

National Measures to Implement International Humanitarian Law

A new move by the ICRC

Ever since its foundation, the ICRC has made considerable efforts to develop humanitarian law and to ensure that it is accepted by the States. Indeed, its activity in this field is acknowledged both by the Statutes of the International Red Cross and Red Crescent Movement and by those of the ICRC itself. However, the ICRC is aware of the fact that the treaties which constitute humanitarian law, even if they are duly accepted by the States, could well remain a dead letter unless internal legal and practical measures are taken within State systems to guarantee their application.

The ICRC has, in the past, taken a number of steps in connection with these "national measures for implementation in peacetime", which have appeared several times on the agenda of International Conferences of the Red Cross. At the Twenty-fifth International Conference (Geneva, October 1986) a document and a draft resolution were submitted on the subject, and the Conference adopted by consensus its Resolution V. This Resolution essentially recalls the fundamental importance of national measures for implementation and the respective roles of governments, National Societies and the ICRC in this respect.

On 28 April 1988, as a follow-up to this Resolution, the ICRC contacted the governments of the States party to the Geneva Conventions of 1949 and, as the case may be, to their Additional Protocols of 1977, as well as the National Red Cross and Red Crescent Societies, in the hope of receiving any information which could contribute to further reflection and action in this connection, particularly in view of the report on the subject to be submitted to the next International Conference of the Red Cross and Red Crescent.

Given the importance of this matter, the International Review of the Red Cross has reproduced below all the documents sent to the governments and to the National Societies.

These are:

- *the letter to the States party to the Geneva Conventions;*
- *the letter to the National Red Cross and Red Crescent Societies.*

Each of these letters was accompanied by the following annexes:

- *Resolution V of the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986);*
- *Memorandum on national measures to implement international humanitarian law;*
- *Document entitled “National measures to implement the Geneva Conventions and their Additional Protocols in peacetime” (Twenty-fifth International Conference of the Red Cross, doc. C. I/2.4/2);*
- *List of signatures, ratifications, accessions and successions with regard to the Geneva Conventions of 12 August 1949 and their Additional Protocols of 8 June 1977 (this document is not reproduced in this issue; for information regarding the Protocols as of 31.12.1987, see the IRRC, No. 262, January-February 1988, pp. 92-95).*

Letter to the States party to the Geneva Conventions

Geneva, 28 April 1988

LE PRÉSIDENT

[...]

The International Committee of the Red Cross hereby has the honour of requesting information with regard to the measures that your government has taken or is planning to take as a follow-up to Resolution V of the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986) (*Annex 1*).

This resolution, adopted by consensus and entitled “National measures to implement international humanitarian law”, was already

brought to your attention, together with the other resolutions of the Twenty-fifth International Conference of the Red Cross, in a letter dated 25 June 1987 from the Chairman of the Standing Commission of the Red Cross and Red Crescent.

In Resolution V, the International Conference of the Red Cross reaffirmed that the very applicability of the Geneva Conventions of 12 August 1949 for the protection of war victims and their Additional Protocols of 8 June 1977 depended largely upon the adoption of appropriate national legislation. Thus, the International Conference essentially:

- urged the States party to the Geneva Conventions and, as the case may be, to the Additional Protocols to adopt or supplement the relevant national legislation as well as to inform one another of the measures taken or under consideration for this purpose;
- invited the National Red Cross and Red Crescent Societies (referred to hereinafter as “the National Societies”) to help their own governments in fulfilling their obligations in this respect;
- appealed to the governments and National Societies to give the ICRC their full support and all necessary information;
- requested the ICRC to gather and assess the said information and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the said resolution.

It is the ICRC’s intention to discharge the mandate with which it has been entrusted by this resolution, and which was already conferred on it by the Statutes of the International Red Cross and Red Crescent Movement. It has therefore decided to apply to the Parties to the Conventions with a view to obtaining from them information on any measures taken or under consideration in connection with the fulfilment of their obligations under the Conventions and, as the case may be, one or both of the Additional Protocols. In this respect, the ICRC hopes to obtain from the States both general and specific information, defined in greater detail in the memorandum and the document appearing as *Annexes 2 and 3* hereto.

