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FOLLOW-UP TO THE 28TH INTERNATIONAL CONFERENCE

**PART 5:
Implementation of Resolution 1
in the field of international humanitarian law**

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FOLLOW-UP TO THE 28TH INTERNATIONAL CONFERENCE

PART 5: Implementation of Resolution 1 in the field of international humanitarian law

INTRODUCTION

This part of the report has been compiled pursuant to Resolution 1 of the 28th International Conference of the Red Cross and Red Crescent, which requested the participants to submit a report to the International Conference in 2007 on the progress made in the implementation of the Declaration "Protecting human dignity", adopted in 2003. The report provides an overview of the steps taken by the participants in the 28th International Conference in order to implement the Declaration in the field of international humanitarian law (IHL).

It is based on 88 replies to the follow-up questionnaire provided by the International Committee of the Red Cross (ICRC), National Societies (57) and States party to the Geneva Conventions (30). Only those replies received by the ICRC prior to 31 July 2007 are reflected in the report. Other sources of information include the ICRC's Advisory Service database on IHL national implementation measures, the bi-annual chronicle on national legislation published in the International Review of the Red Cross, and official notifications by States of their adherence to IHL treaties.

The report analyzes the implementation of the Declaration in the field of IHL from three different angles. Firstly, it analyzes the progress made as regards accessions to and ratifications of IHL treaties and their national implementation. Secondly, the report provides an overview of the main activities undertaken in terms of the reaffirmation and application of the principles and rules of IHL. Finally, it describes the main efforts made in terms of dissemination of IHL to armed forces and the civilian population.

This report provides examples of activities by way of illustration. It does not set out to be exhaustive and to reflect the totality of the work undertaken during the reporting period. More detailed information provided by individual participants, and information provided by participants whose follow-up questionnaires could not be included or reflected in this report, can be found on the database *Follow-up to the 28th International Conference*, which is available on the ICRC's website.

The database also incorporates information on the follow-up of individual pledges made by the different International Conference participants. Fifty-nine governments, eighty-eight National Societies and two observers signed up to one hundred and forty-two pledges related to the implementation of the Declaration in the field of IHL. Implementation reports received from those participants were taken into account in the present report.

A) PROMOTING UNIVERSAL ADHERENCE TO INTERNATIONAL HUMANITARIAN LAW INSTRUMENTS AND THEIR NATIONAL IMPLEMENTATION BY ALL STATES

Introduction

Since the 28th International Conference in 2003, considerable progress has been accomplished towards the widest possible adherence to IHL treaties and the adoption of national implementation measures to incorporate IHL into national legislation.

Over the past four years, the participants in the 28th International Conference focused their efforts on four main priorities:

- ratifying IHL treaties;
- promoting the implementation at the national level of the obligations flowing from these treaties;
- gathering and facilitating exchange of information on national implementation measures; and
- setting up national committees for the implementation of IHL and supporting their work.

The present section of the report provides information on the reported progress made on these priorities since December 2003.

I. Ratification and national implementation of IHL

If IHL is to be fully complied with, it is essential for States to become party to its international instruments and adopt domestic legislation and practical measures to ensure that it is respected, applied and effectively implemented in their domestic legal systems. The ICRC's Advisory Service on international humanitarian law has supplied national authorities with advice and technical assistance to help them adopt and implement the legislation, secondary legislation and administrative measures needed for the ratification and implementation of IHL treaties. **(See tables of new accessions to/ratifications of the main IHL treaties in Annex A.)**

The ICRC has continued to collect, analyze and publish the laws adopted by States and to produce a range of specialized documentation. The ICRC's Advisory Service has updated and added to its series of technical fact sheets, produced or contributed to new model laws – e.g. on bacteriological weapons and on missing persons – and worked on the publication of a manual on national implementation of IHL. Considerable progress has been accomplished in developing and updating the database on IHL national implementation measures. This database can be accessed via the ICRC website (<http://www.icrc.org/ihl-nat>) and includes the texts of primary and secondary legislation adopted by States as well as national case law relating to IHL and its implementation at the national level.

For further information on documentation and tools, please refer to section C) of the present report

The ICRC and numerous National Societies have continued to support the modification of existing national implementation measures and the adoption of new ones in a variety of areas. Significant among these are the prosecution and punishment of war crimes, the protection of the distinctive emblems, protection of the rights of people missing or

unaccounted for, protection of cultural property, protection of children, and various treaties that regulate or prohibit the use of certain types of weapons.

- A large number of States have adopted new laws defining war crimes and the other international crimes defined in the Rome Statute of the **International Criminal Court (ICC)** and providing for their punishment. Others are in the process of doing so. The National Societies of Denmark, Norway and Panama reported work aimed at ensuring the incorporation of the Rome Statute into national legislation. The number of States that have ratified the Rome Statute has increased to 105.

*At the invitation of **Germany, Turkey** became a member of the informal group “European Parliament Friends of the ICC” and began to participate in the meetings held in New York and the Hague as of January 2004.*

With a view to preventing offences against IHL, the ICRC has launched a process of study and consultation in order to identify the effects and impacts of sanctions, be they penal, disciplinary or of another order, on the incidence of IHL violations.

*The **United Kingdom** contributed financially to:*

- *a project run by the Commonwealth Secretariat to produce and disseminate a Model Law to Implement the Rome Statute of the International Criminal Court and the associated Report of the Commonwealth Expert Group on Implementing Legislation for the Rome Statute of the International Criminal Court. The project was reinforced by targeted activity on the part of the Commonwealth Secretariat to provide technical support to individual States in relation to implementing legislation;*
- *a No Peace Without Justice project involving the organization of an Inter-Governmental Regional Conference on Democracy, Human Rights and the Role of the International Criminal Court in Sana'a, Yemen; and*
- *the work of the Coalition for the International Criminal Court in support of the ICC, including support for the drafting and enactment of implementing legislation and efforts to encourage States to ratify or accede to the Rome Statute.*

Initiatives on the same theme were taken by the Swiss Government, in cooperation with Germany and Sweden (“Interlaken, Bonn-Berlin and Stockholm process”) and Canada (project for a manual on the humanitarian impact of sanctions). Germany, Poland and Turkey are in the process of enacting or already have enacted legislation with a view to enhancing cooperation with the ICC. Other measures taken include the implementation of the Agreement on the Privileges and Immunities of the International Criminal Court in Finland and publication of a Finnish version of the Elements of Crimes in 2004. The German Foreign Office provided support for a number of civil society projects in third countries in order to promote the universality and integrity of the Rome Statute.

- Various States have passed or reviewed legislation containing rules on the **use and protection of the red cross, red crescent and red crystal distinctive emblems**, specifying the persons and organizations authorized to use them and providing for criminal or disciplinary penalties in the event of their misuse. Others are in the process of doing so. In the Congo, the Dominican Republic, Greece and Mali, the National Societies provided the impetus for

***Belize, Bulgaria, Croatia, the Czech Republic, Denmark, Georgia, Honduras, Hungary, Iceland, Latvia, Liechtenstein, Monaco, the Netherlands, Norway, the Philippines, San Marino, the United States of America, Slovakia and Switzerland** have ratified Protocol III additional to the Geneva Conventions.*

this legislative process. Following the adoption of the *Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)* (the red crystal) on 8 December 2005, the ICRC developed a number of activities aimed at promoting ratification of and adherence to the new Protocol. A number of publications were produced including, in particular, a commentary on Additional Protocol III and a model law for the use and protection of the emblems that reflects the provisions contained in the Protocol. The Hellenic Red Cross, along with the Committee for the Implementation and Dissemination of International Humanitarian Law in Greece, worked on the translation of this model law. Several States have already ratified Additional Protocol III and others reported being in the process of doing so. The National Societies of Bulgaria, Denmark, the Dominican Republic, Norway, Panama and the United Kingdom encouraged their respective governments to this end. The Bolivian, Dominican, Macedonian and Norwegian Red Cross Societies conducted specific campaigns aimed at promoting better understanding of the emblem.

For information on the ICRC's "Study on Operational, Commercial and other Non-operational Issues involving the Use of the Emblem", please refer to section B) IX of the present report

- The ICRC, the International Federation as well as numerous governments and National Societies have conducted a number of activities and implemented measures aimed at **protecting the rights of people missing or unaccounted for in connection with armed conflict or other situations of violence and the rights of their families**. The ICRC's Advisory Service has carried out or supported studies in various States to ascertain the extent to which domestic law is compatible with IHL norms relating to the protection of missing persons and the elucidation of their fate, with a view to identifying any lacunae in the domestic law and making recommendations to the national authorities. Guiding principles have also been drawn up for authorities preparing the legislation, secondary legislation and other measures of a practical nature needed at the national level to prevent such disappearances.

