

[Source: Advisory Services on International Humanitarian Law, available at <http://www.icrc.org>]

About the ICRC Advisory Service on IHL

As a specialized structure of the ICRC, the Advisory Service assists States to implement IHL at the national level. With a global network of legal advisers, the Service provides guidance to national authorities on specific domestic implementation measures needed to meet their IHL obligations, and it supports the work of national IHL bodies established to facilitate IHL implementation domestically. Moreover, the Service supports the exchange of information on national measures of implementation. Besides providing legal advice and technical support, the Service helps in capacity building, upon specific request of national authorities and other concerned actors.

The ICRC's Advisory Service works closely with national governments, taking into account their specific needs, political systems, and legal traditions – with a view to all States adopting IHL treaties and other relevant instruments and putting in place comprehensive national legislation.

To provide governments with both legal advice and technical assistance regarding IHL implementation, the Advisory Service works through a global network of legal advisers possessing appropriate skills and experience. The Service, maintains bilateral contacts with national authorities, organizes thematic expert workshops, and it sponsors regional and international peer meetings for relevant State authorities. Its legal advisers work closely with National Red Cross and Red Crescent Societies, academic institutions and other relevant groups and individuals.

The exchange of information on IHL laws, case law, and other adopted measures is facilitated through a growing number of ICRC specialized tools, including the ICRC Database on National Implementation of IHL. This database contains a collection of laws and case law dealing with IHL norms.

To foster understanding of IHL and to further the ICRC's work on IHL implementation, the Advisory Service cooperates with relevant international and regional organizations such as UNESCO, the Commonwealth Secretariat, the Council of Europe, the Organization of American States, and the International Criminal Court.

Why promote international humanitarian law?

Currently, dozens of conflicts are raging throughout the world. Each day brings news of yet another atrocity

perpetrated in the name of war: massacres, tortures, summary executions, rape, deportation of civilians, children taking a direct part in hostilities... the list is endless.

Some may argue that these are just some of war's necessary evils. They are not. They are illegal. They are outright violations of a universally recognized body of law known as international humanitarian law (IHL).

As part of its humanitarian mission to protect the lives and dignity of victims of armed conflict, the International Committee of the Red Cross (ICRC) strives to promote respect for the rules of IHL. Universal ratification of IHL instruments and effective implementation of the obligations they contain are promoted to ensure maximum protection for the victims of armed conflict.

How can IHL be implemented by States?

Adherence to IHL treaties is just the first step. The following measures must be taken before States can comply with their obligations arising from the Geneva Conventions of 1949, their Additional Protocols of 1977, the 1954 Convention for the Protection of Cultural Property and its two Protocols, other treaties relating to the prohibition and use of certain weapons, as well as the Rome Statute of the International Criminal Court:

- translation of IHL treaties into national languages
- adoption of criminal legislation punishing war crimes and other violations of IHL
- adoption of measures to prevent and punish misuse of the red cross and red crescent emblems and other signals and emblems recognized by the treaties
- definition and guarantee of the status of protected persons
- protection of fundamental and procedural guarantees in the event of armed conflict
- establishment and/or regulation of National Societies, organization of civil defence and National Information Bureaux
- dissemination of IHL
- appointment of legal advisers for armed forces
- identification and marking of protected people, places and property
- observance of IHL in the location of military sites, and in the development and adoption of weapons and military tactics

How can the ICRC help?

The ICRC set up its Advisory Service in 1996 to step up its support to States committed to implementing IHL.

Aims:

- encourage all States to ratify IHL treaties
- encourage States to fulfil their obligations under these treaties at the national level

Structure:

- a unit attached to the ICRC's Legal Division in Geneva, i.e. one supervisor plus six legal advisers, specialized in the universalization of IHL treaties; national IHL committees; national laws implementing IHL; military manuals and doctrine; criminal repression of IHL violations; mobilization of academia to support IHL dissemination and implementation; IHL & religions, traditions and cultures, including Islamic law, and the Advisory Service's database, among other topics.
- a network of regional and national legal advisers spanning some 80 countries

What can the Advisory Service offer?

The Advisory Service works closely with governments, taking into account their specific needs and their respective political and legal systems. It also works with the following:

- National Red Cross and Red Crescent Societies
- academic institutions
- international and regional organizations

Specifically, the Advisory Service:

Organizes meetings of experts

Arranges national and regional seminars on the implementation of IHL and meetings of experts on selected topics; takes part in international fora

Offers legal and technical assistance in incorporating IHL into national law

Translates IHL treaties; carries out studies on the compatibility of national law with the obligations arising from these treaties; provides legal advice

Encourages States to set up national IHL committees and assists them in their work

Supports the work of advisory bodies to governments with respect to implementing, developing and disseminating IHL

Promotes the exchange of information

Manages a collection of texts on legislation, case law, national studies and manual for the armed forces; a database on the implementation of IHL accessible on the ICRC's website (<http://www.icrc.org>)

Publishes specialist documents

Produces factsheets on the main IHL treaties and topics relating to implementation; kits for ratifying treaties; guidelines and checklists on implementation measures; regular reports on national implementation worldwide; reports on seminars and meetings of experts