[In conformity with Resolution V, the ICRC is sending the National Societies a letter for the most part similar to this one, stressing their role with respect to the task in question. From a practical point of view, it would probably be useful to arrange for contacts between the government and the National Society to be maintained through correspondents

specially appointed by both sides, possibly within the framework of an interministerial committee enlarged to include representatives of the National Society. On this matter also, the ICRC would appreciate being kept informed].

The ICRC hopes to receive replies from the governments within six months. In the meantime, it would be glad to provide the governments and National Societies with any information or advice they may need.

The reports drawn up by the ICRC for submission to future International Conferences will contain quantitative data as well as a consideration of implementation in general and of the various efforts currently under way. The ICRC looks forward with great interest to receiving the opinion of the States in this connection, and with regard to possible means of assisting the States in the fulfilment of their obligations.

[...]

Cornelio Sommaruga

Letter to the National Red Cross and Red Crescent Societies

Geneva, 28 April 1988

LE PRÉSIDENT

[...]

The International Committee of the Red Cross hereby has the honour of requesting information with regard to measures that your National Society has taken or is planning to take as a follow-up to Resolution V of the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986) (*Annex 1*).

This resolution, adopted by consensus and entitled "National measures to implement international humanitarian law", was already brought to your attention, together with the other resolutions of the Twenty-fifth International Conference of the Red Cross, in a letter dated 18 June 1987 from the President of the League of Red Cross and Red Crescent Societies.

In Resolution V, the International Conference of the Red Cross reaffirmed that the very applicability of the Geneva Conventions of

12 August 1949 for the protection of war victims and their Additional Protocols of 8 June 1977 depended largely upon the adoption of appropriate national legislation. Thus, the International Conference essentially:

- urged the States party to the Geneva Conventions and, as the case may be, to the Additional Protocols to adopt or supplement the relevant national legislation as well as to inform one another of the measures taken or under consideration for this purpose;
- invited the National Red Cross and Red Crescent Societies (referred to hereinafter as “the National Societies”) to help their own governments in fulfilling their obligations in this respect;
- appealed to the governments and National Societies to give the ICRC their full support and all necessary information;
- requested the ICRC to gather and assess the said information and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the said resolution.

It is the ICRC’s intention to discharge the mandate with which it has been entrusted by this resolution, and which was already conferred on it by the Statutes of the International Red Cross and Red Crescent Movement. It has therefore decided to apply to the Parties to the Conventions with a view to obtaining from them information on any measures taken or under consideration in connection with the fulfilment of their obligations under the Conventions and, as the case may be, one or both of the Additional Protocols. In this respect, the ICRC hopes to obtain from the States both general and specific information, defined in greater detail in the memorandum and the document appearing as *Annexes 2 and 3* hereto.

In conformity with Resolution V, the ICRC is sending the Parties to the Conventions a letter for the most part identical to this one, stressing their primary responsibility with regard to implementation, to the exchange of information and to the transmission of information to the ICRC. As regards the National Societies, the particular role which they are called upon to play is embodied in the Resolution and was already defined in the “Strategy for the Development of National Societies in the Eighties”; that is, to support representations made by the ICRC to their government authorities in order to promote, in peacetime, legislative and practical measures aimed at facilitating the application of international humanitarian law.

In addition to their role in promoting the adoption of such measures, the National Societies must ensure that their government keeps the ICRC duly informed of any steps taken or under consideration. From a practical point of view, it would probably be useful to arrange for contacts between the government and the National Society to be maintained through correspondents specially appointed by both sides, possibly within the framework of an interministerial committee enlarged to include representatives of the National Society. On this matter also, the ICRC would appreciate being kept informed.

The ICRC hopes to receive replies from the governments within six months. In the meantime, it would be glad to provide the governments and National Societies with any information or advice they may need.

The reports drawn up by the ICRC for submission to future International Conferences will contain quantitative data as well as a consideration of implementation in general and of the various efforts currently under way. The ICRC looks forward with great interest to receiving the opinion of the States in this connection, and with regard to possible means of assisting the States in the fulfilment of their obligations.

[...]

