

Follow-up to UNGA Res 73/204 ("Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts")

Submission from the United Kingdom on new developments and activities undertaken during the reporting period 2018-2020

In line with Operative Paragraph 15 of UNGA Resolution 71/144, the UK has used a template questionnaire in the hope that it might be of interest and help to encourage others to adopt a similar format in future. The UK would welcome comments from other States and UN officials on this approach.

Please set out briefly any new developments or activities undertaken in the following areas:

I. Ratifications or Accessions to the Geneva Conventions of 1949, their Additional Protocols and other relevant international humanitarian law (IHL) treaties

Not applicable.

II. Adoption of national legislation to implement the above-mentioned instruments

Not applicable.

III. Adoption of other measures of implementation and for the dissemination of IHL

Promotion and Dissemination of International Humanitarian Law

1. In March 2019, the United Kingdom published a Voluntary Report on Domestic Implementation of IHL. The publication of this report reflects the UK Government's commitment to the proper implementation of, and compliance with, International Humanitarian Law. The UK is now encouraging other States to draft their own reports on domestic implementation of IHL, and promoted a pledge to this effect at the 33rd International Conference of the Red Cross and Red Crescent.
2. In collaboration with the British Red Cross, the UK is conducting a project to provide practical assistance and support to selected States to produce a report which details their activities to implement IHL at the domestic level. Among other advantages, States will be equipped with a practical mechanism to measure and record IHL implementation at national level and the report may help to identify best practice. We have also produced a toolkit to provide guidance for countries to research and draft their own reports. It includes two optional templates, for short and more detailed implementation reports, as well as guidance on how to publish a report. The toolkit is accessible online at the UK government website¹, and is presently available in Arabic and French, as well as English. Additional translations are planned.

¹ <https://www.gov.uk/government/publications/international-humanitarian-law-implementation-report-toolkit>

3. The United Kingdom supports the Dissemination Activities of the British Red Cross including the joint British Red Cross/ICRC project which ensures that the practice section of the ICRC Study on Customary IHL is kept up-to-date and is accessible on a database: <https://www.icrc.org/customary-ihl>. The 10th anniversary of the launch of the database was marked on 12 August 2020.
4. On 27 August 2020, the UK published its approach paper on Protection of Civilians. The paper builds on the published 2010 Protection of Civilians strategy, highlighting the work done by the UK Government in the past 10 years to further this important agenda. The UK is firmly committed to promoting the Protection of Civilians in Armed Conflict and has been at the forefront of initiatives in recent years promoting the issue, including in strengthening state capacity and encouraging all States to respect IHL. This publication brings up to date the UK's public commitment, taking into account work by other States, international organisations, civil society and academia.

Armed Forces

5. All UK Armed Forces receive training on international humanitarian law throughout their careers, which covers the four fundamental principles of Necessity, Humanity, Distinction and Proportionality. International humanitarian law training is also provided as part of the mandatory pre-deployment training for all personnel deploying on military operations in which international humanitarian law may apply. Each service will deploy lawyers to operational theatres where there is a requirement to do so. Once deployed, those lawyers will advise on all legal issues and provide refresher training where necessary and practicable.
6. In June 2018, the third edition of Legal Support to Joint Operations, Joint Doctrine Publication (JDP) 3-46, was published². It contains an introduction to the multiplicity of legal issues associated with military operations; the ways in which the legal adviser participates in the planning and execution of operations, and the working relationship between the commander and the lawyer.
7. The United Kingdom Ministry of Defence has published a Joint Service Manual on the Law of Armed Conflict which sets out our interpretation of international humanitarian law. The Manual³ and subsequent amendments⁴ are available on the UK government website. A Ministry of Defence programme to update the Manual is underway. It will

² <https://www.gov.uk/government/publications/jdp-3-46-legal-support-to-joint-operations-2nd-edition>

³ <https://www.gov.uk/government/publications/jsp-383-the-joint-service-manual-of-the-law-of-armed-conflict-2004-edition>

⁴ <https://www.gov.uk/government/publications/the-manual-of-the-law-of-armed-conflict-amendments-to-the-text>

draw upon Service, government and external academic legal experts to ensure that the new manual will be comprehensive and authoritative.

