



Information on the Status of the Protocols Additional to the Geneva Conventions of 1949 relating to the protection of victims of armed conflicts, and on measures taken to strengthen the existing body of international humanitarian law, including with respect to its dissemination and full implementation at the national level

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Period under review: June 2018 to June 2020

Status of adherence to the three Protocols additional to the 1949 Geneva Conventions and to other IHL instruments

1. At the time of writing, the **total number of States party to Additional Protocols I, II and III** is 174, 169 and 77 respectively. Seventy-six States have active **declarations under Article 90 of Additional Protocol I** accepting the competence of the International Humanitarian Fact-Finding Commission.
2. The ICRC has continued to promote adherence to and implementation of **key IHL instruments**. In the period under review, the ICRC notes the following **accessions and ratifications**:
 - a. 1 State (Angola) became party to **Additional Protocol II**;
 - b. 4 States (Madagascar, Peru, Kyrgyzstan and Lesotho) became parties to **Additional Protocol III**;
 - c. 3 States (Denmark, Madagascar and Ukraine) became parties to the Second Protocol to The Hague Convention on Cultural Property;
 - d. 1 State (Benin) became party to Amended Protocol II, and Protocols IV and V to the Convention on Certain Conventional Weapons;
 - e. 1 State (Mauritius) became party to Amended Protocol II and Protocol V to the Convention on Certain Conventional Weapons;
 - f. 1 State (Equatorial Guinea) became party to the International Convention Against the Recruitment, Use, Financing and Training of Mercenaries;
 - g. 1 State (Kiribati) became party to the Rome Statute of the International Criminal Court;
 - h. 4 States (Guyana, Ireland, Ecuador and Paraguay) became parties to the Amendment to the Rome Statute of the International Criminal Court on the Crime of Aggression;
 - i. 3 States (South Sudan, Gambia and Myanmar) became parties to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
 - j. 5 States (Gambia, Namibia, Maldives, the Philippines and Sao Tome and Principe) became parties to the Convention on Cluster Munitions;
 - k. 3 States (Dominica, Mauritius and Turkmenistan) became parties to the Convention on the Prevention and Punishment of Genocide;
 - l. 5 States (Gambia, Dominica, Fiji, Norway and Oman) became parties to the International Convention for the Protection of All Persons from Enforced Disappearance;
 - m. 11 States (Brazil, Cameroon, Guinea-Bissau, Mozambique, Suriname, Botswana, Canada, Lebanon, Maldives, Palau and Namibia) became parties to the Arms Trade Treaty;

- n. 3 States (Central African Republic, Niue and the United Republic of Tanzania) became parties to the Biological Weapons Convention; and
 - o. 28 States (Antigua and Barbuda, Bangladesh, Belize, Cook Islands, Costa Rica, the Plurinational State of Bolivia, Dominica, Ecuador, El Salvador, Gambia, Kazakhstan, Kiribati, Lao PDR, Lesotho, Maldives, Namibia, New Zealand, Nicaragua, Panama, Paraguay, Samoa, San Marino, South Africa, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago, Uruguay and Vanuatu) ratified the Treaty on the Prohibition of Nuclear Weapons.
3. During the period under review, 1 State (the Russian Federation) withdrew its declaration under Article 90 of **Additional Protocol I**.

Legal advice and technical assistance for the national implementation of IHL

4. In 2019, **at least eight countries adopted or amended 11 domestic statutes, and several countries prepared draft legislation**, to implement IHL and other relevant instruments. Additionally, **85 new laws and examples of domestic case-law** were added to the public ICRC database on national IHL implementation.¹ The database contains up-to-date information on the national legislation and case law of 195 countries and serves as a research tool for sharing best practices and facilitating the fulfilment of States' obligations under IHL.
5. The ICRC has also continued producing and updating material to provide technical guidance for States and other interlocutors on the legal/regulatory/administrative framework necessary to ensure implementation of the relevant laws, as well as good practices. Notably, in the period under review, the ICRC published the following:
- **Reports and other documents:**
 - o "Guidelines for success: National IHL Committees and Similar Entities",² providing an overview of the role and work of these national IHL committees;
 - o Document on the "Management of the dead from the Islamic law and IHL perspectives",³ providing advice for forensic specialists;
 - o "Expert report on IHL and Islamic Law in contemporary armed conflicts";⁴
 - **Legal factsheets:**
 - o On the "Role of parliamentarians in implementing IHL";⁵
 - o Guiding Principles on "Red Cross and Red Crescent Societies and the implementation of international humanitarian law",⁶ describing the role

¹ The national implementation database is available at: <https://ihl-databases.icrc.org/ihl-nat>.