Cornelio Sommaruga

RESOLUTION V OF THE TWENTY-FIFTH INTERNATIONAL
CONFERENCE OF THE RED CROSS (GENEVA, 1986)

**National measures to implement
international humanitarian law**

The Twenty-fifth International Conference of the Red Cross,

conscious of the fact that the Parties to the Geneva Conventions and the Additional Protocols have undertaken to respect and also to ensure respect for these instruments in all circumstances,

recalling the duty of the States Parties to communicate to one another, through the depositary and, during hostilities, through the Protecting Powers, the official translations of the Conventions and the Additional Protocols, as well as the laws and regulations they may adopt to ensure their application,

having examined the document presented by the ICRC on *Respect for international humanitarian law—National measures to implement the Geneva Conventions and their Additional Protocols in peacetime*,

reaffirming that the very applicability of international humanitarian law depends largely upon the adoption of appropriate national legislation,

1. *urges* the governments of States Parties to the Geneva Conventions and, as the case may be, to the Additional Protocols to fulfil entirely their obligation to adopt or supplement the relevant national legislation, as well as to inform one another, as stated above, of the measures taken or under consideration for this purpose,
2. *invites* National Societies to assist and co-operate with their own governments in fulfilling their obligation in this respect,
3. *appeals* to governments and National Societies to give the ICRC their full support and the information to enable it to follow up the progress achieved in legislative and other measures taken for the implementation of international humanitarian law,
4. *requests* the ICRC to gather and assess the said information and to report regularly to the International Conferences of the Red Cross and Red Crescent on the follow-up to the present resolution.

NATIONAL MEASURES TO IMPLEMENT INTERNATIONAL HUMANITARIAN LAW

Memorandum

International humanitarian law applicable in armed conflicts is today essentially embodied in the four Geneva Conventions for the protection of war victims of 12 August 1949 (referred to hereinafter as "the Conventions") and in their two Additional Protocols adopted on 8 June 1977 (referred to hereinafter as "the Protocols").

Whereas almost all members of the international community are now Parties to the Conventions (165), this is not yet the case for the two Protocols: only 75 States are Parties to Protocol I relating to international armed conflicts, and 66 to Protocol II relating to non-international armed conflicts. Fuller information as to the States party to these various instruments is given in *Annex 4*.*

Whether a given State is a Party to the Conventions alone or to the Conventions as supplemented by one or both of the Protocols will inevitably have an influence on the rules applicable and, in particular, on that State's obligations with regard to measures of implementation.

General considerations, however, beginning with the obligation to take the necessary measures of implementation, remain unaffected. Indeed, despite the impressive number of provisions and the detail of the rules and regulations contained in the Conventions and the Protocols, these treaties could remain a dead letter unless national measures of implementation are taken before the actual emergence of situations calling for their application.

In such situations, the Conventions and the Protocols provide for particular means of implementation which represent a development and clarification of the customary rule whereby the Parties must execute in good faith the treaties in force. Above all, both the Conventions and Protocol I contain the express principle which forms the subject of this memorandum: that the Parties shall take without delay all necessary measures to fulfil their obligations.

This rule of principle, which is also valid with regard to Protocol II, is itself rendered more specific by a number of other provisions applicable as soon as the treaty enters into force. One of these provisions, aimed at assisting the Parties in the fulfilment of their obligations while at the same time keeping them informed of action taken by others, calls for the exchange of information

* This document is not reproduced in this issue. See above, p. 122.

between the Parties on measures of implementation taken by each of them. Though not explicitly mentioned in Protocol II, this rule of implementation should also be applied with regard to that instrument.

It is plain enough that the States have exchanged relatively little information on their national measures of implementation. How many of the Parties have actually met their primary obligation to take such measures is more difficult to determine.

Various approaches made by the ICRC in the past have made it possible to gather only partial information, concerning a limited number of States. In view of this fact and of the need to underline the importance of preparatory measures of implementation, the ICRC submitted a document on this matter to the Twenty-fifth International Conference, recalling the relevant rules, reporting on information received and proposing further action (*Annex 3*).