For further information on measures undertaken by the ICRC, Governments and National Societies concerning the missing, please refer to Part 1: "Follow-up to the 28th International Conference – Implementation on General Objective 1 of the Agenda for Humanitarian Action" (30IC/07/14.1.1)

- Another theme on which the members of the 28th International Conference have focused their attention is the promotion of the 1954 Hague Convention for the **Protection of Cultural Property in the Event of Armed Conflict** and its two protocols. The ICRC organized a number of conferences and seminars to mark the 50th anniversary of this Convention in 2004 and promoted the ratification of its Second Protocol which entered into force on 9 March of the same year. This anniversary gave a new impetus to efforts to secure better protection for cultural property. Following this trend, the Finnish and Polish Red Cross organized events and the Swedish Red Cross held a special session on cultural property in the national committee on IHL to mark the occasion. National Societies in Canada, Denmark, the Dominican Republic, Germany, Greece, Panama, Trinidad and Tobago, and the United Kingdom also took the opportunity to advocate actively for the ratification of the Hague Convention and of its two Protocols and provide advice to governments on how to improve their implementation. Moreover, in order to help promote the widest possible adherence to these instruments, the ICRC took

*In March 2005, the **British Red Cross**, in association with the department for Culture, Media and Sport and the Foreign and Commonwealth Office, organized a briefing for stakeholders on the technical, practical and legal aspects of implementing the Hague Convention and its Protocols.*

part in the meetings of the States Parties held at the United Nations Educational, Scientific and Cultural Organization (UNESCO) headquarters in October 2005.

- *With a view to familiarizing armed forces personnel with the provisions of IHL dealing specifically with cultural property, the **Polish Government** introduced into the operating procedures of the Polish Armed Forces instructions aimed at ensuring the protection of cultural goods during combat operations. It also introduced a regulation on the modalities associated with the protection of cultural property in the case of armed conflict.*
- *The Ministry of National Defence published the following training materials for the Polish Armed Forces:*
 - *a booklet on Poland's activities in the field of protecting cultural properties in post-war Iraq;*
 - *a CD-ROM on projects conducted by specialists in archaeology and protection of the cultural heritage in the Polish military contingent in Iraq in the period from November 2003 to February 2005; and*
 - *a publication entitled: "Protection of cultural goods in peacetime and from war threats during combat operations of the Polish Armed Forces".*
- *The Defence Ministry also conducted training sessions designed to familiarize Polish Armed Forces personnel with specific issues related to IHL:*
 - *courses on the protection of cultural property from threats in war and peace for battalion commanders, reconnaissance officers and military-civilian cooperation staff; and*
 - *specialist courses in the international law of armed conflict and protection of cultural property for the personnel of military units assigned to the NATO Response Force.*
- *The Defence Ministry also introduced a training course covering protection of cultural property from war- and peace-time threats under domestic and international law.*

The United Kingdom reported that it was on the verge of ratifying the 1954 Hague Convention and acceding to its two Protocols. Although not yet party to these instruments, it included references to them in the up-dated Joint Services Military Manual on the Law of Armed Conflict. During the reporting period, and in direct line with the priorities set out by the International Conference in 2003, the Australian, Dominican and Swedish Red Cross Societies placed a specific emphasis on the protection of cultural property in their dissemination activities. The ICRC's Advisory Service itself organized a series of meetings of experts and conferences at the regional level in association with UNESCO. Other noteworthy measures include the recent publication by Finland of a national action plan for the implementation of the Hague Convention covering both domestic measures and recommendations for international cooperation, the completion by El Salvador in 2006 of a guide designed to facilitate the marking of cultural property in case of armed conflict, and the specific marking of historical sites by El Salvador and Nicaragua.

- The ICRC and National Societies have continued to work to promote adherence to and implementation of international treaty rules aiming to prevent or limit the **participation of children in armed conflict**. To this end, the ICRC attended a number of events and international conferences on this theme, among them the *International Conference on Protection and Reintegration of Children associated with Armed Forces or Groups*, held in Paris in February 2007.

For detailed information on States' and National Societies' efforts regarding children, please refer to section B) III. i) of the present report

- The ICRC and various National Societies have continued to support and encourage accession to/ratification of **instruments banning or limiting the use, production, stockpiling and transfer of certain weapons**. Whereas some of these treaties have attracted a great deal of attention, for example the Ottawa Convention that bans anti-personnel landmines, the ICRC as well as several National Societies have continued to promote all the main treaties relating to the methods and means of warfare. As part of this strategy, the ICRC's Advisory Service has developed a model law for implementing the 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Work is also being done on a model law to facilitate national implementation of the 1980 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 (CCW), and its five protocols. In addition to marking the 25th anniversary of the adoption of the CCW in 2005, the ICRC prepared a ratification kit for Protocol V to the CCW and encouraged broader ratification of amended Article 1 to the CCW which extends the Convention's scope to include non-international armed conflicts. The National Societies of Bulgaria, Denmark, France, and the United Kingdom actively encouraged their respective governments to ratify Protocol V to the CCW, while the French and the Netherlands Red Cross Societies continued to focus on the implementation of the Ottawa Convention and the issue of cluster munitions.

- **30 States** acceded to/ratified amended Art. 1 to the CCW
- **33 States** acceded to/ratified Protocol V to the CCW
- **4 States** acceded to/ratified the Bacteriological Weapons Convention
- With 14 new accessions/ratifications, the Ottawa Treaty now counts **155 parties**

For further information on the issue of weapons, please refer to Part 2: "Follow-up to the 28th International Conference – Implementation Report on General Objective 2 of the Agenda for Humanitarian Action" (30IC/07/14.1.2)

- The ICRC has continued to promote the mandate of the **International Fact-Finding Commission (IFFC)** and invite States that are party to Protocol I additional to the Geneva Conventions to accept its competence. To this end, the ICRC helped to arrange visits by the IFFC and its members to various regions. At the time this report was written, 69 States had made declarations accepting the competence of the IFFC. Regrettably, the IFFC has not been able to exercise its mandate so far.

*In the course of the reporting period, **Burkina Faso, Japan, Montenegro and the Republic of Korea** made declarations accepting the competence of the IFFC.*

With the ICRC's support, and sometimes with the help of National Societies, a considerable number of States have amended existing legislation or adopted new primary and secondary legislation to bring their national law in line with their international obligations under IHL. Since December 2003, 85 new legislative acts implementing international IHL obligations have been registered. These are connected with: the Geneva Conventions (2); prisoners of war and treatment in detention (2); criminal sanctions and co-operation with the ICC (15); limitations on or prohibition of certain weapons (21); protection of children (1); people who are missing or unaccounted for (5); protection of

*The **United Kingdom** contributed to a Nottingham University project to teach a course in Cape Town for 20 legal professionals from Africa involved in national implementation.*

the emblems (11); National Societies (2); tracing services (2); national committees (20); and armed forces (4). **(See list of new national legislative acts implementing IHL in Annex B.)**

II. National committees on IHL

All over the world, national committees for the implementation of IHL have continued to do important work. These committees are generally made up of representatives of the various national authorities that play a role in the implementation of IHL in the national legal system as well as representatives of the National Red Cross or Red Crescent Society and, in some cases, civil society. Their aim is to provide the Government with advice and assistance in the implementation and promotion of IHL at the national level. Numerous National Societies, in their capacity as members of or consultants for their respective national committees, reported coordinating activities, fostering IHL treaty ratification, drafting or amending legislation and promoting its implementation. Over the past four years, 20 new committees have come into being, bringing the total number to 84 at the end of August 2007.

The French Red Cross is a member of the National Consultative Commission on Human Rights (CNCDH). On 21 September 2006, this commission issued an advisory opinion on cluster munitions. It advised the French Government to prohibit, at the national level, the use, stockpiling, production and transfer of cluster munitions, for as long as the humanitarian problems they cause remain unresolved.

*The 20 new national committees created since December 2003 are: **Burkina Faso, Costa Rica, Ecuador, Honduras, Kazakhstan, Kuwait, Libya, the former Yugoslav Republic of Macedonia, Madagascar, Nepal, Poland, Romania, Saudi Arabia, Senegal, Serbia, South Africa, Swaziland, Syria, Tunisia, the United Arab Emirates***

For detailed information concerning national committees on IHL, please consult the "Table on National Committees and other national bodies on international humanitarian law" on the ICRC's website at <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/table-national-committees>

During the reporting period, the ICRC supported the organization of regional meetings of national IHL committees. These meetings provide an opportunity to draw the participants' attention to the obligations incumbent on States to implement IHL, to encourage them to ratify the main treaties, and to foster exchanges on means and mechanisms for achieving greater compliance with IHL in the field. The first meeting of national IHL committees of Commonwealth States, held in Nairobi in July 2005, was attended by representatives of 40 States. Further regional meetings were organized in Buenos Aires (March 2005), Cairo (February 2005 and February 2006), Managua (November 2005), Pretoria (June 2005 and June 2007), Athens (January 2006) and Wellington (August 2007). In March 2007, the ICRC organized the second universal meeting of national IHL committees in Geneva to address questions related to people reported missing or unaccounted for and identify measures (legislation, secondary legislation, practical steps) to prevent disappearances and protect the rights of the missing and their families. As members or consultants in national committees, several National Societies representatives and Governments officials were present.

