



Foreign, Commonwealth
& Development Office



Ministry
of Defence

United Kingdom Government

Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level

Second Edition



On the cover: UK Commando Forces take part in an Amphibious NATO exercise. The Surveillance and Reconnaissance Squadron recce a beach to ensure its suitability for amphibious forces. Commandos from X-Ray Company Group were deployed from HMS Albion under the cover of darkness on small inflatable raiding craft. June 2023. Credit: PO Phot Arron Hoare.

United Kingdom Government

**Voluntary Report on
the Implementation
of International
Humanitarian Law at
Domestic Level**

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October 2024

Foreword by the Foreign Secretary and the Secretary of State for Defence

The Rt Hon David Lammy MP

The Rt Hon John Healey MP



As the respective Secretaries of State at the Foreign, Commonwealth & Development Office (FCDO) and the Ministry of Defence (MOD), we are delighted to introduce the second edition of the United Kingdom's Voluntary Report on the Implementation of International Humanitarian Law (IHL) at Domestic Level.

Compliance with IHL can greatly reduce human suffering in conflict, and the United Kingdom is proud of its strong record of IHL implementation, dissemination and compliance. In publishing a second edition of the report we believe it will contribute to the United Kingdom's championing awareness and compliance with IHL and upholding international law. The second edition of the voluntary report sets out an updated picture of the United Kingdom's IHL efforts in a single document accessible to anyone interested, including non-legal experts and the general public. Publishing specific and recent examples of our practice to implement IHL is intended to help to improve understanding of IHL, and to encourage and inform dialogue on IHL issues both at home and abroad.

Since the publication of the United Kingdom's first voluntary report in March 2019, the United Kingdom has been active in its promotion and implementation of IHL. Some significant examples of IHL related initiatives since the United Kingdom's first voluntary report in 2019 include the following:

- The publication of a paper on **Protection of Civilians** in August 2020. The United Kingdom has been at the forefront of initiatives in recent years promoting the protection of civilians in armed conflict, including in strengthening State capacity and encouraging all States to respect IHL;
- The publication of the fourth edition of **Joint Doctrine Publication 1-10 on Captured Persons** in September 2020. This gives detailed directions and guidance to members of the United Kingdom Armed Forces who are involved in planning, training for or conducting activities concerning captured persons;

- The co-sponsorship of the UN Security Council resolution 2601 (2021) on the **Protection of Education in Armed Conflict**. This is the first resolution of its kind, linking the protection of education to international peace and security;
- The publication of a **Joint Service Publication (JSP 985) on Human Security in Defence** in December 2021, which provides direction for the incorporation of a Human Security approach into military operations; and
- The United Kingdom's **continued leadership and commitment to ending sexual violence in conflict**, including hosting the International Preventing Sexual Violence in Conflict Initiative Conference in 2022, launching the Murad Code in 2022 alongside Nobel Laureate Nadia Murad and the Institute for International Criminal Investigations to strengthen justice for survivors around the world, and launching the new International Alliance on Preventing Sexual Violence In Conflict Initiative to strengthen global action in 2023.

Furthermore, since the publication of the first voluntary report in March 2019, the United Kingdom has encouraged and supported other States to produce a report on their own national implementation of IHL. In furtherance of this aim, the United Kingdom produced a toolkit to provide guidance for States 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 gov.uk website, and is presently available in seven languages, as well as English.¹ We have done this work, and will continue to do this work, because the United Kingdom's position is that the publication of a Voluntary Report helps to enhance IHL implementation and compliance globally, and makes a powerful statement about a State's commitment to comply with and implement IHL. We hope this updated version of the Voluntary Report will encourage other States to publish details of their activities to implement IHL at the domestic level and to keep these publications up to date, to better identify best practice, and ultimately to improve implementation and compliance with IHL.

We are grateful to the United Kingdom's National Committee on International Humanitarian Law for leading on the compilation of this updated Voluntary Report. The British Red Cross, in its capacity as a humanitarian auxiliary to the United Kingdom's Government, deserve special thanks for assisting the FCDO and MOD with its production.

