

RED CROSS AND RED CRESCENT SOCIETIES AND THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW: GUIDING PRINCIPLES



The implementation of international humanitarian law is a primary objective of the International Red Cross and Red Crescent Movement. National Societies are well placed to promote implementation within their own countries. The Movement's Statutes recognize the role played by the Societies in conjunction with their governments to ensure respect for international humanitarian law and to protect the red cross and red crescent emblems. The Societies' contacts with the national authorities and other entities concerned and, in many cases, their own expertise in national and international law give them a key part to play in this field. They may also be able to draw on, or provide, advice and support within the Movement. National Societies are encouraged to make full use of these resources to promote the national implementation of humanitarian law.

WHAT IS IMPLEMENTATION?

States must take a number of measures, both in peacetime and during armed conflicts, to ensure that they meet their obligations under international humanitarian law. These include:

- a. repressing war crimes;
- b. protecting the red cross and red crescent emblems;
- c. granting protected persons fundamental and judicial guarantees during armed conflict;
- d. appointing legal advisers in their armed forces;
- e. spreading knowledge of international humanitarian law;
- f. identifying and marking protected persons, places and means of transport;
- g. training personnel qualified in international humanitarian law.

Measures (a), (b) and (c) may require the adoption of national legislation.

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It is also recommended that, where necessary, the States establish a national committee or similar body for the implementation of international humanitarian law.

In addition, they should deposit a declaration accepting the competence of the International Fact-Finding Commission provided for in Art. 90 of Protocol I additional to the Geneva Conventions.

Implementation is an ongoing process. Once a measure has been adopted it must still be properly implemented. Meanwhile, States are encouraged to adhere to any instruments of international humanitarian law to which they are not yet party.

ACTION BY NATIONAL SOCIETIES

There are various measures that the National Societies may take.

Participation in international humanitarian law instruments

- discussing their content and purpose with national authorities;
- promoting support for those instruments.

Adaptation of national legislation

- making national authorities aware of the need for legislation to implement the law;
- drafting national legislation and/or commenting on the draft legislation of the national authorities;
- encouraging the introduction and adoption of implementing legislation;
- explaining to legislators and the general public the need to implement humanitarian law by adapting national legislation.

Protection of the emblems

- raising awareness among national authorities, professionals, business people and the general public;
- make known the need for legislation to protect the emblems, and encouraging its adoption;
- monitoring use of the emblems;
- reporting misuse of the emblems to the appropriate national authorities;
- advising national authorities on legal questions related to use of the emblems.

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Dissemination

In addition to the Societies' own work to spread knowledge of the law, activities in this domain can include:

- reminding national authorities of their own obligation to spread knowledge;
- providing authorities with advice and promotional materials;
- taking part in the authorities' promotional programmes;
- monitoring the continuation and content of national programmes.

National implementation of IHL rules is an ongoing process. Once a legislative measure has been adopted, it must still be properly implemented.

Legal advisers in the armed forces and qualified persons

- making national authorities aware of the need for legal advisers in the armed forces as well as qualified persons;
- taking part in the training of armed forces advisers and qualified persons;
- recommending suitable candidates for the qualified persons.

National committees for the implementation of humanitarian law

- making the national authorities aware of the advantages of having these committees;
- providing advice and materials on setting them up;
- providing secretarial and other services;
- advising the committees once set up;
- encouraging the committees to meet regularly.

National Society resources

National Societies have a range of resources with which to promote implementation. Full advantage should be taken of them.

National expertise in international humanitarian law

This expertise may be provided by:

- the National Society's own legal adviser or staff member responsible for the dissemination of humanitarian law;
- legal experts serving in other capacities within the Society;
- an academic or military specialist acting as honorary legal adviser to the Society;
- legal experts, in particular those with an academic or military background, who are in regular touch with the Society.

A National Society may be able to provide specialized knowledge that would not otherwise be available to the authorities. Their experts are likely to have the necessary combination of expertise in national law and international humanitarian law required to ensure effective implementation.

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National contacts

Implementation may be promoted by contacting:

- government (including ministries such as Foreign Affairs, Defense, Justice and Health);
- the armed and security forces;
- the legislative power;
- the judiciary and representatives of the legal profession;
- civil defense and relief organizations;
- representatives of the medical and teaching professions.

Given the role and position of National Societies within their respective countries, they are likely to be well placed to cultivate these contacts.

Cooperation and assistance

By promoting implementation, National Societies may also draw on advice, materials and direct assistance from others within the International Red Cross and Red Crescent Movement, including:

- other National Societies within the same region;
- National Societies from countries with a similar legal system;
- National Societies with experience in particular areas of implementation;
- the ICRC's Advisory Service on International Humanitarian Law.

Such activities should be as well coordinated as possible, and exchange of information on implementation should be encouraged. National Societies are urged to facilitate this by informing the ICRC's Advisory Service both of implementation measures adopted or under consideration in their countries and of their own activities and areas of expertise in the implementation field.

Using and developing their own resources, and drawing on the advice and assistance of other members of the International Red Cross and Red Crescent Movement, National Societies can do much to bring about effective implementation of international humanitarian law.

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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 armed conflict and other situations of violence and to provide them with assistance. The ICRC 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 Geneva Conventions and the International Red Cross and Red Crescent Movement. It directs and coordinates the international activities conducted by the Movement in armed conflicts and other situations of violence.

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