III. National and regional meetings

As part of its efforts to familiarize State authorities with IHL and foster regular consultations and exchanges concerning the ratification of the relevant treaties and their implementation at national level, the ICRC took part in or helped to organize various regional conferences,

experts' meetings and round tables. The venues included Abuja (July 2005), Cairo (February 2005, February 2006 and February 2007), Mexico City (December 2004, April 2005, and August 2007), St Petersburg (April 2005), Pretoria (June 2005), Hanoi (December 2006), Beirut (April 2007) and Beijing (June 2007).

During the reporting period, themes related to prosecution and punishment of international crimes attracted particular attention. A number of seminars, meetings, conferences and other events on the subject were organized by different governments and National Societies, often in close cooperation with NGOs and other actors.

- In **Finland**, on 29 September 2006, the Ministry for Foreign Affairs and Amnesty International jointly arranged a seminar focusing on the situation in Western Balkans and dealing with impunity, under the title "Building a Culture of Accountability: Action against Impunity in the External Relations of the European Union".
- **Germany** has been regularly contributing to the funding of the inter-sessional meetings on the Crime of Aggression organized by the Liechtenstein Institute on Self-Determination at the University of Princeton in 2004, 2005, 2006 and 2007.
- Representatives of the Ministry of Justice of **Poland** participated as panellists in several international conferences set up by NGOs, providing information on the Polish law concerning crimes covered by the Rome Statute and cooperation with international tribunals.
- **The Netherlands** organized several seminars on the ICC – e.g. Japan in 2004 and the Caribbean Community (CARICOM) in 2005. It also provided financial support for a large number of regional seminars and conferences to encourage ratification and implementation of the Rome Statute.
- The **United Kingdom** organized various training sessions, seminars and workshops on international criminal law and the Rome Statute.
- In 2003, 2004 and 2005 the **Finnish Red Cross** (FRC) financially supported seminars on international criminal law, organized by the European Legal Students Association in Helsinki. In April 2007, together with the University of Helsinki the FRC also organized an expert seminar on the national implementation of the Rome Statute.

IV. Contacts with other organizations

Continuous and active cooperation within the Movement as well as with external governmental, inter-governmental and non-governmental partners has been a key factor in the successes of the different components of the Movement. Numerous National Societies jointly organized and co-sponsored events, and undertook initiatives in close collaboration with other actors, resulting in fruitful discussions and successful actions. The ICRC continued to engage in dialogue and cooperate with a range of international and regional organizations. In all its operational contexts, the ICRC took steps to enter into working relationships with the relevant international and regional organizations, with a view to creating optimum synergies, raising awareness of IHL-related issues among their member States and encouraging ratification and national implementation of IHL treaties. To that end, the ICRC has worked with a number of international organizations including UNESCO, the United Nations Development Programme, the Organization for the Prohibition of Chemical Weapons, the Inter-Parliamentary Union, the Commonwealth Secretariat, the Organization of American States, the League of Arab States, the Economic Community of West African States, the Asian-African Legal Consultative Organization, the Inter-Parliamentary Assembly of Member States of the Commonwealth of Independent States, the Council of Europe and the European Union.

A good example of close cooperation between various governments, in some cases with the active involvement of National Societies, can be observed within the Commonwealth. In 2004 and 2005, Foreign and Commonwealth Office (FCO) and British Red Cross representatives met with the Commonwealth Secretariat to discuss ways to promote IHL within the Commonwealth, for instance by the inclusion of IHL issues in the agenda of relevant Commonwealth fora. As a result, and in fulfilment of one of the recommendations of the 2003 Commonwealth Red Cross and Red Crescent

The Summary Report of the Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, held in February 2003, was produced. This document, entitled "A Guide to Action", was distributed at the Commonwealth Heads of Government Meeting in December 2003; at the Meeting of Senior Officials of Commonwealth Law Ministries in October 2004, and at the Meeting of Commonwealth Law Ministers in October 2005.

Conference on IHL, the British Red Cross and the FCO supported the Meeting of Representatives of Commonwealth National IHL Committees held in Nairobi, Kenya, from 19 to 21 July 2005. Along the same lines, encouraged by the British Red Cross and the FCO, the New Zealand Red Cross and Ministry for Foreign Affairs and Trade agreed to host the second Commonwealth Red Cross and Red Crescent Conference on IHL which was held in Wellington, New Zealand from 29 to 31 August 2007. The British Red Cross also provided the New Zealand National IHL Committee, which is organizing the meeting, with financial support and advice. The aim of the conference was to promote greater awareness and understanding of IHL by both governments and National Societies in the Commonwealth, and greater cooperation between governments and their respective National Societies on IHL-related matters. Throughout the reporting period, the British Red Cross provided financial support for IHL projects in Commonwealth countries. It also supported a drafting workshop on IHL implementation for CARICOM States in 2004 in the person of an IHL expert.

The ICRC has also built up a dialogue with various international and regional judicial and quasi-judicial bodies such as the ICC, the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights. With a view to coordinating efforts for the promotion of certain IHL-related treaties, the ICRC's Advisory Service has also maintained close contacts with a number of international non-governmental organizations (NGOs), among them the NGO Coalition for the International Criminal Court and a range of NGOs that strive towards the banning of certain weapons or greater control of their use.

B) REAFFIRMATION AND APPLICATION OF THE PRINCIPLES AND RULES OF INTERNATIONAL HUMANITARIAN LAW

Introduction

This section highlights the most noteworthy measures taken and activities conducted by governments, National Societies and the ICRC to reaffirm and promote the full application of the principles and rules of IHL. The bulk of those rules and principles were highlighted in the Declaration. Consequently, they received specific attention from the participants in the 28th International Conference during the reporting period.

I. Customary IHL

The ICRC was mandated by the 26th International Conference in December 1995 to prepare, a report on customary rules of IHL with the assistance of experts in IHL representing various geographical regions and different legal systems. The aim of this initiative was to solve some of the problems inherent to treaty law and to achieve more effective implementation of international humanitarian law overall.

The result of this decade-long endeavour is what is now known as the Study on customary international humanitarian law, which was published by the ICRC and Cambridge University Press in March 2005. Since then, the ICRC has presented the Study at numerous regional and national launch events and conferences, often in close cooperation with National Societies. In the course of the reporting period, some governments and several National Societies also organized or co-sponsored conferences, seminars, round tables, lectures and other events to promote the Study. Since its publication, Volume I of the Study ("Rules") has been translated into Arabic, Chinese, French, Russian, Serbian and Spanish. In collaboration with governments and National Societies, the summary of the Study (with list of rules), which first appeared in the International Review of the Red Cross in March 2005, has been translated into some 30 languages, and further translations are scheduled.

The Study has already been used by national and international courts, as well as by Governments. Volume II of the Study ("Practice") is up to date until the end of 2002, with some practice from 2003 included. In 2007, the ICRC teamed up with the British Red Cross in a joint partnership and launched a research project, based at Cambridge University's Lauterpacht Centre for International Law, to update Volume II.

*On 1 and 2 February 2007, in cooperation with the **ICRC**, the **Swiss Government**, organized a round table in Geneva entitled "Customary International Humanitarian Law and its Relevance for the Interoperability of Armed Forces".*

*To support and promote the Study, the **Belgian Red Cross** organized a two-day conference in Brussels on "Custom as a Source of Humanitarian Law" in November 2005.*

***France** took measures to ensure that the teaching of IHL and the rules of engagement take into account the rules it deems customary. On 26 March 2005, it adopted the General Statute of Militaries which stipulates in its Article 8 that customary rules must be respected by the armed forces.*

For more information on customary law, please refer to the ICRC's report: "Study on Customary International Humanitarian Law" (30IC/07/12.2)

II. Conduct of hostilities

Since 2003, the ICRC has participated in numerous conferences on the conduct of hostilities and has pursued its activities concerning the clarification of the notion of "direct participation in hostilities". However, recent State practice and scholarly writings have raised additional challenges for the implementation of the rules governing the conduct of hostilities. This prompted the ICRC to continue its analysis on the need to reaffirm and develop these rules. At the same time, these additional challenges have led States to take measures. National Societies have also focused activities on some of the most basic principles of international humanitarian law, most notably the principles of distinction and proportionality as well as the prohibition on the use of means and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

A number of governments and National Societies reported achievements as well as dissemination and training activities focused on basic principles of IHL.

