

**Contribution of Belgium to the report required under paragraph 11
of United Nations General Assembly resolution 61/30 of 4 December 2006**

Executive summary

This contribution combines and updates the two earlier contributions addressed by Belgium to the Secretary-General in 2002 and 2006 with regard to the implementation of international humanitarian law (IHL) standards in Belgium.

The contribution summarizes:

- The operation and overall activity of the Belgian Interministerial Commission for Humanitarian Law (ICHL);
- The national IHL implementation measures which have been carried out or are under way in such areas as, for instance, repression of grave breaches, qualified personnel, protection of distinctive signs, protection of cultural property, rights of the child and dissemination of humanitarian law. The subjects of conventional weapons, development cooperation and humanitarian assistance, and relations with the International Fact-Finding Commission and the international criminal courts are also addressed
- Other ICHL activities and accomplishments, such as study days, preparation of a web site and advisory role on legislative issues.

Notable accomplishments having occurred since 2002 include the establishment in 2002 - on a pilot model basis - of the military section of a future "National inquiry office"; the preparation of the 2006 legal provisions regarding cooperation with the Special Court for Sierra Leone and with the Extraordinary Chambers in the courts of Cambodia; and the organization, with the International Committee of the Red Cross (ICRC), in 2006, of a European meeting of experts on the issue of persons missing subsequent to an armed conflict.

In addressing this contribution to the Secretary-General, Belgium wishes to also stress and demonstrate its active support for:

- Development, especially in the area of restricting or prohibiting the use of conventional weapons which may be excessively injurious or have indiscriminate effects; and respect for IHL;
- ICRC and its activities supporting victims of armed conflict;
- National and international mechanisms for the repression of breaches of IHL.

I. General points

The Additional Protocols to the Geneva Conventions of 12 August 1949, adopted at Geneva on 18 June 1977, were approved by Belgium through an act dated 16 April 1986. The Belgian instruments of ratification were deposited with the Swiss Federal Council at Bern on 20 May 1986. The Additional Protocols entered into force in Belgium on 20 November 1986.

Comment [J1]: www.unhcr.ch/html/menu3/b/94.htm

Comment [J2]: untreaty.un.org/unts/120001_144071/24/7/00020115.pdf

Comment [J3]: www.britannica.com/EBchecked/topic/1080592/Federal-Council

The Geneva Conventions of 1949 had been approved through an act of 3 September 1952.

The above international instruments have been published in the Belgian State Gazette (*Moniteur belge*) in French and Dutch, both versions having official status in Belgium.

Comment [J4]: circa.europa.eu/irc/opoce/ojf/info/data/prod/html/gaz1be.htm

At that time of ratification of the Additional Protocols on 20 May 1986, Belgium made interpretative declarations in respect of Additional Protocol I, regarding in particular a reservation pertaining to nuclear issues; the status of the Gendarmerie (1) in view of article 43 of the Protocol; and the clarification of certain concepts and expressions used in the Protocol (2).

Comment [J5]: <http://www.cicr.org/ihtml.nsf/NORM/EA2560B9B790488EC1256402003FB2BC?OpenDocument>

On 20 February 1987, shortly after the entry into force of the Additional Protocols, the Belgian Government established an Interdepartmental Commission for Humanitarian Law (ICHL) entrusted with identifying and reviewing national measures for the implementation of international humanitarian law (IHL), proposing such measures to the competent authorities and monitoring and coordinating the measures taken.

Comment [J6]: "Notice succincte relative à la CIDH" (<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

A decision of the Council of Ministers of 23 December 1994 enlarged the mandate of ICHL, providing it with the status of a permanent advisory body of the Federal Government on IHL implementation and development.

Comment [J7]: www.icrc.org/Eng/ihl

Comment [J8]: IATE

In 2000, ICHL received further official and public confirmation through a royal decree of 6 December 2000 reorganizing the ICHL, changing its name to "Interministerial Commission for Humanitarian Law" and reaffirming its mandate as revised in 1994.

Comment [J9]: "Notice succincte relative à la CIDH" (<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

ICHL operates under the supervision of the Minister of Foreign Affairs, who appoints its chairman.

Comment [J10]: www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/5BVCSE?OpenDocument&View=defaultBody&style=cu sto_print

ICHL consists of representatives of the Prime Minister, the Ministers of Foreign Affairs, Justice, Defence, the Interior and Public Health and the Secretary of State for Development Cooperation.

Comment [J11]: "Notice succincte relative à la CIDH" (<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

Moreover, ICHL comprises representatives of the federated entities of the Belgian State, namely the Communities (French Community, Flemish Community and German-speaking Community) and the Regions (Flemish Region, Walloon Region and Brussels

Comment [J12]: <http://www.diplomatie.be/en/belgium/belgiumdetail.asp?TEXTID=1586>

Capital Region), and representatives of the Belgian Red Cross. Experts assist ICHL in its work.

Comment [J13]: "Notice succincte relative à la CIDH"
(<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

On 14 September 2001, ICHL adopted its "Internal Regulations" and "Working Methods", which were approved by the Minister of Foreign Affairs on 6 November 2001.

Comment [J14]: "Notice succincte relative à la CIDH"
(<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

"Working Methods" adopted by ICHL on 14 March 2006 for the annual updating of its working papers were approved and published in 2005.

