

NATIONAL COMMITTEES AND SIMILAR ENTITIES ON INTERNATIONAL HUMANITARIAN LAW

GUIDELINES FOR SUCCESS

**TOWARDS RESPECTING AND IMPLEMENTING
INTERNATIONAL HUMANITARIAN LAW**



ICRC

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INTRODUCTION

Since the First Geneva Convention was adopted in 1864, international humanitarian law (IHL) has developed steadily as a body of international law and become quite complex in the process. Its conventions, protocols and customary rules encompass a wide range of subjects, from the protection of the sick and wounded, those who deliver health-care services, people deprived of their liberty and all civilians and civilian objects, including cultural property, to the restriction or prohibition of specific types of weapons and methods of warfare.

For IHL rules and principles effectively to afford protection in armed conflict, they need to be recognized, known, implemented and complied with, when and where they apply. While compliance with IHL is the primary responsibility of parties to an armed conflict – both States and non-State entities, including armed groups involved in a non-international armed conflict – the responsibility for ensuring its full implementation primarily rests with States. This responsibility is emphasized in Article 1 common to the four Geneva Conventions and Article 1(1) of Additional Protocol I of 8 June 1977, which provide that High Contracting Parties are bound to “respect and to ensure respect” for their provisions “in all circumstances”.¹

Accordingly, States must take action domestically to incorporate IHL into laws, regulations and policy directives, ensure that the armed forces and other national stakeholders understand and respect the rules, and establish mechanisms that will ensure respect for the law and appropriate handling of violations, when they occur. Given the broad range of issues associated with this responsibility, coordination among different government agencies and sectors, the armed forces and civil society is essential.

To facilitate this process, it can be useful to create a dedicated working or expert group, or similar body – often called a “national IHL committee or commission” (for the purpose of brevity, the terms “national IHL committee”

¹ For more information, see K. Dörmann and J. Serralvo, “Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations”, in *International Review of the Red Cross*, Vol. 96, No. 895/896, 2015, pp. 707–736: https://www.icrc.org/en/download/file/17480/irrc-895_896-dormann-serralvo.pdf, all web addresses accessed November 2018.

or “committee” are used throughout this report to describe all such entities). Its work and contribution can be relevant in a variety of circumstances, whether a country is at peace, emerging from conflict, still affected by historical conflict or involved in one or more current armed conflicts. Many successful national structures are proof that if they function efficiently and have the required capacities, they can be of considerable help to States in implementing their commitments under IHL and achieving policy objectives in this area. For a full list of the national IHL committees around the world, please see the dedicated ICRC web page.²

The 26th International Conference of the Red Cross and Red Crescent and subsequent International Conferences encouraged the establishment of national IHL committees.³ The International Committee of the Red Cross (ICRC) promotes and supports this process through its Geneva-based Advisory Service on IHL. Close cooperation with these committees is an essential and integral part of the work of the Advisory Service and its worldwide network of legal advisers. The Service also develops guidance and technical tools to support and facilitate the functioning and work of national IHL committees, supports information exchange on these entities’ activities and achievements, and facilitates peer-to-peer exchanges and cooperation between committees from different countries and regions.

The present document aims to provide existing national IHL committees with guidance on ways to be efficient and well-functioning, in order to increase the impact of their efforts to have IHL implemented and respected in their respective countries and beyond their borders. Furthermore, it aims to support the establishment, as appropriate, of further such entities and help national authorities with that task.

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- 2 Some of the examples in this document are taken from this table, which also lists many examples of the activities and composition of national IHL committees around the world: <https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law>
 - 3 26th International Conference of the Red Cross and Red Crescent: Resolution 1, Annex II: Meeting of the Intergovernmental Group of Experts for the Protection of War Victims, Geneva, 23–27 January 1995: Recommendations: <https://www.icrc.org/eng/resources/documents/resolution/26-international-conference-resolution-1-1995.htm>

Its content draws heavily on the discussions and recommendations from various meetings at regional or subregional levels, as well as the universal meetings held in Geneva in 2002, 2007, 2010 and, most recently, 2016,⁴ during which the role of national IHL committees and their operating models were discussed and relevant States' practice shared.

It supplements similar tools published previously by the ICRC Advisory Service on IHL, particularly the following: "Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law";⁵ "Practical advice to facilitate the work of National Committees on international humanitarian law";⁶ and *The Domestic Implementation of International Law: A Manual*.⁷

These and other technical documents, including model laws, produced by the ICRC Advisory Service may be consulted on the ICRC website.⁸

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

It may be contacted through its network of regional legal advisers or at ICRC HQ in Geneva, at the following address:

**Advisory Service on IHL,
International Committee of the Red Cross,
19 Avenue de la Paix, 1202 Geneva, Switzerland
Tel: +41 22 734 6001 Fax: +41 22 733 2057
Email: advisoryservice.gva@icrc.org**

4 ICRC, *Enhancing Protection in Armed Conflict through Domestic Law and Policy: Conference Overview*, ICRC, Geneva, 2017: <https://www.icrc.org/en/document/enhancing-protection-armed-conflict-throughdomestic-law-and-policy-overview-report>

5 https://www.icrc.org/eng/resources/documents/misc/guiding_principles_national_committees.htm

6 <https://www.icrc.org/eng/resources/documents/misc/5nsh9h.htm>

7 ICRC, *The Domestic Implementation of International Law: A Manual*, ICRC, Geneva, 2015, chapter 2, page 25: <https://www.icrc.org/eng/assets/files/publications/icrc-002-4028.pdf>

8 <https://www.icrc.org/en/war-and-law/ihl-domestic-law>

1. MANDATE AND FUNCTIONS

The mandates, structures and work procedures of national IHL committees vary from one State to another. Their diversity reflects each State's specific circumstances and particularities. Indeed, there is considerable flexibility in terms of the role and characteristics of a national body dedicated to IHL. Neither the Geneva Conventions nor their Additional Protocols require such a body to be set up, so it is entirely up to the State concerned to determine how it is created, what functions and powers it has, and who its members are.

National IHL committees are generally – though not exclusively – linked to the executive branch of government and they act as an advisory body to their government on matters pertaining to IHL. They also take part in efforts and promote strategies to spread knowledge on IHL; ensure coordination of related questions and initiatives; propose the ratification of/accession to humanitarian treaties; evaluate the existing legal framework in light of obligations stemming from IHL; propose legislative, administrative and other measures; and promote respect for the law. Over the years, these entities have, in a growing number of contexts, become an integral part of their country's governmental architecture, regularly carrying out activities and playing a recognized and well-accepted role. Others have acquired an advisory function in relation to all issues linked to IHL and other relevant international norms.

Overall, their role amounts to the pursuit of creating a national system – normative and policy-led – which ensures that the law is known and abided by when and where it applies, and that violations thereof are prevented and, when they occur, suppressed, including through criminal law and procedure.

Things to consider

- Establishing a national IHL committee and/or strengthening the role and functionality of an existing one can have multiple benefits for a State; in particular, it reflects its commitment to IHL by demonstrating that it is taking steps towards fulfilling its fundamental obligation to respect and ensure respect for IHL.
- States that have not yet created a national body dedicated to IHL might explore the possibility of doing so.
- The work of a national IHL committee can be relevant in a variety of circumstances, whether a country is at peace or involved in armed conflict, emerging from conflict or still affected by historical conflict.
- A national IHL committee should be required and authorized to promote, advise and/or coordinate all matters relating to the national implementation of IHL, as well as to promote compliance with and development of IHL.
- A national IHL committee should have a strong yet flexible mandate that includes the right to offer its expert advice proactively and enables it to take context-specific humanitarian needs, concerns and interests into account in its efforts and work.

1.1 WHAT ARE THE BENEFITS FOR A STATE IN ESTABLISHING A NATIONAL IHL COMMITTEE?

The main reason behind the establishment of the national committee on IHL structure in Iraq was to put the Geneva Conventions and the obligations of the State of Iraq into play. The Government wanted these obligations to be executed and was trying to find the right venue to be the leading force in fulfilling them.

— Dr Bassim, member of Iraqi General Secretariat for the Council of Ministers and chair of the country’s national IHL committee

Ensuring IHL is implemented effectively and respected properly is complex and covers a broad range of issues and areas.⁹ It requires the collaboration of different government agencies and other national stakeholders, including the armed forces and civil society. Creating a national IHL committee can have multiple benefits for a State, internally and externally:

- It implements a State’s commitment to fulfilling its fundamental obligations to respect and ensure respect for IHL, and signals, externally, the political will to do so.
- Its cross-cutting nature can ensure that IHL and related obligations are given due consideration within the State’s political agenda and policies, and that authorities address related issues in a timely fashion.
- It can help create an environment that favours the national implementation of IHL and other relevant international norms, and that enhances knowledge of and respect for the law.
- It helps the State fulfil its IHL-related commitments and achieve policy objectives in this area, and it reinforces the importance of a “whole of government” approach to IHL implementation.

⁹ For more information on the obligation to implement IHL, see ICRC Advisory Service factsheet, *Implementing International Humanitarian Law: From Law to Action*, 2002: https://www.icrc.org/en/download/file/5450/implementing_ihl.pdf; see also: ICRC, *The Domestic Implementation of International Law: A Manual*, ICRC, Geneva, 2015: <https://www.icrc.org/eng/assets/files/publications/icrc-002-4028.pdf>

- It provides a platform for collaboration between different national stakeholders, and for strengthening the connectivity and efficiency of government agencies and other stakeholders concerned with IHL issues, to ensure that the best use is made of available resources.
- It can facilitate exchange on and coordination of the various strategies and initiatives adopted by government agencies in the field of IHL and related norms.
- It can help support, train and build the capacity of those involved in this area, particularly in the public sector, and ensure the law is promoted among the general public.
- It can support further ratification of/accession to IHL instruments, advance their enactment as law domestically, and advise the government or specific agencies on IHL-related matters.
- By providing expert advice to relevant authorities, it can help ensure the State is fully informed when participating in international forums, initiatives and processes dealing with IHL and related issues at international and regional levels.
- It can facilitate exchanges and cooperation with other States in the area of IHL by being part of a worldwide network of similar entities.

1.2 WHAT FUNCTIONS DOES AN EFFECTIVE NATIONAL IHL COMMITTEE FULFIL?

While the roles of national IHL committees vary from one country to another and reflect the circumstances of their respective countries, there are *core functions* that are essential and common to these entities (see page 14).

Several national IHL committees have played an important role in implementing the preventive measures set out in the **1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Second Protocol** – generally regarded as the standard-setting legal instruments in this field. These committees shared their experiences of drafting legislation, identifying, registering and marking cultural sites with the blue shield or even, in some cases, with national emblems created for this very purpose.

- The Commission on International Humanitarian Law Implementation in **Belarus** carried out a compatibility study in 2010 on the Hague Convention of 1954 and its Protocols of 1954 and 1999, as a result of which, in 2011, it set about filling gaps in national legislation and bringing it into conformity by, among other things, amending the criminal code and working with the Ministry of Culture on registration and marking procedures.
- In **Indonesia**, the Permanent Committee on the Implementation and Research of International Humanitarian Law (Pantap Humanitar) is currently working on a bill on the protection of cultural property from the effects of armed conflict as the implementing legislation for the 1954 Hague Convention and its First Protocol (which have been ratified).
- The national IHL committee in the **Czech Republic** retains protection of cultural property as a regular item on its agenda and lobbies hard for the inclusion of specific cultural property on the enhanced protection list. For example, in June 2018, the committee organized a seminar on the protection of cultural property in the event of armed conflict, which was attended by an expert from UNESCO, the president of the Czech Red Cross and representatives of relevant Czech ministries, other Czech authorities and universities.
- The national IHL committee in **Romania** also features the national implementation of the 1954 Hague Convention and its Protocols on its agenda.
- The **Belgian** Interministerial Commission for IHL has set up a specific working group on cultural property and, in 2015, produced a report on the progress of national measures to protect cultural property.
- The **Mexican** Interministerial Committee on IHL has contributed to the drafting of a law and regulations on protection of the red cross emblem.
- The **Moroccan** national IHL committee is working on a draft law on the protection of cultural property in the event of armed conflict.
- The **Egyptian** national IHL committee adopted a draft law on the protection of cultural property in the event of armed conflict that is expected to be submitted to the Egyptian parliament.
- The **Icelandic** national IHL committee started the process to have the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict implemented by the State.

