



Civil Defence in International Humanitarian Law

Civil defence reflects the desire of those who made international humanitarian law to mitigate the loss, damage and suffering inflicted on civilians as a result of the dramatic development of the methods and means of warfare. This aim is also reflected generally in the precautions for the protection of the civilian population in the event of attack, as set out in Protocol I additional of 1977 to the Geneva Conventions of 1949 (Protocol I). The Fourth Geneva Convention for the protection of civilian persons in time of war already grants civil protection organizations and their personnel – as it does for the National Red Cross and Red Crescent Societies – the right to pursue their activities under foreign occupation. Protocol I expands the protection for civil defence organizations to cover all situations of international armed conflict. It guarantees their protection while they carry out civil defence tasks and provides a distinctive sign to identify them. Though Protocol II of 1977 additional to the Geneva Conventions of 1949 contains no direct reference to civil defence, the rules regarding that activity should also be complied with during non-international armed conflict, as part of the general protection accorded to the civilian population against the dangers resulting from military operations (Art. 13, para. 1). Civil protection represents an essential component of that protection.

What does civil defence consist of?

Civil defence is defined in international humanitarian law according to the tasks carried out rather than the organizations that carry out those tasks.

Thus, Protocol I (Art. 61) provides a list of "humanitarian tasks" to be performed for the following purposes:

- to protect the civilian population against the dangers arising from hostilities or other disasters;
- to help it to recover from the immediate effects of such events;
- to provide the conditions necessary for its survival.

The list is limited to the 15 following tasks:

- warning;
- evacuation;
- management of shelters;
- management of blackout measures;
- rescue;
- medical services – including first aid – and religious assistance;
- fire-fighting;
- detection and marking of danger areas;
- decontamination and similar protective measures;

- provision of emergency accommodation and supplies;
- emergency assistance in the restoration and maintenance of order in distressed areas;
- emergency repair of indispensable public utilities;
- emergency disposal of the dead;
- assistance in the preservation of objects essential for survival;
- complementary activities needed to carry out any of the tasks mentioned above.

Who carries out civil defence tasks?

The provisions of Protocol I cover the civil defence organizations set up by the State, their personnel and any civilians called upon by the State to carry out civil defence tasks under its control. Those individuals are protected to the extent that they are assigned *exclusively* to one of the above-mentioned "humanitarian tasks", even if only temporarily.

Protocol I also protects the personnel of civilian civil defence organizations of neutral or other States not engaged in the conflict who perform civil defence tasks on the territory of a warring party with the latter's consent and under its control. It provides this protection on condition that all the adverse parties concerned are

notified of this fact (Art. 64). The same applies to international organizations, such as the International Civil Defence Organization (ICDO), that coordinate the civil defence work of the above-mentioned organizations.

Members of the armed forces and military units may also carry out civil defence tasks. However, they are protected only if they are *permanently and exclusively* assigned to those tasks and if they meet the requirements set out below.

How are civilian civil defence personnel protected?

General protection

Civilians engaged in civil defence work must be respected and protected. They are entitled to carry out the civil defence tasks except in case of imperative military necessity (Art. 62, para. 1). This supplements the general protection of the civilian population provided by Article 51 of Protocol I, under which civilians may not be the object of attack.

Buildings and matériel used for civil defence purposes and shelters provided for the civilian population may not be destroyed or diverted from their proper use except by the State to

which they belong (Art. 62, para. 3). This protection supplements the general protection of civilian objects provided by Article 52 of Protocol I.

Special protection in occupied territory

Protocol I contains provisions that supplement, in occupied territory, the general protection set out above. These provisions also complete Article 63 of the Fourth Geneva Convention.

Under Article 63 of Protocol I, civilian civil defence organizations must receive from the authorities the facilities necessary for the performance of their tasks, and their personnel must under no circumstances be compelled to perform activities that would interfere with these tasks. However, the authorities may disarm civil defence personnel for security reasons.

Limits to protection

The protection to which civilian civil defence organizations, their personnel, buildings, matériel and the shelters are entitled ceases if they commit or are used to commit acts harmful to the enemy (Art. 65).

In order to prevent undue advantage being taken of this provision, Protocol I lists acts which may not be viewed as harmful to the enemy:

- the fact that civil defence tasks are carried out under the direction or control of military authorities;
- the fact that civilian civil defence personnel cooperate with military personnel in the performance of civil defence tasks, or that some military personnel are attached to civilian civil defence organizations;
- the fact that the performance of civil defence tasks may incidentally benefit military victims, particularly those who are no longer taking part in the fighting;
- the fact that civilian civil defence personnel carry light individual weapons for the purpose of maintaining order or for self-defence.

How are *military* civil defence personnel protected?

Members of the armed forces and military units assigned to civil defence organizations must be respected and protected (Art. 67) provided that:

- they are permanently and exclusively assigned to the performance of one or more of the above-listed "humanitarian tasks";
- they carry out those tasks only on the territory of their State;
- they do not perform military duties during the conflict;
- they make themselves clearly distinguishable from the other members of the armed forces by constantly displaying the international distinctive sign of civil defence;
- they are equipped only with light individual weapons for the purpose of maintaining order or for self-defence;
- they do not take direct part in the hostilities and do not commit, or are not used to commit, acts harmful to the enemy.

Failure to observe the last of the conditions listed above results not only in the loss of protection but constitutes a breach of Protocol I, which the Parties to the conflict are obliged to suppress (Art. 85, para. 1) and which may give rise to disciplinary or penal punishment.

In the event of capture, a member of the military assigned to perform civil defence tasks becomes a prisoner of war and the provisions of the Third Geneva Convention relating to the treatment of the prisoners of war are applicable to him.

Military buildings and matériel assigned to civil defence organizations must be clearly marked with the international distinctive sign of civil defence. Objects assigned exclusively and permanently to the performance of civil defence tasks which fall under the power of the enemy are subject to the law of war. However, they may not be diverted from their proper use as long as they are needed for that purpose.

Identification

The international distinctive sign of civil defence set out in Protocol I consists of an equilateral blue triangle on an orange background (Art. 66 and Annex I, Chapter V).

This sign may be used only to identify civil defence organizations and their personnel, buildings and matériel used exclusively for humanitarian tasks or for shelters provided for the civilian population. The parties to a conflict may also agree among themselves regarding the use of distinctive signals (lights and sirens)

for the identification of civil defence services.

With the consent of the State, the international distinctive sign of civil defence may also be used to identify those services in peacetime.

National implementation

Beginning in peacetime, the States must take measures to implement the rules on civil defence.

Though States have no obligation to modify the structure of their civil defence in peacetime, they must nevertheless ensure that such structures are recognizable in wartime. Regulations must therefore be issued to ensure that the civilian and military structures meet the requirements laid down by Protocol I. It is preferable if the States act voluntarily to extend the applicability of those regulations to cover non-international armed conflicts.

It is vital to ensure that armed forces personnel are aware of their obligations toward persons and objects displaying the international distinctive sign of civil defence. The States should also ensure that all those involved in civil defence know the rules of international humanitarian law, in particular those applicable to their duties.

The States must supervise the use of the international distinctive sign of civil defence as a protective device and must prevent and repress any misuse (Art. 66, para. 8), in particular by adopting the appropriate criminal legislation.

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