate ratification of instruments of international humanitarian law • to prepare for and follow up International Conferences of the Red Cross and Red Crescent

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Belarus	National Committee for the Implementation of International Humanitarian Law c/o Stankevitcha, 1a 220030 Minsk Tel.: +375 17 2226773 Fax: +375 17 2201225	<u>Established:</u> 1997 <u>Legal basis:</u> Council of Ministers Order No. 1242 of 19 September 1997 <u>Operation:</u> Committee statutes of 26 January 1998 and internal regulations	<u>Representatives:</u> Deputy Prime Minister, Council of Ministers, Justice, Defence, Education, Interior, Foreign Affairs, CIS Affairs, Health, Culture, State Security Committee, academic circles, Red Cross Society of Belarus <u>Chairmanship:</u> Deputy Prime Minister of the Republic of Belarus	<ul style="list-style-type: none"> • to promote the ratification of and adherence to humanitarian law treaties, and the amendment of national legislation to comply with these treaties, and to contribute to the dissemination of humanitarian law • to draw up advisory opinions on the Republic's position on problems of humanitarian law, draft treaties, and national implementation legislation • to examine proposals and coordinate activities of international bodies concerned with the implementation of humanitarian law • to monitor the application of rules of humanitarian law at the national level • to cooperate and exchange information with the ICRC and other international organizations involved in implementation of humanitarian law
Belgium	<i>Commission interministérielle de droit humanitaire (CIDH)</i> <i>c/o Ministère des Affaires étrangères</i> 15, rue des Petits Carmes 1000 Brussels	<u>Established:</u> 1987 <u>Legal basis:</u> Royal Decree of 6 December 2000 restructuring the Committee <u>Operation:</u> internal regulations of 14 September 2001	<u>Representatives:</u> Prime Minister, Justice, Budget, Foreign Affairs, Defence, Interior, Health, Development Cooperation, and permanent experts <u>Chairmanship:</u> decided by the Ministry of Foreign Affairs <u>Secretariat:</u> decided by the Committee	<ul style="list-style-type: none"> • to identify and submit to the ministries concerned measures that need to be taken at the national level to implement humanitarian law • to follow up and coordinate these measures • to assist the federal government through studies, reports, opinions, or proposals relating to the application and development of humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Benin	<i>Commission nationale pour la mise en œuvre du droit international humanitaire</i> c/o Ministère de la Justice, de la Législation et des Droits de l'Homme P.O. Box 976 Cotonou	Established: 1998 Legal basis: Decree No. 98-155 of 27 April 1998 Operation: internal regulations	Representatives: Justice, Foreign Affairs and Cooperation, Defence, Interior, Security, Health, Social Welfare and Women's Affairs, Finance, National Education and Scientific Research, Bar Association, and Red Cross of Benin Chairmanship: Ministry of Justice Vice-Chairmanship: Ministry of Foreign Affairs and Cooperation, and Red Cross of Benin Secretariat: Ministry of the Interior	<ul style="list-style-type: none"> to ensure effective implementation of and respect for international humanitarian law to encourage the promotion and defence of its rules and provisions to disseminate, teach and popularize humanitarian law to perform other duties as instructed by the government, including giving opinions on any questions referred to it
Bolivia	<i>Comisión Nacional Permanente para la aplicación del Derecho Internacional Humanitario (CNP AIHL)</i> c/o Ministerio de Relaciones Exteriores y Culto Plaza Murillo, Ingavi esq. Junín La Paz	Established: 1992 Legal basis: Decree No. 23.345 of 2 December 1992; reorganized pursuant to Resolution No. 218.456 of 17 August 1998 issued by the President of the Republic and the Ministry of Justice and Human Rights, which came into force on 30 October 1998 Operation: internal regulations	Representatives: Foreign Affairs, Justice, Defence, Interior, Sustainable Development and Planning, Supreme Court, National Congress, Bolivian Red Cross, and academic circles Chairmanship and secretariat: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to monitor the dissemination and implementation of international humanitarian law to examine internal regulations and any amendments required for the incorporation of provisions of humanitarian law into national legislation, and to propose their approval by the executive and legislative authorities

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Canada	Canadian National Committee for Humanitarian Law c/o Canadian Red Cross Society 170, Metcalfe, suite 300 Ottawa, Ontario K2P 2P2	<u>Established:</u> 1998 <u>Legal basis:</u> Memorandum of understanding of 18 March 1998 <u>Operation:</u> according to terms of reference of 18 March 1998	<u>Representatives:</u> Foreign Affairs, Defence, Justice, Solicitor-General (represented by Royal Canadian Mounted Police and the Canadian Red Cross Society), and Canadian International Development Agency <u>Chairmanship:</u> Department of Defence <u>Secretariat:</u> Canadian Red Cross Society	<ul style="list-style-type: none"> • to recommend ratification of instruments of international humanitarian law • to facilitate the implementation of obligations arising from this body of law, in particular by reviewing and advising on national legislation and administrative measures (repression of violations of humanitarian law, protection of the emblems, guarantees for protected persons) • to advise on disseminating and training in international humanitarian law in Canada (aimed at the armed forces, police, civil servants, humanitarian organizations, legal and medical professions, schools and universities, journalists and the public at large) • to coordinate and stimulate activities of the government and other organizations to strengthen and disseminate humanitarian law • to recommend the adoption of measures to promote national implementation in other States drawing on the resources and expertise available in Canada • to maintain a pool of personnel with expertise in humanitarian law and ensure links with other national Committees and the ICRC