State practice also shows that, often, the role and functions of a national IHL committee evolve over time. In some cases, the committee gradually expands its functions and assumes new tasks. Others develop structures that, over the years, become an integral part of their country's governmental architecture, with regular activities, or they acquire a recognized advisory function that goes beyond the promotion of IHL knowledge and domestic implementation to encompass, more generally, the implementation of all international norms relating to the protection of people and objects affected by violence. Some national IHL committees are active at a field-operation level, through the presence of their members at military decision-making centres, while others support civil society organizations by providing training for staff on IHL.

Moreover, several national IHL committees have in the past been called on to perform specific functions or tasks linked to particular aspects of the context in which they operate.

Examples of the mandates and activities of the following national IHL committees can be found in the *International Review of the Red Cross*, Vol. 96, No. 895/896, December 2015:

[Mexico's Interministerial Committee on IHL](#)

[Belgium's Interministerial Commission for Humanitarian Law](#)

[Peru's National Committee for the Study and Implementation of International Humanitarian Law](#)

1.2.1 Core functions

Most existing national IHL committees act as *advisory bodies* to their governments on matters pertaining to IHL. Their purpose is to ensure that IHL as a whole, including developments thereof, is taken into account by the national authorities, that knowledge of it is widespread among those with related responsibilities and that it is implemented effectively within national law and policy. Generally, these committees do not have decision-making power, nor are they entrusted with judicial or semi-judicial functions.

Thanks to the efforts of Belarus's national commission, Belarus is a party to most IHL treaties.

– Jaroslav Budnik, secretary of the Commission on International Humanitarian Law Implementation, Belarus

To fulfil its mandate efficiently, a national IHL committee should be vested with sufficient authority and powers to do the following.

- **Promote and facilitate**

The principal purposes of a national IHL committee are: to promote and facilitate the ratification of and/or accession to humanitarian treaties; to promote and support their implementation; and to work towards the harmonization of national legislation, regulations and practice with the IHL instruments to which the State is a party.¹⁰

In terms of domestic implementation of IHL, other aspects addressed by national IHL committees include the protection of the red cross, red crescent and red crystal emblems, criminal prosecution of violations of IHL, implementation of the ICC Statute and adoption of enabling legislation for the Geneva Conventions and their Additional Protocols. For example:

- The **Indonesian** national IHL committee played a key role in passing that country's Law on Red Cross Affairs in December 2017. This legislation regulates the use of the emblems. The national IHL committee coordinated with the relevant government agencies and the armed forces during the deliberation of the bill.
- The **Icelandic** national IHL committee initiated and pursued a draft bill to incorporate provisions regarding violations of IHL into the General Penal Code.
- The **Slovenian** national IHL committee is currently working on emblem-related legislation.

¹⁰ See, for example, the work of the Belgian Interministerial Commission for IHL: <http://cidh.be/sites/default/files/27F%20Protection%20des%20biens%20culturels.pdf> and <https://cidh.be/fr/composition-et-structure>

- In **Bangladesh**, the national IHL committee, immediately after it was established, initiated several implementation processes, ranging from policy discussions to technical legislative drafting sessions. The committee is currently supporting the process to implement the Anti-Personnel Mine Ban Convention and to update the legislation that implemented the Geneva Conventions in Bangladesh.
- The **Georgian** National Inter-Agency Commission on the Implementation of IHL has set up a working group to oversee implementation of the recommendations of the 2017 IHL compatibility study commissioned by the ICRC, which, *inter alia*, deal with criminal prosecution of IHL violations and adoption of enabling legislation for the Geneva Conventions and their Additional Protocols.
- The **Argentinian** Committee for the Implementation of IHL has been involved in identifying 32 cultural property sites that have been marked with the blue shield.
- The **Mexican** Interministerial Committee on IHL has identified nine cultural property sites for marking with the blue shield.
- The **UAE's** national IHL committee adopted Federal Decree No. 12/2017 on international crimes. The law grants the UAE national courts the jurisdiction to prosecute perpetrators of the crime of genocide, crimes against humanity, war crimes and crimes of aggression. The law entered into force on 18 September 2017.
- The **Egyptian** national IHL committee participated in drafting laws on the protection of emblems and on international crimes. These two draft laws are expected to be submitted to the Egyptian parliament.
- The **Moroccan** national IHL committee submitted a draft law that includes amendments to the criminal code to include genocide, crimes against humanity and war crimes.
- In **Madagascar**, the national IHL committee submitted a bill on protection of the emblem.
- The **Belarusian** national IHL committee supervised and conducted work on the adoption of national law on the emblem in 1999 and its later amendment. It has also fully supervised the national criminal code since its creation and been involved in preparations for all modifications to it, with regard to bringing it into line with IHL treaties.

- The **Moldovan** National IHL Implementation Commission oversaw the adoption of the law on the protection of the emblem in 1999. It has also fully supervised the national criminal code since its creation and been involved in preparations for all modifications to it, with regard to bringing it into line with IHL treaties.

- **Study and evaluate**

A national IHL committee should be entitled and have the capacity to study and assess the national legal system (including domestic laws and regulations, judicial decisions and administrative provisions, as well as policy directives) in light of existing IHL and related instruments, and, in particular, the obligations stemming from those to which the country is a party. It should also have the power to study, assess and provide its opinion and advice on any governmental initiative or proposed action, including legislative proposals and draft bills, that have a link to or potential impact on IHL.

- **Spread knowledge/disseminate**

As the 2016 Commentaries to Geneva Convention I state, “The task of dissemination is a legal obligation under the Geneva Conventions, and its inclusion was based on the conviction of the drafters that knowledge of the law is an essential condition for its effective application. While it is now recognized that knowledge of the law alone will not prevent violations, spreading knowledge of the law is understood to be an ‘important element of any strategy aimed at creating an environment conducive to lawful behaviour’.”¹¹

It is thus of particular importance that civilian and military authorities with responsibility for ensuring the law is applied and respected know its content and the obligations it imposes on them. Equally, the general public should be familiar with the basic rules and principles of this body of law.

The national IHL committee can play a key role in spreading knowledge of IHL and in promoting related initiatives and training programmes. To that end, it should have the necessary authority to carry out studies, propose dissemination activities and organize and/or take part in such activities.

¹¹ ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, ICRC, Geneva / Cambridge University Press, Cambridge, 2016: <https://ihl-databases.icrc.org/ihl/full/GCI-commentary,para2750>

It may also encourage training programmes on IHL to be set up for specific stakeholder groups, such as the armed and security forces, the governmental sector, members of parliament and the judiciary, as well as the media or other relevant sectors and groups.

Furthermore, it may support the development and implementation of educational programmes on IHL for schools and other academic and vocational institutions, including universities.

Peru's National Committee for the Study and Implementation of International Humanitarian Law gained national recognition for its professional training activities.

In **Mauritius**, the Ministry of Education is represented on the national IHL committee and regularly reports at committee meetings on the dissemination of IHL across the island at secondary-school level. Training has a wide geographical reach, as it is conducted by district.

In the **United Kingdom**, the mandate of the national IHL committee, created in 1999, is to encourage the dissemination of IHL to the armed forces, police, civil servants, teachers, the judiciary, the medical profession, journalists and others, as necessary.

In **Madagascar**, the national IHL committee is mandated by governmental decree to disseminate the law.

The **Iranian** national IHL committee disseminates basic IHL principles via the training it provides on fundamental law and principles for branches of the Red Crescent Society of the Islamic Republic of Iran across the country.

The national IHL committee in **Nepal** has been involved in providing IHL training for a range of authorities, including the judiciary, both in the capital and also at district level.

The **Indonesian** national IHL committee is authorized to disseminate IHL through training programmes. It often cooperates with the ICRC or universities to conduct training activities or IHL dissemination sessions.

In **Malaysia**, the subcommittee on dissemination works principally with the armed forces and police, providing support and advice in the context of the current review of military doctrine on law enforcement.

The **Costa Rican** national IHL committee organized its first two courses on IHL in 2017, aimed at civil servants and members of the academic community.

The **Ecuadorian** national IHL committee has organized an annual course on IHL for government officials for the last eight years.

The **Syrian, Moroccan and Algerian** national IHL committees have each organized IHL training for diplomats, police officers and other public officials in their respective countries.

The **Jordanian, Iraqi and Saudi Arabian** national IHL committees have organized several IHL training sessions for government officials in their respective countries.

The **UAE's** national IHL committee has organized a biennial regional IHL course for Arab diplomats for the last 12 years.

- **Coordinate, facilitate exchange and support**

Creating an effective national system and framework to enact international obligations arising from IHL and facilitate compliance with them is a complex and ongoing process, which involves many State sectors and areas of activity.

The national IHL committee can provide a platform and privileged space for discussion and collaboration between different national stakeholders on IHL-related issues, and for coordinating initiatives in this area. Its interdisciplinary nature and the fact that it brings together representatives from the main State agencies concerned with IHL allows it to play a coordination role that other government entities may not be able to. Coordination activities may extend to national implementation of other treaties covering issues that go beyond the basic scope of IHL but are directly related to it, such as the Rome Statute of the International Criminal Court, the Convention for the Protection of All Persons from Enforced Disappearance or instruments on the protection of internally displaced people.

The national IHL committee can also facilitate interministerial and inter-institutional exchanges (such as between the executive branch, the judicial sector and the parliament) on the IHL-related strategies and initiatives of the various government agencies, help monitor new developments in IHL (e.g. negotiations for a new multilateral treaty) and contribute to developing the State's position and policies with regard to IHL and related issues, including respect for IHL in specific contexts of armed conflict.

It can also support individuals or public entities involved in matters relating to IHL, particularly representatives of the committee's member ministries and specific governmental agencies.

In **Switzerland**, the main function of the national IHL committee is to provide a platform for coordination and discussion of initiatives by different national stakeholders.

In **Bangladesh**, the national IHL committee has proved to be an effective forum for interministerial coordination on matters related to IHL.

The national IHL committee in **Nepal** helped draft a handbook on IHL for parliamentarians.

- **Propose and advise**

To fulfil its function as a technical “advisory body” a national IHL committee must be in a position to formulate and submit to national authorities advisory opinions on questions and issues relating to its area of work, particularly in relation to IHL implementation and harmonization of national legislation, including criminal law, with relevant international instruments and obligations deriving from these. It should therefore be vested with the authority to formulate recommendations and proposals in this regard, and should have the right and power to do so both at the invitation of its government or a particular public agency, and on its own initiative.

A national IHL committee should also have the flexibility – and capacity – to carry out any specific task relating to IHL that may be assigned to it by the government and to make recommendations and proposals in that regard. It may, for example, be called on to contribute an IHL perspective in discussions and/or decisions linked to other related branches of the law, such as human rights law, international criminal law or the development of measures to counteract terrorism.

- **Follow, monitor and report**

A national IHL committee should be entitled and enabled to follow the implementation of the recommendations it issued and advisory opinions it provided, and to monitor developments at national, regional and international levels linked to IHL or impacting on it.

The **Belgian** Interministerial Commission for IHL, **Moroccan** and **Iraqi** national IHL committees regularly provide advice, on their own initiative or when requested to do so by their respective governments, in the form of recommendations, contributions to draft bills or reports for international forums.

The National Consultative Commission on Human Rights (CNCDH) of **France** has a specific subcommission in charge of IHL matters. The CNCDH has a recognized role as an adviser to the government on IHL and matters to do with humanitarian action.

The National Permanent Committee for the Implementation of IHL of the **Dominican Republic** has provided advice to the National Congress (legislative body) with regard to including criminal repression of war crimes in the national criminal code.

National IHL committees understand the degree to which their respective States accept and implement IHL and related treaties, so they are particularly well placed to assess the scope of compliance with the law and monitor developments and progress in terms of the implementation of IHL in national law, judicial decisions, administrative provisions and governmental policies or related initiatives. They should be able to produce reports detailing the state of play and progress in these areas for submission to decision-makers, specific governmental agencies or the public at large. They might also be tasked with collecting evidence of IHL-related State practice and facilitating the sharing of that evidence within the State, in exchanges with other States, or through submissions and contributions to regional or international organizations, including the ICRC (e.g. submitting State practice for inclusion in the ICRC's IHL databases).