The national measures of implementation which form the subject of Resolution V, adopted by consensus at the Twenty-fifth International Conference, give rise to questions of both a general and a specific nature. The general questions concern, for example, the relationship between international law and the internal law of the State in question: what, in the internal legal system, are the rules applicable to the Conventions and Protocols in respect of the enforceability of the treaties concluded? Other examples would be the question of penal sanctions in case of grave breaches of the Conventions and of Protocol I; the protection of the red cross and red crescent emblem and the names "Red Cross" and "Red Crescent"; and prescriptions with regard to medical personnel, units and means of transport. Finally, in its Resolution XIV the above-mentioned International Conference stressed the importance of setting up National Information Bureaux in peacetime. The ICRC also hopes to receive brief replies following, as far as convenient, the indicative list contained in *Annex 3*.

As seen above, the Conventions and Protocol I require the Parties to exchange information on the measures of implementation taken by each of them. The ICRC insists on the importance of this exchange of information through the depositary, with regard to both the Conventions and the two Protocols, and hopes that it will be carried out in parallel with the present exercise.

RESPECT FOR INTERNATIONAL
HUMANITARIAN LAW

**National measures to implement the Geneva Conventions
and their Additional Protocols in peacetime**

*Document presented by
the International Committee of the Red Cross
to the Twenty-fifth International Conference
of the Red Cross
(Geneva, October 1986)*

1. Introduction

- 1.1. The necessity for implementation in peacetime
- 1.2. The legal bases of implementation in peacetime
- 1.3. Information received
- 1.4. Present needs

2. Measures of implementation (Indicative list)

- 2.1. First Convention
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- 2.3. Third Convention
- 2.4. Fourth Convention
- 2.5. Protocol I
- 2.6. Protocol II

3. Draft resolution

1. Introduction

1.1. The necessity for implementation in peacetime

1.1.1. The first obvious indication is in the great volume and complexity of the whole body of law constituted by the four Geneva Conventions of 1949 and their two Additional Protocols of 1977 (referred to below as “humanitarian law”, “Conventions” and “Protocols”). This observation demonstrates the need to make this law known in an appropriate manner to all those whom it concerns—those who must apply it and those who will benefit from it. This aspect, the dissemination of humanitarian law, is dealt with in a separate report (C.I/2.4/1).

1.1.2. The second indication is the fact that in order to assure the faithful application of humanitarian law when it becomes applicable, every State party to the relevant treaties must take a certain number of internal measures. These measures, depending on the provisions concerned and the time when they become applicable, may be preparatory or may be finalized in legal or practical form. Only the constitution, the legal system and other characteristics of each State will make it possible to define precisely the measures it must take.

1.2. The legal bases of implementation in peacetime

1.2.1. Several provisions in humanitarian law refer to the general obligation to take necessary measures to ensure execution¹ of the law or deal with particular aspects of this obligation. The obligation itself results from the commitment by States party to the treaties which constitute humanitarian law to respect and to ensure respect for those treaties in all circumstances².

1.2.2. This primary obligation is reinforced by the provision requiring exchanges of information between the States, specified in the Conventions and

¹ Arts. 45 and 48 of the First Convention, 46 and 49 of the Second, 128 of the Third and 145 of the Fourth; Art. 80 of Protocol I.

² Art. 1 common to the four Conventions; Art. 1, para 1 of Protocol I. This provision embodies the principle that treaties in force must be executed in good faith (Vienna Convention on the Law of Treaties, Art. 26—*Pacta sunt servanda*). We must assume that the same duty of execution exists for Protocol II, even though it limits itself to the statement of fundamental rules and is silent in this respect.

in Protocol I³. The Parties must communicate to one another as promptly as possible, through the depositary⁴ and, if circumstances require, through the Protecting Powers, their official translations of the treaties and the laws and regulations they may adopt to assure their application.

1.3. Information received

1.3.1. On the basis of available information as of 15 May 1986, 35 of the 163 States party to the Conventions had submitted such translations, laws and regulations to the depositary for transmission to the other Parties. One State of the 57 Parties to Protocol I and the 50 Parties to Protocol II had done so.

1.3.2. With the support of the International Conference and thanks to the cooperation of National Societies, the ICRC in 1965 and 1969 was able to gather information on measures taken by 49 States to repress violations of the Conventions.⁵

On other occasions, the ICRC was able to gather information of the same kind from approximately the same number of States about the protection of the emblem of the red cross and red crescent and of the name "Red Cross" and "Red Crescent".