October 2024

¹ See the United Kingdom's implementation report toolkit

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Acronyms, Initialisms and Abbreviations²

Short form	Meaning
AI	Artificial Intelligence
AP I	Protocol I additional to the Geneva Conventions of 1949 and relating to Protection of Victims of International Armed Conflicts 1977
AP II	Protocol II additional to the Geneva Conventions of 1949 and relating to the Protection of Victims of Non-International Armed Conflicts 1977
BRC	British Red Cross
CCW	UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons 1980
CIL	Customary International Law
CPACC	Counter Proliferation and Arms Control Centre
CPERS	Captured Persons
CPP	Cultural Property Protection
CPS	Crown Prosecution Service
CRSV	Conflict-Related Sexual Violence
DCDC	Development, Concepts and Doctrine Centre: The United Kingdom Ministry of Defence's think tank
DSIT	Department for Science, Innovation and Technology
FCDO	Foreign, Commonwealth & Development Office
GC I	Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949
GC II	Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea 1949
GC III	Geneva Convention relative to the Treatment of Prisoners of War 1949
GC IV	Geneva Convention relative to the Protection of Civilian Persons in Time of War 1949
HMG	His Majesty's Government
IAC	International Armed Conflict
ICC	International Criminal Court

² Only lists acronyms, initialisms and abbreviations with multiple entries which are relevant to this report.

Short form	Meaning
ICRC	International Committee of the Red Cross and Red Crescent
IFRC	International Federation of Red Cross and Red Crescent Societies
IHFFC	International Humanitarian Fact-Finding Commission
IHL	International Humanitarian Law (also known as the Law of Armed Conflict (LOAC), law of war or jus in bello)
IHL Committee	United Kingdom National Committee on International Humanitarian Law
IHRL	International Human Rights Law
JDP	Joint Doctrine Publication
JSP	Joint Service Publication
LOAC	Law of Armed Conflict (also known as IHL)
LOAC Manual	The United Kingdom's Joint Service Manual of the Law of Armed Conflict (JSP 383)
MLA	Mutual Legal Assistance
MOD	Ministry of Defence
NATO	North Atlantic Treaty Organization
NIAC	Non-International Armed Conflict
PMSC	Private Military and Security Companies
POC	Protection of Civilians
POW	Prisoner of War
PSVI	Preventing Sexual Violence in Conflict Initiative
SPA	Service Prosecuting Authority
UN	United Nations
UNSC	United Nations Security Council
UNSCR	United Nations Security Council resolution



An F-35B Lightning Jet creates a vapor cone as it flies past the Aircraft Carrier during flight deck operations in July 2023. Credit: AS1 Natalie Adams

Executive Summary

This second edition of the voluntary report provides an overview of international humanitarian law (IHL) implementation by the United Kingdom. It is an updated version of the first 'Voluntary Report on the Implementation of International Humanitarian Law at Domestic Level' which was published in March 2019.

This second edition of the voluntary report was organised by the United Kingdom's National Committee on International Humanitarian Law, which is an interdepartmental body chaired by the FCDO with a mandate to consider national implementation of IHL instruments and encourage the dissemination of IHL.³ The overall policy responsibility for the content of this second edition of the voluntary report rests with the Foreign, Commonwealth & Development Office (FCDO) and the Ministry of Defence (MOD). The IHL Committee is extremely grateful for the contributions from all members of the IHL Committee, and to the British Red Cross, in its capacity as a humanitarian auxiliary to the United Kingdom's Government, for greatly assisting with the production and publication of this second edition of the voluntary report.

This second edition of the voluntary report retains the structure of the first edition, which is in the form of a questionnaire, divided into five sections:

- (i) general domestic implementation;
- (ii) dissemination, training, and legal advice;
- (iii) domestic jurisdiction over violations of IHL and international criminal law;
- (iv) protections; and
- (v) means and methods of warfare.

The question-and-answer format seeks to provide a record of the United Kingdom's implementation in an accessible way to anyone with an interest in IHL matters—including the general public, non-governmental organisations, IHL practitioners, government officials, parliamentarians, academics, and journalists. The aim is for this up-to-date voluntary report to encourage constructive and continuous dialogue amongst all those with an interest in IHL both in the United Kingdom and internationally.

The second edition of the voluntary report includes new topics, such as the protection of civilians in armed conflict, mutual legal assistance, human security in military operations, media professionals in armed conflict, public curiosity, cyber warfare, outer space, and autonomous weapons systems.

The second edition of the voluntary report is not intended to represent an exhaustive account of domestic implementation.⁴ Rather, it aims to gather up to date and current examples of implementation in one document to help people understand what it means to continually give effect to IHL domestically within the context of the United Kingdom's common law system.

³ UK National Committee on International Humanitarian Law: terms of reference.

⁴ Legal references are accurate as of June 2024.

Introduction

The definition of International Humanitarian Law

International humanitarian law (IHL) is the body of rules which, in armed conflict, protects persons who are not, or who are no longer, participating in the hostilities, and which limit the methods and means of warfare.

