



ICRC

**ADVISORY SERVICE**

ON INTERNATIONAL HUMANITARIAN LAW

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**Guiding Principles  
Concerning the Status and Methods of  
Operation of National Bodies for the  
Implementation of International  
Humanitarian Law**

## A. Status and structure

1. Since the implementation of IHL is primarily the responsibility of governments, national bodies set up to this end must be **linked to the executive branch**. Their legal status will depend on the constitutional structure and the procedures applied by the State concerned.
2. Promoting respect for IHL and, in particular, the implementation of this law at national level, is a permanent process. Providing the IHL body with a formal structure will ensure the continuity of this work.

## B. Competence and attributions

3. National bodies on IHL must be authorized to **promote, advise on and coordinate** all matters relating to the implementation of the law at national level, and to compliance with and development of the law. The competence and composition of the bodies should be clearly defined and may be set out in a statutory text.

The bodies should have sufficient authority to:

- **Promote**

Promote the ratification of the humanitarian treaties or adherence to those treaties; work for the harmonization of national legislation, regulations and practices with the international instruments of humanitarian law to which the State is party, and promote their implementation.

- **Evaluate**

Be in a position to study and assess existing national legislation, judicial decisions and administrative provisions in the light of the obligations stemming from the Geneva Conventions of 1949 and, where applicable, the Additional Protocols of 1977 and other instruments of humanitarian law.

- **Propose**

Be in a position to submit to the national authorities advisory opinions on issues relating to the implementation of humanitarian law, and to formulate recommendations and proposals in this regard. Have a right of initiative in this regard.

These opinions and recommendations may relate to the following areas in particular:

- incorporation of the provisions of humanitarian treaties into national law;
- preparation of all the legislative, statutory or administrative measures required for the effective application of and hence *respect for the rules of humanitarian law*;
- in particular, adoption of appropriate legislation providing for the repression of grave breaches of the law and regulating the use of the red cross/red crescent emblem and other protected signs and signals;

- adoption of regulations to define and guarantee the status of persons protected under the terms of humanitarian law and to ensure respect for the individual and fundamental guarantees in times of armed conflict;
- training and appointment of staff qualified in the field of humanitarian law, particularly legal advisers to the armed forces;
- location and marking of sites protected by humanitarian law.

- ***Monitor***

Monitor implementation of their recommendations and conclusions.

- ***Support, coordinate and standardize***

Support individuals or entities involved in matters relating to humanitarian law, particularly representatives of the ministries and governmental departments concerned; encourage and support cooperation among those entities and coordinate their activities if necessary. Act as a catalyst for the political and social forces concerned.

- ***Advise***

Carry out any other task relating to humanitarian law that the government may assign to them, and give opinions on any questions on the law submitted to them.

- ***Disseminate***

Play a key role in spreading knowledge of humanitarian law and, to that end, have the necessary authority to carry out studies, propose dissemination activities, and take part in such activities. The bodies should also be involved in the preparation of training programmes on humanitarian law for the armed forces and the security forces, and for any civilian or military authority with responsibility for the application of IHL. They should also be involved in developing educational programmes on IHL for schools and other academic and vocational institutions, including universities.

## C. Composition

4. In order to fulfil their role, national bodies on IHL should be set up in such a way that they:

- ***Are representative***

National bodies must comprise representatives of all government departments concerned with humanitarian law, and in particular must include representatives of the executive, judicial and legislative branches with sufficient authority to make commitments on their principals' behalf.

- ***Involve National Red Cross and Red Crescent Societies***

They should associate the National Red Cross or Red Crescent Society with their work and activities, because of the role conferred on National Societies by the humanitarian treaties and by the Statutes of the International Red Cross and Red Crescent Movement, and because of the National Societies' knowledge and expertise in the humanitarian field.

- ***Include experts***

Their operating mechanisms should allow them to consult or associate in their work experts such as legal specialists, doctors, university professors and military personnel, as well as representatives of civil society such as professional associations and non-governmental organizations.

## D. Operating procedures

5. The operating procedures of national bodies for IHL should take the following factors into account:

- ***Continuity and regularity***

They should be organized in such a way as to ensure continuity in their work on IHL, so that the matter remains a topical item on government agendas.

They should meet as often as is necessary, and if possible on a regular basis, with all members duly convened and present.

- ***Working methods***

The bodies should define their working methods, and in particular draw up a table of areas requiring implementation measures, identify the measures to be taken and the authorities concerned, establish a plan of action, and set priorities.

They should hold their discussions in plenary sessions or, if necessary, delegate responsibility for certain activities to individual members or sub-committees.

- ***Progress reports***

They should report periodically to the government and other authorities concerned with their work.

- ***Resources***

They should be allocated sufficient human, material and financial resources to undertake the tasks entrusted to them.

## E. Cooperation

6. National bodies for humanitarian law should contact and cooperate with each other on a regular basis, since the problems and issues they handle are often similar. Accordingly, they should:

- ***Exchange information and cooperate with each other***

Maintain relations and exchange information on their activities and experiences with bodies in countries in the same regions or with similar legal systems; organize joint activities and/or invite experts from other bodies to participate in their own work.

Develop regular contacts with other institutions involved in or concerned by the implementation of humanitarian law, and with the ICRC Advisory Service.

- ***Inform the Advisory Service***

Keep the ICRC Advisory Service informed, in particular reporting to it any new development concerning humanitarian law at the national level.

- ***Hold meetings***

Organize and take part in multinational and regional meetings between bodies of the same type; seek the support of regional and international organizations to this end.