Comment [J15]: "Notice succincte relative à la CIDH"
(<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

Every year, ICHL addresses a report on its activities to the Ministers represented in ICHL.

Comment [J16]: Based on IATE.

Since 1987, ICHL has accomplished considerable work, including an analytical survey, a progress report and decision proposals in 44 areas requiring national measures for IHL implementation.

ICHL must be credited with taking a number of priority measures, such as the recruitment and training of qualified personnel (article 6 of Additional Protocol I); the act on the repression of grave breaches of IHL (article 85 of the same protocol); the creation of the job, and the training, of legal advisers on the law of armed conflict within the Armed Forces (article 82 of the protocol); and the recognition of the competence of the International Fact-Finding Commission (IFFC) (article 90 of the protocol).

Comment [J17]: <http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/f6c8b9fee14a77fdc125641e0052b079>

Comment [J18]: "Notice succincte relative à la CIDH"
(<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

Since its reorganisation in December 2000, ICHL holds four ordinary plenary meetings every year. Basically, it functions through its work groups. There are currently six such groups, focused on the following areas: "Communication", "Legislation", "Dissemination of humanitarian law", "Protection of cultural property", "International conferences of the Red Cross" and "National inquiry office". The workgroups analyze issues related to IHL implementation and formulate proposals which are subsequently submitted to the plenary for consideration, discussion, final approval and transmission to the competent authorities.

Comment [J19]: <http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/f6c8b9fee14a77fdc125641e0052b079>

Comment [J20]: www.ifrc.org/docs/pubs/events/intconf07/28followup-part5-en.pdf

Comment [J21]: <http://www.icrc.org/ihl.nsf/COM/380-600157?OpenDocument>

ICHL work documents related to national implementation measures are collected in a compendium, first published in 1997 on the occasion of the 10th anniversary of ICHL. A new, revised and updated edition of the compendium was published and disseminated in 2005 (3).

The Belgian ICHL, one of the first implementation commissions, is frequently cited as a commendable example by the International Committee of the Red Cross (ICRC) and has served as a model for the establishment of similar bodies in other countries.

In 2002, pursuant to United Nations General Assembly resolution A/RES/55/148 (paragraph 11) of 12 December 2002, ICHL drew up, for Belgium, a report on the state of implementation of the Additional Protocols. A summary of Belgium's contribution was published in the relevant United Nations report (A/57/164/Add.1 of 17 September 2002). An ICHL report on the same subject was drawn up pursuant to resolution A/RES/59/36

Comment [J22]: Code verified.

Comment [J23]: <http://www.un.org/la/w/cod/sixth/57/docs.htm>

(paragraph 11) of 2 December 2004 and transmitted to the competent United Nations units in October 2006 but was not included in the relevant United Nations report (A/61/222 of 4 August 2006 and A/61/222/Add.1 of 5 October 2006).

Comment [J24]: Code verified.

Comment [J25]: Code verified.

II. National implementation measures

Belgium has taken national implementation measures in various fields governed by the IHL instruments, and in particular by the 1977 Additional Protocols to the Geneva Conventions of 1949, including the following areas:

1. Repression of grave breaches

As a priority measure, Belgium adopted the act of 16 June 1993 on the repression of grave breaches of IHL, covering violations committed during both international and non-international armed conflicts. In 1999, that act was amended to include genocide and crimes against humanity. After two further amendments in 2003, the 1993 act was replaced by the act of 5 August 2003 on grave breaches of IHL, which since then governs the area concerned through provisions incorporated into the criminal code and the preliminary part of the criminal procedure code. As a result, grave breaches of IHL are no longer covered by a single act.

Through its work group on "Legislation", ICHL has drawn up draft amendments to the provisions of the preliminary part of the criminal procedure code, reflecting the judgments rendered, on preliminary issues, by the Court of Arbitration court regarding the above act of 5 August 2003. Those proposals were submitted to, and approved by, the Government. A bill was then submitted to the Parliament and became the act of 22 May 2006 amending certain provisions of the act of 17 April 1878 containing the preliminary part of the criminal procedure code, and a provision of the act of 5 August 2003 on grave breaches of IHL.

Comment [J26]: F.H.S. Bridge, "The Council of Europe French-English Legal Dictionary".

2. Qualified personnel

ICHL has addressed the recruitment and training of qualified personnel according to article 6 of Additional Protocol I. A list of "qualified persons" was compiled and communicated to ICRC, and reviewed in 2005.

3. Additional Protocol III relating to the adoption of an additional distinctive emblem - Protection of the emblem of the Red Cross

The act of 4 July 1956 concerns the protection of Red Cross denominations, signs and emblems. ICHL is expected to consider the need for amending that act in view of Additional Protocol III relating to the adoption of an additional distinctive emblem, which later, as an outcome the 29th International Conference of the Red Cross and Red Crescent of June 2006, was defined as "red crystal". That protocol was adopted at Geneva on 8 December 2005 and signed by Belgium on the same day. The process of its ratification by Belgium has been launched.

Comment [J27]: www2.redcross.org/pressrelease/0,1077,0_314_5441,00.html

4. Armed Forces

Shortly after the entry into force of the 1977 Additional Protocols in Belgium, the Defence Department established a structure of advisers on the of law armed conflict (article 82 of Additional Protocol I), consisting of active and reserve officers. In that connection, reference is made to the General Order No. J/797 B of 8 February 1996, later replaced by the ACOT-SPS-DCARGC-CPCL-001 "Specific procedure" directive of 21 February 2008.