² Available at: <https://www.icrc.org/en/document/national-committees-and-similar-entities-international-humanitarian-law-guidelines-success>.

³ Available at: <https://www.icrc.org/en/document/management-dead-islamic-law-and-international-humanitarian-law-perspectives-considerations>.

⁴ Available at: <https://www.icrc.org/en/document/experts-workshop-report-ihl-and-islamic-law-contemporary-armed-conflicts>

⁵ Available at: <https://www.icrc.org/en/document/role-parliamentarians-implementing-international-humanitarian-law>.

⁶ Available at: <https://www.icrc.org/en/document/red-cross-and-red-crescent-societies-and-implementation-international-humanitarian-law>.

National Societies can play with regard to the national implementation of IHL;

- On the “Treaty on the Prohibition of Nuclear Weapons”;⁷
- “Humanity after life: Respecting and Protecting the Dead”;⁸

- **Checklists:**

- “Domestic measures to implement the Anti-Personnel Mine Ban Convention”;⁹ and
- “Domestic measures to implement the Convention on Cluster Munitions”.¹⁰

Additionally, the ICRC is in the process of updating 50 existing factsheets and the Guidance tool for the judiciary, as well as developing Guidelines for the implementation of the 33rd International Conference Resolution “Bringing IHL home”.

6. Finally, the ICRC has provided technical assistance to inter-ministerial national IHL committees entrusted with the national implementation of IHL, supported the creation or reactivation of such committees and facilitated the exchanges between them, including through the online community launched during the 33rd International Conference.¹¹ At the time of writing, there are **112 national IHL committees** worldwide, and several others are in the process of being set up.¹²

Outcomes of the 33rd International Conference

7. The International Conference of the Red Cross and Red Crescent (IC) is the supreme deliberative body of the International Red Cross and Red Crescent Movement (the Movement), and as such is one of the largest humanitarian platforms in the world. The 33rd IC took place in Geneva from 9 to 12 December 2019 and adopted Resolution 1 entitled “**Bringing IHL home: A road map for better national implementation of international humanitarian law**”, along with other seven other resolutions.¹³

Resolution 1 is based on the widely shared recognition that better respect for IHL is needed to protect victims of armed conflict and that implementing IHL at the domestic level is an essential element towards attaining its respect. The Resolution proposes general guidance to States and National Societies on the practical measures they can take to improve national implementation, particularly including measures designed to prevent IHL violations, such as dissemination, training, and ratification of treaties. The core message is that every State can do something to improve its national implementation of IHL and it is in this way that

⁷ Available at: <https://www.icrc.org/en/document/2017-treaty-prohibition-nuclear-weapons>.

⁸ Available at: <https://www.icrc.org/en/document/humanity-after-life-respect-and-protection-dead>.

⁹ Available at: <https://www.icrc.org/en/document/domestic-measures-implement-anti-personnel-mine-ban-convention>.

¹⁰ Available at: <https://www.icrc.org/fr/publication/checklist-domestic-measures-implement-convention-cluster-munitions>.

¹¹ For more detailed information on the online community, see para. 2.

¹² For further information, see: ICRC. Table of National Committees and other national bodies on international humanitarian law. Available at: <https://www.icrc.org/en/document/table-national-committees-and-other-national-bodies-international-humanitarian-law>.

¹³ The full texts of Resolution 1 and the other resolutions adopted during the 33rd IC are available here: <https://rcrcconference.org/about/33rd-international-conference/documents/>.

the title “Bringing IHL home” should be understood. The ICRC is currently developing a tool with examples and ideas of how States and National Red Cross and Red Crescent Societies can implement this Resolution.

