A "Protecting Power" is a neutral State [1] or other State not a Party to the conflict which has been designated by a Party to the conflict and accepted by the enemy Party and has agreed to carry out the functions assigned to a Protecting Power under international humanitarian law.

In the absence of an agreement on a Protecting Power, the International Committee of the Red Cross or any other impartial humanitarian organization [2] should be designated as a substitute.

In practice, the Protecting Powers system has not been used in recent years. Instead, the International Committee of the Red Cross has come to be recognized as a substitute for the Protecting Power.

OUTLINE

Chapter 13, IV. 1. The Protecting Power [3]

LEGAL SOURCE

concept
PI, 2c [4]  

appointment  

PI, 5/1-2 [5]  

possible substitute  

GCI, 10 [6] (see ICRC updated Commentary [7])  

GCII, 10 [8] (see ICRC updated Commentary [9])  

GCIll, 10 [10]  

GCVI IV, 11 [11]  

tasks  

GC III, 126(1) [12]  

GC IV, 76 [13] and 143 [14]  

GC III, 71(1) [15] and 72(3) [16]  

GC III, 65(2) [17] and 73(3) [18]  

GC IV, 23(3) [19], 55(4) [20], 59(4) [21] and 61 [22]
P I, 11(6) [23] and 70(3) [24]

P I, 78 [25]

GC III, 78(2) [26]

GC IV, 30 [27], 52 [28] and 102 [29]

GC III, 105(2) [30]

GC IV, 42 [31], 71 [32], 72 [33], 74 [34]

P I, Art. 45 [35]

GC IV, 39 [36] and 98 [37]

GC I, 16 [38] and 48 [39] (see ICRC updated Commentary [40])

GC II, 19 [41] and 49 [42] (see ICRC updated Commentary [43])

GC III, 23(3) [44], 62(1) [45], 63(3) [46], 66(1) [47], 68(1) [48], 69 [49], 75(1) [50], 77(1) [51], 120(1) [52], 122(3) [53] and 128 [54]

GC IV, 83 [55] and 137 [56]

P I, Arts 33 [57], 45 [35] and 60 [58]
GC III, Arts 56(3) [59], 60(4) [60], 79(4) [61], 81(6) [62], 96(5) [63], 100(1) [64], 101 [65], 104(1) [66] and 107(1) [67]

GC IV, Arts 35 [68], 42 [31], 49(4) [69], 71 [32], 72 [33], 74 [34], 75 [70], 96 [71], 98 [37], 105 [72], 108 [73], 111 [74], 123(5) [75], 129 [76] and 145 [77]

GC I-III, common Art. 11 [78] (see ICRC updated Commentary [79])

GC IV, Art. 12 [80]

GC I, Art. 23 [81] (see ICRC updated Commentary [82])

GC IV, Art. 14 [83]

**DOCUMENT**

Switzerland Acting as Protecting Power in World War II [84]

United Kingdom/Germany, Sinking of the Tübingen in the Adriatic [85]

British Policy Towards German Shipwrecked [86]

**CASES**

United States Military Tribunal at Nuremberg, The Ministries Case [87]
ICRC, Iran/Iraq Memoranda [88]

Malaysia, Osman v. Prosecutor [89]

South Africa, S. v. Petane [90]

BIBLIOGRAPHIC RESOURCES


Further readings:


Source URL: https://casebook.icrc.org/glossary/protecting-powers

Links
[3] https://casebook.icrc.org/law/implementation-mechanisms#iv_1
[12] https://ihl-