Comment [J28]: www.military.com/features/0,15240,167950,00.html

The role of the above officers is to advise military commanders on the implementation, doctrine and teaching of the law or armed conflict and on the rules of engagement.

Comment [J29]: <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/pmc-fac-230506?opendocument>

Training for the above advisers is organized by the Chair of Law of the Royal Military Academy.

Comment [J30]: <http://www.rma.ac.be/RMAdotNet/scsc/infos/default.aspx?Page=3&SubPage=7>

The course consists of the following two parts:

- Part 1: International public law, international criminal law and Belgian criminal law;
- Part 2: Law of armed conflict and rules of engagement.

Moreover, the General Directorate for Legal Support and Mediation of the Department of Defence includes a "Humanitarian law" unit consisting of civilian and military jurists specialized in IHL and the rules of engagement. In particular, that section is responsible for formulating opinions on IHL issues and participates in the dissemination of the relevant rules and in training within the Armed Forces.

A "Directive on the teaching of the law of armed conflict and the rules of engagement in the Armed Forces" (General order J/815 of 8 February 1996) establishes a general framework for the instruction in question, standardizing the material taught and the duration of training. The training objective is to provide every member of the Armed Forces with the basic knowledge required by a soldier's duties and grade throughout his/her military career. The instruction provided is part of basic and continuing military training programmes. The above directive covers military education, training, the monitoring and evaluation of the knowledge acquired and the availability of manuals and teaching material necessary at the various training levels.

A Military Commission for the law of armed conflict (CMDCA), established in the Department of Defence, is responsible for coordinating the relevant initiatives, particularly dissemination.

The texts of treaties related to the law of armed conflict are published in the military regulation (A14), disseminated within the Armed Forces. Moreover, the act on the repression of grave breaches of IHL and a summary of the Convention for the protection of cultural property in the event of armed conflict (The Hague Convention of 1954) are

Comment [J31]: www.un.org/documents/ga/docs/50/plenary/a50-498.htm

addressed by relevant General Orders (respectively, OG-J/818A and 730). These texts on the law of armed conflict will soon be available in electronic form.

Before participating in an operation, military personnel receive a reminder about the rules of the law of armed conflict and of engagement and the behaviour appropriate for the mission. The soldiers' knowledge in those areas is checked for gaps.

The Defence Department provides considerable support to the Belgian Study Centre for Military Law and the Law of War and participates actively in the work of that association.

Comment [J32]: www.law.kuleuven.ac.be/iir/nl/activiteiten/documentatie/PSC/PROGRAMMASYMPORIUM.pdf

5. International Fact-Finding Commission

The act of 16 April 1986 approving the Additional Protocols of 1977 authorizes the King to sign a statement recognizing, on behalf of Belgium, the competence of IFFC, provided for in article 90 of Additional Protocol I. Belgium has signed that recognition and transmitted it to the depositary State on 27 March 1987.

Comment [J33]: www.ifrc.org/docs/pubs/events/intconf07/28followup-part5-en.pdf

Comment [J34]: www.icrc.org/Web/Eng/siteeng0.nsf/html/629CJX

Two ICHL members have been elected members of IFFC. The first such election occurred in 1991 and the second on 7 December 2006.

6. International criminal courts

Belgium has signed the Statute of the International Criminal Court (ICC), done at Rome on 17 July 1998 and approved by Belgium through an act of 25 May 2000. On 28 June 2000, at the time of ratification of that international instrument, Belgium made a declaration concerning article 27, paragraphs 1 and 2, and article 31, paragraph 1 (c), of the Statute.

Comment [J35]: untreaty.un.org/cod/icc/STATUTE/99_corr/cstatute.htm

Belgium has taken the measures necessary for implementing the United Nations Security Council Resolutions regarding the creation of International Criminal Tribunals for Former Yugoslavia (ICTY) and for Rwanda (ICTR) and passed legislation necessary for recognizing and cooperating with those bodies, by adopting the act of 22 March 1996 regarding such recognition and cooperation. That act was later replaced - and completed - by the act of 29 March 2004 on the same matters.

Comment [J36]: www.un.org/icty/legaldoc-e/basic/statut/statute-feb08-e.pdf

At the request of the Minister of Justice, ICHL, through its work group on "Legislation" has drawn up draft amendments to the act of 29 March 2004, with a view to including cooperation with the Special Court for Sierra Leone and with the Extraordinary Chambers in the courts of Cambodia. Those texts were approved by the Government, were submitted as bills to the Parliament and became, respectively, the act of 1 July 2006 amending the act of 29 March by adding a new part V on the Special Court for Sierra Leone, and the act of 1 July 2006 amending the act of 29 March by adding a new part VI regarding the Extraordinary Chambers entrusted with prosecuting crimes committed under the Democratic Kampuchea regime.

Moreover, ICHL has drafted a proposal for adding in the Belgian constitution a new article (169 bis) on the International Criminal Court and International Criminal Tribunals (4).

In addition to the obligatory contributions to ICTR, Belgium has funded, on a voluntary basis, work by the International Law Centre of the free University of Brussels (VUB) for the compilation and publication of the jurisprudence of the court. As a result, ICTR records have been published for the period 1995-2001 and are under preparation for the period 2000-2003.