8. The fourth edition of Joint Doctrine Publication 1-10, Captured Persons⁵, was published in September 2020. This gives detailed directions and guidance to members of the UK Armed Forces who are involved in planning, training for or conducting activities concerning captured persons.
9. Under the Armed Forces Act 2006, service personnel are bound by the criminal law of England and Wales wherever in the world they are serving. This enables those who commit war crimes to be held to account.
10. The standards of conduct required of UK Armed Forces are, and have always been, in accordance with relevant international law, and the domestic criminal law that applies to United Kingdom forces at all times. Allegations of unlawful conduct by personnel who fail to uphold the high standards expected are taken extremely seriously.
11. Army Legal Services continues to second a Military Lawyer (currently a Colonel) to act as Director of the Military Department at the International Institute of Humanitarian Law, San Remo, Italy.

Preventing Sexual Violence in Conflict Initiative

12. The UK remains the only government in the world with a Prime Minister's Special Representative on Preventing Sexual Violence in Conflict, and a policy team and funding dedicated to tackling conflict-related sexual violence (CRSV).
13. The Preventing Sexual Violence in Conflict Initiative (PSVI) follows a survivor-centred approach, in line with UN Security Council Resolution 2467 on Sexual Violence in Conflict. In June 2020, the UK launched the draft Murad Code, created alongside Nobel Laureate Nadia Murad and the Institute for International Criminal Investigations (IICI), to strengthen justice for survivors around the world. It upholds international standards for recording crimes with sensitivity to survivors, reinforcing evidence collection and strengthening justice and accountability while preventing the further traumatisation of survivors by governments, international organisations, or civil society actors.
14. In October 2019, the UK appointed two PSVI Survivor Champions, Nadine Tunasi and Kolbassia Haoussou, who advocate for support for all survivors and children born of conflict-related sexual violence within PSVI policy and programming.

⁵ <https://www.gov.uk/government/publications/jdp-1-10-second-edition-captured-persons-cpers>

15. The PSVI International Conference was postponed in the light of the global COVID-19 pandemic. We will revisit plans for a conference once the international situation allows.
16. In collaboration with the British Red Cross, the UK has also published a joint open pledge on responding to sexual and gender-based violence in armed conflict, in connection with the 33rd International Conference of the Red Cross and Red Crescent.
17. More generally, the United Kingdom published its national action plan⁶ on women, peace and security 2018 to 2022. This is a 5-year strategy for how the UK will meet our commitments under UN Security Council Resolution 1325 to reduce the impact of conflict on women and girls and to promote their inclusion in conflict resolution. This action plan envisages a number of ‘Strategic Outcomes’, including one focused on gender-based violence.

Enforcement

18. The United Kingdom believes that the International Criminal Court has an important role to play in ending impunity for the most serious crimes of international concern. The United Kingdom continues to support the International Criminal Court’s aims to encourage States to become party to the Rome Statute and to put in place legislation to give the Statute effect.

The United Kingdom contributes to the International Criminal Court, international and hybrid tribunals. The United Kingdom’s support helps to strengthen the rules-based international system, deliver justice for victims of the most serious crimes of international concern, and tackle impunity for serious violations of international humanitarian law.

19. The United Kingdom is supporting the ICC’s preliminary examination into alleged war crimes in Iraq and continues to investigate allegations of serious criminal behaviour by UK armed forces in Iraq through the Service Police Legacy Investigations⁷ and where necessary to conduct inquests (known as Iraq Fatality Investigations)⁸ to establish the facts and learn lessons.
20. In May 2018, the United Kingdom published an information note⁹ clarifying and summarising the UK’s existing approach to universal jurisdiction. Annex A covers

⁶ <https://www.gov.uk/government/publications/uk-national-action-plan-on-women-peace-and-security-2018-to-2022>

⁷ <https://www.gov.uk/guidance/service-police-legacy-investigations>

⁸ <https://www.gov.uk/government/collections/iraq-fatality-investigations>

⁹ <https://www.gov.uk/government/publications/universal-jurisdiction-information-note>

War Crimes/crimes against humanity referral guidelines. It too can be found on the government's website.