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Cape Verde	<i>Comité Nacional para os Direitos Humanos (CNDH)</i> c/o Ministry of Justice 205 Praia	Established: 2001 Legal basis: Decree law No. 19/ 2001 of 24 September 2001	Representatives: Justice, Foreign Affairs, Health, Education, Culture, Social Communication, Youth, National Assembly, Bar Association, Red Cross of Cape Verde, Institutes for Youth and Women's Affairs, trade unions, national association of municipalities, and NGOs Chairmanship: Ministry of Justice	<ul style="list-style-type: none"> • to promote the protection and dissemination of human rights and international humanitarian law • to define the strategy and ensure the development of a national plan of action for human rights and, once approved by the Council of Ministers, ensure its implementation • to draw up and present initial and periodic reports on the implementation of international human rights and humanitarian law instruments
Chile	<i>Comisión Nacional de Derecho Humanitario (CNDH)</i> c/o Ministerio de Relaciones Exteriores, Dirección Jurídica Catedral 1158 3° Piso, Oficina 339 Santiago Tel.: +562 679 4237/8 Fax: +562 699 5517	Established: 1994 Legal basis: Decree No. 1229 of 31 August 1994 Operation: internal regulations of 1 June 1995	Representatives: Foreign Affairs, Defence, Interior, Education, Health, Justice, and Culture Chairmanship and secretariat: Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to review and propose to the authorities legislative and administrative measures ensuring the practical implementation of international humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Colombia	<p><i>Comisión Intersectorial Permanente para los Derechos Humanos y el Derecho Internacional Humanitario</i> c/o Vicepresidencia de la República Carrera 8 No. 7-27 Bogotá Tel.: +571 4442120/2864126 Fax: +571 2863589</p>	<p>Established: 2000 Legal basis: Presidential Decree No. 321 of 25 February 2000 Operation: internal regulations</p>	<p>Representatives: Interior, Foreign Affairs, Justice, Defence, Labour and Social Security, and High Commissioner for Peace Chairmanship: Vice-Presidency of the Republic</p>	<ul style="list-style-type: none"> • to orientate, encourage and coordinate the national plan of action adopted in order to promote respect for human rights and the application of international humanitarian law • to ensure the adoption of national measures and evaluate periodically the progress made • to consolidate institutional mechanisms for the protection of human rights and international humanitarian law and encourage dissemination to the public • to promote the amendment of national measures to comply with international treaties to which Colombia is a party and help carry out international commitments • to analyse the recommendations formulated by international bodies and evaluate means of implementation at the national level • to promote cooperation between the government and other organizations in order to strengthen respect for human rights and international humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Côte d'Ivoire	<i>Comité interministériel national pour la mise en œuvre du droit international humanitaire</i> c/o Ministère de la Justice et des Libertés publiques P.O. Box V 107 Abidjan Tel.: +225 20322432	Established: 1996 Legal basis: Decree No. 96-853 of 25 October 1996 Operation: internal regulations	Representatives: Foreign Affairs, Justice, Defence, Interior, Health, Economy, Higher Education, Bar Association, and Red Cross Society of Côte d'Ivoire Chairmanship: Ministry of Justice and Public Freedom Vice-Chairmanship: Red Cross Society of Côte d'Ivoire Secretariat: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to ensure respect for and effective implementation of international humanitarian law to review and draw up laws and regulations for the application of humanitarian law in areas where national legislation needs to be supplemented or amended, and submit them to the government to ensure that humanitarian law is applied in Côte d'Ivoire to encourage the promotion, dissemination and teaching of humanitarian law
Croatia	Croatian National Committee on International Humanitarian Law c/o Ministry of Foreign Affairs Department for Human Rights Trg. N. S. Zringskog 7-8 10 000 Zagreb Tel.: +385 1 4569993 Fax: +385 1 4569971	Established: 2000 Legal basis: government decision of 13 July 2000	Representatives: Foreign Affairs, Interior, Justice, Defence, Culture, Administration, Health, Education, government human rights office, academic circles and Croatian Red Cross Chairmanship: Croatian Red Cross Secretariat: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to coordinate all activities of State bodies dealing with the protection and promotion of international humanitarian law, including the Croatian Parliament, the Office of the Ombudsman and relevant non-governmental organizations to evaluate the status of implementation of humanitarian law in Croatia and make recommendations in this field, in particular for the creation of <i>ad hoc</i> working groups for the adoption of required implementation measures

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Denmark	<p>Governmental Red Cross Committee c/o Danish Red Cross 27, Blegdamsvej 2100 Copenhagen Tel.: +45 35 25 92 00 Fax: +45 35 25 92 10</p> <p>International Humanitarian Law Committee of the Danish Red Cross (same as above)</p>	<p><u>Established:</u> 1982 <u>Legal basis:</u> government decision of 16 July 1982</p> <p><u>Established:</u> 1995 <u>Legal basis:</u> decision of the Governing Board of the Danish Red Cross of 17 March 1995</p>	<p><u>Representatives:</u> Foreign Affairs, Justice, Defence, Interior, Education, Health, Civil defence, armed forces, Judge Advocate General, and Danish Red Cross <u>Chairmanship and Vice-Chairmanship:</u> Ministry of Foreign Affairs <u>Secretariat:</u> Danish Red Cross</p> <p><u>Composition:</u> legal and medical experts with special knowledge of international law issues</p>	<ul style="list-style-type: none"> • to ensure the application of international humanitarian law by reviewing administrative measures to be adopted in order to meet the obligations arising from international humanitarian law treaties, particularly in the areas of disseminating and teaching international humanitarian law • to coordinate the implementation of these measures • to serve the government in an advisory capacity • to advise the governing bodies of the Danish Red Cross regarding questions of humanitarian law at national and international levels • to prepare concrete proposals for the promotion of humanitarian law and other related rules • to represent the Danish Red Cross in national and international bodies and fora • to promote cooperation with national authorities, institutions and universities; • to develop and maintain contacts with similar Committees in other National Societies, the ICRC, and the Federation

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Dominican Republic	<i>Comisión Nacional Permanente para la Aplicación del Derecho Internacional Humanitario</i> c/o Secretaría de Estado de Relaciones Exteriores Avenida Independencia 752 Santo Domingo Tel.: +1 809 535 6280 Fax: +1 809 535 6848	Established: 1995 Legal basis: Presidential Decree No. 131-99 of 30 March 1999 Operation: internal regulations	Representatives: Foreign Affairs, armed forces, Education, Culture, Health, Labour, Sports and Leisure, Public Prosecutor's Office, national police, legal office of the executive branch, and the Dominican Red Cross Chairmanship: Secretary of State for Foreign Affairs	<ul style="list-style-type: none"> • to recommend appropriate measures for better national implementation of international humanitarian law • to promote draft legislation and regulations for the application of humanitarian law treaties • to disseminate this body of law among State authorities • to promote the inclusion of this body of law in official teaching programmes
Egypt	National Committee on International Humanitarian Law c/o Ministry of Justice Lazoughli Square Cairo Tel.: +202 7922269 Fax: +202 7956059	Established: 2000 Legal basis: Prime Minister's Decree No. 149 of 23 January 2000	Representatives: Justice, Foreign Affairs, Defence, Interior, Higher Education, National Security, and Egyptian Red Crescent Society Chairmanship: Ministry of Justice	<ul style="list-style-type: none"> • to promote implementation of international humanitarian law, coordinate activities of the agencies concerned, and make proposals to decision-makers • to propose an annual plan on national measures for dissemination of humanitarian law • to promote training of public officials responsible for its implementation • to contribute to training and development programmes for these officials • to exchange information and experiences with other bodies concerned with international humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
El Salvador	<i>Comité Interinstitucional de Derecho Internacional Humanitario (CIIHL-ES)</i> c/o Ministerio de Relaciones Exteriores Edificio 3, 2da. Planta Centro de Gobierno San Salvador Tel.: +503 22 24 447	Established: 1997 <u>Legal basis:</u> Presidential Decree No. 118 of 4 November 1997 <u>Operation:</u> internal regulations	<u>Representatives:</u> Foreign Affairs, Interior, Public Security, Justice, Education, Defence, Health, Treasury, Public Prosecutor's Office, Procurator for the Defence of Human Rights, and Salvadorean Red Cross Society <u>Chairmanship and secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> to advise the government on measures to be adopted in order to implement, apply, and disseminate international humanitarian law at the national level
Finland	Finnish National Committee for International Humanitarian Law c/o Ministry for Foreign Affairs P.O. Box 176 Laivastokatu 22 00161 Helsinki	Established: 1993 <u>Legal basis:</u> decision of the Ministry of Foreign Affairs of 8 December 1993	<u>Representatives:</u> Foreign Affairs, Interior, Education, Social Affairs and Health, Defence, armed forces, Finnish Red Cross, Finnish Society of Humanitarian Law and Finnish branch of Amnesty International <u>Chairmanship and secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> to coordinate the implementation and dissemination of the Conventions and Protocols and other international humanitarian law instruments to prepare for the International Conferences of the Red Cross and Red Crescent and other international conferences relating to humanitarian law to monitor new developments in international humanitarian law and consider their implications for Finland
France	<i>Commission nationale consultative des droits de l'homme (CNDH)</i> c/o Bureau du Premier ministre 35, rue Saint-Dominique 75007 Paris	Established: 1947 <u>Legal basis:</u> Decree No. 84-72 of 30 January 1984, amended by Decree No. 93-182 of 9 February 1993 and Decree No. 96-791 of 11 September 1996	<u>Representatives:</u> executive, judicial and legislative branches of government, private individuals, and civil society including the French Red Cross <u>Chairmanship:</u> university faculty member	<p>Subcommittee "F" has the following duties:</p> <ul style="list-style-type: none"> to handle any problem concerning emergency humanitarian situations; to exchange information on the mechanisms required to face such situations to prepare recommendations on the different forms of humanitarian aid in crisis situations