A national IHL committee should also report on its own activities, achievements and challenges as a way of informing the relevant authorities and the public at large of its role and the work it has accomplished, and as an accountability mechanism (see [Section 5, Working Procedures](#)).

1.2.2 Strengthened functions

- **Respected advisory role and a recognized right of initiative**

In several countries the national IHL committee has, over the years, acquired an undisputed and strong advisory relationship with government. In some cases, these relationships go beyond covering purely matters of IHL to encompass

the implementation of and respect for norms of international law aimed at protecting people (and objects) affected by violence or who find themselves in an emergency situation.

A national IHL committee may act as a technical IHL expert committee and permanent governmental advisory body that actively contributes to the State's IHL agenda and humanitarian diplomacy. As such, it may be regularly called upon for advice and have a recognized authority to participate in consultations and submit advisory opinions to national authorities, including parliament, the judiciary and other relevant agencies, on all issues linked to IHL and related international obligations, and to formulate recommendations and proposals with regard to the State's position and policies.

- **Supporting the State's participation in regional and universal meetings and forums where IHL and related issues are discussed, and facilitating exchange of information**

National IHL committees may be involved in governmental consultations to support initiatives at the regional and global levels to develop and enhance respect for IHL. Often, they support their States' participation in multilateral meetings addressing issues related to IHL and humanitarian action or topics linked to them or issues that are of relevance for the protection of people and objects affected by violence.

Many national IHL committees also play an important role during preparations for or in the follow-up period after the International Conference of the Red Cross and the Red Crescent. For example, they may get involved in the identification, formulation and implementation of individual or collective pledges that States are invited to make during the conference, and/or in the implementation of the resolutions adopted by their respective State at the conference.

Similarly, national IHL committees may facilitate their governments' attendance at and contribution to regional meetings and forums, including by providing members for their countries' delegations to such meetings. They can also:

- encourage their government to honour any commitments made to submit information and issue reports
- encourage their government to follow optional reporting procedures under treaties to which they are party and report relevant information, particularly to the international or regional organizations

- help prepare and/or edit reports or other documents, whether by commenting on drafts, helping to source or collect information or coordinating preparatory activities
- prepare and/or follow up resolutions adopted, commitments made or reports submitted under the auspices of international or regional organizations
- provide any other assistance that might be required.

Such committees can also contribute more directly to the exchange of information by cooperating with similar committees in other States (e.g. in the same region or subregion) or with the ICRC (see [Section 6, International Cooperation](#)).

A specific working group within **Belgium's** Interministerial Commission for Humanitarian Law responds to follow-up surveys seeking to ascertain what actions the government has taken in view of the pledges it made and the resolutions adopted at the International Conference.

The National Committee for the Implementation of IHL in **Argentina** is involved in following up pledges and relaying information on resolutions to the relevant organizations.

The National Commission for the Implementation of IHL in **Chile** incorporates the pledges adopted at the International Conference into its Programme of Work and ensures follow-up and implementation.

Papua New Guinea's National Committee on International Humanitarian Law facilitated its government's contribution to the Pacific Islands Round-Table on IHL in Nadi in October 2017. Prior to that meeting, the committee chair convened a meeting of the committee, so that agencies could provide a short update on recent developments and future plans to strengthen and implement IHL. This informed the PNG delegation's contribution to the round-table, in particular its update on developments in national jurisdiction.

Australia's national IHL committee was established in 1977 and generally meets quarterly. In the lead-up to the 32nd International Conference, the committee helped the government prepare its positions and statements. To that end, the committee invited representatives from government departments and agencies that would not normally sit on the committee but that had an interest in the relevant theme. The committee intends to follow a similar approach in preparing for the 2019 International Conference.

All national IHL committees in the **Arab States** support their States' participation in regional and universal meetings, and forums where IHL issues are discussed, e.g. the International Conference of the Red Cross and Red Crescent and the Regional Meeting of Arab Government Experts organized by the League of Arab States.

- **Fulfilling reporting obligations under international law**

Some national IHL committees are entrusted with ensuring that reporting requirements under international or regional instruments are met by their governments or are themselves called upon to contribute to such reports drafted by other State agencies.

While neither the Geneva Conventions nor their Additional Protocols entail a formal reporting obligation, other IHL-related instruments do – for example, the 1954 Convention on the Protection of Cultural Property in the Event of Armed Conflict, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, and the 2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.¹²

States may also be invited to submit information on the fulfilment of their IHL-related obligations as a result of reports by the UN secretary-general on specific UN General Assembly resolutions.¹³ A national IHL committee may be called upon to draft or contribute to the drafting of such submissions.

¹² A table outlining the main features of regular reporting requirements under IHL and other relevant instruments has been prepared by and is available from the ICRC Advisory Service.

¹³ A series of UNGA Resolutions entitled "Status of the Protocols additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict" invites the UN secretary-general to submit a report on the status of the Additional Protocols and on the measures taken to strengthen the existing body of IHL, *inter alia* with respect to its dissemination and national implementation. This report is based on information provided by Member States.

Guatemala's Commission for the Implementation of IHL established a working group in line with the ICRC's recommendations on missing persons to coordinate and participate in the drafting of legal concepts in this area for submission to the country's parliament.

The Interdepartmental Committee for the Implementation of IHL in **Ukraine** has supported important legislative initiatives, such as draft laws on missing persons and on mine action, and the improvement of national legislation relating to internally displaced people.

One of the functions of the **Iranian** national IHL committee is to follow up specific groups protected under IHL, such as refugees, displaced people, prisoners of war and casualties of war (particularly victims of weapons of mass destruction).

The national IHL committees of **Peru, Bolivia and Ecuador** promote international rules and standards governing the use of force in law enforcement.

The national IHL committees in **Peru and Belgium** are involved in preparing reports relating to the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, as well as the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its Protocols.

In **Malaysia**, the national IHL committee's subcommittee on means and methods of warfare (known as JUKAM) has submitted reports on certain weapons treaties, in particular those concerning chemical weapons.

- **Addressing specific issues**

In the face of specific humanitarian concerns in a given context – e.g. a large number of missing persons, internally displaced people, presence of migrants – a national IHL committee may be in a position to play a role in ensuring the implementation of the applicable bodies of law – IHL or others – designed to alleviate suffering, and/or in designing or contributing to designing the required response.

The national IHL committees in **Chile**, the **Dominican Republic** and **Honduras** are involved in drafting the information to be submitted by their respective States to the UN secretary-general in fulfilment of the UNGA Resolutions on the status of the Additional Protocols to the Geneva Conventions on the protection of victims of armed conflict.

1.2.3 Context-specific functions

The mandate of a national IHL committee should be flexible enough to enable it to adapt and respond to urgent context-specific needs and concerns, when necessary, or to take on specific tasks at the request of their government or other national authority or on their own initiative.

Indeed, a number of committees became more active, or were even created, when faced with the unfortunate reality of an armed conflict in their country. Country-specific concerns that have been addressed by national IHL committees include anti-personnel mines in Tajikistan and piracy in the Seychelles.

Iraq's national IHL committee is an example of a new committee established in a country that has faced a series of conflicts in recent years. The committee was created in 2014 by prime-ministerial decision no. 58/2014. The intensity of the fight against the Islamic State group pushed the Iraqi government to expedite the process of establishing the committee because of the need to raise awareness of IHL among the State civilian and military bodies, and to emphasize the Geneva Conventions and the obligations of Iraq thereunder. The structure of the committee was determined and its mandate activated by ministerial decree (Diwani Order No. 10 of 2015), which executed the prime minister's decision.

- **Providing legal support to military operations**

In some countries, national IHL committees have had a role to play in influencing how their respective armed forces conducted military operations. This may have included engaging the relevant levels of the armed forces in dialogue on targeting practices or on the need either to develop or improve military manuals and how IHL is integrated into military operational procedures. When military authorities are directly represented on the committee or are associated with its work, this role can be easier to fulfil.

The Commission on International Humanitarian Law Implementation in **Belarus** helped develop a manual by the Ministry of Defence obliging the military to implement and comply with IHL, particularly in terms of prohibitions on means of warfare and other aspects of the conduct of hostilities.

The **Syrian** national IHL committee has been organizing IHL training for the Syrian armed forces since December 2017.

IHL training organized by the **Iraqi** national IHL committee – in coordination with the ICRC – involves legal advisers from the Iraqi armed forces and the popular mobilization units.

The **Moroccan** national IHL committee regularly organizes IHL training for the Moroccan armed forces.

- **Discussing context-specific humanitarian issues**

A national IHL committee may also be called upon or take the initiative to take part in discussing and providing expert advice on context-specific humanitarian issues. The committee's input could, for example, relate to the respect and treatment afforded to persons deprived of their freedom, supporting timely and unimpeded access to and delivery of life-saving health services, addressing the consequences of involuntary disappearances, supporting the handling of human remains in accordance with relevant international obligations, or supporting the negotiation and adoption of a headquarters agreement or visiting agreement with the ICRC.

At the specific request of its government, one national IHL committee engaged with the responsible authorities in relation to an ICRC request for access to places of detention. Another national IHL committee accepted enquiries from people looking for missing relatives and endeavoured to establish the whereabouts of missing persons by liaising with relevant government authorities.

(As these activities related to the ICRC's confidential and bilateral work, the names of the countries involved have been omitted.)

- **Monitoring and documenting violations of IHL**

In some instances, the national IHL committee has been formally tasked with monitoring and documenting violations of IHL, and with recommending ways to address them. The ICRC emphasizes that this is not a typical role of such committees, whose purpose is to act not as a judicial body but as an advisory body. Ideally, a separate body would be responsible for monitoring and reporting on IHL violations as, if this were to be done by the national IHL committee, it might affect its relationship with other bodies with mandates in this area – for example, commissions supporting the collection of evidence for war-crime prosecutions or the judiciary – and might be perceived as conflicting with the national IHL committee's primary function. However, if a State insists on its national IHL committee having a role in this regard, the ICRC recommends that the committee merely present advice and recommendations to the prosecutorial and judicial bodies rather than pronouncing on whether war crimes have been committed or not.

2. COMPOSITION

Having the right people in the right positions is crucial for the effective functioning of a national IHL committee. Similarly, the competence and motivation of the participants, the time they are prepared to devote to the committee and the degree of flexibility in how the committee is run can all have a decisive influence on the success of its work. As far as the composition of a national IHL committee is concerned there is no one standard model, as the specific needs and political environment of each State must be taken into account in each case.

Things to consider

- To fulfil its role, the national IHL committee should be set up so as to be representative, with a membership competent in IHL-related issues.
- All sectors of the State concerned with IHL should be either represented on the committee or involved in its work.
- Its membership should have the necessary level of expertise and authority to make commitments on the principals' behalf.
- The ideal of a broad membership base, which includes representatives from civil society, should be balanced with the need for confidentiality in its discussions.
- Reducing member turnover enhances efficiency.

2.1 WHICH STATE AGENCIES SHOULD BE PART OF THE NATIONAL IHL COMMITTEE?

- Governmental ministries and agencies

The membership of the national IHL committee in **Morocco** includes the ministries of Foreign Affairs, the Interior, Justice, Habous and Islamic Affairs, National Education, Higher Education, Scientific Research and Training, Health, Communication, Solidarity, Family and Social Development, Defence, Economy and Finance, Modernization of the Public Sector, as well as the General Secretariat of the Government, National Human Rights Council, Royal Gendarmerie, General Administration on Security Forces, Security Assistance Forces, Civil Protection, scholars, NGOs and the Moroccan Red Crescent.

The **Botswana** Interministerial Committee on Treaties, Conventions and Protocols includes the ministries of Foreign Affairs and International Cooperation, the Attorney-General's Chambers, Defence, Justice and Security, Finance, Culture, Office of the Ombudsman, Local Government, Environmental Affairs, Labour and Home Affairs.

The chairman of the national IHL committee in **Iraq** also serves in the General Secretariat of the Council of Ministers – the executive branch of the Iraqi government. Other members represent the ministries of Defence, Foreign Affairs, the Interior, Health, Displaced and Migration, Education and Scientific Research, as well as the Iraqi High Commission for Human Rights. As both political and military authorities are represented on the committee it can also influence law-making, policy-making and military operations. Furthermore, the presence of high-ranking Iraqi officials among the committee's members makes the decision-making process more efficient.