IHL only applies in an armed conflict. An armed conflict is either an International Armed Conflict (IAC) or Non-International Armed Conflict (NIAC). Different rules apply to an IAC and NIAC.

There are four basic principles governing hostilities as follows:

- **Distinction:** There must be a clear distinction between armed forces and civilians, or between combatants and non-combatants, and between objects that might legitimately be attacked and those that are protected from attack.
- **Military necessity:** A party to an armed conflict may use only that degree and kind of force, not otherwise prohibited by the law of armed conflict, that is required in order to achieve the legitimate purpose of the conflict, namely the complete or partial submission of the enemy at the earliest possible moment with the minimum expenditure of life and resources.
- **Humanity:** Humanity forbids the infliction of suffering, injury, or destruction not actually necessary for the accomplishment of legitimate military purposes.
- **Proportionality:** The expectation of civilian losses or civilian damage resulting from a military action should not be excessive in relation to the anticipated military advantage.



HMS Diamond, part of the Carrier Strike Group, passing in front of the sunset. Image captured from the flight deck of HMS Queen Elizabeth. Credit: AS1 Amber Mayall RAF

It is worth noting at the outset that the use of force, IHL, international human rights law, and international criminal law are all different and separate areas of law (although they do sometimes overlap):

- **Use of force** refers to the conditions under which States may resort to the use of armed force. The prohibition against the use of force and the exceptions of self-defence and UN Security Council authorisation are set out in the UN Charter. The law on the use of force is also referred to as *jus ad bellum*.
- **International humanitarian law** is the body of law that applies during an armed conflict. It is irrelevant whether or not the initial resort to the use of armed force was lawful. IHL is also referred to as the Law of Armed Conflict (LOAC), the law of war, and *jus in bello*.
- **International human rights law** is concerned with fundamental rights and freedoms shared by all human beings, such as the right to life, the right to fair trial and the right to freedom of speech.
- **International criminal law** is concerned with the criminal responsibility of individuals for crimes such as war crimes, crimes against humanity and genocide.

Sources of international law

The two main sources of international law are:

- **Treaties:** international agreements concluded between States in written form; and
- **Customary International Law:** general practice of States accepted as law.

The Vienna Convention on the Law of Treaties (1969) defines a ‘treaty’ as ‘an international agreement concluded between States in written form and governed by international law’. In general, treaties between States in public international law may be compared with contracts between individuals in national law in that they bind only the parties as between themselves and in accordance with their terms. Most treaties on IHL do not take effect immediately on signature but require ratification by the State concerned. Provision is usually made for States which were not original signatories to become parties at a later date by accession.⁵

It is generally agreed that the existence of a rule of customary international law (CIL) requires the presence of two elements: State practice and a belief that such practice is a legal obligation (*opinio juris*). Unlike treaty obligations, CIL does not require domestic implementation to be binding on States. Customary IHL can fill gaps where there are no treaty rules, where a treaty has not been universally ratified, or where an IHL treaty is not applicable in any given armed conflict or does not address specific issues. CIL is a particularly important gap-filler in the context of non-international armed conflicts (NIACs), as the only

⁵ The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, published July 2004, last updated May 2014, paragraph 1.14.

applicable treaty law for State parties is Common Article 3 (common to all four Geneva Conventions) and Additional Protocol II.

There is no formal hierarchy between these two sources of law.

The history of IHL

Perhaps now more than ever, it is worth stressing the universal nature of IHL i.e. that its underlying principles and basic rules are common to all cultures and religions. IHL has its roots in ancient history. Evidence of practices intended to alleviate the sufferings of war can be found in the writings of the ancient civilizations of India and Egypt. Agreements on the treatment of prisoners of war existed in Egypt around 1400 BC. The edicts of the Indian Emperor Asoka of about 250 BC were based on principles of humanity. In Europe, the idea of imposing rules on the conduct of warfare seems to have emerged in the Middle Ages as a result of the combined influences of Christianity and chivalry. It is said that the first systematic code of war was that of the Saracens, based on the Koran, and principles of the law of armed conflict presented themselves in many different parts of the world.⁶

The Law of Adomnán (also called the ‘Law of the Innocents’) was an early seventh Century Irish and Pictish attempt to limit the effects of war by protecting those who were not combatants, who did not bear arms: women and clergy, and children who had not yet taken up weapons for the first time. In England, as early as the reign of Richard II in the fourteenth century, rules of conduct in war were issued. By the seventeenth century, England had a full system of Articles of War. Through the eighteenth and into the nineteenth century, scholars were writing texts of what they considered to be the rules regulating the conduct of armed conflict.⁷