Comment [J37]: law.xmu.edu.cn/cols/1Faculty.htm

Subsidies have also been provided to "Lawyers without borders" and "Citizens' Network" for their work in support of justice, particularly with regard to Rwanda.

Comment [J38]: www.lwob.org/

Comment [J39]: www.un.org/womenwatch/osagi/responses1325/Belgium-E.pdf

Mention should be made here of the exchange of letters of 2 May 2007 between Belgium and ICC regarding the air transport of detained persons due to appear before the Court.

7. Protection of cultural property

Belgium is a party to the Hague Convention of 1954 and to the related Regulations for execution, Final act, Resolutions and Protocol of 14 May 1954. All of these instruments were approved through an act of 10 August 1960.

Comment [J40]: <http://www.icrc.org/ihl.nsf/INTRO/>

The Second Protocol to the Hague Convention of 1954, done at The Hague on 24 March 1999, was signed by Belgium on 17 May 1999 (5) and approved through the act of 30 September 2005. The ratification procedure is currently under way. In that framework, ICHL has proposed to the Government a draft interpretative declaration regarding article 22 of the Protocol in respect of the concept of "non-international armed conflict".

So far, the Protocol has also been approved by some of the federated entities (Communities and Regions) responsible for Belgian cultural property, heritage, monuments and sites, namely, the French Community (decree of 12 May 2004), the Walloon Region (decree of 27 May 2004) and the Brussels-Capital Region (order of 30 March 2006). The Flemish and German-speaking Communities are also expected to adopt a decree of approval.

An information brochure has been prepared by the work group on "Protection of cultural property", highlighting the distinction between, on the one hand, protection of cultural property in case of armed conflict under the Hague convention and its protocols and, on the other hand, the heritage protection measures taken in Belgium by the authorities competent in that area, basically the federated entities (Communities and Regions). The brochure, to be published and disseminated in 2008, proposes to revise protected cultural property signs to avoid confusion with the sign of protection under the Hague Convention of 1954.

ICHL also contributed to the report submitted by Belgium to UNESCO for the period 1995-2000 pursuant to article 26.2 of the Hague Convention of 1954 (6).

8. Rights of the child

Belgium is a party to the Convention on the Rights of the Child, adopted at New York on 20 November 1989 and approved by Belgium through an act of 25 November 1991 (7),

Comment [J41]: www.unhchr.ch/html/menu3/b/k2crc.htm

Belgium deposited its instrument of ratification on 16 December 1991 and has made interpretative declarations. The Convention entered into force in Belgium on 15 January 1992.

The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, adopted at New York on 25 May 2000, was ratified by Belgium on 6 May 2002 and, approved by an act of 29 April 2002, entered into force in Belgium on 27 September 2002.

Comment [J42]: www.unhchr.ch/html/menu2/6/crc/treaties/opac.htm

Pursuant to article 8 of the above international instrument, ICHL has contributed to Belgium's first report submitted to the Committee on the Rights of the Child.

Comment [J43]: www2.ohchr.org/english/bodies/crc/index.htm

Belgium has ratified International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, done at Geneva on 17 June 1999 and approved by Belgium through an act of 12 December 2001. Article 3 (a) of that Convention explicitly addresses forced or compulsory recruitment of children for use in armed conflicts.

With regard to the arms trade, it should be noted that the relevant act of 5 August 1991 (8) stipulates that a request for an export or transit license for conventional weapons shall be rejected where it is established that child soldiers are enlisted in the regular army of the recipient country. That clause was incorporated into the above act by amendment through an act of 26 March 2003.

9. Weapons

Belgium is a party to a number of international instruments on weapons. Suffice it to refer here to the treaties concluded after the entry into force of the 1977 Additional Protocols of to the Geneva Conventions of 1949.

- Geneva Convention of 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, and its Protocols I, II and III. These international instruments were approved through an act of 6 December 1994.

Comment [J44]: <http://humanrights.law.monash.edu.au/instree/conCW.html>

- Protocol on Blinding Laser Weapons (Protocol IV) of 13 October 1995. This instrument was approved through an act of 10 August 1998.

Comment [J45]: www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/57JN4Y?OpenDocument&View=defaultBody&style=cust_o_print

- Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 (Protocol II) of 3 May 1996. This instrument was approved through the act of 10 August 1998.
- Protocol regarding explosive remnants of war (Protocol V) of 28 November 2003. Belgium has not yet ratified this protocol.
- Paris Convention of 13 January 1993 on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. This instrument was approved through an act of 21 December 1996.
- Ottawa Convention of 18th September 1997 on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. This international instrument was approved through an act of 10 August 1998.

