

**Contribution of Belgium to the report required under paragraph 11**

## I. General points

The Additional Protocols to the Geneva Conventions of 12 August 1949, adopted at Geneva on 18 June 1977, were approved by Belgium through an act dated 16 April 1986. The Belgian instruments of ratification were deposited with the Swiss Federal Council at Bern on 20 May 1986. The Additional Protocols entered into force in Belgium on 20 November 1986.

The Geneva Conventions of 1949 had been approved through an act of 3 September 1952.

The above international instruments have been published in the Belgian State Gazette (*Moniteur belge*) in French and Dutch, both versions having official status in Belgium.

At that time of ratification of the Additional Protocols on 20 May 1986, Belgium made interpretative declarations in respect of Additional Protocol I, regarding in particular a reservation pertaining to nuclear issues; the status of the Gendarmerie (1) in view of article 43 of the Protocol; and the clarification of certain concepts and expressions used in the Protocol (2).

On 20 February 1987, shortly after the entry into force of the Additional Protocols, the Belgian Government established an Interdepartmental Commission for Humanitarian Law (ICHL) entrusted with identifying and reviewing national measures for the implementation of international humanitarian law (IHL), proposing such measures to the competent authorities and monitoring and coordinating the measures taken.

A decision of the Council of Ministers of 23 December 1994 enlarged the mandate of ICHL, providing it with the status of a permanent advisory body of the Federal Government on IHL implementation and development.

In 2000, ICHL received further official and public confirmation through a royal decree of 6 December 2000 reorganizing the ICHL, changing its name to "Interministerial Commission for Humanitarian Law" and reaffirming its mandate as revised in 1994.

ICHL operates under the supervision of the Minister of Foreign Affairs, who appoints its chairman.

ICHL consists of representatives of the Prime Minister, the Ministers of Foreign Affairs, Justice, Defence, the Interior and Public Health and the Secretary of State for Development Cooperation.

Moreover, ICHL comprises representatives of the federated entities of the Belgian State, namely the Communities (French Community, Flemish Community and German-speaking Community) and the six federated entities of the Belgian





4. Armed Forces

Shortly after the entry into force of the 1977 Additional Protocols in Belgium, the Defence Department established a structure of advisers on the of law armed conflict (article 82 of Additional Protocol I), consisting of active and reserve officers. In that

addressed by relevant General Orders (respectively, OG-J/818A and 730). These texts on the law of armed conflict will soon be available in electronic form.

Before participating in an operation, military personnel receive a reminder about the rules of the law of armed conflict and of engagedU(e)7.7ant an (the)7.7( )-5.9behaviou(r)7.4 app(r)7.4oprtigthe(for)7.4

Moreover, ICHL has drafted a proposal for adding in the Belgian constitution a new article (169 bis) on the International Criminal Court and International Criminal Tribunals (4).

In addition to the obligatory contributions to ICTR, Belgium has funded, on a voluntary basis, work by the International Law Centre of the free University of Brussels (VUB) for the compilation and publication of the jurisprudence of the court. As a result, ICTR records have been published for the period 1995-2001 and are under preparation for the period 2000-2003.

Subsidies have also been provided to "Lawyers without borders" and "Citizens' Network" for their work in support of justice, particularly with regard to Rwanda.

Mention should be made here of the exchange of letters of 2 May 2007 between Belgium and ICC regarding the air transport of detained persons due to appear before the Court.

#### 7. Protection of cultural property

Belgium is a party to the Hague Convention of 1954 and to the related Regulations for execution, Final act, Resolutions and Protocol of 14 May 1954. All of these instruments were approved through an act of 10 August 1960.

The Second Protocol to the Hague Convention of 1954, done at The Hague on 24 March 1999, was signed by Belgium on 17 May 1999 (5) and approved through the act of 30 September 2005. The ratification procedure is currently under way. In that framework, ICHL has proposed to the Government a draft interpretative declaration regarding article 22 of the Protocol in respect of the concept of "non-international armed conflict".

So far, the Protocol has also been approved by some of the federated entities (Communities and Regions) responsible for Belgian cultural property, heritage,

ICHL also contributed to the report submitted by Belgium to UNESCO for the period 1995-2000 pursuant to article 26.2 of the Hague Convention of 1954 (6).

8. Rights of the child

Belgium is a party to the Convention on the Rights of the Child, adopted at New







connection, ICHL prepared the 28th International Conference follow-up report and drew up draft "Commitments" to be made by the Belgian Government (alone or in cooperation with the National Red Cross Society) at the 30th International Conference.

### 13. Development cooperation and humanitarian aid

#### Development cooperation

Belgian Development Cooperation ascribes particular importance to IHL and supports organizations involved in its implementation at the international level.