8. The International Conference also launched (and Resolution 1 refers to) the **online community for national committees and similar entities on international humanitarian law (NCIHL)**. This online tool aims at facilitating peer-to-peer exchanges among NCIHL at the universal level.¹⁴ It was developed following the 2016 Universal meeting of NCIHL in Geneva, during which participating representatives of many NCIHL strongly reiterated their request that the ICRC develop such a digital tool.

Initiatives taken by the ICRC to reaffirm, clarify and disseminate IHL

9. The ICRC published its **fifth report on IHL and the challenges of contemporary armed conflicts**,¹⁵ setting out its views on the following pressing humanitarian and legal issues: urbanization of warfare; new technologies of warfare; the needs of civilians in increasingly long conflicts; IHL and non-State armed groups; terrorism, counterterrorism measures and IHL; climate, armed conflict and the natural environment; and enhancing respect for IHL.
10. In June 2020, the ICRC published the **updated Commentary to the Third Geneva Convention**,¹⁶ as part of a project to update the commentaries on the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. The updated Commentary is a practical tool for States, practitioners and scholars, that aims to reflect developments in law and practice for a better understanding and application of the law in contemporary armed conflicts.
11. The ICRC continues to provide expertise on IHL to national judicial authorities through its participation in trainings, workshops and seminars, and is therefore cognizant of the efforts being made by States as well as the challenges they face in prosecuting serious violations of IHL. In view of those challenges, the ICRC is currently drafting an IHL Manual specifically addressed to judicial authorities. Other tools to assist States to understand and implement their obligations under IHL take the form of databases, reports and technical documents, all of which are made available to States and to the public.
12. The Geneva Academy of International Humanitarian Law and Human Rights together with the ICRC published, in September 2019, “**Guidelines on Investigating Violations of International Humanitarian Law: Law, Policy, and Good Practice**”.¹⁷ The 16 Guidelines are each accompanied by a detailed

¹⁴ More information on the online community and the activities carried out by NCIHL can be found at: <https://www.icrc.org/en/document/online-community-national-committees-and-similar-bodies-ihl>.

¹⁵ The full text of the ICRC Challenges Report 2019 is available at: <https://www.icrc.org/en/publication/4427-international-humanitarian-law-and-challenges-contemporary-armed-conflicts>.

¹⁶ The updated Commentary to the Third Geneva Convention is available online at: <https://ihl-databases.icrc.org/ihl/full/GCIII-commentary>.

¹⁷ Geneva Academy, ICRC. Guidelines on investigating violations of IHL: Law, policy and good practice. Available at: https://www.icrc.org/en/download/file/104871/guidelines-investigating-violations-ihl_policy_good-practice.pdf

commentary and provide guidance on the different aspects of investigations into violations of IHL, from the early stages of recording information and identifying incidents that require investigation, through to the structural and procedural aspects of investigative bodies. The text presents a basis for the conduct of effective investigations, while taking into account the diverse legal and military systems that exist, as well as the legal and practical challenges that can arise.

13. The ICRC is revising its 1994 **“Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict”**¹⁸ to promote greater respect for existing IHL rules protecting the natural environment from the effects of armed conflict. The ICRC plans to publish updated guidelines on the protection of the environment in armed conflict in Fall 2020.
14. On 12 August 2019, on the occasion of the 70th anniversary of the adoption of the Geneva Conventions of 1949, the ICRC launched its **digital app “IHL”**.¹⁹ “IHL” provides offline access, via tablet, desktop and smartphone, to 75 treaties and other documents relating to IHL – most notably, the Geneva Conventions and their Additional Protocols, the ICRC’s original and updated Commentaries to the Conventions and Additional Protocols, and the rules of customary IHL identified by the ICRC’s 2005 Study on Customary IHL. Available from Apple, Google Play and Windows stores, the app aims to support the promotion and implementation of IHL worldwide, by providing easy access to IHL treaties and the customary IHL rules in English, French, Arabic, Chinese, Portuguese, Russian and Spanish.

¹⁸ The Guidelines were annexed to the Report of the Secretary-General on the United Nations Decade of International Law (UN Doc. A/49/323, 1994); UN General Assembly Resolution 49/50 (1994) invited all States to give due consideration to the possibility of incorporating the Guidelines in their military manuals and other instructions for military personnel.

¹⁹ For more information on the “IHL” app and its main features, see: <https://www.icrc.org/en/document/ihl-digital-app>.