In **Georgia**, a representative of the National Security Council sits on the National Inter-Agency Commission on the Implementation of IHL.

All governmental ministries/agencies concerned with the implementation of IHL must be represented on the committee, above all the ministries of Foreign Affairs, Justice and Defence. In the case of the Ministry of Defence, both the civilian administration and the military arm should be involved. The ministries of the Interior, Culture, Health and Education, plus others as relevant, should also be represented. The committee itself should be attached to the ministry/agency that is most active in the implementation of IHL. It may also be attached

to the National Red Cross or Red Crescent Society, if that is the primary entity for dissemination and other IHL-related work in the State.

To ensure continuity, it is the ministries/agencies themselves that should be members of the committee rather than any particular individual(s). When designating representatives, it is important to bear in mind the following points. Ensure that ministerial representatives are sufficiently **senior**, with the authority to **take decisions** on behalf of the ministry/agency they represent, so as to increase the chances of the committee's recommendations/advice being followed up.

Appointing very high-level representatives is not always ideal. While such figures can facilitate decision-making and enhance the committee's authority, they may not always have the required availability to attend regular meetings and take part in other committee activities. Committee members should preferably be officials with direct responsibility for IHL and related issues within their respective ministries/agencies. If those individuals do not have the authority to represent their ministries, they should at least be involved in the committee's work as special advisers. Also, in some instances, several such individuals from different levels (i.e. political and operational) of the same ministry/agency may take part in the committee's work.

A national IHL committee may hold formal plenary meetings (which require the presence of all committee members), during which decisions are taken, and working-level or group meetings, during which activities are discussed, prepared and carried out. Each working group/subcommittee should be chaired by the representative of the relevant ministry/agency, i.e. the committee member most closely involved with the subject matter or in pursuing the set objective. Working groups/subcommittees must only involve representatives from the authorities concerned with the specific issue being dealt with, in order to allow governmental agencies, in particular, to limit their participation to committee proceedings that fall within their area of competence and interest. For the same reason, tasks and responsibilities within the committee and its working levels and groups should be carefully and clearly assigned (see [Section 5, Working Procedures](#)).

The decree establishing the National Inter-Agency Commission on the Implementation of IHL of **Georgia** provides that the country's parliament shall also be requested to participate in the Commission. In addition to designated representatives of relevant key ministries and State bodies, the representative of the General Prosecutor's Office of Georgia is a member of the Commission.

Costa Rica's national IHL committee includes representatives of the judiciary and legislature.

Madagascar's national IHL committee has parliamentarians on its board, as well as human rights and civil-society representatives. The committee is under the authority of the Ministry of Justice and magistrates have a seat on it.

The national IHL committee of **Sri Lanka** has legislative drafters as permanent members.

- **Other branches/sectors of the State**

A national IHL committee may also include representatives of the legislative and judicial branches as permanent members, or involve them on an ad-hoc basis, when appropriate.

- **Other agencies and entities with responsibilities in the public sphere**

In **Nigeria**, the National Commission for Refugees is a member of the national IHL committee.

In **Tajikistan**, the membership of the Commission on the Implementation of International Humanitarian Law includes the Committee on Emergency Situations and Civil Defence, and the National Centre for Action on Anti-Personnel Mines.

A national IHL committee might also include in its membership representatives from other agencies or entities with responsibilities in the public sphere, such as specific national structures (e.g. civil defence, the ombudsman, national UNESCO commission, etc.) or at least involve them when issues on which they have specific expertise are being discussed.

2.2 WHAT ROLE CAN NATIONAL RED CROSS AND RED CRESCENT SOCIETIES HAVE IN SUCH COMMITTEES?

With regard to the dissemination and implementation of IHL, **China's** national IHL committee acts as a coordination mechanism for and provides advice to government agencies and the armed forces, as well as the Red Cross Society of China. It also cooperates, as necessary, with other organizations, such as the ICRC and other national IHL committees.

The Red Cross of the former Yugoslav Republic of **Macedonia** is a member of that country's national IHL committee. It provides the secretariat for the committee and, according to the committee's internal rules of procedure and working methods, its meetings are held on the National Society's premises.

In **Canada**, the Canadian Red Cross provides the secretariat for the national IHL committee.

New Zealand's national IHL committee was established in 1980. The New Zealand Red Cross acts as the secretariat for the committee and participates as a full member.

The Malagasy Red Cross Society in **Madagascar** is a permanent member of the country's IHL committee and provides expertise in the realms of IHL dissemination and managing natural disasters.

The **South African** national IHL committee, which is structured as an interministerial committee, recognizes the value of including the country's National Society in its work.

The **Lesotho** Red Cross Society is a permanent member of the Lesotho national IHL committee and is usually represented by either its communications or disaster-management department. It provides humanitarian updates to the committee.

In **Algeria, Bahrain, Egypt, Jordan, Kuwait, Lebanon, Libya, Morocco, Palestine, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, UAE and Yemen**, the National Societies have been members of their countries' national IHL committees since the latter's establishment. In each case, the National Society participates in all discussions and decisions made by the committees.

In **Saudi Arabia**, the president of the Saudi Arabian Red Crescent Society is also the president of the country's national IHL committee. In October 2017, the committee organized the first IHL training session for government officials. The committee also represents the Saudi government at most relevant regional meetings and conferences.

While State authorities bear the main responsibility for implementing IHL in their territory, National Red Cross or Red Crescent Societies, in their capacity as auxiliaries to the public authorities in humanitarian matters and on account of the variety of activities they carry out, play an important role alongside their governments in ensuring respect for IHL in their respective countries. Many National Societies also help promote, disseminate and implement IHL as part of their statutory responsibilities, so it makes sense for them to contribute to and be involved in the work of the national IHL committee.

A National Society's role in such committees may take different forms, including: providing the secretariat for the committee; chairing the committee; contributing expertise through advice and membership; participating as full members, observers or in an expert capacity, when required.

Indeed, States have been actively encouraged to associate National Societies with such committees' work – in Resolution 1 of the 26th International Conference of the Red Cross and Red Crescent and other resolutions of subsequent International Conferences, and in recommendations by the intergovernmental group of experts. The ICRC, in its “Guiding principles concerning the status and methods of operation of national bodies for the implementation of IHL” and *Practical Advice to Facilitate the Work of National Committees on IHL*, makes similar recommendations.

2.3 WHAT ROLE CAN THE ICRC HAVE IN NATIONAL IHL COMMITTEES?

To help ensure IHL is implemented effectively at the domestic level, the ICRC, through its Advisory Service on IHL, helps States set up a national IHL committee and maintains regular contact with existing committees. In countries in which it maintains a presence, the ICRC is sometimes invited to be part of the national IHL committee or is associated in its work as an observer or in an expert capacity. In some cases, it has a standing invitation to attend the committee's plenary meetings. It may also be invited to attend meetings and share its expertise or provide advice on an ad-hoc basis.

New Zealand's national IHL committee is chaired by an independent expert and its secretariat is provided by the National Red Cross Society. The ICRC has a standing invitation to attend meetings and provide updates on IHL developments and its own activities.

The ICRC has observer status on **Brazil's** national IHL committee.

The ICRC attends **Egypt's** national IHL committee meetings as a member, under that country's Decree No. 149/2000.

2.4 WHICH OTHER BODIES COULD POTENTIALLY BE INVOLVED WITH THE NATIONAL IHL COMMITTEE?

A national IHL committee should be able to consult or involve in its work qualified professionals, such as legal specialists, doctors or military personnel, in order to benefit from their expertise. The committee could consider inviting IHL specialists from universities (e.g. law faculties), humanitarian organizations and other national agencies, as well as non-governmental organizations, either as full members or on an ad-hoc basis, when their expertise is required and their contribution might add value.

However, committees must be sure that the participation of representatives of civil society (such as NGOs or professional associations) as full members of the committee will contribute positively to its long-term work and not deter frank and effective discussion among members who represent various authorities.

Another possibility is to involve representatives of civil society in the committee's activities on an ad-hoc basis, in particular when it comes to conferences and meetings on specific subjects or exchanges of information. Whatever the case, the committee must reconcile the desire for openness with the possible need for confidentiality in its discussions.

Cabo Verde's national IHL committee includes representatives from religious institutions, governmental and non-governmental bodies working on behalf of children and adolescents, gender equality and equity, people with disabilities and non-nationals living in Cabo Verde, as well as the country's National Association of Municipalities, Order of Lawyers and two recognized native experts on human rights.

Australia's national IHL committee includes expert members (e.g. from academia, the Movement) and ad-hoc members (e.g. during preparations for an International Conference, members representing government agencies with an interest in the conference are temporarily co-opted on to the committee).

Peru's National Committee for the Study and Implementation of International Humanitarian Law includes in its composition the National Coordinator for Human Rights – a coalition of civil-society bodies that helps defend, promote and educate people on human rights in Peru.

The **Georgian** National Inter-Agency Commission invites recognized academic experts in public international law, IHL and international criminal law to join its membership.

The **Egyptian** national IHL committee may assign any national or international experts to its membership, and request the attendance of experts from relevant ministries and entities.

The **French** National Consultative Commission on Human Rights includes representatives of ministries, civil-society organizations and individual experts.

3. ESTABLISHMENT AND STRUCTURE

The status and structure of a national IHL committee will depend on the constitutional structure of and the procedures applied by the State concerned. It can take many forms, from an informal expert group to an interministerial or inter-institutional body created by ministerial decree or by law. Given that promoting respect for IHL and, in particular, the implementation of this law at the national level is an ongoing process, a national IHL committee should have a formal structure to ensure its work can continue over time, irrespective of a change in government.

Things to consider

- The national IHL committee should preferably be linked to the executive branch of government.
- It should have a legal status in order to be fully effective and able to play the role assigned to it.
- A national IHL committee must have a formal structure to ensure it can continue its work over time.

3.1 WHAT IS THE LEGAL STATUS OF THESE COMMITTEES AND HOW DO THEY FIT INTO THE STATE STRUCTURE?

- **Place in the State's structure**

Since implementing IHL is primarily the responsibility of governments, national expert agencies set up to this end, such as a national IHL committee, are generally linked to the executive branch of the State's government. Depending on its composition, the committee may form part of the government or be inter-institutional in nature, i.e. comprising representatives from various State powers – executive, legislative and judicial.

A national IHL committee may also be set up within a National Red Cross or Red Crescent Society or be attached to it.

In some countries, the role of promoting and advising on implementing IHL at the national level is assigned to the national human rights institution.

- **Formal status**

Conferring formal status on the national IHL committee is essential if it is to perform its duties with authority and in the long run. The legal status of such committees will depend on the constitutional structure of and procedures applied by their State.

Mexico's Interministerial Committee on IHL was established by presidential decree and its operation is guided by the internal regulations that are published in the official gazette.

The national IHL committee in **Kenya** was established by gazette status, as were those in **Georgia** and the former Yugoslav Republic of **Macedonia**.

The national IHL committee in **Sri Lanka** was established by a Cabinet of Ministers memorandum.

The statutes of the German Red Cross constitute the legal base of the **German** national IHL committee.

The **Zimbabwe** Interministerial Committee for Human Rights and Humanitarian Law was created by cabinet decision and has established an active subcommittee on IHL.

A national IHL committee's status is most commonly conferred by executive decree (such as a presidential decree, ministerial decision, government resolution or agreement), and sometimes by law, among other options, e.g. the statutes of a National Red Cross Society, if the committee is established within the structure of the National Society. The conferral of legal status and its formal documentation ensures the committee's permanence and continuity of its work.

In some countries, the national human rights institution has the competence to promote and advise on the implementation, at the national level, of both international human rights standards and norms and IHL, or specific matters pertaining to IHL are assigned to them. In such cases, a specific subgroup (such as a subcommittee or working group) is sometimes created within the national human rights institution for dealing with matters linked to IHL and humanitarian action.

The commonalities between these branches of public international law – they both strive to protect human lives and dignity, and require similar backing at the domestic level to be effective – can offer advantages in terms of resources and shared effort, particularly in small States, where the availability of expertise may be limited. Nevertheless, the differences between the basic functions and characteristics of each institution do present some challenges (see [Section 4.3 below](#) and [Annex 2: National IHL committees vs national human rights institutions](#)).¹⁴

States should give due consideration to these differences when considering appointing an expert body on IHL. Ideally, a distinct structure, separate from the national human rights institution, should be created to deal specifically with IHL promotion and implementation. If that is not feasible or desirable, at least a distinct subgroup or subcommittee within the single national body should be created to deal with IHL and related issues, to ensure the necessary distinction is made between the two functions.