- ***Cyprus** included a special section covering the principle of proportionality and the basic actions to ensure the protection of the victims of war in its "Soldier's handbook" which draws on the ICRC's publications "Behaviour in combat: code of conduct for combatants" and "Behaviour in combat: rules for behaviour in combat".*
- *in December 2004, in order to promote the principles of distinction and proportionality, **the Czech Republic** launched a new doctrine for its army and a new programme for the preparation of its troops, which became effective as of 1 January 2006.*
- ***France** introduced a new doctrine and a targeting device in order to take due account of the principles of distinction and proportionality.*
- *The **Australian, British, Bulgarian, Finnish, Nicaraguan and Swedish National Societies** reported that they had helped to raise awareness on the principles of distinction and proportionality through financing or organizing of specific dissemination activities.*
- *The **Australian and Belgian Red Cross Societies** also provided information on dissemination activities aimed at raising awareness of the prohibition on causing unnecessary suffering. Most notably, the **Belgian Red Cross** created a tool called "LIMITO – even war has limits", a board game which helps students to grasp essential rules of IHL and the need to apply them in conflict situations in order to avoid superfluous injury or unnecessary suffering.*

In 2007, the International Institute of Humanitarian Law and the ICRC jointly organized the 30th San Remo Round Table on 6, 7 and 8 September 2007 on the theme: "The conduct of hostilities - Revisiting the Law of Armed Conflict 100 Years after the 1907 Hague Conventions and 30 Years after the 1977 Additional Protocols". The participants engaged in a broad discussion on the shifting nature of modern-day warfare and its impact on some fundamental precepts of the law of armed conflicts, such as the principles of distinction and proportionality, as well as the prohibition on causing superfluous injury and unnecessary suffering. Emphasis was placed on a forward-looking analysis of the issues raised by the implementation of the rules governing the conduct of hostilities and possible remedies to the alleged shortcomings that may present challenges for practitioners charged with their application in real situations. The role of domestic and international criminal tribunals in the interpretation of these rules was also addressed.

*The **British Red Cross** provided active support for the International Institute of Humanitarian Law in the form of funds for experts' meetings and the general work of the Institute.*

*The **Italian Red Cross** – a founding member of the Institute and a member of its Executive Board – reported that it worked with the Institute on a regular basis through its IHL Dissemination Office.*

i) Direct participation in hostilities

In 2003, the ICRC launched a process of research, reflection and clarification on the concept of "direct participation in hostilities" under IHL. The aim was to identify the constitutive elements of the concept and provide guidance on its interpretation in both international and non-international armed conflicts.

As part of this process, four informal Expert Meetings on the theme of "Direct Participation in Hostilities under International Humanitarian Law" were organized in The Hague and Geneva in cooperation with the TMC Asser Institute. Each meeting brought together between forty and fifty legal experts from military, governmental and academic circles, as well as from international organizations and NGOs, each invited in his or her personal capacity.

On the basis of the results of these Expert Meetings, the ICRC prepared a first draft of an Interpretive Guidance on the concept of "direct participation in hostilities" for discussion during the *Fourth Expert Meeting*, held in Geneva on 27 and 28 November 2006. Subsequently, a revised version of the Interpretive Guidance was submitted to the experts in July 2007 for a final round of written comments with a view to its finalization.

See also section on – The Notion of "Direct participation in hostilities" under IHL – in the ICRC's report: "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts" (30IC/07/12.3)

ii) IHL in air and missile warfare

Taking into account the tremendous developments in the strategic use of air and missile technology, the Harvard Program on Humanitarian Policy and Conflict Research (HPCR) launched an initiative in 2004 aimed at drafting a Manual on Air and Missile Warfare. This Manual is conceived as a restatement of existing treaty and customary IHL. The ICRC participated actively in the various expert meetings held under the auspices of the HPCR since 2004.

In May 2006, a draft of the Manual was submitted for consultation to a number of governmental and academic experts participating in the Third Informal High-Level Expert Meeting on Current Challenges in International Humanitarian Law held in Montreux, Switzerland. At this stage, experts participating in the process are finalizing the

***Switzerland** has actively supported expert meetings with a view to drafting a Manual on Air and Missile Warfare that reflects the current state of the law.*

rules of the Manual and working on a draft commentary. Information concerning the process is available at <http://www.hpcr.org>.

iii) Computer network attacks

In November 2004, the Swedish National Defence College, the Swedish Ministry of Defence and the Swedish Ministry of Foreign Affairs organized an International Expert Conference on Computer Network Attacks and the applicability of International Humanitarian Law (17 to 19 November 2004). The

The Swedish Red Cross actively participated in the follow-up work of the conference and in the compilation of all its material.

conference was organized as follow-up to a joint pledge by the Swedish Red Cross, and Finnish, Swedish and Swiss Governments to the 28th International Conference. Along with the Swedish Red Cross, the ICRC participated as an expert in the conference. At this event, as the subject generated considerable interest, Finland, Sweden and Switzerland announced their intention to pursue the study of this question within competent academic circles. Further to this announcement, an expert conference will be held in Switzerland in the near future.

III. Protection of civilians and civilian objects

Numerous States and National Societies as well as the ICRC carried out activities in connection with the protection of civilians (especially children, women, humanitarian personnel and journalists) and civilian objects. Respect for civilians and civilian objects and the need to protect them from the deleterious effects of armed conflict are at the heart of IHL. In recent years, however, civilians have continued to bear the brunt of

Bulgaria:

- *The Red Cross conducted and organized numerous courses and seminars with a view to promoting the principles of distinction and proportionality, and the respect for the protected categories of persons and objects in the conduct of hostilities*
- *The Government published a handbook on IHL, which discusses the categories of persons and facilities requiring protection during armed conflict and the bans and restrictions on methods and means of combat.*

armed violence. Likewise, civilian objects, in particular cultural property, have increasingly suffered the detrimental consequences of armed violence. In the last four years, a number of States and National Societies worked accordingly to raise awareness in the public and the international community on the protection of civilians and civilian objects through traditional means of promotion as well as with innovative tools. The ICRC also stepped up its efforts by approaching the parties to armed conflicts and by being active in various fora to reaffirm the rules of IHL that protect persons and civilian objects in order to ensure full implementation of the protection afforded them under those rules.

For examples of innovative promotional tools, please refer to section C) of the present report

i) Children

The Governments of Belgium, Colombia, Cyprus, Hungary, Sierra Leone, Slovakia and Switzerland pledged at the 28th International Conference to protect and assist children affected by armed conflict and work to encourage the ratification and the implementation of specific humanitarian legal instruments, such as the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Belgium, Cyprus, Slovakia and Switzerland reported having taken measures in accordance with their pledge.

Switzerland supported the “Coalition to Stop the Use of Child Soldiers”, which, inter alia, promotes the ratification and implementation of the Optional Protocol. It also specifically promoted global measures on the protection of children in armed conflict by supporting the Coalition’s “Armed Groups and Child Recruitment” project which aims at elaborating strategies for dialogue and encouraging non-State armed groups to undertake to end the use of child soldiers.

Sixty States showed an interest in the issue by attending the international conference in Paris on children involved in armed forces and armed groups, “Let us Free the Children of War,” on 5 and 6 February 2007, which adopted the *Paris Commitments to Protect Children Unlawfully Recruited or Used by Armed Forces or Armed Groups* and the *Principles and Guidelines on Children Associated with Armed forces or Armed Groups*. The ICRC contributed as an expert to the drafting of these documents. It also regularly approached government authorities, armed forces and armed groups to remind them of their obligations in this regard. It has thus been able to secure the demobilization of many children, above all in Asia and Africa.

The Belgian Red Cross and the Red Cross of the Democratic Republic of the Congo jointly signed up to pledge No 155. They have worked together to heighten public awareness of the problems faced by children. They have also met children associated with armed groups and forces in order to secure their demobilization and socio-economic reintegration.

In addition to their involvement in promoting the development of legal instruments, National Societies set up activities to protect and assist children during wartime and to raise public awareness of their plight. The issues of child involvement in military activities and child trafficking have been tackled in training sessions, workshops and programmes on IHL organized by various National Societies.

The Liberian Red Cross created a Child Advocacy and Rehabilitation project to promote tolerance and non-discrimination amongst war-affected children and their communities, irrespective of their background and affiliations.