Then came the Paris Declaration Respecting Maritime Law 1856, the early codification of the customs and usages of war in the Lieber Code of 1863 issued by President Lincoln to the Union forces in the American Civil War, the Geneva Convention 1864, the St Petersburg Declaration 1868, the Brussels Declaration 1874, the Oxford Manual 1880, the Hague Declarations 1899, and the Hague Conventions 1907. The experience of the first and second world war was followed by the Geneva Gas Protocol 1925. The Second World War was a watershed for international humanitarian law, which was then totally revised in 1949 with the four Geneva Conventions.⁸

The importance of implementation

The four Geneva Conventions of 1949 form the bedrock of IHL. Every State in the world is a party to the Geneva Conventions, which means that every State is legally obliged

6 *Ibid*, paragraph 1.16.

7 *Ibid*, paragraphs 1.17-1.19.

8 *Ibid*, paragraphs 1.18-1.30.

to comply with the shared rules. However, the rules are only genuinely shared if they are properly implemented in the legal systems of the signatory States.

In stark contrast to international human rights law, there are no general mandatory reporting systems on national implementation in the field of IHL. This is despite the fact that the overall success and impact of IHL as a whole depends on the effectiveness of national implementation and compliance.

The United Kingdom is committed to maintaining its strong record of IHL implementation and compliance. Effective IHL compliance promotes an international framework with shared rules. Shared rules, in turn, encourage predictable behaviour by States, and create conditions for the adherence to the rule of law and accountability.

Advantages of a voluntary report on national implementation of IHL

There are a number of advantages to voluntary reporting.

First, publication provides States with a way to promote the importance they place on IHL awareness and implementation at the national level. In setting out their respective records on IHL implementation, States can set the scene for encouraging improved compliance with IHL. Publishing the report can also improve overall understanding of IHL by encouraging and informing dialogue on IHL issues—both at home and overseas.

Second, an implementation report can act as a single reference document which officials can consult for a variety of purposes such as:

- drafting reports or legal briefs;
- responding to parliamentary questions; and
- when considering new policies related to IHL.

By having information on all of the State's obligations and implementing legislation (or other instruments) in one place, an implementation report can be of practical benefit to those working on policy and other decision-makers.

Third, by researching how the provisions of each applicable IHL treaty have been implemented in domestic legislation—or turned into policies, doctrine and military manuals—government officials can identify any possible gaps in the implementation of the treaty domestically. The government may then wish to work with the legislature or other relevant actors to create a plan of action to address such gaps.

Finally, effective IHL implementation promotes an international framework with shared rules. Shared rules, in turn, encourage predictable behaviour by States, and create conditions for the rule of law, accountability and transparency. The very act of researching, drafting and publishing an implementation report helps to enhance confidence between States and, thereby, IHL implementation and compliance globally. The publication of an implementation report makes a powerful statement about a State's commitment to uphold the rules-based international legal system.



Palace of Westminster, London. Credit: Mathias Reding, Unsplash.

I. General domestic implementation

1. How does international law become domestic law in the United Kingdom?

The United Kingdom has a dualist legal system. Dualist legal systems conceptualise the international legal order as separate from the domestic legal order. International law does not, therefore, automatically apply in the United Kingdom. Most international law needs to be brought into effect by domestic law (specific implementing legislation). However, some may be implemented by administrative or practical measures instead. It is therefore worth noting both the treaty or rule of customary international law and, where required, the domestic law that implemented it into the United Kingdom's domestic legal system.

2. To which significant treaties of IHL is the United Kingdom a party? Which domestic legislation implemented these treaties?

The United Kingdom is party to the four Geneva Conventions of 1949 which are the bedrock treaties of IHL. They are, together with the two 1977 Additional Protocols, the international treaties that contain the most important rules limiting the effects of armed conflict. The four Conventions are as follows:

- The first Geneva Convention protects the wounded and sick;
- The second Geneva Convention protects wounded, sick and shipwrecked in maritime warfare;
- The third Geneva Convention applies to prisoners of war; and
- The fourth Geneva Convention protects civilians, including those in occupied territory.

The Geneva Conventions have been ratified by all States and are universally applicable.

The 1977 Additional Protocols protect people who do not take part in the fighting (civilians, medics, aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war). Additional Protocol I applies to IACs and its main achievement was to better regulate the conduct of hostilities. Additional Protocol II applies to NIACs.

The United Kingdom implemented these treaties into domestic legislation through the Geneva Conventions Act 1957, Geneva Conventions (Amendment) Act 1995, and Geneva Conventions and United Nations Personnel (Protocols) Act 2009.