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
France (continued)		<u>Operation:</u> functions related to humanitarian law are carried out by Subcommittee “F” on “Humanitarian action and law”, which was established on 10 December 1996		<ul style="list-style-type: none"> to monitor the application of international humanitarian law and make proposals on this subject
Gambia	Interministerial Committee on International Humanitarian Law c/o Department of State for Justice Mumar Kaddafi Avenue Banjul Tel.: +220 227 238 Fax: +220 225 352	<u>Established:</u> 1999 <u>Legal basis:</u> letter from the President’s Office to the Department of State for Justice of 12 August 1999	<u>Representatives:</u> Interior, Foreign Affairs, Defence, Justice, Health, Social Welfare and Women’s Affairs <u>Chairmanship:</u> Department of State for Justice	<ul style="list-style-type: none"> to promote new national implementation measures, including ratification of international humanitarian law treaties
Georgia	Interministerial Commission for International Humanitarian Law c/o National Security Council Ingorkva str., 7 380034 Tbilisi Tel.: +995 8832 93 13 22 Fax: +995 8832 92 35 58	<u>Established:</u> 1998 <u>Legal basis:</u> Presidential Decree No. 327 of 22 June 1998, amended by Presidential Decree No. 495 of 14 August 1998 <u>Operation:</u> Presidential Resolution No. 494 of 24 August 1998 (Statutes of the Committee)	<u>Representatives:</u> National Security, Defence, Justice, Foreign Affairs, Interior, Health, Culture, Education, Civil Defence, Public Prosecutor’s Office, Ombudsman, parliament, and Red Cross Society of Georgia <u>Chairmanship:</u> National Security Council	<ul style="list-style-type: none"> to coordinate activities of ministries and institutions concerned in order to ensure that Georgia respects its obligations under international humanitarian law to review national legislation so as to make proposals for bringing it into line with that body of law to bring measures for implementing international humanitarian law to the attention of national authorities to give opinions on the advisability of ratifying humanitarian law treaties to coordinate promotion of international humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Germany	German Red Cross Committee on International Humanitarian Law c/o German Red Cross Headquarters Carstennstr. 58 2205 Berlin	<u>Established:</u> 1973 <u>Legal basis:</u> German Red Cross Statutes of 1993 <u>Operation:</u> internal regulations	<u>Representatives:</u> Foreign Affairs, Defence, Interior, German Red Cross, and academic circles <u>Chairmanship:</u> university faculty member <u>Secretariat:</u> German Red Cross	<ul style="list-style-type: none"> • to be a forum for consultation and coordination between the German Red Cross and the various departments of the federal government • to focus on implementation , development and dissemination of international humanitarian law
Greece	Committee on the Implementation and Dissemination of International Humanitarian Law c/o Legal Department Ministry of Foreign Affairs Zalokosta 2 Athens 10671	<u>Established:</u> 2000 <u>Legal basis:</u> decision of the Ministry of Foreign Affairs of 20 March 2000	<u>Representatives:</u> Foreign Affairs, Education, Interior, Justice, Defence, Culture, Public Order, Health, Youth and Civil Defence, academic circles, and the Hellenic Red Cross <u>Chairmanship:</u> university faculty member <u>Secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to advise the government, the parliament, and the judiciary on implementation and promotion of international humanitarian law • to make proposals and recommendations on legislative measures necessary to the implementation of the Geneva Conventions, their Additional Protocols, and the Statute of the International Criminal Court, to the ratification of international treaties, to the policy of promoting humanitarian law at the national and international levels, and to the dissemination of this body of law through the media, NGOs, other institutions, etc.

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Guatemala	<i>Comisión Guatemalteca para la Aplicación del Derecho Internacional Humanitario (COGUAHIL)</i> c/o Ministerio de Relaciones Exteriores 2 Avenida Reforma 4-47 Zona 10 Ciudad Guatemala Tel.: +502 3319610 Fax: +502 3317938	Established: 1999 Legal basis: Government Agreement No. 948-99 of 28 December 1999	Representatives: Foreign Affairs, Interior, Education, Defence, Health, Presidential Committee for Human Rights (COPREDEH), Secretariat for Peace, judiciary, Congress, Public Prosecutor's Office, Human Rights Procurator, Bar Association, and Guatemalan Red Cross Chairmanship and secretariat: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to recommend measures for adoption by the government to ensure implementation of international humanitarian law in accordance with this aim, to submit draft legislation and regulations to the President of the Republic for consideration to spread knowledge of international humanitarian law within State institutions and among the general public to inform the Ministry of Foreign Affairs of the Committee's willingness to represent Guatemala at international fora dealing with this body of law to suggest other activities designed to promote respect for humanitarian law
Hungary	National Committee for the Dissemination and Implementation of International Humanitarian Law c/o Ministry of Foreign Affairs, International Law Department 47 Bem Rkt. 1027 Budapest Tel.: +(36 1) 458 1142 Fax: +(36 1) 458 1091	Established: 2000 Legal basis: Government Resolution No. 2095/2000 (V.9.) of 9 March 2000 Operation: revised statutes of 29 March 2001	Representatives: Foreign Affairs, Defence, Interior, Justice, Health, Education, and Cultural Heritage Chairmanship: Ministry of Foreign Affairs Vice-Chairmanship: Ministry of Defence Secretariat: Hungarian Red Cross	<ul style="list-style-type: none"> to advise the government on international humanitarian law issues to promote the dissemination of this body of law within the country, in particular in institutions of higher or secondary education, and in the armed and security forces, and to make recommendations to help government authorities to consider negotiation and accession to humanitarian law treaties and to contribute to the elaboration of new treaties

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Hungary (continued)				<ul style="list-style-type: none"> • to consult and cooperate with the ICRC • to exchange ideas with similar Committees in European Union member States, in neighbouring countries especially
Indonesia	Interministerial Committee on International Humanitarian Law c/o Ministry of Justice and Human Rights Jl.H.R. Rasuna Said Kav 6-7 Jakarta Tel.: +(62) 21 5202387 Fax: +(62) 21 5221619	Established: 1980 Legal basis: Decree of the Minister of Justice No. M.01.PR.09.01 of 2 January 1980; mandate renewed by Decree No. C.33.PR.09.03 of 24 June 1996	Representatives: Foreign Affairs, Justice, Defence, Interior, Education, Culture, armed forces, Indonesian Red Cross Society, and academic circles Chairmanship: Department of Justice and Human Rights	<ul style="list-style-type: none"> • to formulate government policy principles on matters of international humanitarian law • to carry out research and studies on implementing this body of law • to formulate uniform principles of dissemination of international humanitarian law through education and information programmes • to prepare draft laws and regulations for implementing the Geneva Conventions
Iran	Iranian National Committee on Humanitarian Law c/o Iranian Red Crescent Society Ostad Najatolahi Ave. Tehran Tel.: +(98) 21 8849077 Fax: +(98) 21 8849079	Established: 1999 Legal basis and operation: Decree of the Cabinet of Ministers No. H 19651T/77125 of 17 May 1999 (statutes of the Committee)	Representatives: Foreign Affairs, Justice, Interior, Health, Defence, and armed forces Chairmanship and secretariat: Iranian Red Crescent Society	<ul style="list-style-type: none"> • to develop and present for approval suitable measures for implementing international humanitarian law at the national level, including the ratification of treaties • to monitor compliance with this body of law at the national level • to teach and promote the concepts of humanitarian law among the armed forces, the general public and educational institutions