14. A national human rights institution is generally defined as an independent body mandated to protect and promote human rights (civil, political, economic, social and cultural rights). As well as human rights education and making recommendations on the implementation of international human rights instruments, including law reform, its core functions include handling complaints and helping bridge the “protection gap” between the rights of individuals and the responsibilities of the State. A national IHL body is, commonly, part of the government and tasked with assisting and advising that government on matters related to IHL.

- **Chairpersonship**

In **Mexico**, the chair of the national IHL committee is held by a different ministry every year.

Malaysia's national IHL committee is chaired by the minister for foreign affairs.

In **Lebanon**, the deputy prime minister is the chair.

In **Algeria**, the minister for justice is the chair.

In **Bahrain**, the minister for justice, Islamic affairs and *Awqf* is the chair.

In **Egypt**, the minister – or deputy minister – for justice is the chair.

In **Syria**, the deputy minister for foreign affairs is the chair.

In **Iraq**, the assistant director-general and head of the International Agreements division of the General Secretariat for the Council of Ministers is the chair.

The national IHL committee is often chaired by an official from the foreign ministry or another ministry with IHL in its portfolio. The National Society, as an independent body, might be given the role of chair. Alternatively, the chair could be an external expert on IHL. The role of the chair is to ensure that the meeting takes place and is run efficiently and in line with the committee's mandate. The chair should be someone with the authority to ensure that tasks allocated to the various members will be fulfilled. However, he or she should not be so high-level that the national IHL committee is likely to be their lowest priority and therefore they never call a meeting.

- **Permanent secretariat**

In **Indonesia**, the Ministry of Law and Human Rights acts as both the chair and permanent secretariat of Pantap Humanitar, the country's national IHL committee.

The secretariat of **Australia's** national IHL committee is the Australian Red Cross.

In **Georgia**, the National Inter-Agency Commission works under the aegis of the Ministry of Justice and reports annually to that ministry.

The permanent secretariat of Egypt's national IHL committee is the office of the assistant minister for justice and human rights.

Having an independent administrative team and permanent secretariat is essential to ensure the regularity and continuity of the national IHL committee's work. It also needs a facility in which the members can hold meetings – whether that space is made available by the ministries represented on the committee or meeting venues rotate or are chosen on an ad-hoc basis.

3.2 WHAT DOES THE NATIONAL IHL COMMITTEE NEED TO BE ABLE TO DO ITS WORK?

- **Availability of qualified representatives**

The national IHL committee has to make sure its members have the necessary knowledge of and information on IHL. Where necessary, committee members should receive training – for example, by attending courses given by the national authorities (such as the armed forces), the National Red Cross or Red Crescent Society, the ICRC or specific training sessions organized by the committee itself. New members should be fully apprised of the committee's proceedings and achievements. One way of ensuring this is to appoint one committee member as a focal point for internal training/information provision.

National IHL committees in **Iraq**, **Djibouti** and **Kenya** have all recently run training programmes for their members.

In **Madagascar** and **Comoros**, a workshop is run each year to refresh the knowledge of IHL committee members, to go over any new developments and consider relevant new treaties.

The ICRC, at the request of the Interministerial Technical Committee on Human Rights and Humanitarian Law in **Namibia** and the Interministerial Committee for Human Rights and Humanitarian Law in **Zimbabwe**, provided a one-day IHL training session in each country – in February 2017 and December 2017, respectively. During the latter, a plan was adopted for implementing and promoting IHL in Zimbabwe in 2018.

Since 2010, the Ministry of Justice in **Belarus** (which is also the secretariat of the country's national IHL committee), together with the ICRC, has organized the biennial Minsk Regional Seminar on IHL Implementation, in which all of the countries of eastern Eurasia (including the Commonwealth of Independent States) participate. Those that have national IHL committees usually send members as delegates, while representatives of the ministries of defence, foreign affairs and justice from all of the countries also take part.

Papua New Guinea's National Committee on International Humanitarian Law was established in 2017. In its first year, it was extremely active, meeting three times and developing a work plan, which prioritized three key IHL instruments on whose ratification and implementation the committee intends to work with the government. To strengthen its capacity for this effort, the committee has formally requested training from the ICRC.

In **Egypt, Iraq, Morocco, Republic of the Sudan, Jordan, Palestine and Syria**, regular IHL training is provided for the members of the national IHL committees. Members are also regularly invited to attend the regional Arabic courses on IHL organized by the ICRC and the League of Arab States.

- **Sufficient human, financial and material resources**

The committees' advocacy and advisory work does not require substantial funds. Nevertheless, it is crucial that they have the capacity – human, financial and material – to carry out their tasks and maximize their impact.

Ideally, as soon as a committee is set up, the national authorities, i.e. the ministry or agency to which it is attached, should automatically provide it with organizational resources (premises for its meetings, a photocopier, internet access, etc.) and a working budget that allows it to cover its own running costs (photocopies, mail and telephone). As the committee is made up of ministerial and other governmental-agency representatives, it should be possible to set up a system whereby working expenses are shared, by determining at the start what expenses each ministry or department is prepared to cover (photocopying, human resources, document production, etc.). However, the preferred option is for the committee to have its own independent budget or earmarked funding for its work.

For occasional events (seminars or conferences), the committee can also seek funds on a one-off basis or from external partnerships – for example, with the National Red Cross or Red Crescent Society or with universities or other academic institutions.

The technical secretariat of Peru's National Committee for the Study and Implementation of International Humanitarian Law is run by the justice ministry's directorate-general for human rights, which is formally tasked with promoting and overseeing human rights and IHL in Peru. This structure enables the committee to benefit from additional human and financial resources to conduct its activities.

Nepal's national IHL committee is integrated into the national human rights action plan and thus, its objectives and required resources from each ministry are linked to this.

4. RELATIONS WITH NATIONAL STAKEHOLDERS

Things to consider

- A national IHL committee should connect with different authorities and as many national stakeholders as possible to ensure it is adding value and that its work complements that of other national initiatives.
- It should seek to be recognized as the national focal point for (and reference on) IHL.
- Where there is interplay between the national IHL committee and the national human rights institution this should increase the committee's effectiveness while preserving both entities' respective mandates.

4.1 WHY SHOULD A NATIONAL IHL COMMITTEE WORK CLOSELY WITH THE MINISTRIES REPRESENTED ON IT?

It is essential that the committee maintains regular and close working relations with the ministries and other agencies represented on it, on which it depends, or which are affected by the measures it seeks to promote. Obviously, the more awareness the committee can raise of its work and the usefulness of its services, the more likely it will be called upon for advice by the executive authorities. Similarly, the more information the committee receives regarding ministerial initiatives in areas relating to IHL, the more effective its work will be. To ensure it keeps the authorities regularly informed of its activities the committee could, for example:

- circulate information to government representatives on the committee's proceedings within their respective ministries
- inform the authorities of the opinions and recommendations issued, circulate the minutes of meetings and the annual report (if one is produced – see [Annex 6: Model annual report](#)) among its member ministries/agencies and maintain a regular dialogue with them

- encourage the authorities to get into the habit of consulting the committee on all matters relating to IHL by, for example, systematically offering its expert advice on any such matter
- prioritize IHL-related subjects that are likely to be of most interest to the authorities (see [Annex 4: Model plan of action](#)).

4.2 WITH WHICH OTHER AUTHORITIES SHOULD A NATIONAL IHL COMMITTEE ENGAGE TO ENSURE ITS ACTIVITIES HAVE AN IMPACT?

- **Developing links with the legislative authorities**

Parliamentarians, as political leaders and representatives of the people, have an instrumental role to play in ensuring IHL is acknowledged, implemented and faithfully respected when and where it applies. It is therefore important for the national IHL committee to develop links with the legislative authorities, to make its role and services known to them and keep parliamentarians informed of its activities and recommendations. Such links can be useful in terms of the implementation of IHL for three reasons. First, parliaments are directly responsible for authorizing treaty ratification/accession and adopting implementing legislation. Second, they are often well placed to address questions directly to the executive. Third, select parliamentary committees (dealing with a specific topic or having particular competence) are likely to be directly interested in the committee's expertise.

The national IHL committee in **Switzerland** supported the Swiss Red Cross in preparing and publishing a manual intended for Swiss parliamentarians: *Respecter le DIH: Manuel à l'attention des parlementaires*.

The national IHL committee in **Nepal** has also helped prepare, publish and publicize an IHL handbook for parliamentarians, which is now in its second edition.

The **Moroccan** and **Algerian** national IHL committees organize IHL training for parliamentarians.

The **Egyptian** and the **Moroccan** committees participate actively in the process to draft legislation on IHL-related subjects.

Below are some examples of how a national IHL committee could go about forging links with the legislative authorities:

- Regularly invite certain representatives of the legislative authorities (such as the chairpersons of parliamentary committees involved in the implementation of IHL) to attend committee meetings – especially working meetings on matters requiring action by parliament, the launch of the committee’s annual report (if one is produced – see [Annex 6: Model annual report](#)), when pertinent issues are on the parliamentary agenda or when proposals have been put forward by the committee.
- Request that the committee be heard on certain issues debated by parliament (for example, during discussions relating to the ratification of a treaty).
- Submit to parliamentarians the results of all activities that concern them (such as draft bills).

So, as well as informing the legislative authorities of its activities, the committee must also keep an eye on the parliamentary agenda. This task could be entrusted to one of its members or the committee could include in its membership a representative from the legislative branch who would liaise between the committee and the parliament.

- **Cooperating with the judiciary on the implementation of IHL**

The judicial sector plays a fundamental role in a State’s fulfilment of its obligation to respect and ensure respect for IHL. When confronted with IHL issues, judges, prosecutors and defence lawyers must apply and enforce IHL, thus contributing to its clarification and development. So, the national IHL committee and the judiciary have a common interest in organizing the exchange of information. The committee has everything to gain from being informed of relevant matters dealt with by the judicial authorities, while the latter can benefit greatly from the committee’s expertise in IHL, and from the events it organizes. For example, the committee could make representations regarding punishments in cases of misuse of the emblem or it could organize or support the organization of advanced training programmes in IHL for judges.

Participants in the Third Universal Meeting of National IHL Committees agreed that training judges and prosecutors is crucial in giving national authorities the confidence to apply sanctions. Judges should all receive proper training on new developments in IHL and international criminal law – new treaties or the revision of existing treaties, changes in customary rules and clarification provided by the case law of international tribunals or by the work of experts. The ICRC is currently creating a guide to IHL for the judiciary.

As noted above, members of the judiciary sit on IHL committees in several countries – for example, **Costa Rica** and **Madagascar**.

The **Bahraini**, **Algerian** and **Syrian** national IHL committees organize IHL training for judges.

In **Nepal**, the chair of the national IHL committee has engaged with members of the judiciary during sessions on IHL.

- **Engaging with other public agencies not represented on the national IHL committee**

National committees or other similar entities on IHL do not work in a vacuum. Engaging with other national stakeholders with mandates and activities linked to the national implementation of international law – including IHL, international human rights law, international criminal law, refugee law and other relevant international norms – is indispensable in order to grow the expertise and know-how of the different agencies, seek synergies, ensure appropriate division of responsibilities and avoid duplicating efforts and resources in the pursuit of similar humanitarian goals. It also enables the national IHL committee to be more inclusive in its work, more transparent within the public sphere and more conspicuous to not only the authorities but also other target groups within society that could help it place and maintain IHL on the national agenda. Stakeholders with which the national IHL committee should maintain relations include the national human rights institution, public or private entities working on specific areas or issues, such as those set up within the framework of the ban on anti-personnel landmines or the national authority established under the 1993 Chemical Weapons Convention, those seeking to promote and protect cultural heritage, such as the national UNESCO commission (or Blue Shield Society), or agencies responsible for dealing with migrants, refugees or internally displaced people.