The Geneva Conventions and their Additional Protocols are supplemented by a number of treaties that regulate the use of particular weapons, like the 1972 Convention on the Prohibition of Biological Weapons; the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its various protocols; the 1993 Chemical Weapons Convention; the 1997 Antipersonnel Mines Convention; and the 2008 Convention on Cluster Munitions. Other treaties protect cultural property.

See Annex A which sets out all relevant IHL treaties, when they were signed and ratified or acceded to by the United Kingdom, and the corresponding domestic implementing legislation (where such implementing legislation was required).



3. Does a National Red Cross Society exist in the United Kingdom and what is its role?

The British Red Cross (BRC) is the National Red Cross Society for the United Kingdom, the Crown Dependencies and the British Overseas Territories. The constitutional basis of the BRC Society is set out in Article 3 of the Royal Charter of 1908 (last amended in 2003), as “a voluntary aid society, auxiliary to the public authorities and particularly to the medical services of the armed forces in accordance with the Geneva Conventions”.

In addition to its voluntary and charitable services in the United Kingdom and abroad, the BRC has a responsibility and role in the promotion and implementation of IHL that gives it a special relationship with the United Kingdom’s Government in this field. The Society’s work is unique among British institutions and its roles include:

- To provide assistance to victims of armed conflicts, natural disasters and other emergencies;
- To work for the improvement of health, for the prevention of disease and the alleviation of human suffering; and
- To educate people in the field of IHL, to work with the Government to ensure respect for the law, and to protect the integrity of the red cross, red crescent and red crystal emblems.

The BRC is very active in the field of IHL and its contributions will be mentioned further in relevant sections of this report. One example is the BRC’s customary IHL database project, run jointly with the International Committee of the Red Cross (ICRC).⁹ This database is an online version of the ICRC’s study on customary IHL, originally published by Cambridge University Press in 2005. This consists of two volumes: volume I (rules) and volume II (practice). The database makes the rules and the practice underlying them accessible online. Its practice part is regularly updated. The rules remain the same as in 2005.

9 ICRC’s customary international humanitarian law database

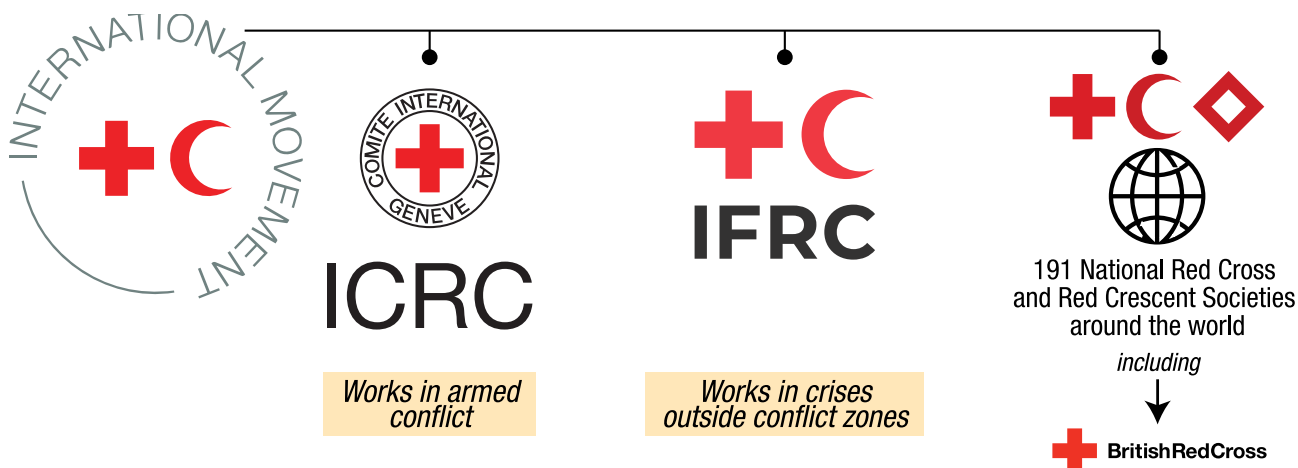


British Red Cross emergency response training, August 2018. Credit: Antonio Zazueta Olmos/British Red Cross.

Since December 2019 the rules have been made available on the customary IHL database in six languages in addition to English: Arabic, Chinese, French, Portuguese, Russian and Spanish. The project was the first recipient of the Jus Gentium Research Award in 2015. This project is 50% funded by the United Kingdom Government through the BRC.