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Iran (continued)				<ul style="list-style-type: none"> • to represent the government on issues relating to humanitarian law in national and international fora • to coordinate the exchange of information with regional and international organizations • to deal with matters covered by humanitarian law relating to refugees, prisoners of war and other victims of war
Italy	<i>Commissione di Studio per l'adeguamento dell'ordinamento giuridico agli accordi e alle regole di diritto internazionale umanitario</i> c/o Ministro degli Affari Esteri Servizio del Contenzioso Diplomatico, Trattati e Affari Legislativi Ufficio I 1, Piazzale della Farnesina 00199 Roma Tel.: +(39) 064759223 Fax: +(39) 064759430	Established: 1988 Legal basis: reorganized by Ministry of Foreign Affairs Decree No. 215bis of 16 February 1998	<u>Representatives:</u> Foreign Affairs, Justice, Defence, Italian Red Cross, judiciary, and academic circles <u>Chairmanship:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to review measures necessary for adapting domestic legislation to the provisions of international humanitarian law • to review amendments to legislation needed for the repression of war crimes and other violations of international humanitarian law
Japan	National Committee on International Humanitarian Law c/o Japanese Red Cross Society 1-3, Shiba Daimon, 1-Chome, Minato-Ku Tokyo 105-8521 Tel.: +(81) (3) 3438 1311 Fax: +(81) (3) 3435 8509	Established: 1999	<u>Representatives:</u> Prime Minister, Foreign Affairs, Justice, Education, Defence, Health and Labor, Japanese Red Cross Society, and academic circles <u>Secretariat:</u> Japanese Red Cross Society	<ul style="list-style-type: none"> • to study means of spreading knowledge of international humanitarian law, its implementation, its legal aspects, the teaching of this area of law, exchanges of information, and other aspects considered necessary by the Committee

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Jordan	National Committee for the Implementation of International Humanitarian Law c/o Jordan Red Crescent P.O. Box 5427 Amman 11183 Tel. +96264773141 Fax +96264750815	<u>Established:</u> 1999 <u>Legal basis:</u> Temporary Law No. 63 of 20 August 2002 <u>Operation:</u> regulations issued by the Committee	<u>Representatives:</u> Prime Minister, Justice, Foreign Affairs, Interior, Education, Health, Directorate of Military Courts, Directorate of Public Security, Directorate of Civil Defence, Jordan University, National Assembly (appointed by the President of the Upper House of Parliament), three persons with experience and expertise to be appointed by the Chairman of the Committee, Jordan Red Crescent represented by its President (as Vice-Chairman of the Committee) <u>Chairmanship:</u> appointed by the King <u>Vice-Chairmanship:</u> Jordan Red Crescent <u>Secretariat:</u> Jordan Red Crescent	<ul style="list-style-type: none"> • to devise and implement the general policy, strategy, plans and programmes for raising awareness of the principles of international humanitarian law at the national level • to promote, together with the ICRC and the parties concerned, efforts to disseminate the principles of international humanitarian law • to exchange information and experiences with national, Arab, regional and international organizations and Committees concerned with international humanitarian law and strengthen ties with them • to carry out research and studies for the parties concerned, present proposals to them and give them advice • to issue publications on international humanitarian law and the means by which it may be implemented • to adopt, together with the parties concerned, recommendations and reports related to the principles of international humanitarian law and its development • to help improve legislation related to international humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Kazakhstan	Interdepartmental Committee for International Humanitarian Law c/o Ministry of Justice Prospect Pebedy 45 473000 Astana Tel.: +(7) 3172 391213	<u>Established:</u> 2000 <u>Legal basis:</u> Governmental Decree No. 1794 of 1 December 2000 <u>Operation:</u> internal regulations and composition accepted on 1 December 2000	<u>Representatives:</u> Justice, Foreign Affairs, Economy, Education, Interior, Culture, Environment, Defence, Civil defence, Committee on the Family and Women, Public Health, Public Prosecutor's Office, Supreme Court, and academic circles <u>Chairmanship and secretariat:</u> Ministry of Justice <u>Vice-Chairmanship:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to promote, review, and evaluate compliance of national legislation with provisions of humanitarian law treaties • to draw up proposals for national implementation of international humanitarian law • to review and prepare advisory opinions on draft versions of international treaties • to coordinate activities of the bodies involved in the implementation • to help disseminate humanitarian law • to handle the exchange of information on national implementation with the ICRC and other organizations concerned
Kenya	National Committee for the Implementation of International Humanitarian Law c/o Attorney-General's Chamber State Law Office P.O. Box 40112 Nairobi Tel.: +(254) 2 227 461	<u>Established:</u> 2001 <u>Legal basis:</u> Memorandum of the Attorney-General of 5 October 2001	<u>Representatives:</u> Foreign Affairs, Defence, Justice, Attorney-General, Interior, Police, Prisons, Youth, Women, Refugees, Health and Education, academic circles, judiciary, Kenya Bar Association, Kenya Medical Association, and Kenya Red Cross Society	<ul style="list-style-type: none"> • to promote respect for international humanitarian law through its implementation and dissemination

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Korea (Republic of)	Korean National Committee for International Humanitarian Law c/o Ministry of Foreign Affairs and Trade (Treaties Bureau) 77 Sejongro Chongrogu Seoul (110-760) Tel.: +822 720 92 13 Fax: +822 725 07 67	<u>Established:</u> 2002 <u>Legal basis:</u> Presidential decree No. 15602 <u>Operation:</u> Decision of the Ministry of Foreign Affairs and Trade No. 42 of 17 October 2002	<u>Representatives:</u> Foreign Affairs, Education and Human Resources, Justice, National Defence, Cultural Properties Administration, Korean Red Cross Society and academic circles <u>Chairmanship and secretariat:</u> Ministry of Foreign Affairs and Trade	<ul style="list-style-type: none"> • to monitor and coordinate the dissemination and implementation of international humanitarian law • to advise on matters relating to ratification of humanitarian law treaties • to review national legislation and propose measures to implement the rules of international humanitarian law • to promote international humanitarian law in educational institutions, armed forces and to the general public • to cooperate and exchange information with national Committees of other countries, the ICRC and international organizations
Kyrgyzstan	Interdepartmental Committee on the Implementation of International Humanitarian Law Ozorbekova str. 37 720040 Bishkek Tel.: +(992372) 24 76 46 Fax: +(992372) 21 40 29	<u>Established:</u> 1999 <u>Legal basis:</u> Government Ordinance No. 51 of 28 January 1999 <u>Operation:</u> statutes and composition accepted on 28 January 1999	<u>Representatives:</u> Prime Minister, Justice, Interior, Foreign Affairs, Defence, Health, Security, Emergency Situations, Civil Defence, Education, Environment, Social Fund, and Red Crescent Society of Kyrgyzstan <u>Chairmanship and secretariat:</u> Ministry of Justice	<ul style="list-style-type: none"> • to promote, review, and evaluate compliance of national legislation with provisions of humanitarian law treaties • to draw up proposals for national implementation of international humanitarian law • to review and prepare advisory opinions on draft versions of international treaties • to coordinate activities of the bodies involved in the implementation • to help disseminate humanitarian law • to monitor the application of decisions taken by the Committee • to handle the exchange of information on national implementation with the ICRC and other organizations concerned