It also occurs relatively often, in response to repeated requests from the ICRC, that governments or National Societies inform the ICRC of national measures for implementation.

1.4. Present needs

In the light of the foregoing summary, the ICRC recognizes three types of need, noted below:

1.4.1. Study by each State of the measures it must take to ensure the application of the Conventions and Protocols—including, for measures already taken,

³ Art. 48 of the First Convention, 49 of the Second, 128 of the Third and 145 of the Fourth; Art. 84 of Protocol I. Even if it is not required by Protocol II, mutual information concerning this instrument would certainly be useful and opportune.

⁴ The Swiss Federal Council is the depositary of the Conventions and Protocols.

⁵ See reports entitled "Respect of the Geneva Conventions—Measures taken to Repress Violations", Volumes I and II submitted by the ICRC respectively to the Twentieth International Conference at Vienna in 1965 and to the Twenty-first International Conference at Istanbul in 1969.

updating and possible additions. Such a study may be based on the indicative list under point 2, below.

1.4.2. Transmission of all relevant information and documents, including translations, through the depositary, to the other Parties to the Conventions.⁶ Enough copies of each document should be provided so that each recipient will have at least one. The value of this transmission will certainly be enhanced if, when the need arises, the documents are accompanied by translations into one of the internationally used languages.

1.4.3. Mutual exchanges of information between the Parties to international humanitarian law treaties is a specific obligation under those treaties. This is not the case for submission of the relevant information and documents to the ICRC,⁷ either through the intermediary of the depositary or directly. The ICRC nevertheless regards this kind of information essential to its efforts to carry out as effectively as possible the tasks incumbent upon it under Article VI of the Statutes of the International Red Cross. The ICRC would be glad to hear the views of the Conference on measures which could be useful to the States in implementing international humanitarian law. One example might be the creation of an *ad hoc* documentation centre whose structure and administration would have to be studied and whose function would be to meet the request of States for documentation.

2. Measures of implementation (indicative list)

2.1. First Convention⁸

Article 23: Hospital zones and localities.

Article 26: Protection of the personnel of Red Cross and Red Crescent Societies and other recognized aid societies.

⁶ This also applies to information concerning Protocol I, as specified in its Articles 84 and 100, sub-para *c*. The obligation to inform all Parties to the Conventions is justified in any event by the fact that all the Parties to the Conventions are called upon to become Parties to the Protocols.

⁷ In addition to resolutions asking for reports to the ICRC on measures taken with respect to dissemination, we may refer to Resolution XXVI of the Twentieth International Conference asking that it be given support and information needed to study the problem of repressing violations.

⁸ Indications relating to the Conventions are taken from their respective *Commentaries* (Article 48 of the First Convention, 49 of the Second, 128 of the Third and 145 of the Fourth). More details may be found in the *Commentary* on each of the relevant provisions.

Article 44: Restriction in the use of the emblem, and exceptions.

Article 49: Penal sanctions; general observations.

Article 53: Misuse of the emblem.

Article 54: Prevention of misuse of the emblem.

2.2. Second Convention

Article 13: Definitions of protected persons (particularly to determine, on the national level, what persons belong to the armed forces).

Article 42, para 3: Identity cards for medical and religious personnel.

Article 20: Burial at sea of the dead.

Articles 22, 24, 25: Characteristics of hospital ships (gross tonnage, length from stem to stern, number of masts and funnels and, if possible, photographs and silhouettes).

Article 45: Repression of misuse of the emblem.

Article 39, para 2: Identification of medical aircraft.

Article 48: Dissemination of the Convention.

Articles 50, 51, 52: Repression of abuses and infractions.

2.3. Third Convention

Article 4: Definitions of protected persons (especially to determine what persons are members of the armed forces).

Article 17: Identity cards for members of the armed forces.

Article 21: Laws and regulations concerning release on parole.

Article 43: Lists of titles and ranks.

Articles 69, 70, 71: Measures to take regarding prisoners' correspondence (especially the preparation of necessary correspondence forms).

Articles 74 and 124: Exemption from postal and transport charges (in particular the adaptation of postal regulations).

Article 120: Creation of a Graves Registration Service.

Article 122: Creation of national Information Bureau.

Article 127: Dissemination of the Convention.