Comment [J46]: www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/05e54e8fb1a42782c125641f002d5ee5?OpenDocument

Comment [J47]: [www.icrc.org/Web/eng/siteeng0.nsf/htmlall/p0921/\\$File/MINE_ACTION_III_web.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/htmlall/p0921/$File/MINE_ACTION_III_web.pdf)

Comment [J48]: <http://www.un.org/Depts/dda/WMD/cwc/>

Comment [J49]: www.icrc.org/ihl.nsf/FULL/580?OpenDocument

A "Commission for the legal assessment of new weapons and new means and methods of warfare" was established in the Department of Defence through General Order J836 of 18 July 2002. This commission consists of six permanent members - including the chairman and secretary, jurists of the "Humanitarian law" unit of the General Directorate for Legal Support and Mediation of the Department of Defence - and experts. Pursuant to article 36 of Additional Protocol I, the commission's mission is to examine the legality of any new weapon, means or method of warfare under study, development, acquisition or adoption by the Armed Forces. In particular, the Commission issues a reasoned opinion if, based on its findings, the employment of such weapon, means or method of warfare would, in some or all circumstances, be prohibited by the provisions of international law.

Recent progress in the area of arms and ammunition consists in the adoption of acts, dated 18 May 2006, which, under conditions specified therein, prohibit the use of submunitions.

Comment [J50]: disarmament.un.org/yearbook-2002/Ch%20III.FINAL3.htm

Shortly afterwards, Belgium adopted an act of 8 June 2006 "regulating economic and individual activities involving weapons", which, inter alia, contains a chapter on the classification of weapons, including a list of prohibited weapons categories, such as anti-personnel mines, booby-traps and similar devices, submunitions, blinding laser weapons and incendiary weapons. Thereby, Belgium became the first country in the world to have enacted provisions against submunitions.

Weapons legislation was further completed through the act of 20 March 2007 prohibiting the financing of the production, use or detention of anti-personnel mines and submunitions, and through the act of 11 May 2007 prohibiting armament systems involving depleted uranium.

The afore-mentioned act of 5 August 1991 on the arms trade was amended by an act of 26 March 2003 incorporating criteria drawn from the European Union Code of Conduct on Arms Exports of 8 June 1998.

Comment [J51]: consilium.europa.eu/uedocs/cmsUpload/08675r2en8.pdf

10. National inquiry office

The military section of the National inquiry office (BNR) has been organized by the Ministry of Defence in conformity with a commitment made by Belgium during the 28th International Conference of the Red Cross and the Red Crescent in December 2003 (9). That development was reported during the 30th International Conference of the Red Cross and the Red Crescent in November 2007.

The next step is the development of a full-fledged BNR.

11. Health care areas for the protection of the injured and ill and the personnel responsible for the organization and administration of such areas

In 2004, the Ministry of the Interior had the local authorities prepare an inventory of collective housing buildings which could readily be used by the authorities and assistance units as emergency housing facilities in case of conflict or crisis of a large scale.

The inventory specifies the capacity and main functional features of such buildings and the time required for making them available.

12. International Conference of the Red Cross

ICHL formulated proposals for commitments to be made by the Belgian Government (alone or in cooperation with the National Red Cross Society) for the period 2004-2007 during the 28th International Conference in December 2003. Moreover, through its work group on "International conferences", ICHL follows up on the commitments then made and on the "Agenda for Humanitarian Action" adopted at that Conference.

Comment [J52]: <http://www.ifrc.org/meetings/statutory/intconf/28th/>

ICHL followed the negotiations for the adoption of the afore-mentioned Additional Protocol III of 8 December 2005 and works on the preparation of the ratification of that Protocol, which was signed by Belgium on 8 December 2005.

ICHL participated in the preparation of the special session of the 29th International Conference, held at Geneva on 20-21 June 2006 in order to amend the charter of the International Red Cross and Red Crescent Movement, taking into account the new additional emblem provided for in Additional Protocol III and adopting the "red crystal" specification.

Comment [J53]: www.ifrc.org/meetings/statutory/intconf/30th/index.asp

Through the above work group, ICHL worked for the preparation of the Belgian participation in the 30th International Conference of the Red Cross and the Red Crescent (held in November 2007) on the overall theme "Together for humanity". In that

Comment [J54]: <http://www.ifrc.org/meetings/statutory/intconf/30th/index.asp>

connection, ICHL prepared the 28th International Conference follow-up report and drew up draft "Commitments" to be made by the Belgian Government (alone or in cooperation with the National Red Cross Society) at the 30th International Conference.

13. Development cooperation and humanitarian aid

Development cooperation

Belgian Development Cooperation ascribes particular importance to IHL and supports organizations involved in its implementation at the international level.

Comment [J55]: <http://www.dgos.be/en/index.html>

ICRC was selected as a partner organization for multilateral cooperation through a royal decree of 27 April 2000 specifying the international partners of Belgian Development Cooperation in that area (since then replaced by a royal decree of 2 April 2003) (10), and became a priority organization in 2003. Since then, support to ICRC has considerably increased, to the extent that Belgium ranks among the organization's top 14 donors. Accordingly, Belgium engages in a strategic dialogue with that key humanitarian-law body.

Belgian support for ICRC programmes have targeted the protection of victims of conflicts in Central Africa, Colombia, Armenia and Azerbaijan, the dissemination of humanitarian law and anti-mines activities.

Other international organizations whose work is related to IHL implementation and, as partners of Belgian Development Cooperation, receive significant support, include the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (UNHCHR), UNICEF and UNESCO.

Comment [J56]: www.unhcr.org

Belgium provides support to the International Red Cross Movement (the national societies), particularly for activities related to the implementation of the Geneva Conventions and the Additional Protocols, humanitarian assistance and the dissemination of humanitarian law at the national and international levels.