4.3 WHAT IS THE RELATIONSHIP BETWEEN A NATIONAL IHL COMMITTEE AND A NATIONAL HUMAN RIGHTS INSTITUTION?

Both the national body dedicated to IHL and the national human rights institution strive to protect the lives and dignity of individuals. There are commonalities between them and issues of shared interest, which justify and may even necessitate mutual engagement. Consequently, some States have entrusted the national human rights institution with the promotion and protection of both human rights and IHL (see [Section 3 above, Establishment and Structure](#)).

Establishing interaction and cooperation between these two entities allows for better coordination of activities and clearer division of work. Such interaction and cooperation are particularly relevant and desirable when addressing issues linked to the implementation of certain international instruments that are of concern to or require action by both national entities (e.g. the Convention against Torture or specific international human rights instruments that contain IHL provisions or relate to reporting obligations under international law).

There are, however, some fundamental differences between IHL and international human rights law.¹⁵ There are also differences between who has obligations under IHL and human rights law, and how they can be monitored and complied with in practice. It is therefore important for stakeholders to understand that there are also, necessarily, distinctions in the traditional role and mandate, functions, composition and work procedures of national IHL committees and national human rights institutions.

¹⁵ While there are similarities between some of the rules of humanitarian law and human rights law, these two branches of public international law have developed separately, have different scopes of application, are contained in different treaties and are subject to different compliance mechanisms. In particular, human rights law – unlike international humanitarian law – applies during both armed conflict and peacetime, although many of its provisions can be derogated from during an armed conflict. For more information, visit: https://www.icrc.org/eng/assets/files/other/ihl_and_ihrl.pdf

It is important for government agencies to understand these distinctions well in order to be able to differentiate between the two bodies of law and, where an entity for the promotion and implementation of each exists, to assign matters correctly to one or the other.

The National Commission for the Implementation of IHL of **Guatemala** includes representatives of the country's Commission for Human Rights.

The National Committee for the Study and Implementation of IHL of **Peru** helped ensure IHL obligations were included in the National Plans on Human Rights, of which the national human rights institution is in charge.

5. WORKING PROCEDURES

The aim of the national IHL committee is to make sure that IHL as a whole, including recent developments in international criminal law and the adoption of new or updated instruments on the use of certain weapons, as well as developments in other areas, is implemented effectively at domestic level. Clear and appropriate working methods can greatly facilitate this task. The more effective its working methods, the more credible the committee's work and the more frequently its expertise and advice are likely to be sought.

Things to consider

- A national IHL committee should adopt clear and appropriate terms of operation.
- It should begin by identifying those areas where implementation is required, then determine the measures to be taken and the relevant authorities to be approached, establish a plan of action and set priorities.
- The committee should report to the government and other relevant authorities on its activities.
- The committee should make its activities known as widely as possible and seek recognition of its work.

5.1 WHAT WORKING METHODS CAN THESE ENTITIES USE TO OPERATE MORE EFFICIENTLY AND ACCOMPLISH THEIR MISSION?

- Defining working methods that are adapted to the context and will ensure the consistency and continuity of its work

Right from the start, the national IHL committee should adopt terms of reference (or internal operating procedures) to facilitate its work and how it functions. It should define a working method that is suited to its context, structure and defined role.

Vanuatu's national IHL committee's terms of reference were formally endorsed by the Council of Ministers in May 2018. These provide detail on the way in which the committee will promote ratification and implementation of and adherence to key IHL treaties. They also set out the committee's role as a focal point for the government's IHL activities and as an instrument for the dissemination of humanitarian law and principles. The terms of reference contain a general provision allowing the committee to carry out any other task relating to IHL assigned to it by the government, or to give an opinion on these issues and to do whatever else is necessary or expedient for the fulfilment of the committee's responsibilities.

The **Belarusian** committee's terms of reference were consulted by and instrumental in the creation of similar commissions in Kyrgyzstan and Turkmenistan.

In **Indonesia**, Pantap Humanitar was first established in 1980 via a decree issued by the minister for justice. Since then, the committee's mandate and terms of reference have been renewed every year with the relevant ministry, which acts as the committee's coordinator. The committee has three main tasks: (a) formulating government policies related to IHL, (b) conducting research and study on IHL implementation, and (c) formulating policies on the dissemination of IHL.

The work of the national IHL committee should be organized in such a way as to ensure consistency and continuity, and that IHL remains a relevant item on the agenda of its government. It should hold formal plenary meetings, involving all of its regular members, as often as deemed necessary, but at least once or twice a year. In addition, its members should meet at working level – or in the form of technical subcommittees, if these are provided for in the structure of the committee – as often as necessary.

- **Establishing which laws currently exist and identifying gaps and measures to be taken in order to become a party to and implement IHL treaties: compatibility study**

Often, a national IHL committee's first task is to assess its country's level of participation in IHL and related instruments, and the status of their implementation at the national level. This analysis, sometimes called a "compatibility study", may be conducted either by the committee itself or at its request. It makes it possible to identify shortcomings and set priorities with

regard to the measures to be adopted to address them. While the methodology used and format chosen may vary from one context to the other, such studies should contain, as a minimum:

- a description of the relationship in the State in question between domestic law and international law
- a description and an assessment of national mechanisms for the implementation of IHL
- a discussion of national implementation measures, such as any legislative steps already taken, responsibilities assigned or structures put in place.

The **Turkmenistan, Belarus, and Moldova** national IHL committees have all conducted compatibility studies of their domestic law and IHL.

The national IHL committee of **Sri Lanka** commissioned a consultant to undertake a compatibility study.

While there is currently no formal national IHL committee in **Rwanda**, a government task team has been established to examine the feasibility of setting up such a committee. In parallel, the Rwanda Law Reform Commission is currently working on an IHL compatibility study, which is due to be completed by the end of 2018.

The **Slovenian** national IHL committee is currently undertaking a compatibility study covering all IHL treaties and relevant legislation. In this endeavour, the committee is receiving peer support from the German committee.

If possible, the study should be open for public consultation, or even published, which would make it available to other national entities, governmental or otherwise. However, the authorities may prefer to keep the study confidential; indeed, in certain cases, this can ensure greater efficiency in the adoption of the measures recommended. The study can constitute the starting point for the committee's work and basis for the development of its plan of action. To maintain its relevance, the study should be updated regularly (see [Annex 3: Model compatibility study](#)).

- **Setting priorities and objectives: the plan of action**

The national IHL committee should identify areas where implementation measures are required, determine the measures to be taken and the authorities to be involved, and set its priorities, making sure they are relevant to the context and take the specific concerns, interests and agendas of the country's

government into account. The committee should hold its discussions in plenary sessions or, if necessary, delegate responsibility for certain issues or activities to individual members or create specific subcommittees or working groups (either permanent or ad-hoc).

The committee should draw up a plan of action in which it determines the subjects and activities on which it wishes to focus (see [Annex 4: Model plan of action](#)). Such plans may cover a one- or two-year period and must, for example, set priorities and strategic objectives to be achieved, define a general strategy for each objective and designate the member agency or individual responsible for the achievement of each objective. Progress in implementing the plan of action must be monitored, so that the committee can assess the plan's effectiveness and draw further motivation from it.

Papua New Guinea's national IHL committee has produced a draft plan of action to guide its State to become a party to and implement the Protocols additional to the Geneva Conventions.

The **Belarus, Georgia, Kyrgyzstan, Turkmenistan, UAE, Egypt, Morocco and Bangladesh** national IHL committees all have plans of action.

As suggested in the model plan annexed to this document, the committee's objectives may be divided into different categories – for example, as follows:

- analysis of the validity of reservations made by the State to treaties to which it is a party – potential action by the committee: encourage the State to ratify/accede to specific IHL and related treaties and to withdraw reservations that are no longer justified
- adoption of national implementation measures – potential action: encourage the authorities to adopt measures for the dissemination and teaching of IHL, legislative measures or administrative regulations for its implementation; influence policy decisions related to IHL
- monitoring and supporting new developments and initiatives in IHL on both the national and international levels – potential action: monitoring national and international developments and acting to ensure that national developments (e.g. at the legislative or policy level) are compatible with the State's obligations under IHL and that developments at global level (e.g. new laws on countering terrorism) are duly taken into consideration in national law and policy

- promoting knowledge of IHL – potential action: promote IHL dissemination and training to specific target groups and the general public
- committee operation – potential action: take measures within the committee itself to strengthen its own effectiveness.

Of course, committees are free to choose different classifications or other issues aimed at ensuring better implementation of IHL on the national level.

- **Adopting a thematic approach: worksheets**

To tackle the priorities defined in the plan of action effectively and efficiently, a thematic approach based on worksheets can be useful (see [Annex 5: Model worksheet](#)). These can be used by the committee to stipulate the activities it needs to undertake to remedy any implementation shortcomings and make appropriate proposals to the relevant authorities, as well as to set out a precise time frame for taking the measures identified.

- **Establishing subcommittees and/or working committees to improve effectiveness**

Creating individual “subcommittees” or technical working groups (either permanent or ad-hoc) to deal with specific activities or subject areas may facilitate the work and improve the effectiveness of a national IHL committee.

They should be chaired by the representative of the relevant ministry, i.e. the member of the committee most closely involved in pursuing the specific objective or subject matter. The division of responsibilities within the committee and its working groups must be clear – again, the worksheet approach would be helpful here (see [Annex 5: Model worksheet](#)).

- **Keeping a record of the work accomplished: annual reports**

Nicaragua’s National Commission for the Implementation of IHL has three subcommittees: one on the protection of cultural property, one on legislation and one on IHL training and dissemination.

Morocco’s national IHL committee has established two subcommittees, each with its own specific terms of reference: one is tasked with research and legislation, the other with dissemination and training.

Malaysia's national IHL committee has four subcommittees – on cultural property, weapons, implementation and dissemination.

Egypt's national IHL committee has technical subcommittees on the following subjects: legislation; education, research and training; media and dissemination; conferences and international cooperation.

The national IHL committee should produce periodic reports on its activities and achievements, preferably on an annual basis. Such reports are an effective means of informing the authorities concerned (including at the highest level) and the public at large of the work done by the committee and of publicizing its existence and services. Furthermore, a report can be a useful tool for evaluating the work done. Activity reports should contain, as a minimum, details of the progress made and results achieved with regard to the objectives defined in the plan of action, and of activities relating to cooperation with other national stakeholders and the national IHL committees of other countries.

The national IHL committee of **Mauritius** produces excellent annual reports, which are made public.

The **Belarus** Commission on International Humanitarian Law Implementation drafts an annual report for presentation to the Cabinet of Ministers the following year, after which it is made publicly available.

The **Belgian** Interministerial Commission reports annually to all the ministers who are represented on it and to all the country's legislative assemblies. Since 2016, these reports have been publicly available.

In **Nepal**, although the committee as an entity doesn't report, each ministry represented on it covers the work of the committee in their individual departmental reporting.

The committees in the **UAE** and **Morocco** report annually to their respective governments.

More generally, annual reports allow the committee to build up a record of its activities over the long term. This is important to ensure that information on the national IHL committee and its activities and/or partnerships is not lost when there is a change of government, or a rotation in the representatives on the committee.

By keeping and circulating meeting records – at least, of formal meetings – as well as building and maintaining archives a committee will have further useful means of disseminating information about its activities while at the same time building up its record as an institution. The secretariat is instrumental in this regard, as it will be responsible for taking and circulating minutes of meetings and drawing up activity reports.

- **Periodic evaluation of activities**

The committee should regularly evaluate its achievements and identify the obstacles it has encountered, so that it can then consider ways of overcoming those obstacles. By drawing on its own experience and, where appropriate, that of other committees, it will then be able to forge ahead and step up its action.

The national IHL committees in **Peru** and **Ecuador** drafted evaluation reports in 2016 and 2017, respectively.

To this end, the committee could, for example, include in its annual progress report a general evaluation of its work, as well as comments on the results of the most significant activities it undertook during the period under review.

Periodic reports can prove particularly useful in the event of a change of government, as they can be a way for the committee to inform the incoming government or newly appointed authorities of its role and achievements, and thus help ensure its mandate is renewed and its work can continue.

5.2 WHY IS IT IMPORTANT TO MAKE THE COMMITTEES' WORK VISIBLE AND HOW CAN THIS BE ACHIEVED?

- Ensure the committee's visibility by having an effective communication strategy

It would be regrettable if the work of national IHL committees were not recognized because of a lack of proper communication and visibility, so they should systematically seek to make their role and expertise known as widely as possible.