Articles 129, 130, 131: Repression of abuses and infractions.

In addition, *Part III, Section VI, Chapter III*, dealing with penal and disciplinary sanctions, requires the Detaining Power to adapt its legislation, if necessary, to provisions of the Convention (Article 82, para 1).

Other provisions of the Convention, in some cases, may also call for adaptations or updating of national legislation or administrative regulations, whether relating to general conditions of internment or with such particular problems as the working conditions of prisoners (*Part III, Section III*), their financial resources and transfers of funds (*Part III, Section IV*), the dispatch and reception of relief shipments (*Articles 72 and 74*), etc.

2.4. Fourth Convention

Several provisions of this Convention call for adaptations or innovations in national legislation, depending on the country in question, for instance:

Penal sanctions

Regulations for internment

Creation of safety zones

Protection of civilian hospitals

Use of the red cross or red crescent emblem

Identification of small children

2.5. Protocol I⁹

Article 6—Qualified persons

The training of qualified personnel required by this Article is a permanent task for the Parties to the Protocol and for the National Red Cross and Red Crescent Societies.

Article 12—Protection of medical units

Para 2, sub-para b: Recognition and authorization of civilian medical units must be effected as soon as possible.

Para 4: Care must be taken at all times that medical units are so sited that they will not be endangered by attacks on military objectives.

Article 16—General protection of medical duties

Only appropriate legislation can effectively ensure the protection of medical duties.

⁹ Indications relating to Protocol I are taken from its Commentary (Article 80). The relative newness of the Protocols appeared to justify giving more detail than in the case of the Conventions.

Article 18—Identification

As soon as possible, all steps must be taken to assure the identification of medical personnel, units and transports.

*Article 22—Hospital ships and coastal rescue craft
and*

Article 23—Other medical ships and craft

Regulations promulgated under Chapter III of the Second Convention should be adapted and extended to the ships and craft specified in these Articles of Protocol I.

Articles 24, 25, 26, 27, 28, 29, 30, 31—Protection of medical aircraft

The procedures for notification and agreement concerning medical aircraft specified in Article 29 should be established in time of peace (see also Article 12 of Annex I). It is in the interest of medical aviation that the measures for identification of medical aircraft should be taken (see Articles 5 to 13 of Annex I).

Article 33—Missing persons

Plan for the organization of searches, registration and communication of information.

Article 34—Remains of the deceased

Provide for a service to be responsible for executing this Article or assign the duty to an existing service.

Article 36—New weapons

Measures should be taken to determine in the study, development, acquisition or adoption of a new weapon, means or method of warfare whether its employment would be prohibited, in some or all circumstances, by provisions of the Protocol or by any other rule of international law applicable to the Party concerned.

Article 43—Armed forces

The armed forces must have an internal disciplinary system which enforces compliance with international law applicable in armed conflicts. The notification required by para 3 may be made in peacetime.

Article 45—Protection of persons who have taken part in hostilities

A judicial procedure must be provided for to determine the status of any person who is not detained as a prisoner of war and who is to be tried for an offence arising out of the hostilities.

Article 56—Protection of works and installations containing dangerous forces

The following rules, among others, are applicable at all times: military objectives should not be placed at or in the vicinity of these works and installations; efforts should be made to enhance the protection of these works

by agreements between the Parties; they should be marked with the special sign (see Article 16 of Annex I).

Article 58—Precautions against the effects of attacks

Fixed military objectives should be constructed as far away as possible from densely populated areas and the measures necessary to protect the civilian population should be planned. (The word “attack” is defined in para 1 of Article 49—Definition of attacks and scope of application).

Article 60—Demilitarized zones

Agreements may be made in peacetime for the creation of demilitarized zones.

Articles 61, 62, 63, 64, 65, 66, 67—Civil defence

For civil defence to benefit from the guarantees offered by the Protocol, its organization must conform to the requirements of Articles 61 to 67. It is particularly important to assure correct identification.

Article 74—Reunion of dispersed families

Care should be taken to assure that security rules provided for times of armed conflict do not constitute obstacles to the reunion of dispersed families.

Article 75—Fundamental guarantees

The guarantees of humane treatment and the judicial guarantees in this Article must be assured, at the national level, by adequate legislation applicable in times of armed conflict.