The act of 25 May 1999 on Belgian international cooperation was amended (through an act of 19 July 2005), adding to article 8 "respect for the rights of the child" as a cross-cutting priority theme in respect of cooperation.

As part of activities related to the rights of the child, Belgium, according to the commitments made at the International Conference of the Red Cross, supports field activities for the demobilization and social reintegration of child soldiers.

Relevant partners are mainly UNICEF, UNHCHR, the International Red Cross Movement and local organizations. Programmes are carried out in the Democratic Republic of the Congo, in the Great Lakes region and in Sudan.

Moreover, Belgium supports developing countries that are Cooperation partners with a view to helping them take national measures for compliance with the Convention on the Rights of the Child.

Furthermore, Belgian Development Cooperation is particularly active - both at field and at strategy level - against sexual violence in conflict situations. An international symposium, organized in June 2006 in cooperation with the United Nations and the European Commission, culminated with an appeal for respect for the relevant resolutions and with a plan of action, the "Brussels Call for Action".

Humanitarian aid

IHL constitutes the foundation of humanitarian aid in conflict situations. Belgium has also adopted the principles of "Good Humanitarian Partnership" in Stockholm established in May 2003 and underscoring that humanitarian aid must be guided by the principles of impartiality, neutrality and independence. In respect of those principles, Belgium subsidizes a number of humanitarian activities supporting victims of conflicts and natural disasters.

14. Dissemination of IHL

IHL dissemination is ensured in Belgium under the four Geneva Conventions of 1949 (pursuant to articles, respectively, 47, 48, 127 and 144) and the 1977 Additional Protocols I (article 83) and II (article 19). Various bodies are involved in that effort. The Belgian Red Cross, in particular, supports the initiatives undertaken by the State in that area.

That mission of the Belgian Red Cross is acknowledged in the charter of the national society and of the International Red Cross and Red Crescent Movement.

Dissemination of IHL in education

In Belgium, education is a responsibility of the Communities (federated entities) and of the State. This results in differences, particularly with regard to educational organization and programmes and the subjects taught.

The secondary education curriculum contains no IHL courses as such. As a rule, IHL and humanitarian values are addressed in a cross-cutting manner, through such subjects as civic education, ethics, religion, history and geography.

A decree adopted on 12 January 2007 by the Parliament of the French Community "on strengthening education in responsible and active citizenship within the establishments organized and subsidized by the French Community" provides for the preparation of a manual entitled "Being and becoming a citizen" to be distributed to all students in the last segment of secondary education. The manual, which according to article 8 (8) of the decree must in particular address "human rights and especially the

Comment [J57]: "Notice succincte relative à la CIDH" (<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

rights of the child, work-related rights and the governmental or non-governmental bodies ensuring respect for those rights", is currently drafted by a committee of experts appointed by the Government of the French Community. The Belgian Red Cross of the French Community cooperates with that committee on the parts addressing IHL and the rights of the child. That project is expected to help to incorporate IHL principles into the secondary education in the French Community.

The initiatives taken vary among Communities and education networks. In the French Community, activities are developed at the initiative of the educational coordination entity "Democracy or barbarism" (including dissemination through ICRC teaching tools, awareness raising, information and training for instructors, and provision of information on or raising awareness of specific events or situations).

In some law schools, IHL is part of specialized courses. Here too, Community-based education generates differences among the various universities and other higher education institutions.

IHL is addressed in the general courses on public international law attended by law students or taught in other disciplines (such as political science and journalism).

Comment [J58]: F.H.S. Bridge, "The Council of Europe French-English Legal Dictionary".

The ICHL work group on the dissemination of IHL in education was initially limited to the educational field but the group's mandate was recently enlarged to cover dissemination in the broad sense, particularly among the general public. Initiatives undertaken by the work group for dissemination in education include, in the French Community, awareness raising within the ministerial units responsible for primary and secondary education with regard both to training and information for pupils and to continuing training for instructors; in the Flemish Community, awareness raising within the various educational coordination networks and bodies; and consideration of the ICRC programme entitled "Exploring International Humanitarian Law", referred to in one of the commitments made at the 28th International Conference (European Union pledge No. P 087).

Comment [J59]: "Notice succincte relative à la CIDH" (<[www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/\\$FILE/CIDH7-June-2002.pdf](http://www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/$FILE/CIDH7-June-2002.pdf)>)

Comment [J60]: <http://www.icrc.org/Applic/p128e.nsf/pbk/DCOE-5TXJ8S?openDocument§ion=PBP>

Dissemination of IHL by the Belgian Red Cross of the French Community

The following IHL dissemination activities may be mentioned:

- Training of the staff of the Belgian Red Cross of the French Community:

IHL training is provided twice or \ three times a year to volunteers and permanent and expatriate members of that national society.

- Training for all types of audience:

Since 2006, a basic IHL course is organized once a year for any person interested in the subject or called upon to implement IHL in the framework of his/her professional activity.

Course modules address the main thematic areas of IHL through a practical approach to the subject in the current international context.

- Training for specialized audiences:

* Armed Forces

Once a year, the Belgian Red Cross cooperates with the competent units on a training course, provided by the Chair of Law of the Royal Military Academy, for advisers on the law of armed conflict.

* Lawyers and judges

- Training is regularly organized on such issues of professional interest as the repression of grave breaches of IHL.