The ICRC has developed and participated in targeted activities addressing children's specific needs in armed conflict. In particular, the ICRC continued to actively prevent the enlistment of child soldiers. This was done through standard-setting and through activities in the field. As armed violence and natural disasters may lead to massive displacement of populations and separation of family groups, the ICRC has also provided tracing services in order to reunite children with their families.

ii) Women

In 2001, the ICRC finalized a study entitled "Women Facing War". One of the study's main conclusions was that women continued to be affected by armed conflicts, not because of a lack of protection under the rules of IHL, or human rights and refugee law, but because of failure to respect and implement those rules. With this in mind, the ICRC and National Society representatives continued to insist vigorously in international fora and expert rounds that compliance with these rules must be improved to ensure adequate protection of women. The ICRC organized and participated in numerous conferences, seminars and workshops, for instance seminars for members of peacekeeping forces organized by UNITAR (Burundi, Cambodia, Haiti and Kosovo). It also pointed out in discussions with the members of the ECOSOC (Humanitarian Affairs Segment) in 2006 that States needed to encourage their armed forces, as well as armed groups, to apply the rules of IHL scrupulously so that women would cease to suffer as a result of sexual violence in armed conflict.

The Netherlands developed a number of noteworthy initiatives dealing specifically with issues concerning women.

- *In 2003, it established a task force on "Women, Security and Conflict" under the auspices of the Ministry of Social Affairs. The task force's remit was to "increase the role of women at the national and international level in conflict prevention, conflict settlement and post-conflict reconstruction."*
- *In 2005 the Ministry of Defence established the "Gender Force" project. The project runs until 1 January 2008 and seeks to give an extra impetus to gender policy by:*
 - *incorporating gender as part of training courses within the defence organization;*
 - *integrating the "gender perspective" into crisis-response operations;*
 - *incorporating gender mainstreaming into the defence organization by including gender aspects in the operational management process and the various documents and briefings surrounding crisis-response operations; and*
 - *the achievement of a more balanced male/female ratio in the composition of the workforce within the defence organization in general and with special regard for crisis-response operations.*

The National Societies of Australia, Cyprus, Lithuania, Norway and the Netherlands reported on their activities regarding women and armed conflict. Lack of knowledge on this issue among the armed forces was identified as one of the main challenges. Activities and programmes were therefore organized in order to mainstream the gender perspective in military operations. Examples of such endeavours include expert seminars and exhibitions by the Lithuanian and Norwegian Red Cross, which reaffirmed the need to better respect and protect women. The European Union (EU) was also particularly involved in the training of armed forces. In Budapest, from 18 April to 20 April 2007, the EU set up the "Gender and European Security and Defence Policy Course". In addition, a European High Level Security and Defence Policy Course was organized by the European Security and Defence College in Athens, from 27 November to 1 December 2006.

iii) Security of humanitarian personnel

During the reporting period, humanitarian workers continued to be the victims of targeted attacks and to suffer collateral damage. This worrying fact prompted some governments and numerous National Societies to take action. The United Kingdom incorporated crimes against humanitarian workers into its national legislation and the Government of Norway is in the process of doing the same. National Societies in Nicaragua, Norway and Panama all advocated for the incorporation of such crimes into their countries' legislation. The need to further enhance the security of humanitarian workers also prompted the National Societies of Belgium, Bolivia, the Dominican Republic, Finland, France, Nicaragua, Norway, Panama, Solomon Islands, Tajikistan and Turkmenistan to organize and conduct a range of dissemination activities including training sessions, seminars, workshops and capacity building.

The Red Crescent Society of Tajikistan is implementing the "Safe access" programme with the support of ICRC. As part of this programme, training sessions and workshops are being organized on the topics of staff protection, protection of humanitarian aid, and safety measures for aid workers to be adopted by government and local authorities.

Since 2004, Switzerland has been supporting the "Security Management Initiative" of the Harvard Program on Humanitarian Policy and Conflict Research. This initiative aims at improving the managing capacities of international organizations that send personnel to high-risk contexts.

iv) Journalists

Alarmed by the high number of journalists who suffer prejudice or harm as a result of armed conflicts and other situations of violence, some National Societies and governments implemented activities to inform and train journalists on IHL-related issues. The ICRC has followed very closely a number of initiatives aimed at improving the safety of journalists by providing legal and operational insight and expert advice, in particular to the Global Inquiry headed by the International News Safety Institute (INSI), which issued recommendations in 2006. Efforts were also made to promote IHL to the media through seminars and to provide information on relevant IHL-related issues in connection with events current at the time.

IV. Protection of prisoners of war and other protected persons

In 2005, the Foreign and Commonwealth Office (FCO) and the Ministry of Defence (MOD) of the United Kingdom and the British Red Cross (BRCS) discussed and reached an understanding on an interpretation of the IHL rules governing the protection of prisoners of war and civilian security internees against insults and public curiosity. The United Kingdom's interpretation of what is meant by public curiosity in this context is reflected in the MOD Green Book (up-dated in November 2005). The Green Book sets out policy and principles which will facilitate the activities of correspondents, including photographers and cameramen, in their reporting on operations and provide them with appropriate guidance.

V. IHL and terrorism

In recent years, terrorism in general, and terrorism viewed in relation to the applicability of IHL in particular, has generated an increasing amount of debate among a wide range of actors in various fora. The ICRC has continued to follow and take an active part in the legal and policy debates on the relationship between IHL and terrorism. The interplay between IHL and other legal regimes became a particular focus of international attention with the launching of the so-called "global war on terrorism" (GWOT), a term which in the ICRC's view cannot be used in the legal sense. The ICRC endeavoured to explain its case-by-case approach to the classification of situations of violence linked to the fight against terrorism and the status and rights of persons detained. ICRC representatives, at various levels, took part in a range of expert, governmental and academic conferences and seminars organized both nationally and internationally, engaged in dialogues with governmental authorities and other actors, and drafted articles and other public documents related to the issue.

See also section "IHL and Terrorism" in the ICRC's report: "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts" (30IC/07/12.3)

Two National Societies reported noteworthy activities specifically dealing with the issue of IHL and terrorism.

- *In March 2006, the **Belgian Red Cross** organized a conference on the theme of "Terrorism, law and victims' rights". The conference was set up as part of a pilot project launched by the European Commission and aimed at generating a common European response regarding victims of acts of terrorism. The aim of the conference was to review the rules of IHL applicable to acts of terrorism. The conference also served as an opportunity for Belgian legal and judicial circles to reflect on the challenges acts of terrorism pose for the law, and how the law can serve as a resource for their victims.*
- *The **Bulgarian Red Cross** conducted and organized seminars and courses incorporating topics such as the challenges of IHL in the so-called "global war on terrorism" in the context of today's armed conflicts.*

i) Internment/administrative detention

Deprivation of liberty for security reasons is an exceptional measure of control that may be applied against civilians in both international and non-international armed conflicts. Administrative detention of persons believed to represent a threat to State security is also being more and more widely practised outside of armed conflict. In the ICRC's view, the law applicable to both internment and administrative detention is insufficiently elaborated from the point of view of the protection of the rights of the persons affected. In 2005, drawing on humanitarian law and on human rights law and standards, the ICRC developed a set of institutional guidelines on the procedural principles and safeguards that should - as a matter of law and policy - be applied as a minimum in all cases of deprivation of liberty for security reasons. The text will be presented to the 30th International Conference as part of the ICRC's Second Report on "International Humanitarian Law and the Challenges of Contemporary Armed Conflicts".

ii) IHL and the draft comprehensive convention on international terrorism

A draft convention aimed at providing a comprehensive legal definition of acts of terrorism has been under negotiation at the United Nations for several years now. One of the main unresolved issues is how the convention will address the relationship between IHL and the legal regime to be established by the convention. While acts committed by State forces in the course of armed conflicts will not be covered by the future convention, it is not clear whether the acts of non-State armed groups will be similarly excluded. The ICRC has been following the negotiations and providing expert advice to delegations, as appropriate, on the need to draw a clear line between all acts committed in armed conflict, irrespective of which party they may be attributed to, and acts of terrorism.

VI. Multinational peace operations

In view of the pervasive and constant instability prevailing in many countries and regions of the globe, multinational peace-keeping operations are more crucial than ever in order to attain levels of stability necessary for reconstruction efforts to be successful. In recent years, however, peace-keeping missions have often been operating in regions that are still at war. In this context, members of those forces need to be adequately trained and briefed regarding the applicable legal framework. During the reporting period, various States and National Societies took initiatives in this connection.