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Lesotho	Lesotho National Committee for International Humanitarian Law c/o Ministry of Defence Private Bag A116 Maseru Tel.: +266 326422	<u>Established:</u> 2001 <u>Legal basis:</u> memorandum of understanding of March 2001 among the entities concerned	<u>Representatives:</u> Defence, Foreign Affairs, Justice, Law and Constitutional Affairs, Interior, Police, Health and Education, armed forces, academic circles, and Lesotho Red Cross Society <u>Chairmanship:</u> Ministry of Foreign Affairs <u>Secretariat:</u> Ministry of Justice	<ul style="list-style-type: none"> • to advise the government on matters relating to ratification of or accession to humanitarian law treaties • to set up education and training programmes as a means of spreading knowledge of international humanitarian law • to prepare studies • to identify, prepare, and adopt measures for the implementation of international humanitarian law • to monitor the implementation of this body of law at ministerial level
Lithuania	Commission on the Implementation of International Humanitarian Law c/o Ministry of National Defence Totoriu g. 25/3 2600 Vilnius Tel.: +370 2 735 637 Fax: +370 2 226 967	<u>Established:</u> 2001 <u>Legal basis:</u> amendment to the regulations of the Ministry of National Defence of 22 May 2001, and ordinance of the Ministry of National Defence of 30 August 2001	<u>Representatives:</u> Defence, Foreign Affairs, Interior, Culture, Health, European Law, and Lithuanian Red Cross <u>Chairmanship and secretariat:</u> Ministry of National Defence	<ul style="list-style-type: none"> • to act as an advisory body of the Ministry of National Defence in favour of coordination of national implementation of humanitarian law, including participation in treaties, training programmes, and proposals for enacting or amending legislation
Malawi	Malawi National Committee on International Humanitarian Law c/o Ministry of Defence Private Bag 339 Lilongwe	<u>Established:</u> 2001 <u>Legal basis:</u> memorandum of understanding of March 2001 among the ministries concerned	<u>Representatives:</u> Defence, Foreign Affairs, Justice, Interior, judiciary, Human Rights Committee, and Malawi Red Cross Society	<ul style="list-style-type: none"> • to advise the government on legislation to implement international humanitarian law, including the adoption of measures for the punishment of war criminals, respect for the emblem, and the protection of civilians during armed conflict • to help spread knowledge of this body of law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Mali	<i>Comité de pilotage du programme national pour l'éducation à la culture de la paix et des droits humains</i> c/o Ministère de l'Éducation de base P.O. Box 71 Bamako Tel.: +(223) 222 450	<u>Established:</u> 1998 <u>Legal basis:</u> Ministerial Decree No. 98-401/PM/-RM of 11 December 1998	<u>Representatives:</u> Prime Minister's Office, Foreign Affairs, Justice, Defence, Interior, Culture, Education, National Advisory Committee on Human Rights, National Committee for UNESCO, cultural and religious associations, trade unions, and human rights NGOs <u>Chairmanship:</u> Ministry of Basic Education <u>Vice-Chairmanship:</u> Ministry of Secondary and Higher Education and Scientific Research	<ul style="list-style-type: none"> • to develop and evaluate the national programme for education in the spheres of peace and human rights • to propose or initiate awareness-raising activities aimed at promoting behaviour conducive to peace and respect for human rights • to ensure the follow-up and evaluation of these measures and activities
Mauritius	National Humanitarian Law Committee of Mauritius c/o Prime Minister's Office Government Centre Port Louis	<u>Established:</u> 2001 <u>Legal basis:</u> cabinet decision of 12 October 2001 (memorandum of the Prime Minister's Office of 11 December 2001)	<u>Representatives:</u> Prime Minister, Foreign Affairs, Public Prosecutor's Office, Finance, Social Security, Education, Culture, Health, and Mauritius Red Cross Society <u>Chairmanship and secretariat:</u> Prime Minister's Office	<ul style="list-style-type: none"> • to ensure effective implementation and application of international humanitarian law instruments • to help spread knowledge of these instruments at the national level

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Moldova	National Committee on Consultation and Coordination of Implementation of International Humanitarian Law 31 August, 32 2012 Chisinou Tel.: +373 2 234351 Fax: +373 2 232527	<u>Established:</u> 1996 <u>Legal basis:</u> Governmental Decrees No. 382-P of 9 September 1996 and No. 121-P of 21 October 1998 <u>Operation:</u> Government Order No. 259 of 1 April 1999 (internal regulations)	<u>Representatives:</u> Foreign Affairs, Interior, Education, National Security, Health, Labour, Defence, Justice, Civil defence, police, and Red Cross Society of Moldova <u>Chairmanship:</u> Ministry of Justice <u>Secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> to review and evaluate national legislation in the light of international humanitarian law treaties to present conclusions to the government on issues relating to national implementation, make appropriate recommendations, and monitor their application to coordinate the activities of the governmental bodies concerned to spread knowledge of international humanitarian law
Namibia	Interministerial Technical Committee on Human Rights and Humanitarian Law c/o Ministry of Justice Private Bag 13302 Windhoek Tel.: +264 61 280 5111	<u>Established:</u> 1995 <u>Legal basis:</u> decision of the Council of Ministers	<u>Representatives:</u> Justice, Foreign Affairs, Defence, and Ombudsman <u>Chairmanship:</u> Ministry of Justice	<ul style="list-style-type: none"> to advise the government on issues relating to human rights and international humanitarian law
New Zealand	New Zealand Committee for the Dissemination of International Humanitarian Law c/o New Zealand Red Cross 69, Molesworth St. Thorndon P.O. Box 12-140 6038 Wellington Tel.: +64 4 472 3750 Fax: +64 4 473 0315	<u>Established:</u> 1980 <u>Legal basis:</u> internal decision of the Executive	<u>Representatives:</u> Foreign Affairs, Justice, Defence, Education, armed forces, academic circles, judiciary, and New Zealand Red Cross <u>Chairmanship:</u> judge of the Court of Appeal <u>Secretariat:</u> New Zealand Red Cross	<ul style="list-style-type: none"> to advise the government on ways in which it can meet its treaty obligations with regard to the dissemination of international humanitarian law to support and coordinate the dissemination programmes and report to the government on their relevance

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Nicaragua	<i>Comisión Nacional para la Aplicación del Derecho Internacional Humanitario</i> c/o Ministerio de Relaciones Exteriores Apartado postal No. 127 Managua Tel.: +505 266 6512 Fax: +505 266 6512	Established: 1999 Legal basis: Presidential Decree No. 54-99 of 23 April 1999	Representatives: Foreign Affairs, Education, Health, Justice, President's Office, Committees of the National Assembly, Supreme Court, Nicaraguan Red Cross, and academic circles Chairmanship: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to advise and provide support to the government on all issues relating to participation in international humanitarian law treaties, to incorporation of their provisions into national law, and to dissemination of their rules
Norway	National Committee on Humanitarian Law c/o Ministry of Foreign Affairs P.O. Box 8114 0032 Oslo Tel.: +47 22 24 36 00 Fax: +47 22 24 95 80	Established: 1989 Legal basis: Royal Decree of 15 September 1989	Representatives: Foreign Affairs, Defence, Justice, armed forces, Public Prosecutor's Office, and Norwegian Red Cross Chairmanship: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to implement international humanitarian law and advise the authorities on its interpretation and application to serve as a forum for discussion on international humanitarian law
Panama	<i>Comisión Nacional Permanente para la Aplicación del Derecho Internacional Humanitario (CPIHL)</i> c/o Ministerio de Relaciones Exteriores Altos del Cerro Ancón Edificio 95 Ciudad de Panamá Tel.: +507 211 4296 Fax: +507 211 4296	Established: 1997 Legal basis: Executive Decree No. 154 of 25 August 1997, amended by Executive Decree No. 165 of 19 August 1999 Operation: Resolutions No. 001-98 and No. 001-00 (internal regulations)	Representatives: Foreign Affairs, Justice, Interior, Education, President's Office, Labour, Legislative Assembly, police, Civil defence, academic circles, and Red Cross Society of Panama Chairmanship and Secretariat: Ministry of Foreign Affairs	<ul style="list-style-type: none"> to prepare a list of national legislation implementing international humanitarian law, to make recommendations and propose draft laws to the Executive to make effective the norms contained in that body of law to disseminate international humanitarian law in institutions of the State and of the general public