- Lectures and seminars are organized for this category of professionals

* Staff of federal public services (SPFs) for foreign affairs, foreign trade and development cooperation

Since 2004, a training course in IHL has been organized once a year.

* Universities

- With ICRC support, an inter-university competition in the form of simulated IHL court proceedings is regularly organized.

- Every three years, the Belgian Red Cross participates with ICRC in the organization of summer IHL courses targeting mainly law and international-relations students approaching graduation. The last session was organized in Brussels in 2005 and the next session will take place, in Belgium, in 2008.

- Lectures on current events related to IHL are organized in cooperation with university IHL units.

- Training for the staff of the education sector

The Belgian Red Cross of the French Community carries out awareness-raising and training activities in "humanitarian standards" for the instructors and decision-makers responsible for education in the Community.

The relevant initiatives concern primary, secondary and higher education (teachers' colleges) and the youth movements

The Education Board of the Communes and Provinces of the French Community (CECP) requires instructors specialized in pedagogical approaches to primary education to attend a training course entitled "Humanitarian initiatives: no development without respect for IHL". That training is provided by representatives of the Belgian Red Cross of the French Community.

Various specific pedagogical tools (such as "Limito", "Raid Cross" and an interactive exhibit on terrorism) have been developed in the framework of awareness-raising and training activities.

- IHL dissemination tools
 - * Thematic lectures and seminars
 - * Electronic magazines on current events related to IHL, such as "IHL Newsletters" and "IHL News".
- International activities

The Belgian Red Cross of the French Community provides technical support to the Red Cross of the Democratic Republic of the Congo in activities for IHL dissemination in schools and among the population in Kinshasa.

Dissemination of IHL by Rode Kruis Vlaanderen

Rode Kruis Vlaanderen aims at raising awareness and at improving IHL implementation within specific target groups. Knowledge is crucial to respect for IHL. Yet the transition from passive knowledge to effective implementation requires a variety of awareness-raising activities. Accordingly, Rode Kruis Vlaanderen draws, in its activities, a distinction between awareness-raising measures for providing information concerning IHL and awareness-raising measures for ensuring respect for IHL.

- * In order to promote knowledge about IHL, Rode Kruis Vlaanderen various target groups with considerable information in Dutch language through the following channels:
 - "Focus on IHL" ("Internationaal Humanitair Recht in de kijker"), an annual publication distributed since 2005;
 - "IHL Report" ("IHR Bericht"), an electronic newsletter;
 - A broad variety of IHL-related material on the Rode Kruis Vlaanderen web site;
 - "Warfare Rules" ("Regels in oorlog"), a comprehensive pedagogical guide for the second and third grades of secondary education.

In addition to its own publications, Rode Kruis Vlaanderen cooperates with other organizations with a view to introducing IHL in third-party publishing and training projects.

* In order to promote respect for IHL, Rode Kruis Vlaanderen organizes every year the following training activities for specific target groups:

- A set of IHL courses for the general public, consisting of five evenings on IHL-related current affairs;
- Year-long training on IHL in the field for assistance providers and observers in conflict situations;
- In cooperation with the Foreign Affairs SPF, a training course for the staff of that SPF;
- In cooperation with the Justice SPF, a training course for judges every two years.

Moreover, **study days** and thematic presentations are organized as a function of current events and on request.

Rode Kruis Vlaanderen actively advocates compliance of the authorities concerned with the new treaties in order to ensure better protection of the victims of conflicts and supports the incorporation of those treaties into the national legislation.

Furthermore, Rode Kruis Vlaanderen plays a coordinating role among the various bodies involved in IHL or concerned by its implementation, thereby helping actors in the field to meet academics and theoreticians and bringing politicians into contact with the humanitarian organizations.

III. Other activities

1. Study days

Through its work group on "Communication", ICHL has organized a number of study days and meetings, some of which have been held in cooperation with ICRC.

In April 1999, based on an ICRC proposal, ICHL organized, with the Ministry of Foreign Affairs, the ICRC and the Belgian Red Cross, the first European meeting of national IHL implementation commissions (11).

In April 2000, an information meeting took place regarding the protection of cultural property in case of armed conflict (12), with the participation of representatives of ICRC and of the Communities and Regions (the federated entities responsible in Belgium for cultural property, heritage, monuments and sites).

Comment [J61]: "Notice succincte relative à la CIDH"
(<www.ikrk.org/.../3e02cd6224ce0af6012568b20048a62f/04061c36988688c0c1256bf1002a79ea/SFILE/CIDH7-June-2002.pdf>)

In June 2002, ICHL organized a meeting on the occasion of the 25th year of existence of the Additional Protocols. The following issues were addressed at that meeting: Context of the ratification of the Protocols by Belgium; international legal force of the Additional Protocols; repression of grave breaches; distinction between civilians and combatants; and practical implementation of the Additional Protocols in recent armed conflicts (13).

In November 2004, ICHL organized a round table for experts on the issue of persons missing subsequent to an armed conflict and other situations of armed violence and assistance to their families (14). A European meeting of experts on the same subject, held in Brussels on 25 and 26 September 2006, was jointly organized by ICHL and ICRC with the support of a number of ministerial departments represented in ICHL, in fulfilment of a commitment made by the Belgian Government and the Belgian Red Cross at the 28th International Conference of the Red Cross and the Red Crescent in December 2003 (15).