The UAE's national IHL committee and the Swiss Embassy in the UAE organized a photo exhibition entitled *War from the Victim's Perspective* at the Military Forces Club and Hotel in Abu Dhabi in May 2015. Alongside the exhibition, a seminar on IHL and how it links with relevant rules of Islamic law was also held, in order to illustrate the impact of war on victims and the importance of adhering to IHL rules and regulations, as well as disseminate knowledge about IHL among participants.

As well as drawing the attention of the authorities and government agencies to their role and work, and to IHL more generally, committees also need to "break out of the circle of insiders" and appeal to other target groups interested in IHL, too. Doing so is a condition for success and, sometimes, the committee's very survival. They can also enhance the visibility of IHL, its continued relevance in contemporary armed conflicts and the need to enhance respect for this body of law.

The communication strategy must be adapted to the context in which the committee works and use effective communication means and methods, including social networks and other digital tools, to publicize its role and activities. Things to consider when drafting a communication strategy include:

- designing a logo and headed notepaper
- issuing a periodic newsletter
- creating a website and using digital social networks
- producing a brochure on IHL and explaining how the committee works to promote it and encourage its implementation

- organizing annual conferences or seminars, alone or in partnership with other entities, and other public activities
 - participating in major national events relating to IHL
 - organizing a public launch of the committee's annual report and overview of the status of IHL implementation at the national level.
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- **Developing and maintaining a network of contacts**

Visibility is important if the committee is to be truly effective. Therefore, it is useful for a committee to have a strong network of individuals or entities that it can keep informed of its activities and achievements, so that they may, in turn, pass this information on to their own contacts. A communication working group could be set up within the committee to develop an appropriate strategy in this regard and keep a record of individuals and institutions interested in IHL.

The chairperson of the committee and its executive secretary also have a vital role to play in raising its profile, as they are particularly well placed to ensure that it is known and recognized by the political authorities and civil society.

6. INTERNATIONAL COOPERATION

It is important for a national IHL committee to establish and maintain regular contact with its counterparts in its geographical region and beyond, and at the international level, by contributing to the exchange of information on national implementation of IHL.

6.1 WHY IS COOPERATION BETWEEN NATIONAL IHL COMMITTEES RELEVANT AND HOW CAN IT BE STRENGTHENED?

Things to consider

- Establishing relations and cooperation with national IHL committees from different countries and exchanging information on respective activities and experiences contribute to strengthening respect for IHL in national systems.
- Engaging with international and regional organizations and other relevant bodies strengthens a national IHL committee's recognition and impact beyond the domestic level.

- **Strengthening direct links between committees from different countries and peer-to-peer cooperation**

A national IHL committee should seek contacts and cooperate with similar entities in other countries on a regular basis, since the problems and issues they face are often similar. It is a good idea to start the cooperation effort in the same region or subregion, with committees of countries with similar legal systems and traditions, by organizing joint activities and/or inviting experts from other entities to participate in the committee's work. This cooperation can be formal (based on agreements between committees) or informal, pursued via meetings.

We should all take inspiration from other committees, pinpointing what works well and adapting it to our own national context.

– Soualem Lazhar, director of human rights, social development and cultural, scientific and technical affairs at the Ministry of Foreign Affairs in Algeria and its representative on the country's national IHL committee

While localized cooperation is ideal, there have also been many innovative agreements, cooperation projects and exchanges of experiences between committees that are quite far apart, geographically, including between those in: **Germany** and **Peru**; **Switzerland** and **Jordan**; **Morocco** and **Jordan**; **Morocco** and **Peru**; **Morocco** and **Qatar**; **Belarus** and **Kyrgyzstan**; **Switzerland** and **Indonesia**; and **Egypt** and **Morocco**.

Bangladesh has also offered to host a regional peer-to-peer best-practice exchange for national IHL committees in southern and South-East Asia.

The national IHL committees of **Comoros**, **Madagascar**, **Mauritius** and the **Seychelles** have agreed to create a subregional IHL platform to engage in dialogue and exchange ideas on generating greater respect for IHL in accordance with obligations under the 1949 Geneva Conventions. This was one of the outcomes of the peer-to-peer meeting of Indian Ocean Island National IHL Committees, which took place in the Seychelles in November 2016.

In 2016, the Interministerial Technical Committee on Human Rights and Humanitarian Law in **Namibia**, with the support of the ICRC, invited representatives from the national IHL committees of **Botswana**, **Malawi** and **Zimbabwe** to exchange good practice, particularly in terms of sharing IHL information domestically.

Cooperation can be fostered in the following ways – by:

- designating one or several committee members to be in charge of direct relations with other committees (to keep costs to a minimum, ideally these members should be people who, as part of their normal function, regularly go abroad on official missions and so could take advantage of these to meet the committees in those countries visited)
 - arranging peer-to-peer exchanges between national IHL committees in the same region
 - arranging for a well-established national IHL committee to guide those wishing to form a committee in another State or advise already established but still relatively new committees
 - arranging for documents to be translated into other languages so that they may be shared with committees in other countries
 - publicly announcing events, conferences or other activities organized by the committee and inviting representatives of other committees to participate as speakers
 - asking other committees for opinions or advice on operating methods and practice, and on national implementation measures adopted or planned
 - where a State does not yet have a national IHL committee, participating in the meetings of other States' committees in order to enhance understanding of the crucial role played by such entities
 - holding “virtual” meetings (especially at regional level) to save costs on maintaining exchanges between committees.
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- **Maintaining relations with the ICRC Advisory Service on IHL**

Indonesia's Pantap Humanitar regularly seeks the input of the ICRC's legal adviser in the country and updates the ICRC delegation there on its activities.

Australia's national IHL committee invites the ICRC to provide updates on its activities and, in turn, briefs the ICRC on what it is doing.

The national IHL committees of **Syria, Jordan, Palestine, Egypt, Tunisia, Morocco, Algeria, Iraq, Qatar, the UAE, Saudi Arabia and Oman** regularly seek the advice of the ICRC's Advisory Service on IHL in Cairo and of the IHL focal points in the delegations in the countries where they are present.

As well as developing regular contacts with other institutions involved in or concerned with the implementation of humanitarian law, national IHL committees should liaise closely with the ICRC Advisory Service on IHL. By keeping the ICRC Advisory Service informed (through the relevant regional legal adviser) and, in particular, reporting to it any new developments concerning humanitarian law within their domestic systems, committees can receive adequate support and assistance from the service.

- **International IHL meetings**

A national IHL committee should organize and take part in regional and multinational meetings of entities similar to itself and seek the support of regional and international organizations to do so.

The ICRC co-organizes **regional IHL meetings** in the following regions and subregions: southern Africa, East Africa, West Africa, the Americas, East and South-East Asia, South Asia, Iran, central and south-eastern Europe, Central Asia and the Arab States. For the Commonwealth States, it co-organizes a regular IHL meeting for those States and their National Societies and, every four years, there is a meeting specifically for the national IHL committees.

- **Networks of national IHL committees at the regional level**

A **regional meeting of national IHL committees in the Americas** (San Jose, Costa Rica), focusing on the topic “Weapons under international humanitarian law” and commemorating the 40th anniversary of the Protocols additional to the Geneva Conventions, was held in May 2017. The meeting highlighted the effectiveness of the work of national IHL committees and, more generally, of processes in the region to implement IHL in relation to weapons issues.

The **Fourth Meeting of Representatives of National Committees on International Humanitarian Law of Commonwealth States**, held in Namibia in June 2017, examined, among other topics, “The role of national IHL committees in generating greater respect for IHL”.

The **First Universal Meeting of Representatives of National Committees on International Humanitarian Law at the National Level**, held in Geneva in March 2002, looked at the impact and role of national committees.

The **Second Universal Meeting of National Committees on International Humanitarian law**, held in Geneva in March 2007, discussed legal measures and mechanisms to prevent disappearances, establish the fate of missing persons and assist their families.

The theme of the **Third Universal Meeting of National Committees on International Humanitarian law**, held in Geneva in October 2010, was “Preventing and repressing international crimes: Towards an ‘integrated’ approach based on domestic practice”.

The **Fourth Universal Meeting of National Committees and Similar Bodies on IHL**, held in Geneva in November/December 2016, focused on enhancing protection in armed conflict through domestic law and policy.

The **Eleventh Meeting of Arab Government Experts on IHL** took place in Cairo on 19 and 20 September 2018.

National IHL committees can benefit greatly from international and regional cooperation and exchange among similar entities, particularly where regional networks or exchange programmes across regional meetings have been established.

For example, a representative from southern Africa sends one representative to the East Africa IHL regional meeting, and vice versa.

6.2 HOW ARE NATIONAL IHL COMMITTEES INVOLVED AT THE REGIONAL AND UNIVERSAL LEVELS?

The work of national IHL committees should be shared at the international level as part of the constant effort to refine the practice of implementing IHL. Cooperation and communication with intergovernmental organizations and other relevant entities help support global and regional initiatives to develop and strengthen IHL. For example, cooperation between national IHL committees and intergovernmental organizations has been helpful in:

- facilitating the development of legislative, administrative and practical solutions to the issues that arise when implementing IHL treaties

- contributing to a better understanding of the challenges in promoting respect for IHL
- feeding exchanges and discussions at the universal level based on activities generated at the domestic level (domestic reporting) and outcomes of regional meetings
- increasing the prominence of IHL in diplomatic forums.

Organization of American States (OAS)

The OAS, recognizing that its IHL-related efforts were complementary to those of national IHL committees, has continued to include the committees in its IHL-related deliberations. In addition, the OAS Permanent Council's Committee on Juridical and Political Affairs organizes, in coordination with the ICRC, biennial "Special Sessions" on the promotion of and respect for IHL, pursuant to mandates established by the General Assembly. In these formal meetings, OAS member States *inter alia* share country reports on actions taken to give effect to OAS General Assembly resolutions on IHL and other related resolutions.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

In 2014, the ICRC and the Intergovernmental Committee for the Protection of Cultural Property in the Event of Armed Conflict (of which UNESCO is the secretariat) sent a joint letter to all national IHL committees urging them to take action to encourage implementation of the 1954 Hague Convention and its Protocols.

International Conference of the Red Cross and Red Crescent

The 32nd International Conference, held in 2015, adopted several resolutions relating to IHL and served as a platform for reflecting on how to further strengthen respect for this body of law. Resolution 2, on strengthening compliance with IHL, recommends that States examine how to enhance the implementation of IHL using the potential of the International Conference and regional forums. National IHL committees have played an important role by encouraging and supporting the participation of their respective governments in this process, with a view to enhancing the global system of IHL implementation further. Indeed, some committees regularly discuss, during their meetings, the intergovernmental process to strengthen respect for IHL.

League of Arab States

In 2001, a commission on the implementation of IHL, comprising representatives of the Legal Division of the League of Arab States and the ICRC Advisory Service on IHL, was established, as recommended by the first Regional Meeting of Arab Government Experts on IHL, which took place in Cairo in May of the same year. This commission has since organized and prepared the agendas for ten regional meetings of experts on IHL from Arab governments. The aim of these meetings was to assess efforts undertaken in the Arab States towards implementation and dissemination of IHL. Before each meeting, a questionnaire was distributed to all the Arab national IHL committees to prepare for the drafting of a regional action plan. In addition, the commission has, since 2002, monitored the implementation and dissemination of IHL in Arab States and published status/progress reports for each State. Seven such reports had been published up to 2014.