Comment [J55]: <http://www.dgos.be/en/index.html>

ICRC was selected as a partner organization for multilateral cooperation through a royal decree of 27 April 2000 specifying the international partners of Belgian Development Cooperation in that area (since then replaced by a royal decree of 2 April 2003) (10), and became a priority organization in 2003. Since then, support to ICRC has considerably increased, to the extent that Belgium ranks among the organization's top 14 donors. Accordingly, Belgium engages in a strategic dialogue with that key humanitarian-law body.

Belgian support for ICRC programmes have targeted the protection of victims of conflicts in Central Africa, Colombia, Armenia and Azerbaijan, the dissemination of humanitarian law and anti-mines activities.

Other international organizations whose work is related to IHL implementation and, as partners of Belgian Development Cooperation, receive significant support, include the Office of the United Nations High Commissioner for Refugees (UNHCR), the Office of the United Nations High Commissioner for Human Rights (UNHCHR), UNICEF and UNESCO.

Comment [J56]: [www.unhcr.org](http://www.unhcr.org)

Belgium provides support to the International Red Cross Movement (the national societies), particularly for activities related to the implementation of the Geneva Conventions and the Additional Protocols, humanitarian assistance and the dissemination of humanitarian law at the national and international levels.

The act of 25 May 1999 on Belgian international cooperation was amended (through an act of 19 July 2005), adding to article 8 "respect for the rights of the child" as a cross-cutting priority theme in respect of cooperation.

As part of activities related to the rights of the child, Belgium, according to the commitments made at the International Conference of the Red Cross, supports field activities for the demobilization and social reintegration of child soldiers.

Relevant partners are mainly UNICEF, UNHCHR, the International Red Cross Movement and local organizations. Programmes are carried out in the Democratic Republic of the Congo, in the Great Lakes region and in Sudan.





Course modules address the main thematic areas of IHL through a practical approach to the subject in the current international context.

- Training for specialized audiences:

\* Armed Forces

Once a year, the Belgian Red Cross cooperates with the competent units on a training course, provided by the Chair of Law of the Royal Military Academy, for advisers on the law of armed conflict.

\* Lawyers and judges

- Training is regularly organized on such issues of professional interest as the repression of grave breaches of IHL.

- Lectures and seminars are organized for this category of professionals

\* Staff of federal public services (SPFs) for foreign affairs, foreign trade and development cooperation

Since 2004, a training course in IHL has been organized once a year.

\* Universities

- With ICRC support, an inter-university competition in the form of simulated IHL court proceedings is regularly organized.

- Every three years, the Belgian Red Cross participates with ICRC in the organization of summer IHL courses targeting mainly law and international-relations students approaching graduation. The last session was organized in Brussels in 2005 and the next session will take place, in Belgium, in 2008.

- Lectures on current events related to IHL are organized in cooperation with university IHL units.

- Training for the staff of the education sector

The Belgian Red Cross of the French Community carries out awareness-raising and training activities in "humanitarian standards" for the instructors and decision-makers responsible for education in the Community.

The relevant initiatives concern primary, secondary and higher education (teachers' colleges) and the youth movements

The Education Board of the Communes and Provinces of the French Community (CECP) requires instructors specialized in pedagogical approaches to primary education to attend a training course entitled "Humanitarian initiatives: no development without respect for IHL". That training is provided by representatives of the Belgian Red Cross of the French Community.

Various specific pedagogical tools (such as "Limito", "Raid Cross" and an interactive exhibit on terrorism) have been developed in the framework of awareness-raising and training activities.

- IHL dissemination tools
  - \* Thematic lectures and seminars
  - \* Electronic magazines on current events related to IHL, such as "IHL Newsletters" and "IHL News".
- International activities

The Belgian Red Cross of the French Community provides technical support to the Red Cross of the Democratic Republic of the Congo in activities for IHL dissemination in schools and among the population in Kinshasa.

#### Dissemination of IHL by Rode Kruis Vlaanderen

Rode Kruis Vlaanderen aims at raising awareness and at improving IHL implementation within specific target groups. Knowledge is crucial to respect for IHL. Yet the transition from passive knowledge to effective implementation requires a variety of awareness-raising activities. Accordingly, Rode Kruis Vlaanderen draws, in its activities, a distinction between awareness-raising measures for providing information concerning IHL and awareness-raising measures for ensuring respect for IHL.

- \* In order to promote knowledge about IHL, Rode Kruis Vlaanderen various target groups with considerable information in Dutch language through the following channels:
  - "Focus on IHL" ("Internationaal Humanitair Recht in de kijker"), an annual publication distributed since 2005;
  - "IHL Report" ("IHR Bericht"), an electronic newsletter;
  - A broad variety of IHL-related material on the Rode Kruis Vlaanderen web site;
  - "Warfare Rules" ("Regels in oorlog"), a comprehensive pedagogical guide for the second and third grades of secondary education.