*At the 28th International Conference, the **Presidency of the Council of the European Union** made a pledge on behalf of the **European Union (EU)**:*

"The European Union reiterates its readiness to promote international co-operation all political, military and humanitarian actors with the objective of ensuring respect for international humanitarian law. In order to strengthen the dissemination and implementation of international humanitarian law, the European Union undertakes the following pledge: EU Pledge on promoting respect for IHL in Peacekeeping Operations:

- The EU and its Member States undertake to further promote dissemination and training of international humanitarian law and human rights law among their military forces, especially with regard to personnel assigned to peacekeeping operations. We will also promote dissemination of international humanitarian law among military personnel from third countries, including through supporting their participation in appropriate education activities (i.e. seminars, training courses, etc.)."

*The new members of the EU, **Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia**, undertook to honour this pledge as of the day of its proclamation.*

*In December 2004, **Romania**, also announced that it would sign up to the pledge made by the EU at the 28th International Conference of the Red Cross and Red Crescent.*

*The **Bulgarian Government** also undertook to honour this pledge on behalf of the EU as of the day of its proclamation.*

In December 2003, the ICRC organized an expert meeting in Geneva on the applicability of IHL and human rights law to UN-mandated forces. The meeting addressed the relevance of occupation law for multinational forces deployed in a territory under a UN mandate but without the consent of the State concerned. The experts also discussed Issues related to the *de facto* applicability of occupation law during UN operations consented to by host States.

*In June 2004, the **United Kingdom (UK)** published its first full-scale tri-Service (army, airforce and navy) **Military Manual on the Laws of Armed Conflict**. The Manual was launched at a conference in Oxford, attended by specialists from inside and outside the UK. Through UK Government funding, the manual was distributed to a number of African and Asian States affected by conflict or increasingly involved in international peace-keeping activities.*

The Governments of Bulgaria, Cyprus and Poland conducted training sessions and briefings or took part in courses designed to increase awareness of the rules of IHL applicable in peace-keeping and peace-building operations among their armed forces personnel, and especially instructors. The Icelandic Red Cross organized *ad hoc* training sessions for delegates on peace-keeping missions for the Ministry of Foreign Affairs. The Italian Red Cross IHL Dissemination Office worked closely with the University of Rome III to introduce a unit on the Red Cross and IHL as part of a Masters programme in Peace-Keeping and Security Studies. The classes are given by the National Society.

VII. Private military and security companies and business practices

i) Private military and security companies

In recent years, there has been a steady increase in the use and presence of private military and security contractors in situations of armed conflict. Against this background, the Swiss Government has launched an initiative aimed at promoting respect for IHL and human rights law by private military and security companies operating in such situations. In this connection, two expert meetings took place in Switzerland in January and November 2006. Governmental experts as well as other experts and, for the first time, industry representatives were present. Concretely, the Swiss initiative has three goals: to contribute to inter-governmental discussion on the problems raised by the use of private military and security companies; to reaffirm and clarify States' and other actors' obligations under IHL and human rights law; and to study and develop best practices, model guidelines and other appropriate measures at national and possibly also at regional and international level in order to buttress States' efforts to respect and ensure respect for the rules of IHL and human rights law.

*In December 2006, the **Swiss Government** requested Swisspeace to carry out by summer 2007 two national studies – on Afghanistan and Angola – to analyze the impact of private military and security companies on the local population. It is also considering the possibility of commissioning the Geneva Centre for the Democratic Control of Armed Forces (DCAF) to create a website on private military and security companies to publish information on national regulations and other relevant documentation..*

The ICRC has pursued its dialogue with private military and security companies as well as with States. It has also issued on many occasions reminders, addressed to States, the UN, academic circles and the industry itself, concerning existing obligations under IHL with regard to the activities of these companies. The ICRC has also cooperated closely with the Swiss Federal Department of Foreign Affairs in connection with the above-mentioned initiative.

In October 2006, in partnership with other groups, the Belgian Red Cross organized a colloquium on private security companies' operations in armed conflicts. Individuals from academic, legal, military and diplomatic circles as well as representatives of private security

companies and humanitarian organizations participated in the event. The aim of the colloquium was to develop a better knowledge of the range of activities in which such companies engage. It was also an opportunity to issue a reminder of the rules of IHL and human rights law that regulate the activities and status of such companies.

See also the website of the Swiss Initiative at <http://www.eda.admin.ch/psc>

ii) Ethical business practices

Taking a broader perspective and acting in association with a range of different groups, the Swiss Government provided the impetus for various efforts aimed at enhancing business ethics in connection with conflicts.

- In cooperation with International Alert, it produced a publication entitled: "Conflict-Sensitive Business Practice: Guidance for Extractive Industries", which aims to help companies to better organize their commercial activities in war-stricken countries by factoring in conflict-related issues.
- In association with the Canadian Government, it requested the International Commission of Jurists to conduct an in-depth legal analysis of the notion of corporate complicity from the point of view of public international law, human rights law and IHL violations.
- It contributed to the realization of the study "Liability and Complicity in Economies of Conflict: Towards Defining Prohibited Practices", launched by the Norwegian Fafo Institute for Applied International Studies (2005).
- It launched the project "UN Global Compact Learning Platform for Swiss small and medium-sized companies (SMEs)" which will initially focus essentially on business responsibility in relation to human rights.
- In 2006, it organized the Annual Conference of the Political Division IV – Human Security – of the Federal Department of Foreign Affairs (DFAE) on the theme "Conflicts, human rights and companies". The debate focused on the different areas of human rights law that concern businesses and aimed to raise companies' awareness of human rights-related issues.
- In cooperation with representatives of industry, NGOs and academic circles, it is looking into the possibility of developing a "code of conduct" or "code of best practices" for industry.

At the Council of Delegates in Seoul, the Movement adopted a policy for corporate sector partnerships, with particular reference to certain guiding criteria. The Movement's components are encouraged to team up with companies corresponding to the "desirable profile" and to assess potential corporate partners using the screening process defined in the policy.

Council of Delegates, Seoul 2005, Resolution 10 "Movement Policy for Corporate Sector Partnerships" and Annex to Resolution 10

VIII. Improving compliance with IHL

With a view to States' fulfilling their obligations to "respect and ensure respect" for IHL under Article 1 common to the four Geneva Conventions, the ICRC hosted five regional expert seminars in 2003 to discuss ways of translating the provisions of common Article 1 into practical measures. During the expert process, the ICRC was requested to undertake a study of possible mechanisms for improving compliance with IHL in non-international armed

conflicts. The work was finalized in late 2005. An abridged public version of the study is due to be published in 2007.

*IHL was one of the focuses of **Finland's Presidency of the European Union (EU)**. During the Finnish Presidency in 2005, the European Union Guidelines on promoting compliance with international humanitarian law were adopted by the Council of the EU. This initiative, actively supported by Sweden and Finland, is designed to mainstream IHL as part of the Common Foreign and Security Policy of the EU. The Guidelines are intended to increase knowledge of the principles of law applicable during a war and encourage Member States to intervene consistently in cases of violation of humanitarian law. The **ICRC** provided further input on ways of activating those European Guidelines.*

IX. Study on the emblem

In response to a request in the Strategy for the Movement (revised in 2005), the ICRC prepared a "Study on Operational, Commercial and other Non-operational Issues involving the Use of the Emblem". This study, which is the result of a long process involving numerous consultations, will be submitted for information to the Council of Delegates in November 2007. Its first aim is to ensure the best possible respect for the emblems and, in particular, to reinforce their protective value. The study includes recommendations on some fifty of the most recurrent and/or delicate questions that concern either the substance or the rules on the use of the emblems or the procedure in case of misuse of the emblems. This work has been undertaken not with a view to amending the existing rules – i.e. those contained in the 1949 Geneva Conventions and their Additional Protocols, and in the 1991 Regulations on the Use of the Emblem of the Red Cross and Red Crescent by the National Societies – but in order to provide an interpretation acceptable to all. National Societies are invited to use this document in their activities and in their dialogue with State authorities who have the main responsibility for the implementation of IHL, with a view to ensuring the best possible protection of the red cross, red crescent and red crystal emblems. They are also invited to address any additional comments or suggestions to the ICRC.

*In consultation with a Group of Experts (30) from **National Societies** constituted for that purpose and the European Legal Support Group, the **ICRC** identified the questions that have an impact on the ultimate protection goal of the emblem or affecting the various components of the Movement in operational and commercial terms. At various stages, the Study was enriched by comments and suggestions from the Group of Experts, the **International Federation** and other National Societies. The draft Study was also circulated for comments to members of national IHL committees.*

C) DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW AMONG ARMED AND SECURITY FORCES AND THE CIVILIAN POPULATION

Introduction

This section highlights the significant efforts undertaken by the numerous States and National Societies and the ICRC during the reporting period to incorporate IHL into the doctrine, education and training of armed and security forces, as well as government officials, and to spread knowledge of IHL among the general public.

