



Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Armed Conflicts

Report for the period 2006-2008

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Switzerland activities in the context of the Protocols Additional to the Geneva Conventions

1. Switzerland is a party to the three Protocols Additional to the Geneva Conventions. It ratified the Protocols I and II in February 1982. Following the withdrawal of its reservations concerning articles 57 and 58 of the Protocol I in June 2005, Switzerland no longer has any reservations about the Additional Protocols.

2. In December 2005, a diplomatic conference convened by Switzerland adopted the Protocol III, which foresees the introduction of an additional emblem in the form of a red crystal. Switzerland has been a party to the Protocol III since July 2006.

Activities of Switzerland concerning military and private security companies in conflict zones

3. In December 2005, Switzerland decided to launch an inter-state dialogue, in collaboration with the ICRC, on ways of guaranteeing and promoting respect for international humanitarian law and human rights by States and by military and private security companies in conflict zones. One of the chief aims was to define and to strengthen the international obligations of States and of private actors. These obligations will also be the subject of recommendations and directives with the purpose of helping States in assuming their responsibilities for the implementation of international humanitarian law and human rights, particularly by including them in their national legislation. A series of meetings of government experts, representatives of military security companies and other specialists took place between 2006 and 2008. At the outcome of the next conference which will be held in September 2008, it is planned to produce a joint document for all participants¹.

Activities of Switzerland concerning the conduct of aerial warfare and the use of missiles

4. Switzerland actively participates in and makes a financial contribution to the work of a group of international experts assigned with the production of a manual on the conduct of armed warfare and the use of missiles, a project run by the Program on Humanitarian Policy and Conflict Research. The last set of rules on this subject has been elaborated by a commission of legal specialists in 1923. In the light of the enormous technological progress that has been taking place in this field, it was felt the need to include the applicable provisions of international humanitarian law in a manual, in the form of commented rules. The last meeting on this subject took place in March/April 2008 in Frankfurt an der Oder. The group of experts hopes to conclude this process in 2009².

Switzerland's efforts to identify future challenges for international humanitarian law

5. Through the Program on Humanitarian Policy and Conflict Research based at Harvard University, Switzerland has organised three informal meetings of high-level experts since 2003 to analyse current challenges in the area of international humanitarian law.³ Government experts, academics and representatives of the UN, the EU and the ICRC took part in these meetings. The subjects that the experts decided to study in depth in their research or in specific meetings included the definition of military objectives, the conduct of aerial warfare and occupation regimes. The most recent meeting took place in Montreux in May 2006.

¹ To find out more, see: www.eda.admin.ch/psc

² To find out more, see: <http://www.ihlresearch.org/amw/>.

³ To find out more, see: www.ihlresearch.org.



Switzerland's efforts to ensure humanitarian access for the civilian population

6. In 2006, Switzerland announced that it would organise a meeting of experts on access to humanitarian aid in situations of armed conflict, the main aim being to improve respect for and the implementation of international humanitarian law. After consultations with the ICRC and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Switzerland decided to organise a meeting of experts on this subject from 30 June to 1 July 2008 in Montreux. The aim of the meeting was to provide a framework for dialogue between humanitarian, government, academic, military and non-governmental experts on humanitarian access in situations of armed conflict and to examine the issue of access from a legal, political and operational point of view.

Switzerland's activities concerning anti-personnel mines

7. Since 2004, Switzerland has been engaged in a process of reflection on the role of States in the universalisation of the ban on anti-personnel mines. This process led to the drafting of a working document which formulated specific proposals for the implementation of measure 46 of the Nairobi Action plan. Measure 46 envisages anti-mine measures in zones that are no longer under state control. Through the NGO Geneva Call, Switzerland supports further actions to persuade armed non-state groups to give up the use of anti-personnel mines.

Switzerland's activities to stop violations of international humanitarian law

8. Switzerland continues strongly to advocate the end to impunity. As a party to the Rome Statute of the International Criminal Court, Switzerland is working to achieve the universal adoption of the Statute. At the national level, Switzerland is taking the necessary measures to integrate the Rome Statute in its national legislation. On 23 April 2008, the Federal Council adopted the message to parliament accompanying the amendments to the criminal code and the military penal code. This consisted basically of including crimes against humanity in Swiss law and defining war crimes more precisely. In addition, Switzerland supports *ad hoc* international tribunals as well as some mixed tribunals, both financially and politically. To this extent, Switzerland contributes not only to the repression but also to the prevention of violations of international humanitarian law and of human rights.

Switzerland's efforts to disseminate information about international humanitarian law

9. Switzerland contributes actively to the dissemination of the ICRC study completed in 2005 on customary humanitarian law. Switzerland organised a first meeting of government experts from member states of the Council of the Euro-Atlantic Partnership (CEAP) and of the Partnership for Peace (PPP) in San Remo in Italy in 2006. A second meeting expressly designed for members of the armed forces of these states took place in Geneva in February 2007.

10. By organising training seminars in the framework of the CEAP and also of the Organisation for Security and Cooperation in Europe (OSCE), the Swiss army helps to raise awareness of international humanitarian law. A seminar was held in Sursee on the central role of the commander; this seminar is held every two years, alternating with the OSCE seminar on the code of behaviour. The Swiss army has also produced a CD Rom for training purposes on international humanitarian law, which has been translated into 13 languages.

11. Switzerland has also set up a competition on international humanitarian law for officers of intermediate rank (batallion commanders) of the countries of the CEAP/PfP. This competition has been integrated into the army training programme and will take place once every two years, alternating with the CENTROC seminar. The first edition took place in October 2007 in Switzerland. It consists of two parts, an e-learning course and the competition proper, in which ten four-man teams take part.

Switzerland's activities for the establishment of a procedure for new weapons

12. In February 2004, Switzerland decided to establish a working group charged with reflecting on the implementation of a review process as envisaged in article 36 of protocol I, within the Department of Defence, Civil Protection and Sports (DCPS). A new DCPS ordinance of December 2007 on army material envisages a review procedure in two stages (project planning level and statement of maturity of a purchasing project). This would ensure that new weapons conformed to the requirements of international humanitarian law.



Activities of Switzerland to support the International Humanitarian Fact-Finding Commission (IHFFC)

13. Switzerland actively promotes the revitalisation of the IHFFC. A working group met in February 2007 to discuss the options and subsequently the creation of the group of friends of the IHFFC was proposed. This group would provide an informal forum for the member states of the European Union and for other interested states in which all issues connected with the IHFFC could be discussed. The aims of the group of friends would be primarily to co-ordinate political support for the IHFFC and raise awareness of the IHFFC's work.