The BRC is part of the International Red Cross and Red Crescent Movement with millions of members and volunteers in 191 countries. The Red Cross and Red Crescent Movement is made up of three parts:

- the International Committee of the Red Cross (ICRC);
- the International Federation of Red Cross and Red Crescent Societies (IFRC); and
- 191 National Red Cross and Red Crescent Societies around the world, including the British Red Cross.



Turkish Red Crescent, delivering aid to communities affected by the earthquake in Türkiye and Syria in February 2023. Credit: British Red Cross.





ICRC

The International Committee of the Red Cross: Headquartered in Geneva, Switzerland, the International Committee of the Red Cross (ICRC) is an independent humanitarian organisation, whose role is defined in the Geneva Conventions. It helps protect the lives and dignity of victims of armed conflict and internal strife and provides them with assistance and co-ordinates the work of National Societies in these situations. ICRC delegates also visit prisoners of war and civilian detainees to inspect their conditions. The United Kingdom funds and supports the ICRC both to respond to humanitarian needs and to support its role assisting parties to conflict in meeting their IHL obligations, supporting States to implement IHL, and its work to develop IHL and understand how IHL applies to new conflicts.



IFRC

The International Federation of Red Cross and Red Crescent Societies: Also based in Geneva, the International Federation of Red Cross and Red Crescent Societies (IFRC) co-ordinates international support provided by National Societies for people affected by natural disasters, and for refugees and displaced persons outside conflict zones. It also supports National Societies with their own development, helping them plan and implement disaster responses, development projects and ongoing humanitarian service provisions for vulnerable people in their local communities.



191 National Red Cross
and Red Crescent Societies
around the world

including



 **BritishRedCross**

National Red Cross and Red Crescent Societies: The BRC is a National Society. Most countries around the world have a National Red Cross or Red Crescent Society. Each Society is an auxiliary to their country's public authorities in the humanitarian field. Each has a responsibility to help vulnerable people within its own borders, and to work in conjunction with other components of the Movement to protect and support those in crisis worldwide. Each National Society, the ICRC and the IFRC is bound by the Movement's seven Fundamental Principles: humanity, impartiality, neutrality, independence, voluntary service, unity, and universality.

4. Does a National IHL Committee exist and what is its role?

In October 1999, the Government established a United Kingdom National Committee on International Humanitarian Law (formally, the Interdepartmental Committee on International Humanitarian Law). This was in response to a recommendation of the Intergovernmental Group of Experts on the Protection of War Victims which was subsequently endorsed by the 26th International Conference of the Red Cross and Red Crescent in 1995.

As set out in its terms of reference, the IHL Committee is composed of Government Departments, the Devolved Administrations, the Armed Forces, and BRC.¹⁰ All of the members are Government bodies, except the BRC, which is a member by virtue of its special auxiliary and IHL roles.

The IHL Committee meets bi-annually and is attended by both policy officials and lawyers to reflect the dual policy and legal aspects of the IHL Committee's work. The lawyers are specialists in IHL from the FCDO, MOD, BRC and the single Services (Royal Navy, Army and Royal Air Force). The IHL Committee makes contact with other National IHL Committees, organisations and individuals outside Government on an ad hoc basis. It sets up sub-committees to meet as and when necessary.

The purpose of the IHL Committee is to:

- consider national implementation of IHL instruments and identify where legislation might need to be enacted or amended to ensure full implementation of IHL obligations;
- encourage the dissemination of IHL to the Armed Forces and to other segments of the population, including the police, civil servants, teachers, the judiciary, the medical profession and journalists;
- consider the United Kingdom's negotiation of and adherence to IHL treaties;
- consider the United Kingdom's participation at international conferences relating to IHL;
- monitor new developments in IHL and consider implications for the United Kingdom;
- promote consultation between the Government, the BRC and others from the Non-Governmental Organisation community involved in IHL;
- consider assistance to other States in meeting IHL obligations, drawing on the United Kingdom's expertise; and
- achieve greater domestic and international recognition for what is being done.¹¹

The IHL Committee's mandate is wide and it is very active in the United Kingdom. Examples of its role in action include:

- Oversight of the United Kingdom's participation in International Conferences of the Red Cross and Red Crescent and in the implementation of their resolutions and pledges.
- Contributing to promotion of IHL in the Commonwealth, including through promoting best practice on IHL implementation at the domestic level, and contributing to the Commonwealth Red Cross and Red Crescent Conference on IHL.

¹⁰ UK National Committee on International Humanitarian Law: terms of reference.