I. Spreading knowledge of IHL and training for armed and security forces

Eleven States reported the integration of IHL into the training programmes of their armed and security forces. In many cases, National Societies supported such training efforts materially, logistically or by other means, and were actively involved in preparing or conducting both national and international military exercises. The ICRC also promoted the inclusion of IHL in the doctrine, education and training of armed and security forces and supported both national and international efforts in this connection.

*In 2004, the **Norwegian Red Cross**, in cooperation with the **Norwegian Ministry of Defence**, conducted a survey among members of the armed forces to measure their overall knowledge of IHL. This survey revealed a discrepancy between expectations and reality as regards levels of knowledge of the basic rules of IHL. The Norwegian armed forces and the Norwegian Red Cross established a working group to analyze military IHL training at all levels, and significant efforts to improve the training provided have since been undertaken.*

*The **Bulgarian Government** reported that a special study programme in IHL had been incorporated into the curriculum at the General Staff Faculty of the War College and that IHL topics had been integrated into military manuals. Programmes on IHL training at all levels of the armed forces were adapted and carried out with the systematic assistance of the **Bulgarian Red Cross** and the **ICRC**. Moreover, regular IHL briefings were held for the instructors who train the Bulgarian military units for participation in peace-keeping missions outside the country. In addition, two specialized study courses on wartime law were conducted: one for experts with the service staffs, and the other for the Air Force.*

II. Providing IHL training and other support to governments

States, National Societies and the ICRC have all similarly been involved in providing training in IHL for government officials, including representatives of ministries of foreign affairs,

*The **Malian Armed Forces** published a manual on the conduct of hostilities. Regular IHL dissemination events for members of the Armed Forces have also been organized throughout the country.*

parliamentarians and members of national judiciaries. For example, Iceland organized ad hoc training sessions for Ministry of Foreign Affairs officials to prepare them for participation in peace-keeping missions.

The National Societies of Burundi, the Dominican Republic, Finland, Iceland, the Republic of Korea and the United Kingdom offered IHL training courses to a broad range of government officials. The ICRC, for its part, organized various courses and seminars for legislative, judicial, and executive branch representatives.

States, National Societies and the ICRC have also all taken other initiatives to strengthen governments' capacities on IHL-related issues. For example, the German Red Cross participated in an inter-ministerial expert group to advise the German Government on various issues including the dissemination of IHL. States – often supported by National Societies and the ICRC – translated the Geneva Conventions and other IHL treaties into their national languages, thereby facilitating efforts to spread knowledge of the law.

*The **Belgian Government** organized three two-day training sessions for Government officials from the foreign affairs, trade, and development cooperation agencies, in collaboration with the **Belgian Red Cross**.*

III. Spreading knowledge of IHL among the general public

With a view to further enhancing the promotion, dissemination and understanding of IHL, numerous States and National Societies, as well as the ICRC, developed IHL-related publications and audio-visual products during the reporting period. Germany published a comprehensive bilingual IHL collection, whereas Switzerland translated the existing interactive IHL CD-ROM "The Law of War", jointly developed with the ICRC in 1996, into fifteen languages. Arabic and Chinese translations are currently under way. One of the aims of this computer tool, which is designed for individual study, is to teach soldiers the fundamental rules of IHL. A second IHL CD-ROM was reproduced and an international version is now available. In order to improve access to information on IHL, the Belgian Red Cross created a Dutch-language IHL website (<http://humanitairrecht.rodekruis.be>).

*Together with the **Portuguese Red Cross**, the **ICRC** established a partnership with UEFA during the Euro 2004, using a high-visibility sporting event to communicate the need to protect children in war and the law created to that end. Well-known referees served as campaign ambassadors, and an analogy was drawn between respect for the rules of football and respect for the rules of war.*

Other examples include the publication by Turkey with the help of the ICRC, of an IHL handbook for parliamentarians, and the production by the Danish Red Cross of a handbook in English on the practical use of IHL, which was subsequently translated into Greek by the Hellenic Red Cross. The ICRC produced a wide range of IHL publications and audio-visual products for both general and specialized audiences. The International Federation and the ICRC also produced a communication kit on the emblems.

A number of National Societies as well as the ICRC reported conducting various activities to raise awareness of IHL among the general public. Such activities included campaigns, awareness days, radio and television spots, targeted research, as well as media briefings and communiqués on relevant IHL issues in connection with selected current events.

*To reach out to the public, academic circles, as well as government officials, the **Republic of Korea National Red Cross** publishes the annual Korean Journal of Humanitarian Law.*

Both National Societies and the ICRC have also provided IHL training and advice for journalists. In 2007, the British Red Cross held a seminar for journalists to help enhance their awareness and understanding of IHL. In addition to covering the basic principles of IHL and how journalists might use them, both for their own safety and to inform their reporting, the seminar considered the issue of images of prisoners of war and of others detainees in connection with an armed conflict. Consideration is currently being given to further consultations with journalists, possibly through the British Red Cross website.

For further information on journalists and the dissemination of IHL, please refer to section B) IV. of the present report

Most ICRC delegations regularly conduct seminars and workshops aimed at raising awareness of IHL among journalists and stimulating debate on what the media can do to build public support for this body of law. Among the ICRC's current IHL-related initiatives is an ongoing project aimed at developing an IHL-training tool for journalists. In many States, IHL is also being taught in universities and specialized institutes. National Societies and the ICRC are often actively involved in promoting the inclusion of IHL in curricula at the university level. Thirteen National societies confirmed their support for such efforts in their countries. National Societies and the ICRC have organized IHL courses and seminars around the world for university students and faculty members. They have also held national and regional IHL competitions. In addition, together with universities and other partners, the ICRC and National Societies have organized IHL training courses for NGO professionals and other practitioners.

*To promote the ICRC's Study on Customary IHL and to raise awareness, the **Mexican Red Cross** celebrated a national Customary IHL day in 2005 in cooperation with the **ICRC**.*

*With funding from the Government of **the Netherlands**, pursuant to the pledge made at the 28th International Conference, the **ICRC** developed the Exploring Humanitarian Law (EHL) Virtual Campus, an internet-based support structure for the programme, aiming to provide teachers at secondary-school level with programme-related news, information, teaching aids and distance-learning tools.*

In addition, States, National Societies, and the ICRC have developed a number of initiatives to promote IHL among young people. In particular, States have worked closely with National Societies and the ICRC to include IHL education in the curriculum at secondary school level around the world. A programme conducted in the Commonwealth of Independent States countries reaches over five million pupils and 180,000 teachers each year. At the end of 2006, some 70 countries were working to introduce IHL into secondary schools with the help of the Exploring Humanitarian Law (EHL) education programme.

*In Europe, special attention was given to enhancing recognition of the value of EHL as a response to the European Commission's recommendations on the implementation of its "Education and Training 2010" work programme. In 2006, the **ICRC** organized the European Leadership Conference in EHL, in association with the **Austrian Red Cross**. The event was held under the auspices of the **Austrian Presidency of the Council of the European Union**.*

Finally, many National Societies developed other educational tools such as learning kits to promote IHL among the youth and interactive websites. In 2005, the French Red Cross and the Belgian Red Cross, with support from the ICRC, jointly developed *Raid Cross*, an outdoor role-playing game designed to introduce scouts to the basic principles of IHL and of the Red Cross. Other National Societies have since promoted and translated this tool and individuals in Belgium and the United Kingdom have been trained to run the game.

*The **Lithuanian Red Cross** organized a nationwide bicycle tour, "Humanity in War", to reach out to youth.*

*The **Macedonian Red Cross**' Red Cross in Action – Promotion of Human Values programme has been introduced in secondary schools throughout Macedonia as new dissemination model for working with youth. This project is supported by the **Norwegian Red Cross** and the **ICRC**.*

ANNEXES

Note: The data included in the annexes were compiled between 1 December 2003 and 20 August 2007.