In addition to its own publications, Rode Kruis Vlaanderen cooperates with other organizations with a view to introducing IHL in third-party publishing and training projects.

\* In order to promote respect for IHL, Rode Kruis Vlaanderen organizes every year the following training activities for specific target groups:

- A set of IHL courses for the general public, consisting of five evenings on IHL-related current affairs;
- Year-long training on IHL in the field for assistance providers and observers in conflict situations;
- In cooperation with the Foreign Affairs SPF, a training course for the staff of that SPF;
- In cooperation with the Justice SPF, a training course for judges every two years.

Moreover, study days and thematic presentations are organized as a function of current events and on request.

Rode Kruis Vlaanderen actively advocates compliance of the authorities concerned with the new treaties in order to ensure better protection of the victims of conflicts and supports the incorporation of those treaties into the national legislation.

Furthermore, Rode Kruis Vlaanderen plays a coordinating role among the various bodies involved in IHL or concerned by its implementation, thereby helping actors in the field to meet academics and theoreticians and bringing politicians into contact with the hurtymeeevery4(e or523 TD0 Tc( )TjT\*.0006 T)-4.2(c)7.5(t)-7.2(o)-.4(r)or3(r)7523 T.1(ta) egi emiairs;



In June 2002, ICHL organized a meeting on the occasion of the 25th year of existence of the Additional Protocols. The following issues were addressed at that meeting: Context of the ratification of the Protocols by Belgium; international legal force of the Additional Protocols; repression of grave breaches; distinction between civilians and combatants; and practical implementation of the Additional Protocols in recent armed conflicts (13).

In November 2004, ICHL organized a round table for experts on the issue of persons missing subsequent to an armed conflict and other situations of armed violence and assistance to their families (14). A European meeting of experts on the same subject, held in Brussels on 25 and 26 September 2006, was jointly organized by ICHL and ICRC with the support of a number of ministerial departments represented in ICHL, in fulfilment of a commitment made by the Belgian Government and the Belgian Red Cross at the 28th International Conference of the Red Cross and the Red Crescent in December 2003 (15).

In October 2006, ICHL supported, through the Foreign Affairs SPF, the organization of a symposium on "private security companies in situations of unrest and armed conflict". The symposium was organized by the Belgian Study Centre for Military Law and the Law of War, the Belgian Red Cross, VUB, the International Association for Humanitarian Policy in Conflict Research and [Katholieke Universiteit Leuven](#).

Comment [J62]: <http://www.kuleuven.be/english/>

The symposium addressed the geopolitical context and legal provisions (relating to human rights and IHL) to which private security companies are subject.

## 2. Web site

ICHL, through its work group on "Communication", has launched the creation of its web site, which, once operational, is expected to raise awareness of ICHL and IHL implementation in Belgium and to generally improve IHL dissemination.

## 3. Advisory role

In recent years, the role of ICHL as an advisory body of the Government has been enhanced at the request of Ministers represented in ICHL or at the body's own initiative.

In that connection, at the request of the Senate, ICHL was entrusted by the Minister of Justice to study a possible amendment to the act of 23 March 1995 prohibiting the denial of the perpetration of genocide by the Nazis during World War II by extending the scope of the act to other situations. To that end, ICHL has heard experts (including jurists, historians, criminologists, philosophers, sociologists and diplomats) and associations concerned by that debate.

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- (1) This interpretative declaration ceased to be relevant when gendarmes lost their military status.
- (2) The following terms are concerned: feasible precautions (articles 41, 57 and 58),

Belgian authorities concerned to any protected person under the power and responsibility of the Belgian State."

- (10) Royal decree promulgated pursuant to article 9 of the act of 25 May 1999 regarding Belgian international cooperation.
- (11) The report of the meeting was published in the same year by the ICRC advisory services under the title "European meeting of national committees and other national bodies on international humanitarian law".
- (12) The statements made during the meeting were published by ICHL in 2001.
- (13) The documents of the meeting were published in a volume prepared by the Ministry of Foreign Affairs and distributed to the participants during the meeting. They are also accessible on the ICRC web site.
- (14) The working documents of this meeting were published by ICHL in June 2005.
- (15) Pledge No. 142: "The Belgian authorities and the Belgian Red Cross hereby undertake to organize a seminar on the issue of persons missing in connection with armed conflicts and internal disturbances. Special attention will be devoted to the relatives' right to information and to the specific difficulties and needs of families who are without news of their loved ones. The purpose of this seminar will be to alert authorities and organizations that have to deal with the families of missing persons to the scale of the problem, to inform them about the special needs it generates and to help to find more adequate responses to those needs."

Comment [J68]: [www.kam.lt/EasyAd](http://www.kam.lt/EasyAd)