

NATIONAL COMMITTEES FOR THE IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW



The Geneva Conventions of 1949 and their Additional Protocols of 1977 are the principal treaties governing aid to and protection of the victims of armed conflict. In order to secure the guarantees provided by these instruments, it is essential that the States implement their provisions to the fullest possible extent. Implementation requires the States to adopt a number of internal laws and regulations. They must, for example, establish rules on the punishment of violations, the use and protection of the red cross and red crescent emblems and the fundamental rights for protected persons. In addition, the States are obliged to spread knowledge of the Conventions and Protocols as widely as possible. Owing to the broad range of issues associated with these responsibilities, comprehensive implementation of the rules of international humanitarian law (IHL) requires coordination and support from all the government departments and other entities concerned.

THE PURPOSE OF NATIONAL IHL COMMITTEES

To facilitate this process, many States have created either national interministerial working groups, often called committees for the implementation of IHL or national IHL committees or commissions. Their purpose is to advise and assist the government in implementing and spreading knowledge of IHL.

Setting up national IHL committees is recognized as an important step in ensuring the effective application of IHL, and was advocated by the Intergovernmental Group of Experts for the Protection of War Victims and adopted by the 26th International Conference of the Red Cross and Red Crescent (Geneva, 1995). The International Committee of the Red Cross continues to support the development and establishment of national IHL committees in this framework.

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THE FUNCTIONS OF A NATIONAL IHL COMMITTEE

The organization and objectives of a national committee must be determined by the State at the time of the committee's formation. However, since its purpose is to further the implementation and promote knowledge of IHL at the national level, the committee should have the following characteristics:

- It should be able to evaluate existing national law in the light of the obligations created by the Conventions, Protocols, and other instruments of IHL.
- It should be in a position to make recommendations for further implementation. This may involve proposing new legislation or amendments to existing law, coordinating the adoption and content of administrative regulations, or providing guidance on the interpretation and application of IHL rules.
- The committee should play an important role in promoting activities to spread knowledge of IHL. It should have the authority to conduct studies, propose activities, and assist in making IHL more widely known. The committee should therefore be involved in instructing the armed forces in this domain, teaching IHL at various levels of the public education system and promoting the basic principles of IHL among the general population.

THE COMPOSITION OF THE COMMITTEE

Given its functions, a national humanitarian law committee requires a wide range of expertise.

The committee must include representatives of the government ministries concerned with implementing IHL. Precisely which ministries are relevant will depend on the committee's mandate, but they are likely to include Ministries or Departments of Defence, Foreign Affairs, Internal Affairs, Justice, Health, Education and Culture.

It may also be useful to have representatives of legislative committees, members of the judiciary and personnel from the headquarters of the armed forces.

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It is important that such a committee include other *qualified* persons. These may be individuals not associated with government ministries but who are appointed for their legal, educational, communications or other expertise. The committee should therefore consider inviting IHL specialists from universities (especially law faculties), humanitarian organizations and possibly the electronic and print media.

More on the functioning and composition of national IHL Committees can be found in the ICRC's Guidelines for Success for National IHL Committees and other similar entities.¹

It is likely that the national Red Cross or Red Crescent Society will already be involved in some of the activities and functions mentioned above.

Given its functions, a national humanitarian law committee requires a wide range of expertise.

The National Society often possesses valuable knowledge and experience, which can help achieve the committee's objectives. In some States where such committees exist, it was the National Society that requested its setting up and hence was instrumental in its formation. In many States, the National Society provides the committee's secretariat.

Considering the position and experience of a National Society, it is important that a national committee include representatives of the Society.

SETTING UP A NATIONAL HUMANITARIAN LAW COMMITTEE

A national committee for the implementation of IHL need not have a specific structure. The process by which it is set up will depend on the structure and procedures of the State concerned. Generally, the executive power will have authority to establish such a body. The ICRC Guidelines for Success for National IHL Committees can assist.²

IMPLEMENTING INTERNATIONAL HUMANITARIAN LAW

Creating a national committee can be a useful and indeed decisive step in ensuring the comprehensive implementation of international humanitarian law. It represents a commitment to securing the essential guarantees laid down for the victims of armed conflict, demonstrating that the State is taking steps towards fulfilling its fundamental obligation to respect and ensure respect for IHL.

Neither the Geneva Conventions nor their Additional Protocols require such a committee to be set up. It is therefore entirely up to the State concerned to determine how it is created, how it functions, and who are its members.

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As a result, there is considerable flexibility as to the role and characteristics of such committees. Some of the most important features have been outlined above, but any State is free to add others.

It is important to emphasize that the full implementation of IHL is an ongoing process and is not completed solely by passing laws and issuing regulations. Comprehensive implementation involves monitoring the application and promotion of the law, as well as keeping informed of and contributing to its development. It is therefore recommended that a national humanitarian law committee be a permanent and not an ad hoc body.

It is also recommended that, once created, the committee establishes relations with other national committees and the International Committee of the Red Cross. Representatives of the national committees should meet regularly and share information concerning current activities and past experiences. This is particularly important among States within the same geographic region or with similar political or legal systems. A national committee should also consider joining the ICRC's Online community for national IHL committees, which is a peer exchange platform.




Through its Advisory Service on international humanitarian law, and its regional and national legal advisers, the International Committee of the Red Cross works on a regular basis with national committees for the implementation of IHL. It also stands ready to assist and provide further information to States interested in forming committees.

¹ Available at <https://www.icrc.org/en/document/national-committees-and-similar-entities-international-humanitarian-law-guidelines-success>.

² See above note 1.

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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