IV. Domestic case-law relating to the above-mentioned instruments

Not applicable.

V. Activities carried out by national commissions or committees to support the implementation or dissemination of IHL

21. The United Kingdom National Committee on International Humanitarian Law meets biannually 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 with the Commonwealth. The UK National Committee on International Humanitarian Law also encourages the dissemination and training of international humanitarian law to the armed forces, police, civil servants (practitioner level training courses by the Foreign, Commonwealth and Development Office), teachers, the judiciary, the medical profession, journalists and others as necessary. The UK has also promoted the formation of national International Humanitarian Law committees and has offered practical assistance to those wishing to do so.
22. In July 2018, the Terms of Reference¹⁰ of the UK National Committee were published on the government's website. A dedicated webpage¹¹ on IHL was also published, providing an overview of the topic, including relevant principles, treaties and institutions.
23. In September 2018, the Diplomatic Academy Law Faculty, in partnership with the British Red Cross, launched an online introductory training course on IHL for diplomats and officials of the then Foreign and Commonwealth Office and for officials from other government departments.
24. A special course for the Crown Prosecution Service and the Metropolitan Police was delivered from September – November 2019. This covered IHL in the context of international criminal law. The British Red Cross helped to deliver one session.
25. In October 2019, the Committee, in collaboration with the British Red Cross, organised a successful Conference at Lancaster House to mark the 70th anniversary of the Geneva Conventions. This Conference brought together experts in IHL, academics, members

¹⁰ <https://www.gov.uk/government/publications/uk-national-committee-on-international-humanitarian-law-terms-of-reference/uk-national-international-humanitarian-law-committee-overview-and-terms-of-reference>

¹¹ <https://www.gov.uk/government/publications/international-humanitarian-law-and-the-uk-government>

of the judiciary, government representatives, military officers, Parliamentarians and journalists.

26. In January 2020 the UK National IHL Committee joined the new Online Digital Community for National IHL Committees.

27. The Committee has continued to be kept informed, and training provided, throughout the period of the coronavirus (COVID-19) restrictions.

VI. Other relevant initiatives to promote respect for the 1949 Geneva Conventions, their Additional Protocols and other relevant instruments.

28. In April 2018, the United Kingdom endorsed the Safe Schools Declaration. This underlined the UK's political support for the protection of schools and the continuation of education during armed conflict. A cross Government working group was subsequently set up to consider reporting and administrative actions arising from endorsement. The UK has encouraged relevant international partners to endorse the Declaration and we continue to champion the Declaration through bilateral and multilateral engagements.

29. In January 2019, the UK published a Joint Service Publication¹² on Human Security in Military Operations and guidance on how the UK military can better liaise with NGOs and Civil Society involved in the protection of civilians and how military personnel should respond to children affected by conflict. This includes the Declaration and Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

30. In September 2020, the UK actively supported the implementation of the first International Day to Protect Education from Attack. We participated in a related UNSC Open Debate, calling upon Member States to endorse and commit to avoiding military use of educational facilities. The UK also lobbied successfully for key commitments in September's UNSC Presidential Statement on protecting education against attack, including securing reference to the Declaration and the critical role it plays.

31. In May 2018, the Attorney General delivered a speech on "Cyber and International Law in the 21st Century." The Attorney made clear that the UK considers cyber space to be an integral part of the rules-based international order and that cyber operates within the international law framework. In the United Kingdom's view, international humanitarian law applies to cyber operations in armed conflicts.

¹² <https://www.gov.uk/government/publications/human-security-in-military-operations-jsp-1325>

32. The United Kingdom continued to engage on weaponry matters. This included discussions in arms control fora around Lethal Autonomous Weapon Systems and the use of Explosive Weapons in Populated Areas.
33. The UK participated in the 5th Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, held in Kigali, Rwanda, in June 2019. A delegation was also sent to the 33rd International Conference of the Red Cross and Red Crescent, held in Geneva, Switzerland, in December 2019. At the latter, among other activities, the United Kingdom co-sponsored a side event on the protection of media professionals in armed conflicts.