¹¹ *Ibid.*

- Providing expert IHL contributions to national and international events, such as speaking at IHL Summer Schools and at IHL meetings, in the United Kingdom and overseas.
- In the context of media outlets publishing images of prisoners of war captured during the conflict in Ukraine, IHL Committee members and other Government departments worked together in re-issuing HMG guidance to the press (originally published in 2007) regarding the IHL rules concerning publication of such material.
- Supporting the United Kingdom's body of humanitarian research on themes of IHL (e.g. humanitarian impacts of attacks on healthcare, and better understanding of non-State armed groups' attitudes to IHL and what promotes restraint by combatants).
- Delivering special courses for the Crown Prosecution Service and the Metropolitan Police which covered IHL in the context of international criminal law.
- Organising conferences to promote IHL, bringing together experts in IHL, academics, judiciary, Government representatives, military officers, Parliamentarians and journalists.
- Establishing relations with the National IHL Committees of other States.



Littoral Response Group (South) conduct subunit training in the deserts of California to take on their US Marine Corps (USMC) counterparts later in a peer-on-peer scenario. Credit: LPhot Joe Cater.

II. Dissemination, training and legal advice

1. How are the 1949 Geneva Conventions and their Additional Protocols disseminated?

IHL is also known as the Law of Armed Conflict (LOAC) or the Laws of War. Many armed forces, including those of the United Kingdom, use the term “LOAC”.

The United Kingdom’s Joint Service Publication 383, the Joint Service Manual of the Law of Armed Conflict¹² acknowledges the duty to disseminate the Geneva Conventions and Additional Protocols as follows:

“16.2.1. ... [T]he first step to enforcement of the law of armed conflict must be to ensure as wide a knowledge of its terms as possible both within the armed forces and outside...”

16.3. States are also required to disseminate the texts of the Geneva Conventions 1949 and the two Additional Protocols 1977 as widely as possible in peace and war so that the general population can learn about them.

16.3.1. The manner in which dissemination is done is left to the states themselves and may be by means of orders, courses of instructions, commentaries or manuals. There is a specific requirement to instruct medical personnel, chaplains, and those responsible for handling prisoners of war and the administration of protected persons. There is a general requirement to disseminate to the armed forces as a whole. Any military or civilian authorities with responsibility for applying the Conventions or Protocol must be fully acquainted with the text.”¹³

In the United Kingdom, the texts of the Geneva Conventions and Additional Protocols are annexed to their implementing legislation. The texts are freely available online.

12 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, published July 2004, last updated May 2014.

13 *Ibid*, paragraphs 16.2.1 to 16.3.1.

2. Which institutions are involved in IHL training? Are specific dissemination and training practices identified for specific target groups, such as the armed forces, public officials, journalists, students and the general public?

Several institutions are involved in training of IHL, including the Armed Forces, the BRC and a number of universities. Schools have a role in teaching young people about their rights including human rights and international law. There are opportunities for IHL to be covered within several areas of the school curriculum in the different countries of the United Kingdom. The National Committee on International Humanitarian Law also plays a role in IHL training.

Armed Forces: The Armed Forces ensure that all Service personnel are given training in IHL/ IHL and its practical application to military operations. The training consists of single Service core mandatory training, pre-deployment training and initial entrant and through career training. Personnel in all three Services are required to undertake training at set regular intervals to mandated standards. Mandatory training resources for all three Services are accessible online. All Army personnel, both Regular and Reserve, are required to take the annual mandatory Operational Law course, which is part of the Core Education element of the Individual Training Requirement and additionally mission specific training for those deploying on operations. Similar regular mandatory training requirements are delivered through the Naval Core Training 7 package for Navy personnel and the Royal Air Force's Individual Readiness Training for RAF personnel, and mission specific training is further provided for Navy and Royal Air Force personnel in advance of their deployment on operations. Civil servants deploying to operational theatres as policy advisers or working in key operational policy roles in the Ministry of Defence are also required to undertake IHL training.

No service lawyer deploys on operations without having completed the requisite training in operational law, delivered through a combination of internal military instruction and external academic sources.¹⁴

The Army Legal Service (ALS) is responsible for training all Army units and individuals regarding operational law (both at home and on operations abroad) prior to operational deployments and throughout their careers. Home Command is responsible for the delivery of basic individual training. The Field Army is responsible for the delivery of more advanced individual, continuation, collective and specialist operational law training. The ALS provides expert advice on the practical application of international law on operations. They also contribute to the Operational Law Customer Executive Board, which oversees, co-ordinates and reports on the operational law training delivered to each of the single Services and at the Defence Academy of the United Kingdom. The Army Legal Services make a significant investment to the worldwide dissemination of IHL by providing the Director of the Military Department (Army Colonel) at the internationally

14 The Aitken Report: An Investigation into Cases of Deliberate Abuse and Unlawful Killing in Iraq in 2003 and 2004, British Army, 25 January 2008, paragraph 31.

respected International Institute of Humanitarian Law (IIHL) in Sanremo, Italy. In 2023, the IIHL trained 593 participants from 80 countries in 7 languages on International Humanitarian Law.