Article 76—Protection of women

The same remark applies as for Article 75.

Article 77—Protection of children

The same remark applies as for Article 75. In particular, all possible measures must be taken in practical terms to make sure that children under the age of 15 years do not take a direct part in hostilities.

Article 78—Evacuation of children

Designate the body which will be responsible for this task in times of armed conflict.

Article 79—Measures of protection for journalists

The necessary measures for issuance of the identity card should be made so that it will be available as soon as the Protocol enters into effect.

Article 80—Measures for execution

The present list indicates measures to take in peacetime. Orders and instructions to ensure observance of the Conventions and the Protocol should also be incorporated into regulations and military manuals.

Article 82—Legal advisers in armed forces

The legal advisers should already be trained and available in peacetime.

Article 83—Dissemination

Dissemination of the Conventions and the Protocol is a permanent obligation. The Parties should incorporate study of these instruments in programmes of military training and also encourage such study by the civilian population.

Article 84—Rules of application

Communication of translations of the Protocol and the laws and regulations adopted to ensure its application should take place as soon as possible.

Article 85—Repression of breaches of the Protocol

National penal legislation should provide for repression of the breaches enumerated in this Article.

Article 86—Failure to act

National penal legislation should be adapted, if necessary, to give effect to this Article.

Article 87—Duty of commanders

The Parties, starting in peacetime, should give suitable instructions to their military commanders in order to ensure that the measures referred to in this Article are taken, in particular with regard to assuring respect by their subordinates for the Conventions and the Protocol.

Article 88—Mutual assistance in criminal matters

Necessary legislation to ensure mutual legal assistance and cooperation in extradition should be adopted in peacetime.

Article 90—International Fact-Finding Commission

The declaration of recognition of the competence of the Commission referred to in para 2, sub-paras *a* and *b* can be made at any time.

Article 97—Amendment

and

Article 98—Revision of Annex I

The necessary measures should be taken to give effect to any amendments of the Protocol or of its Annex I which are accepted by the Party concerned.

Annex I—Regulations concerning identification

See comments on Articles 18, 24 to 31, 56, 61 to 67 and 98.

Annex II—Identity card for journalists on dangerous professional missions

See comment on Article 79.

2.6. Protocol II ¹⁰

Article 4—Fundamental guarantees

The fundamental guarantees referred to in this Article should be secured, on the national level, by adequate legislation applicable in the event of non-international armed conflicts.

Article 5—Persons whose liberty has been restricted

Regulations concerning the detention of persons referred to in this Article should conform to the provisions of the Article.

Article 6—Penal prosecutions

The fundamental guarantees, judicial and otherwise, should be secured on the national level by adequate legislation applicable in the event of non-international armed conflicts.

Article 10—General protection of medical duties

Only appropriate legislation can effectively ensure protection of medical duties.

Article 19—Dissemination

Dissemination of the Conventions and the Protocols is a permanent obligation.

3. Draft Resolution

National measures to implement humanitarian law

The XXVth International Conference of the Red Cross,

Recalling that the States party to the Geneva Conventions and their additional Protocols have the duty of taking without delay all necessary measures to ensure the application of these treaties,

Considering that the duty of the Parties to inform one another of the measures taken to this effect is also an essential obligation,

Aware that the transmission to the ICRC of all relevant information and documents will better enable it to discharge its statutory mandate with respect to the promotion and implementation of humanitarian law, especially by providing advice which may be requested of it,

¹⁰ These indications are taken from "Implementation of the Protocols", published in the *International Review of the Red Cross*, No 217 July-August 1980, pp. 198-199 and issued as a reprint.

Recalling the previous resolutions on this subject, especially Resolution XXVI of the Twentieth Conference and Resolution IV of the Centennial Congress,

1. *Takes note* of the report by the ICRC,

2. *Invites each State* to consider the measure it should take to ensure the implementation of the Conventions and Protocols and to review measures already taken toward this end.

3. *Requests the States*, through the Swiss Federal Council, to inform one another and the ICRC of measures taken and under consideration for this purpose.

4. *Requests the ICRC*

a) to follow up this question and to take all useful measures in this domain, in cooperation with the depositary and the National Societies;

b) to report to the next International Conference.