ANNEXES

ANNEX 1: SUGGESTED READING

REPORTS AND CONFERENCE SERIES

- ICRC, *Enhancing Protection in Armed Conflict through Domestic Law and Policy: Conference Overview*, ICRC, Geneva, 2017: <https://www.icrc.org/en/document/enhancing-protection-armed-conflict-throughdomestic-law-and-policy-overview-report>
- ICRC, “Generating respect for the law”, including videos, Law and Policy Platform: <https://www.icrc.org/en/generating-respect-law>
- ICRC, *Preventing and Repressing International Crimes: Towards an “Integrated” Approach Based on Domestic Practice: Report of the Third Universal Meeting of National Committees for the Implementation of International Humanitarian Law*, ICRC, Geneva, 2014: <https://www.icrc.org/en/publication/4138-preventing-and-repressing-international-crimes-towards-integrated-approach-based>
- Mangezi, M., and Swart, S., “Back to basics: Enhancing African adherence to the rules of war”, Humanitarian Law and Policy blog, 4 October 2016: <http://blogs.icrc.org/law-and-policy/2016/10/04/africa-ihl-ratification-compliance/>

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ANNEX 2: NATIONAL IHL COMMITTEES VS NATIONAL HUMAN RIGHTS INSTITUTIONS

	NATIONAL IHL COMMITTEES OR SIMILAR ENTITIES	NATIONAL HUMAN RIGHTS INSTITUTIONS
Mandate	National IHL committees or similar entities act as an advisory body to governments on matters pertaining to international humanitarian law and its implementation at the national level. ¹⁶	National human rights institutions are vested with competence to promote and protect human rights, and aim to ensure the implementation of international human rights standards at the national level. They are bound by the principles relating to the status of national institutions, commonly known as the Paris Principles. ¹⁷
Functions	Core functions of national IHL committees include promoting the implementation of IHL at national level, taking part in efforts and strategies to spread knowledge of IHL, providing advice on the subject, ensuring coordination of related questions, promoting respect for the law and lobbying for the necessary legislation.	Core functions of national human rights institutions include protecting human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities. Another important aspect is the promotion of human rights through education, outreach, the media, publications, training and capacity building, as well as advising and assisting government.

16 See ICRC, “Guiding principles concerning the status and methods of operation of national bodies for the implementation of international humanitarian law”, ICRC, Geneva, 1998: https://www.icrc.org/eng/resources/documents/misc/guiding_principles_national_committees.htm

17 See United Nations, “Principles relating to the status of national institutions” (The Paris Principles): <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

	NATIONAL IHL COMMITTEES OR SIMILAR ENTITIES	NATIONAL HUMAN RIGHTS INSTITUTIONS
Composition	<p>The national IHL committee is composed of representatives of various ministries of the State, as well as actors from the legislative and judicial branches, civil society, academia and other experts. The involvement of National Red Cross and Red Crescent Societies in the committee membership is key.</p>	<p>The composition of a national human rights institutions and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure that affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers that will enable effective cooperation to be established with, or through the presence of, representatives of:</p> <ul style="list-style-type: none"> (a) non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, relevant social and professional organizations – of, for example, lawyers, doctors, journalists and eminent scientists; (b) philosophical or religious bodies; (c) universities and qualified experts; (d) parliament; (e) government departments (if these are included, their representatives should participate in deliberations in an advisory capacity only).
Set-up and structure	<p>Since the implementation of IHL is primarily the responsibility of governments, national entities set up to this end are linked to the executive branch. Their legal status and their formal configuration depend on the constitutional structure of and procedures applied by the State concerned.</p>	<p>Since they are State entities with a constitutional and/or legislative mandate to protect and promote human rights, they are part of the State apparatus and are funded by the State. However, they operate and function independently from government. National human rights institutions have an autonomous and independent status not only formally but also financially and administratively.</p>

ANNEX 3: MODEL COMPATIBILITY STUDY

STUDY OF THE COMPATIBILITY OF THE DOMESTIC LAW OF [STATE] WITH THE OBLIGATIONS STEMMING FROM INTERNATIONAL HUMANITARIAN LAW

1) Introduction

[Objectives, utilization, distribution]

2) National mechanisms for implementation of international humanitarian law

[Description and assessment of such mechanisms]

3) Domestic law and public international law

[Description of the relationship between international law and domestic law in the State in question]

4) Assessment of national measures for implementation of international humanitarian law

a) Participation in treaties

b) Translation of treaties into national language

c) Dissemination and instruction

d) Legislative measures and regulations

- Protection of red cross and red crescent names and emblems, and of other distinctive signs
- Repression of war crimes
- Judicial guarantees
- Protection of children
- Identification (medical and religious activities, armed forces, press, installations and works containing dangerous forces, cultural property and places of worship)
- Structures providing protection and assistance (National Red Cross or Red Crescent Society, civil defence, national information bureau, protected zones and localities, graves registration service)
- Environment
- Military planning (separation of military objectives and civilian objects, determination of the lawfulness of new weapons)

5) Conclusions and recommendations

[Summary of conclusions of sections II and IV, and recommendations relating to measures to be taken]

ANNEX

[List of laws and other legal instruments cited]

NB This is a simplified version of a more detailed model available from the ICRC Advisory Service.

ANNEX 4: MODEL PLAN OF ACTION

PLAN OF ACTION FOR [PERIOD] OF THE [NAME] COMMITTEE, ADOPTED ON [DATE]

DISTRIBUTION LIST

1) Objectives, strategies and responsibilities

a) Participation in treaties and examination of validity of reservations

Example

Objective: promoting ratification of the Anti-Personnel Mine Ban Convention.

Strategy: present arguments to the Ministry of Defence.

Responsibility for pursuing the objective: Ministry of Defence representative on the committee.

b) Adoption of national implementation measures

Example

Objective: implementation of the Statute of the International Criminal Court.

Strategy: prepare a draft bill for submission to parliament.

Responsibility for pursuing the objective: committee working group in charge of the repression of war crimes.

c) Monitoring of new developments in international humanitarian law on the national and international levels

Example

Objective: monitoring the proceedings of an international conference on international humanitarian law and ensuring that they are subsequently taken into account by the authorities.

Strategy: advise the authorities during preparations for the conference and take part in it as an expert or a member of the delegation of the State in question.

Responsibility for pursuing the objective: Ministry of Foreign Affairs representative on the committee.

d) Internal operation of the committee

Example

Objective: amendment of the committee's charter.

Strategy: adopt a new draft and submit it to the authority to which the committee is attached.

Responsibility for pursuing the objective: committee, in plenary session.

2) Events and contacts

a) Participation in/organization of conferences, seminars and study sessions

[Subjects, dates, places]

b) Contacts with other committees

[Countries of committees in question, issues to be discussed, dates, places]

3) Budget

a) Amount required

[Allocation]

b) Funds available and to be sought

[Allocation, source and strategy for securing possible budget increase]

4) Schedule

[Dates of plenary meetings and known deadlines]

ANNEX 5: MODEL WORKSHEET

[INSERT SUBJECT]: WORKSHEET NO. ...

(UPDATED ON DAY/MONTH/YEAR)

1) Provision(s) to be implemented

- a) International legal basis
 - Name(s) of treaty(ies) concerned
 - Number and content of article(s) concerned
- b) National legal basis
Name(s) of law(s) incorporating the treaty(ies) mentioned above

2) Status of the issue

- a) Existing measures
[Description]
- b) Action already taken and results achieved (chronological order)
 - Authority(ies) taking action (executive and legislative authorities, committee, one of its working groups or members)
 - Action taken and result(s) achieved
- c) Analysis of necessary implementation measures
 - Shortcomings
 - Measure(s) to be taken to remedy those shortcomings

3) Proposal of practical measures and submission to the authority responsible for the matter

Example: “The committee proposes that the report of the working group, together with a draft bill to amend the criminal code, be submitted to the minister for justice, with a request that the minister recommend action on the committee’s proposal.”

4) Follow-up

- a) Date of submission to the relevant authority, period allowed for reply and contacts with the authority concerned
- b) Issue of a reminder by the committee within the time frame established
- c) Reply from the authority

5) Budgetary implications

a) Measure(s)

- Ministry(ies) or authority(ies) responsible for the matter [where appropriate, indicate the working group or subcommittee in charge and the name, position, address, telephone and fax numbers, and e-mail address of its chairperson]
- Financial implications [amount and source]

b) Measure(s)

ANNEXES

[Documents relating to the issue in question, such as reports of the working group or subcommittee in charge of the matter, the text of the law or regulation to be amended with indication of source, the text of the draft law, regulation or administrative measure prepared by the committee]

ANNEX 6: MODEL ANNUAL REPORT

ANNUAL REPORT FOR [YEAR] OF THE [NAME] COMMITTEE

1) Introduction

[Distribution, reminder of the committee's mandate and composition]

2) Organization and structure

a) Plenary meeting(s) of the committee

- Date(s)
- Matter(s) dealt with

b) Opinions, recommendations and reports adopted by the committee

c) Date(s) of adoption and issue(s) addressed

d) Working groups

- Number and subjects dealt with
- Chairpersonship and composition
- Report(s) adopted

3) Specific activities and results

a) Promotion of participation in treaties and analysis of the validity of reservations

- Activities undertaken (especially those provided for in the plan of action)

[Dates, role played by the committee, etc.]

- Result(s) achieved

b) Adoption of national implementation measures

- Activities undertaken (especially those provided for in the plan of action)

[Dates, role played by the committee, etc.]

- Result(s) achieved

c) Monitoring of new developments in international humanitarian law on the domestic and international levels

- Activities undertaken (especially those provided for in the plan of action)

[Dates, role played by the committee, etc.]

- Result(s) achieved

d) Cooperation

- Activities undertaken (especially those provided for in the plan of action) [Dates, role played by the committee in taking part in or organizing conferences, seminars, study sessions; contacts with other committees or entities in charge of implementation of international humanitarian law]
- Result(s) achieved

4) Evaluation

- a)** General work of the committee
- b)** Comments on specific activities or results

ANNEXES

Annex I Reports on meetings

Annex II Reports of working groups

Annex III Texts of opinions and recommendations, and of any draft law or document prepared by the committee during the year

ANNEX 7: MODEL TERMS OF REFERENCE

TERMS OF REFERENCE OF THE [NAME] COMMITTEE

- **Creation and mandate**

The XX National Committee for the Implementation of International Humanitarian Law (“the committee”) was established in XX by (decree, decision, etc.) with the purpose of disseminating, promoting and implementing IHL at the national level, as well as advising, on request, member entities on any question or issue related to IHL domestically or globally.

- **Status and structure**

- a) The committee shall have the status of a permanent Standing Committee under the ministry of XX.
- b) The committee shall be chaired by the ministry of XX; the ministry of XX shall serve as vice-chair and the secretariat shall be provided by the ministry of XX.

- **Composition**

- a) The committee shall consist of the following:
 - representative(s) of the ministry of defence/defence forces
 - representative(s) of the ministry of foreign affairs
 - representative(s) of the ministry of justice
 - representative(s) of the ministry of home affairs/police services
 - representative(s) of the National Assembly
 - representative(s) of the judiciary (individual capacity)
 - representative(s) of the National Red Cross or Red Crescent Society
 - representative(s) of academia
 - representative(s) of civil society
 - representative(s) of the media
- b) The committee shall have the power to amend its composition to include additional government representatives, as relevant, and/or other entities whose activities are connected with international humanitarian law.
- c) The committee shall have the power to co-opt citizens who have demonstrated knowledge, expertise and understanding in such fields as international law, humanitarian action, communication, social welfare, etc.




- d) A representative of the International Committee of the Red Cross may be co-opted on an ad-hoc basis to provide IHL perspectives to the national IHL committee or participate as an observer.
- **Functions**
 - The committee shall:**
 - a) promote the ratification of and adherence to IHL instruments
 - b) advise and assist government in implementing IHL instruments
 - c) advise government on any amendment to existing legislation with a view to ensuring compliance with IHL instruments
 - d) advise the national authorities on issues relating to the implementation of IHL and formulate recommendations and proposals in this regard
 - e) monitor implementation of such recommendations and proposals
 - f) ensure cooperation and coordination among stakeholders with regard to implementation of the State's obligations under the various IHL instruments to which it is a party
 - g) maintain relations and exchange information on their activities and experiences with similar entities in other countries (peer-to-peer and regional meetings)
 - h) support global and regional initiatives aimed at developing and strengthening IHL (e.g. follow up resolutions adopted during the International Conference of the Red Cross and Red Crescent)
 - i) exercise any other functions that are necessary to fulfil the mandate of the committee.
- **Procedure**
 - a) The committee shall meet XX times a year.
 - b) The secretariat, in consultation with the chairperson, may convene an extraordinary meeting of the committee to consider a matter that requires its urgent consideration.
 - c) The committee shall be entitled to establish subcommittees to consider specific issues coming within the purview of their mandate, and their number and responsibilities will be determined by an internal regulation.
 - d) The committee shall prepare and submit annual reports to the National Assembly and the heads of departments and agencies represented on the committee by XX.
 - e) The committee shall establish an internal regulation to define its working methods.

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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