Annex A – Tables of new accessions/ratifications to the main IHL Treaties

For the list of all the States Parties to IHL treaties, please visit the ICRC's website at <http://www.icrc.org/ihl>

Total of the new accessions/ratifications that occurred between 1 December 2003 and 20 August 2007	Total of States parties
Geneva Conventions of 1949 on the Protection of the Victims of War 3 new accessions/ratifications: <i>the Marshall Islands, Montenegro, Nauru</i>	194
Additional Protocol to the Geneva Conventions of 1949 and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 6 new accessions/ratifications: <i>Haiti, Japan, Montenegro, Nauru, Sudan, Timor-Leste</i>	167
Declaration of Article 90 of Protocol I (<i>Competence of the International Fact-Finding Commission</i>) 4 new States: <i>Burkina Faso, Japan, Montenegro, the Republic of Korea</i>	69
Additional Protocol to the Geneva Conventions of 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) 7 new accessions/ratifications: <i>Haiti, Japan, Qatar, Montenegro, Nauru, Sudan, Timor-Leste</i>	163
Additional Protocol to the Geneva Conventions of 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) 19 new accessions/ratifications: <i>Belize, Bulgaria, Croatia, the Czech Republic, Denmark, Georgia, Honduras, Hungary, Iceland, Latvia, Liechtenstein, Monaco, the Netherlands, Norway, the Philippines, San Marino, Slovakia, Switzerland, the United States of America</i>	19
Rome Statute of the International Criminal Court, 17 July 1998 13 new accessions/ratifications: <i>Burkina Faso, Burundi, Chad, the Comoros, the Congo, the Dominican Republic, Guyana, Japan, Kenya, Liberia, Mexico, Montenegro, Saint Kitts and Nevis</i>	105
Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954 10 new accessions/ratifications: <i>Bangladesh, Bolivia, Eritrea, Latvia, Mauritius, Montenegro, Paraguay, South Africa, Sri Lanka, Venezuela</i>	117

<p>Protocol for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954</p> <p>8 new accessions/ratifications: <i>Argentina, Bangladesh, Canada, Estonia, Latvia, Montenegro, Paraguay, Portugal</i></p>	95
<p>Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 26 March 1999</p> <p>26 new accessions/ratifications: <i>Armenia, Brazil, Canada, Costa Rica, Croatia, the Czech Republic, Ecuador, Egypt, Estonia, Finland, Greece, Guatemala, Hungary, Iran, Luxembourg, the Netherlands, Niger, Nigeria, Paraguay, Peru, Romania, Slovakia, Slovenia, Switzerland, Tajikistan, Uruguay</i></p>	45
<p>Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, Geneva, 17 June 1925</p> <p>1 new accession: <i>Croatia</i></p>	134
<p>Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 10 April 1972</p> <p>4 new accessions/ratifications: <i>Azerbaijan, Kyrgyzstan, the Republic of Moldova, Tajikistan</i></p>	155
<p>Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, Paris, 13 January 1993</p> <p>25 new accessions/ratifications: <i>Antigua and Barbuda, Barbados, Belize, Bhutan, Cambodia, the Central African Republic, Chad, the Comoros, Democratic Republic of the Congo, Djibouti, Grenada, Haiti, Honduras, the Marshall Islands, Montenegro, Liberia, Libya, Madagascar, Niue, Rwanda, Saint Kitts and Nevis, Sierra Leone, Solomon Islands, Tuvalu, Vanuatu</i></p>	182
<p>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 (CCW), Geneva, 10 October 1980</p> <p>9 new accessions/ratifications: <i>Cameroon, Liberia, Montenegro, Paraguay, Sierra Leone, Sri Lanka, Turkey, Turkmenistan, Venezuela</i></p>	102
<p>Protocol on Non-Detectable Fragments (Protocol I to the CCW), Geneva, 10 October 1980</p> <p>9 new accessions/ratifications: <i>Cameroon, Liberia, Montenegro,</i></p>	100

<i>Paraguay, Sierra Leone, Sri Lanka, Turkey, Turkmenistan, Venezuela</i>	
<p>Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II to the CCW) Geneva, 10 October 1980</p> <p>7 new accessions/ratifications: <i>Cameroon, Liberia, Montenegro, Paraguay, Sri Lanka, Turkmenistan, Venezuela</i></p>	89
<p>Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III to the CCW), Geneva, 10 October 1980</p> <p>8 new accessions/ratifications: <i>Burkina Faso, Cameroon, Liberia, Montenegro, Paraguay, Sierra Leone, Sri Lanka, Venezuela</i></p>	94
<p>Protocol on Blinding Laser Weapons (Protocol IV to the CCW), 13 October 1995</p> <p>12 new accessions/ratifications: <i>Cameroon, Ecuador, Georgia, Liberia, the former Yugoslav Republic of Macedonia, Malta, Montenegro, Poland, Sierra Leone, Sri Lanka, Tunisia, Turkey</i></p>	86
<p>Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II to the CCW as amended on 3 May 1996)</p> <p>13 new accessions/ratifications: <i>Belarus, Cameroon, Liberia, the former Yugoslav Republic of Macedonia, Malta, Paraguay, the Russian Federation, Sierra Leone, Sri Lanka, Tunisia, Turkey, Turkmenistan, Venezuela</i></p>	87
<p>Amendment to Article 1 to the CCW, 21 December 2001</p> <p>30 new accessions/ratifications: <i>Albania, Argentina, Belgium, the Czech Republic, Denmark, Germany, Finland, Greece, India, Ireland, Italy, Liberia, Liechtenstein, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, the Netherlands, the Republic of Moldova, Montenegro, Panama, Peru, Poland, the Russian Federation, Sierra Leone, Slovakia, Spain, Sri Lanka, Switzerland, Turkey, Ukraine</i></p>	51
<p>Protocol on Explosive Remnants of War (Protocol V to the CCW), 28 November 2003</p> <p>33 new accessions/ratifications: <i>Albania, Australia, Bulgaria, Croatia, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, the Holy See, Hungary, India, Ireland, Liberia, Liechtenstein, Lithuania, Luxembourg, the former Yugoslav Republic of Macedonia, Malta, the Netherlands, Nicaragua, Norway, Sierra Leone, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Ukraine, Uruguay</i></p>	33

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997 14 new accessions/ratifications: <i>Bhutan, Brunei Darussalam, Cook Islands, Estonia, Ethiopia, Haiti, Indonesia, Iraq, Kuwait, Latvia, Montenegro, Papua New Guinea, Ukraine, Vanuatu</i>	155
Convention on the Rights of the Child, 20 November 1989 1 succession: <i>Montenegro</i>	193
Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, 25 May 2000 50 new accessions/ratifications: <i>Armenia, Australia, Bahrain, Belarus, Belize, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Cambodia, Colombia, Cuba, Ecuador, Egypt, Eritrea, Germany, India, Israel, Japan, Kuwait, Laos, Latvia, Lichtenstein, Libya, Luxembourg, the former Yugoslav Republic of Macedonia, Madagascar, Maldives, Mongolia, Montenegro, Mozambique, Nepal, Nicaragua, Oman, Poland, the Republic of Korea, the Republic of Moldova, Senegal, Slovakia, Slovenia, Sudan, Tanzania, Thailand, Timor-Leste, Togo, Turkey, Turkmenistan, Ukraine, Yemen</i>	117
Convention on the Prohibition of Military or any Hostile Use of Environmental Modification Techniques, 10 December 1976 3 new accessions/ratifications: <i>China, Kazakhstan, Slovenia</i>	72

Annex B – New national legislation for the implementation of IHL

Note: The list below is not exhaustive and refers to national legislations incorporated in the bi-annual chronicle published in International Review of the Red Cross

- Legislation implementing the Geneva Conventions: *Namibia, Sri Lanka*
- Legislation on prisoners of war and treatment in detention: *Japan, the United States of America*
- Legislation adapting criminal law to international obligations on criminal repression of war crimes and other grave violations of IHL: *Argentina, Cambodia, Cyprus, Japan, Niger, Peru, Portugal, Rwanda, Senegal, Uruguay*
- Legislation on co-operation with the International Criminal Court: *Belgium, Japan, Peru, Senegal, Spain*
- Legislation on anti-personnel mines: *Albania, Belize, Bosnia and Herzegovina, Chad, El Salvador, Niger, Peru, Senegal, Seychelles, South Africa, Switzerland, Zambia*
- Legislation on biological weapons: *Bosnia and Herzegovina, Mauritius, Singapore*
- Legislation on chemical weapons: *Argentina, Brazil, Germany, Lesotho, Macedonia, Madagascar*
- Legislation on the prohibition of the participation of children in hostilities: *the Comoros*
- Legislation on missing persons and enforced disappearances: *Bosnia and Herzegovina, Colombia, Estonia, Guatemala, Peru*

- Legislation on the emblems: *Argentina, Benin, Colombia, Honduras, Japan, Mexico, Paraguay, Portugal, Syria, the United States of America, Uzbekistan*
- Legislation on recognition or status of National Societies: *Bosnia and Herzegovina, Sudan*
- Legislation or regulations on the institution of tracing services: *Argentina, Lebanon*
- Regulations concerning the armed forces – e.g. dissemination, discipline and military manual: *Afghanistan, France, the Republic of Moldova, Ukraine*