In October 2006, ICHL supported, through the Foreign Affairs SPF, the organization of a symposium on "private security companies in situations of unrest and armed conflict". The symposium was organized by the Belgian Study Centre for Military Law and the Law of War, the Belgian Red Cross, VUB, the International Association for Humanitarian Policy in Conflict Research and [Katholieke Universiteit Leuven](#).

Comment [J62]: <http://www.kuleuven.be/english/>

The symposium addressed the geopolitical context and legal provisions (relating to human rights and IHL) to which private security companies are subject.

2. Web site

ICHL, through its work group on "Communication", has launched the creation of its web site, which, once operational, is expected to raise awareness of ICHL and IHL implementation in Belgium and to generally improve IHL dissemination.

3. Advisory role

In recent years, the role of ICHL as an advisory body of the Government has been enhanced at the request of Ministers represented in ICHL or at the body's own initiative.

In that connection, at the request of the Senate, ICHL was entrusted by the Minister of Justice to study a possible amendment to the act of 23 March 1995 prohibiting the denial of the perpetration of genocide by the Nazis during World War II by extending the scope of the act to other situations. To that end, ICHL has heard experts (including jurists, historians, criminologists, philosophers, sociologists and diplomats) and associations concerned by that debate.

(1) This interpretative declaration ceased to be relevant when gendarmes lost their military status. **Comment [J63]:** Based on IATE.

(2) The following terms are concerned: feasible precautions (articles 41, 57 and 58), deployment (article 44), military advantage (articles 51 and 57), information on which a military commander can make a decision (title IV, section I) and authority representing a people (article 96, paragraph 3). **Comment [J64]:** <http://www.cicr.org/ihl.nsf/NORM/EA2560B9B790488EC1256402003FB2BC?OpenDocument>

(3) The compendium is published in French and Dutch. The French version appears on the ICRC web site (<www.ICRC.org>).

Other documents on IHL implementation in Belgium (general comments, legislation and jurisprudence), the text of the institutional royal decree of 6 December 2000 on ICHL and the ICHL "Internal Regulations" appear on the ICRC web site under "Implementation of international humanitarian law". **Comment [J65]:** F.H.S. Bridge, "The Council of Europe French-English Legal Dictionary".

(4) Parliamentary document Senate 3-739/1 of 11 June 2004, following up on the constitutional amendment statement adopted by the legislature on 9 April 2003. Parliament did not adopt that draft. A new constitutional amendment statement, dated 1 May 2007, also refers to adding an article on international jurisdictions.

(5) On 27 April 2000, ICHL organized an information meeting regarding the protection of cultural property in case of armed conflict, especially in view of the new protocol. The report of that meeting was published by ICHL in September 2001.

(6) The relevant UNESCO 1995-2004 report was published in 2005 under the title of "Report on the implementation of the 1954 Hague Convention for the protection of cultural property in the event of armed conflict and its two 1954 and 1999 protocols". Belgium had also contributed to the UNESCO report published in 1995. **Comment [J66]:** unesdoc.unesco.org/images/0014/001407/140792E.pdf

(7) The Convention on the Rights of the Child has also been approved by decrees of the Communities (federated entities) with a view to implementing it in the areas under their responsibility.

(8) Act of 5 August 1991 on the import, export, transit of, and on combating trafficking in, arms, ammunition and materiel intended particularly for military use or law enforcement, and the related technology.

(9) Pledge No. 135: "Set up and guarantee the operation of the military section of the National Information Bureau, which is responsible, once an armed conflict has begun, for exchanging information about protected persons who have fallen into the power of the Belgian State and who are under the responsibility of the Belgian military authorities, and about deceased persons who are known to the said Belgian military authorities, with any body authorized to have cognizance of such information. The activity of this military section must then be extended by the other **Comment [J67]:** http://www.icrc.org/Applic/p128e.nsf/va_navPage/PBP!OpenDocument&Start=1&Count=300&Expand=1.5

Belgian authorities concerned to any protected person under the power and responsibility of the Belgian State."

- (10) Royal decree promulgated pursuant to article 9 of the act of 25 May 1999 regarding Belgian international cooperation.
- (11) The report of the meeting was published in the same year by the ICRC advisory services under the title "European meeting of national committees and other national bodies on international humanitarian law".
- (12) The statements made during the meeting were published by ICHL in 2001.
- (13) The documents of the meeting were published in a volume prepared by the Ministry of Foreign Affairs and distributed to the participants during the meeting. They are also accessible on the ICRC web site.
- (14) The working documents of this meeting were published by ICHL in June 2005.
- (15) Pledge No. 142: "The Belgian authorities and the Belgian Red Cross hereby undertake to organize a seminar on the issue of persons missing in connection with armed conflicts and internal disturbances. Special attention will be devoted to the relatives' right to information and to the specific difficulties and needs of families who are without news of their loved ones. The purpose of this seminar will be to alert authorities and organizations that have to deal with the families of missing persons to the scale of the problem, to inform them about the special needs it generates and to help to find more adequate responses to those needs."

Comment [J68]: www.kam.lt/EasyAdmin/sys/files/oooo.doc>.

Comment [J69]: http://www.icrc.org/Applic/p128e.nsf/va_navPage/PBP!OpenDocument&Start=1&Count=300&Expand=1.5