

Note No: 667/10

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretary-General of the United Nations and, in response to Note LA/COD/2 of 9 April 2010 concerning General Assembly resolution 63/125 of 11 December 2008 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts", has the honour to transmit herewith the report of the United Kingdom on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts and on the measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level.

The Permanent Mission of the United Kingdom to the United Nations takes this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.



United Kingdom Mission
to the United Nations

28 September 2010

United Kingdom of Great Britain and Northern Ireland

Measures taken to strengthen the existing body of international humanitarian law: international humanitarian law implementation, dissemination and education.

1. The United Kingdom remains committed to the Geneva Conventions of 1949 and its Additional Protocols. Since the United Kingdom's last contribution to this exercise in 2008 it has passed the necessary legislation and ratified Additional Protocol III. The United Kingdom by its statements and actions constantly reaffirms its commitment to uphold the Geneva Conventions and its Additional Protocols and promotes universal acceptance of these Conventions and Additional Protocols by encouraging others to do the same.

International Humanitarian Fact Finding Commission

2. The United Kingdom is a party to Protocol I and has made a declaration provided for under article 90 of that Protocol regarding the International Humanitarian Fact Finding Commission. The United Kingdom would consider making use, where appropriate, of the International Humanitarian Fact Finding Commission in accordance with the provisions of article 90 of Protocol I and has worked to encourage others to make the appropriate article 90 declaration.

Protection of cultural property

3. The United Kingdom has committed to becoming a party to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols. A draft of the necessary legislation, the Cultural Property (Armed Conflicts) Bill, is in a good state of readiness but a slot needs to be found in the legislative programme.

Dissemination of international humanitarian law and IHL in the national curricula

4. The United Kingdom remains committed to promoting awareness and understanding of the principles of international humanitarian law in all parts of the United Kingdom. International humanitarian law has been included in the national curriculum for secondary schools in England and the United Kingdom government has committed to building on this by developing further relevant resources and by making them available within schools and other places of education, and to the teaching profession. It will also encourage the curriculum authorities in the other parts of the United Kingdom to include international humanitarian law in their own schools' curriculum and will continue to work closely with the British Red Cross Society, in recognition of its special status as an auxiliary to the government in the humanitarian field, to promote awareness of British Red Cross Humanitarian Education Programmes. In addition to developing international humanitarian law instruction in schools, the United Kingdom offers general international humanitarian law training to governmental policy and legal advisers plus ad hoc events and training as required. The United Kingdom also provides information on relevant international humanitarian law issues to the media in connection with events current at the time, including armed conflicts to encourage greater awareness of international humanitarian law and its relevance in their work.

5. Last year the Foreign & Commonwealth Office and the British Red Cross Society held a joint conference to commemorate the 60th anniversary of the adoption of the 1949 Geneva Conventions. This led to a subsequent public consultation and publication of an action plan. Linked to this anniversary was a joint British Red Cross / British Institute of International and Comparative Law lecture series, for which the United Kingdom government provided some financial support.

Military training

6. The United Kingdom is committed to protecting human life and dignity in armed conflict by enhancing respect for international humanitarian law and is a strong supporter and advocate of its principles and rules. All United Kingdom servicemen and women are instructed in the relevant aspects of international humanitarian law during their basic training and at appropriate stages as they are promoted to higher ranks. Relevant aspects of international humanitarian law training are an integral part of the preparation for officers training including promotion training. In particular, the United Kingdom ensures that members of the Armed Forces and foreign officers attending our Military Training Academies are conversant with international humanitarian law and it is a key element of training given to peacekeeping troops from around the world. The United Kingdom Ministry of Defence has published a Manual on Law of Armed Conflict containing comprehensive guidance for all three services and relevant training materials have been produced by all three services (Army, Navy and Air Force).
7. Relevant aspects of international humanitarian law are also covered as part of pre-deployment training for all service personnel. Aspects of the Geneva Conventions are covered in legal background briefs received by all deploying troops, and all military personnel receive an aide-memoire card which clearly states that civilians, prisoners and detainees must be treated with dignity and respect and must not in any way be subject to abuse, torture, inhuman or degrading treatment. Each service will deploy lawyers to operational theatres where there is a requirement to do so; when deployed the lawyers will advise on all legal issues and provide refresher training where practicable.