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Panama (continued)				<ul style="list-style-type: none"> • to cooperate with the Ministry of Foreign Affairs in organizing meetings with the ICRC • to promote the incorporation of humanitarian law into university and school programmes and cooperate in the development of such programmes • to represent Panama in international conferences and meetings dealing with topics relating to international humanitarian law
Paraguay	<i>Comisión Interministerial de Aplicación del Derecho Internacional Humanitario</i> c/o Ministerio de Defensa Nacional Edificio del Ministerio de Defensa Mcal. López esquina Vicepres. Sánchez Asunción	Established: 1995 Legal basis: Presidential Decree No. 8802 of 12 May 1995; reorganization by Presidential Decree No. 15926 of 28 December 2001	Representatives: Foreign Affairs, Defence, Interior, Justice and Employment Chairmanship and secretariat: Ministry of Defence	<ul style="list-style-type: none"> • to consult with the public and private institutions concerned and make recommendations to the authorities on means of implementing, applying, and disseminating international humanitarian law
Peru	<i>Comisión Nacional de Estudio y Aplicación del Derecho Internacional Humanitario (CONAIHL)</i> c/o Ministerio de Justicia Scipión Llona 350 Miraflores, Lima Fax: +511 441 05 47	Established: 2001 Legal basis: Resolution (Resolución Suprema) No. 234-2001-JUS of 1 June 2001 Operation: Ministerial Resolution No. 240-2001-JUS of 23 July 2001 (regulations of procedure and operation)	Representatives: Justice, Foreign Affairs, Interior, Defence, and academic circles Chairmanship and secretariat: Ministry of Justice	<ul style="list-style-type: none"> • to carry out studies and make recommendations on implementation of international humanitarian law • to contribute to the monitoring of the implementation of this body of law • to help spread knowledge of this body of law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Philippines	Philippine National Red Cross (PNRC) International Humanitarian Law National Committee c/o Philippine National Red Cross Bonifacio Drive, Port Area P.O. Box 280 2803 Manila Fax: +63 2 257 08 57	Established: 2000 <u>Legal basis:</u> decision of the Philippine National Red Cross upon approval by its Board of Governors on 26 April 2000 <u>Operation:</u> internal regulations	<u>Representatives:</u> Philippine National Red Cross, Foreign Affairs, Defence, Interior, Education and Culture, armed forces, police, Committee on Human Rights, Philippine Society on International Humanitarian Law, Philippine Campaign to Ban Landmines, legal and academic circles <u>Chairmanship and secretariat:</u> Philippine National Red Cross	<ul style="list-style-type: none"> to act as an advisory body on international humanitarian law, especially with respect to the promotion of this body of law, the development of dissemination strategies, the emblem campaign, networking, and assistance to victims of war
Seychelles	National Committee on Humanitarian Affairs	Established: 2001 <u>Legal basis:</u> decision of the Council of Ministers of 23 May 2001	<u>Representatives:</u> Foreign Affairs, Public Prosecutor's Office, Health, Education, Defence, police, Seychelles Red Cross Society, Ombudsman, and LUNGOS (Liaison Unit of NGOs)	<ul style="list-style-type: none"> to review national legislation and propose to the government the adoption of measures needed to implement the rules of international humanitarian law and human rights law to monitor and coordinate the application of these rules to promote and disseminate these rules at the national level to take part in the drafting of reports to be submitted to United Nations treaty monitoring bodies

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Slovakia	Committee on International Humanitarian Law c/o Slovak Red Cross Grösslingova 24 814 46 Bratislava Tel.: +(421) (2) 52925305 Fax: +(421) (2) 52923279	<u>Established:</u> 2001 <u>Legal basis:</u> decision of the Ministry of Foreign Affairs of 20 September 2001 (statutes of the Committee); entered into force 1 January 2002	<u>Representatives:</u> Foreign Affairs, Defence, Justice, Interior, Health, Education, Culture, armed forces, Ombudsman, and Slovak Red Cross <u>Chairmanship:</u> Ministry of Foreign Affairs <u>Secretariat:</u> Slovak Red Cross	<ul style="list-style-type: none"> • to analyse the implementation status of international humanitarian law in national law and its application by national courts and administrative authorities • to propose to the authorities the adoption of measures to ensure effective implementation of this body of law • to propose Slovakia's participation in other humanitarian law treaties • to help spread knowledge of this body of law in schools, the armed forces, and the police • to cooperate with national Committees of other countries and with international organizations
Slovenia	Interdepartmental Commission for International Humanitarian Law c/o Ministry of Culture Inspectorate for Cultural Heritage Slovenska 27 1000 Ljubljana Tel.: +386 1 478 25 22 Fax: +386 1 478 25 20	<u>Established:</u> 1999 <u>Legal basis:</u> Governmental Decree No. 762-01/99-I(B) of 2 April 1999	<u>Representatives:</u> Foreign Affairs, Culture, Defence, Health, Education and Science, Interior, Justice, Immigration and Refugees, Environment, Labour, Family and Social Affairs, Slovenian Red Cross <u>Chairmanship:</u> Ministry of Culture <u>Secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to promote activities for the application of international humanitarian law, primarily the Geneva Conventions and their Additional Protocols, and for the dissemination of this body of law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Sri Lanka	National Committee on International Humanitarian Law c/o Ministry of Foreign Affairs Republic Building P.O. Box 583 Colombo Tel.: +94 325371 Fax: +94 333450	<u>Established:</u> 2000 <u>Legal basis:</u> decision of the Cabinet of Ministers of March 2000	<u>Representatives:</u> Foreign Affairs, Justice, Defence, Interior, Culture, Health, Public Prosecutor's Office, armed forces, and police <u>Chairmanship and secretariat:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> to consider issues relating to national implementation of international humanitarian law to promote accession to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict
Sweden	Swedish Total Defence Council for International Humanitarian Law c/o Ministry of Defence Jakobsgatan 9 103 33 Stockholm Tel. +46 8 763 10 00 Fax: +46 8 723 11 89 Advisory Group on Public International Law c/o Ministry for Foreign Affairs Gustav Adolfs Torg 1 P.O. Box 161 21 103 39 Stockholm Tel.: +46 8 405 5985	<u>Established:</u> 1991 <u>Legal basis:</u> government decision of 20 June 1991 (Bill 1990/91:102) <u>Established:</u> 1995 <u>Legal basis:</u> decision of the Ministry of Foreign Affairs	<u>Representatives:</u> Foreign Affairs, Defence, armed forces, military institute, civil defence, Health, and Swedish Red Cross <u>Chairmanship and secretariat:</u> Ministry of Defence <u>Representatives:</u> Foreign Affairs, Defence, armed forces, military institutes, civil defence, Swedish Red Cross, Save the Children Fund, and legal experts <u>Chairmanship:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> to monitor implementation of international humanitarian law at the national level to spread knowledge of this body of law in Sweden to monitor progress in international humanitarian law matters and recommend to the government possible areas of future developments

