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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

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LEGAL SOURCE

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DOCUMENT

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British Policy Towards German Shipwrecked ^[86]

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BIBLIOGRAPHIC RESOURCES

COULIBALY Hamidou, “Le rôle des Puissances protectrices au regard du droit diplomatique, du droit de Genève et du droit de La Haye”, in KALSHOVEN Frits & SANDOZ Yves (eds), *Implementation of International Humanitarian Law*, Dordrecht, M. Nijhoff, 1989, pp. 69-78.

DOMINICÉ Christian & PATRNOGIC Jovica, “Les Protocoles additionnels aux Conventions de Genève et le système des puissances protectrices”, in *Annales de Droit International Médical*, No. 28, 1979, pp. 24-50.

JANNER Antonino, *La Puissance protectrice en droit international, d'après les expériences faites par la Suisse pendant la Seconde Guerre Mondiale*, Basel, Helbing und Lichtenhahn, 1948, 2nd ed., 1972, 79 pp.

LEVIE Howard S., “Prisoners of War and the Protecting Power”, in *AJIL*, Vol. 55, 1961, pp. 374-397

WYLIE Neville, “Protecting Powers in a Changing World”, in *Politorbis, revue de politique étrangère*, No. 40, 2006, pp. 6-14

Further readings:

FRANKLIN William McHenry, *Protection of Foreign Interests: A Study in Diplomatic and Consular Practice*, Washington, United States Government Printing Office, Department of State Publication No. 2693, 1946, 328 pp.

KUSSBACH Erich, “Le Protocole Additionnel I et les États neutres”, in *IRRC*, No. 725, September 1980, pp. 82-95.

WYLIE Neville, “Protecting Powers in a Changing World”, in *Politorbis, revue de politique étrangère*, No. 40, 2006, pp. 6-14.

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[10]

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[11]

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[16]

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[19]

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[20]

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[21]

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[22]

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[23]

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[24]

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[25]

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[26]

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[27]

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[28]

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[29]

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[30]

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[31]

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[33]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=3C891729F943ABE6C12563CD0>

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[35]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=DD198B7E9C5EE792C12563CD0>

[36]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=381B4142910B69A8C12563CD0>

[37]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=08FBE908A77095A1C12563CD0>

[38]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=799151C4C9C07C6EC12563CD0>

[39]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=02FAC9D8D85DF789C12563CD0>

[40] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=3C522B552C02FD91C1257F150)

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[41]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=C49C775CB64507B9C12563CD0>

[42]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=525C7B1B37D8D510C12563CD0>

[43] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=9474A0FBD49EDD3DC1258115)

[databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=9474A0FBD49EDD3DC1258115](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=9474A0FBD49EDD3DC1258115)

[44]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=9DF27C33D9C0CD43C12563CD0>

[45]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=74214325D0325FE0C12563CD0>

[46]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=237F01643F9B614AC12563CD0>

[47]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8D224C45409225D4C12563CD0>

[48]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=BD17CC8CA98A7E36C12563CD0>

[49]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=993D344EAEED3E3BC12563CD0>

[50]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=E4C09F44E2C4B837C12563CD0>

[51]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=4859A3E957844B55C12563CD0>

[52]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=40E27CDD24CF64F3C12563CD0>

[53]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=D5DB08032EF1E670C12563CD0>

[54]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=0B690FCC53ACA47EC12563CD0>

[55]

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[56]

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[57]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=B9AC1957F13CFC98C12563CD0>

[58]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=1DA6804D318A5157C12563CD0>

[59]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=9EFB0AC0B21AF357C12563CD0>

[60]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=20A27E4768ED47CBC12563CD0>

[61]

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[62]

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[63]

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[64]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=DC4FD1618DF61FECC12563CD0>

[65]

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[66]

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[67]

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[71]

<https://www.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=869EFB6CB4CCBFF5C12563CD00>

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[73]

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[74]

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[75]

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[76]

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[77]

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[80]

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[81]

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[82] [https://ihl-](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=064AD4047D38D443C1257F7A00)

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[83]

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