Accountability

8. Under the Armed Forces Act 2006 service personnel are subject to English criminal law wherever they are serving. This means that any conduct which would constitute a criminal offence if committed in England can be prosecuted by court martial. This is in addition to the general extraterritorial scope of the domestic offences under the Geneva Conventions Act 1957, the International Criminal Court Act 2001 (the jurisdiction of which has been extended by section 70 of the Coroners and Justice Act 2009) and section 134 of the Criminal Justice Act 1988 (implementing the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984). These enable those who commit war crimes to be punished. The United Kingdom continues, in addition, to contribute to activities carried out by the European Union to encourage States to become party to the Rome Statute of the International Criminal Court and to put in place legislation to give the Statute effect.

Investigation and prosecution of abuses

9. All substantial allegations or suspicions involving activity of a criminal nature by military personnel are investigated by the service police special investigations branch. An investigation is required in every instance where the action of British service personnel may have led directly to the death or injury of civilians in a theatre

of operation. When investigations lead to courts martial, these are public and conducted to the same standards of justice and independence that are present in the civilian judicial system.

Making the implementation of international humanitarian law more effective

10. The United Kingdom fully supports ways to make implementation of international humanitarian law more effective. Earlier this year the United Kingdom Parliament enacted the Geneva Conventions and United Nations Personnel (Protocols) Act 2009. This Act will enable the United Kingdom to become party to two international agreements: the Third Protocol Additional to the Geneva Conventions, and the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. The former has recently been ratified by the United Kingdom and arrangements are in hand to enable the United Kingdom to accede to the latter. The United Kingdom also ratified the 2008 Convention on Cluster Munitions, following the enactment of the Cluster Munitions (Prohibitions) Act 2010. In recent months a national strategy on the Protection of Civilians in Armed Conflict has also been launched, which sets out UK government activity in this important field. Additionally, last year's joint Foreign & Commonwealth Office and British Red Cross Society conference marking the 60th anniversary of the 1949 Geneva Conventions looked at the Geneva Conventions today as well as the changing nature of armed conflict. The United Kingdom also participated in further discussions hosted by the ICRC concentrating on future challenges to the Geneva Conventions.

Advisory service activities of the International Committee of the Red Cross

11. The United Kingdom fully supports the advisory service activities of the International Committee of the Red Cross in promoting national implementation of the obligations arising from international humanitarian law treaties and to collect and facilitate the exchange of information on national implementation measures. Separately the United Kingdom has provided funding for the International Criminal Court legal tools database which enables other countries to learn from the experiences of others in implementing legislation to tackle serious breaches of international humanitarian law.

National Committee

12. The United Kingdom established a National Committee on International Humanitarian Law in 1999, in line with a recommendation endorsed by the 1995 International Conference of the Red Cross and Red Crescent. The National Committee on International Humanitarian Law has met annually to develop further and disseminate understanding of international humanitarian law policy and practice nationally, and to discuss ways to encourage international partners to do likewise, particularly within the Commonwealth. The United Kingdom National Committee played a leading role at the Second Meeting of Commonwealth National International Humanitarian Law Committees in New Delhi in 2009. The United Kingdom has also promoted the formation of National International Humanitarian Law Committees, and has offered practical assistance to those wishing to do so.

Optional Protocol to the Convention on the Rights of the Child

13. The United Kingdom signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2000. It was ratified in 2003. Upon signature, and confirmed upon ratification, the United Kingdom stated that it will take all feasible measures to ensure that members of its armed forces who have not attained the age of 18 years do not take a direct part in hostilities.

However, the United Kingdom understands that article 1 of the Optional Protocol would not exclude the deployment of members of its armed forces under the age of 18 to take a direct part in hostilities where: a) there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and b) by reason of the nature and urgency of the situation: i) it is not practicable to withdraw such persons before deployment; or ii) to do so would undermine the operational effectiveness of their ship or unit, and thereby put at risk the successful completion of the military mission and/or the safety of other personnel.