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Tajikistan	Committee on the Implementation of International Humanitarian Law under the Government of the Republic of Tajikistan Prospekt Rudaki, 80 734001 Dushanbe Tel.: +992372 24 76 46 Fax: +992372 21 40 29	<u>Established:</u> 1999 <u>Legal basis:</u> Governmental Decree No. 277 of 2 July 1999 <u>Operation:</u> internal regulations of 3 August 1999	<u>Representatives:</u> Deputy Prime Minister, Justice, Defence, Security, Interior, Health, Foreign Affairs, Culture, Education, Labour, Environment, Emergency Situations, Presidential Administration and Guard, Border-Protection Committee, academic circles, and Red Crescent Society of Tajikistan <u>Chairmanship:</u> Deputy Prime Minister <u>Vice-Chairmanship:</u> Ministry of Justice <u>Secretariat:</u> Directorate for Constitutional Guarantees of Citizens' Rights	<ul style="list-style-type: none"> • to promote the national implementation of international humanitarian law and the ratification of the instruments composing it • to analyse national legislation and make proposals for bringing it into line with the requirements of humanitarian law • to coordinate the activities of the bodies involved in its implementation • to help spread knowledge of this body of law, especially by developing courses in international humanitarian law intended for all levels of teaching and for use in the armed forces • to cooperate with bodies of the State and with international organizations on matters relating to the development of humanitarian law
Togo	<i>Commission interministérielle de mise en œuvre du droit international humanitaire</i> c/o Ministère de la Justice et des Droits de l'homme P.O. Box 1325 Lome	<u>Established:</u> 1997 <u>Legal basis:</u> Interministerial Order No. 97-031 of 11 June 1997	<u>Representatives:</u> Justice, Defence, Interior, Foreign Affairs, Health, Women's Affairs and Social Welfare, National Human Rights Committee, Togolese Red Cross, academic and religious circles <u>Chairmanship and secretariat:</u> Ministry of Justice and Human Rights	<ul style="list-style-type: none"> • to review and propose to the government laws and regulations for the application of international humanitarian law • to contribute to the promotion and teaching of this body of law and to making it more accessible to the public • to monitor respect for and implementation of this body of law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Trinidad and Tobago	Inter-Ministerial Committee on International Humanitarian Law c/o Ministry of Enterprise Development and Foreign Affairs 1 Queen's Park West Port of Spain Tel.: +1 868 623 4116 Fax: +1 868 624 4220	Established: 1997 (ad hoc), 2001 (ad hoc) Legal basis: Cabinet Decision No. 211 of 21 February 2001	Representatives: Foreign Affairs, Defence, Security, Education, Health, Culture, Trinidad and Tobago Red Cross Society, and Public Prosecutor's Office <u>Chairmanship</u> : Ministry of Foreign Affairs	<ul style="list-style-type: none"> to review and present to the government suitable recommendations relating to the 1954 Hague Convention for the protection of cultural property and its two protocols, and the 1980 Convention on certain conventional weapons and its four protocols
Ukraine	Inter-departmental Committee for Implementation of International Humanitarian Law in Ukraine V. Grushevskogo 12/2 252008 Kiev Tel.: +380 44 293 4405 Fax: +380 44 229 7971	Established: 2000 <u>Legal basis</u> : Resolution of the Cabinet of Ministers No. 1157 of 21 July 2000 <u>Operation</u> : internal regulations and composition approved on 21 July 2000	Representatives: Cabinet of Ministers, Ukrainian Red Cross Society, Emergency Situations, Finance, Interior, Health, Foreign Affairs, Economy, Education, Justice, Culture, armed forces, and Human Rights <u>Chairmanship</u> : Ministry of Justice <u>Vice-chairmanship</u> : Ukrainian Red Cross Society <u>Secretariat</u> : Cabinet of Ministers	<ul style="list-style-type: none"> to study and analyse Ukrainian legislation on international humanitarian law and prepare proposals, in order to bring this legislation into compliance with the regulations of international agreements to which Ukraine is a party to coordinate activities of the ministries, other authorities and public organizations with an interest in the implementation of international humanitarian law to inform and assist organs of local and State authorities in their activities for the promotion and dissemination of international humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
United Kingdom	Inter-departmental Committee for International Humanitarian Law c/o Foreign and Commonwealth Office Whitehall London, SW1 A2 AH Tel.: +44 20 7270 3562	Established: 1999 Legal basis: decision of the Foreign and Commonwealth Office	Representatives: Foreign Affairs, Justice, Interior, Defence, Education, Environment, Trade, Health, Social Security, Culture, International Development, and British Red Cross Chairmanship and secretariat: Foreign and Commonwealth Office	<ul style="list-style-type: none"> • to ensure interdepartmental consultation and coordination on international humanitarian law issues • to review national legislation in order to identify additions and amendments needed for full implementation of the obligations arising from this body of law • to encourage the dissemination of this body of law in the armed forces and among other parts of the population • to consider the advisability of United Kingdom participation in international treaties and conferences relating to this body of law • to monitor new developments in this area of law and review the implications for the United Kingdom • to promote consultations between the government, the British Red Cross, and other organizations concerned • to consider giving assistance to other States in implementing humanitarian law

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Uruguay	<i>Comisión Nacional de Derecho Humanitario (CNDH-Ur)</i> c/o Ministerio de Relaciones exteriores, Dirección de Derechos Humanos Colonia 1206 11600 Montevideo Tel.: +5982 902 7806 or +5982 902 1327 (2215)	<u>Established:</u> 1992 <u>Legal basis:</u> Executive Decrees No. 677/992 of 24 November 1992 and No. XXX/996 of 3 June 1996	<u>Representatives:</u> Foreign Affairs, Justice, Defence, Interior, Health, Education and Culture, Supreme Court, Uruguayan Red Cross, and academic circles <u>Chairmanship:</u> Ministry of Foreign Affairs	<ul style="list-style-type: none"> • to make recommendations on dissemination of international humanitarian law at all levels of public and private education • to make recommendations on implementation of and respect for this body of law through the adoption of legislative provisions, regulations and other measures that ensure the application of this body of law
Yemen	National Committee for Implementation of International Humanitarian Law P.O. Box 1257 Sana'a	<u>Established:</u> 1999 <u>Legal basis:</u> Presidential Decree No. 408/1999 of 11 December 1999 <u>Operation:</u> internal regulations	<u>Representatives:</u> Foreign Affairs, Legal Affairs, Justice, Education, Information, Defence, Interior, and Yemen Red Crescent Society <u>Chairmanship:</u> Ministry of Foreign Affairs <u>Vice-chairmanship:</u> Ministry of Health <u>Secretariat:</u> Yemen Red Crescent Society	<ul style="list-style-type: none"> • to review national legislation and make proposals for its amendment so as to keep pace with new features and developments of international humanitarian law • to define mechanisms, measures and procedures capable of guaranteeing application of this body of law and effective implementing of its provisions • to adopt plans and programmes for the dissemination of this body of law at all levels of society and for monitoring its application • to supervise implementation of the provisions of the law regulating the use of the red cross and red crescent emblems and prohibiting their misuse

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Yemen (continued)				<ul style="list-style-type: none"> • to decide on the organization of seminars and other events relating to humanitarian law at the national level, and take part in appropriate regional and international events • to take part in the examination of draft humanitarian law treaties and make proposals and recommendations pertaining to them • to promote cooperation and the exchange of expertise with regional and international organizations working in the area of humanitarian law, and lend support to government authorities preparing studies and reports requested by these organizations
Yugoslavia	Commission on International Humanitarian Law of the Yugoslav Red Cross c/o Yugoslav Red Cross Simina 19 11000 Belgrade Tel.: +38111 622 830 Fax: +38111 622 965	Established: 1970 <u>Legal basis:</u> statutes of the Yugoslav Red Cross	<u>Representatives:</u> Foreign Affairs, Justice, Defence, Interior, Health, Yugoslav Red Cross, Institute of International Politics and Economics, and Yugoslav International Law Association	<ul style="list-style-type: none"> • to review measures for implementing international humanitarian law and propose to the national authorities to take those measures that are necessary • to advise the national authorities on taking initiatives to develop humanitarian law and on taking part in new instruments of this body of law • to attend the main international meetings in the area of humanitarian law • to handle the dissemination of this body of law within the Red Cross and monitor dissemination activities undertaken by others in the country

Country	Name and address of Committee	Year established/ Legal basis/Operation	Composition	Mandate
Zimbabwe	Interministerial Committee for Human Rights and Humanitarian Law c/o Ministry of Justice, Legal and Parliamentary Affairs P.O. Box 7744 Harare	<u>Established:</u> 1993 <u>Legal basis:</u> Cabinet decision	<u>Representatives:</u> Foreign Affairs, Defence, Interior, Justice, Culture, Education, Health and Children, Youth, Equality and Employment, President's Office, Ombudsman, Public Prosecutor's Office, and judiciary <u>Chairmanship:</u> Ministry of Justice	<ul style="list-style-type: none"> • to advise on the adoption of new humanitarian law treaties • to analyse measures of national implementation

Advisory Service on IHL
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ANNEXE IV

Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law

A. Status and structure

1. Since the implementation of IHL is primarily the responsibility of governments, national bodies set up to this end must be *linked to the executive branch*. Their legal status will depend on the constitutional structure and the procedures applied by the State concerned.
2. Promoting respect for IHL and, in particular, the implementation of this law at national level, is a permanent process. Providing the IHL body with a formal structure will ensure the continuity of this work.

B. Competence and attributions

3. National bodies on IHL must be authorized to *promote, advise on and coordinate* all matters relating to the implementation of the law at national level, and to compliance with and development of the law. The competence and composition of the bodies should be clearly defined and may be set out in a statutory text.

The bodies should have sufficient authority to:

- **Promote**

Promote the ratification of the humanitarian treaties or adherence to those treaties; work for the harmonization of national legislation, regulations and practices with the international instruments of humanitarian law to which the State is party, and promote their implementation.

- **Evaluate**

Be in a position to study and assess existing national legislation, judicial decisions and administrative provisions in the light of the obligations stemming from the Geneva Conventions of 1949 and, where applicable, the Additional Protocols of 1977 and other instruments of humanitarian law.

- ***Propose***

Be in a position to submit to the national authorities advisory opinions on issues relating to the implementation of humanitarian law, and to formulate recommendations and proposals in this regard. Have a right of initiative in this regard.

These opinions and recommendations may relate to the following areas in particular:

- incorporation of the provisions of humanitarian treaties into national law;
- preparation of all the legislative, statutory or administrative measures required for the effective application of and hence *respect for the rules of humanitarian law*;
- in particular, adoption of appropriate legislation providing for the repression of grave breaches of the law and regulating the use of the red cross/red crescent emblem and other protected signs and signals;
- adoption of regulations to define and guarantee the status of persons protected under the terms of humanitarian law and to ensure respect for the individual and fundamental guarantees in times of armed conflict;
- training and appointment of staff qualified in the field of humanitarian law, particularly legal advisers to the armed forces;
- location and marking of sites protected by humanitarian law.

- ***Monitor***

Monitor implementation of their recommendations and conclusions.

- ***Support, coordinate and standardize***

Support individuals or entities involved in matters relating to humanitarian law, particularly representatives of the ministries and governmental departments concerned; encourage and support cooperation among those entities and coordinate their activities if necessary. Act as a catalyst for the political and social forces concerned.

- ***Advise***

Carry out any other task relating to humanitarian law that the government may assign to them, and give opinions on any questions on the law submitted to them.

- ***Disseminate***

Play a key role in spreading knowledge of humanitarian law and, to that end, have the necessary authority to carry out studies, propose dissemination activities, and take part in such activities. The bodies should also be involved in the preparation of training programmes on humanitarian law for the armed forces and the security forces, and for any civilian or military authority with responsibility for the application of IHL. They should also be involved in developing educational programmes on IHL for schools and other academic and vocational institutions, including universities.

C. Composition

4. In order to fulfil their role, national bodies on IHL should be set up in such a way that they:

- ***Are representative***

National bodies must comprise representatives of all government departments concerned with humanitarian law, and in particular must include representatives of the executive, judicial and legislative branches with sufficient authority to make commitments on their principals' behalf.

- ***Involve National Red Cross and Red Crescent Societies***

They should associate the National Red Cross or Red Crescent Society with their work and activities, because of the role conferred on National Societies by the humanitarian treaties and by the Statutes of the International Red Cross and Red Crescent Movement, and because of the National Societies' knowledge and expertise in the humanitarian field.

- ***Include experts***

Their operating mechanisms should allow them to consult or associate in their work experts such as legal specialists, doctors, university professors and military personnel, as well as representatives of civil society such as professional associations and non-governmental organizations.

D. Operating procedures

5. The operating procedures of national bodies for IHL should take the following factors into account:

- ***Continuity and regularity***

They should be organized in such a way as to ensure continuity in their work on IHL, so that the matter remains a topical item on government agendas.

They should meet as often as is necessary, and if possible on a regular basis, with all members duly convened and present.

- ***Working methods***

The bodies should define their working methods, and in particular draw up a table of areas requiring implementation measures, identify the measures to be taken and the authorities concerned, establish a plan of action, and set priorities.

They should hold their discussions in plenary sessions or, if necessary, delegate responsibility for certain activities to individual members or sub-committees.

- ***Progress reports***

They should report periodically to the government and other authorities concerned with their work.

- ***Resources***

They should be allocated sufficient human, material and financial resources to undertake the tasks entrusted to them.

E. Cooperation

6. National bodies for humanitarian law should contact and cooperate with each other on a regular basis, since the problems and issues they handle are often similar. Accordingly, they should:

- ***Exchange information and cooperate with each other***

Maintain relations and exchange information on their activities and experiences with bodies in countries in the same regions or with similar legal systems; organize joint activities and/or invite experts from other bodies to participate in their own work.

Develop regular contacts with other institutions involved in or concerned by the implementation of humanitarian law, and with the ICRC Advisory Service.

- ***Inform the Advisory Service***

Keep the ICRC Advisory Service informed, in particular reporting to it any new development concerning humanitarian law at the national level.

- ***Hold meetings***

Organize and take part in multinational and regional meetings between bodies of the same type; seek the support of regional and international organizations to this end.

MISSION

The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the International Red Cross and Red Crescent Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. Established in 1863, the ICRC is at the origin of the International Red Cross and Red Crescent Movement.