The Director of the Ministry of Defence's Development, Concept and Doctrine Centre is the Training Requirements Authority for the delivery of IHL training across the Armed Forces, and ensures that training is managed, governed and assured in accordance with general MOD policy on the delivery of training.¹⁵ Representatives from the individual Services, MOD Legal Advisers, and other key stakeholders sit on a Customer Executive Board tasked with reviewing the relevance and delivery of the mandated training syllabus. An annual report on the delivery of IHL training is made to the Vice Chief of the Defence Staff.

British Red Cross: External dissemination and training activities of the BRC are directed at selected audiences, primarily based on their current or potential responsibilities for implementing IHL.

The audiences have included: parliamentarians; officials from relevant Government departments, notably the FCDO, MOD, Department of Health, and Home Office; Service personnel (mainly legal, medical and operational officers and chaplains); university lecturers and students (primarily in law, international relations, politics and peace studies); staff from humanitarian aid agencies and human rights organisations; trainee and practising journalists; health professionals; and the general public. The BRC has also had an internal training programme to raise awareness and understanding of IHL among its own volunteers and staff for over 30 years.

The BRC routinely organises a variety of dissemination and training events, including conferences, seminars, lecture series and other activities focused on IHL. For example, the BRC:

- Runs an established biennial Summer School on IHL at Cambridge University;
- Routinely organises lecture series on a variety of IHL topics with other national organisations, including the British Institute of International and Comparative Law, Chatham House and the FCDO;
- Supports the International Institute of Humanitarian Law in Sanremo, Italy, which organises IHL training courses for armed forces officers and civilians;
- Convenes the United Kingdom's NGO-Military Contact Group, which brings together civil-military relations professionals from the armed forces, the FCDO and non-governmental organisations to discuss matters of operational concern, including the application of IHL;
- Hosts regular meetings of the United Kingdom's Group of the International Society for Military Law and the Law of War, a professional society for military legal advisers, academics and others with an interest in IHL and military law;
- Submits joint activity reports, together with the ICRC, on the promotion and implementation of IHL from a Commonwealth perspective for Commonwealth

¹⁵ Defence direction and guidance for training and education (JSP 822), Ministry of Defence, published June 2012, last updated February 2024.

Law Ministers Meetings and for the Meetings of Senior Officials of Commonwealth Law Ministries; and

- Provides a range of teaching resources on IHL, primarily for secondary school audiences, where educators are able to access resources to support their own teaching on IHL and related subjects.¹⁶

Schools: IHL is not a prescribed topic for schools in the United Kingdom. However, there are opportunities to include the study of IHL in the different national curricula. For example, in England, pupils should learn about international law through citizenship education, which is a compulsory part of the National Curriculum in secondary schools. IHL is also included in the GCSE Citizenship course studied at ages 14-16 in schools in England. In Scotland, the topic can be covered as a context for learning in the social studies area of the curriculum where young people can learn about the concept of rights, international conflict and peaceful resolution. IHL may be covered within Personal and Social Education (PSE) in Wales or the Welsh Baccalaureate. In Northern Ireland, between ages 11-16, all pupils must study Local and Global Citizenship as part of the Learning for Life and Work area of the curriculum, and this could include IHL.

National Committee on International Humanitarian Law: One of the key roles of the IHL Committee is to encourage the dissemination and training of IHL to the armed forces, police, civil servants, teachers, the judiciary, the medical profession, journalists and others as necessary. For example, the ‘Practitioner Level’ training modules for FCDO policy and operational staff at the Law Faculty of the FCDO’s International Academy include a module on ‘The Laws of War: an introduction to international humanitarian law’. As another example, the FCDO has hosted IHL expert-level lectures bringing together leading HMG practitioners and academic experts from around the world. The FCDO also worked closely with the BRC to launch an online training course called “IHL for diplomats” which was intended to help diplomats develop and shape policy in their specific geographic area and in IHL generally. It was targeted specifically at diplomats that work on, or in, geographic areas that are involved in ongoing conflict or post-conflict work, and with international organisations that are involved in IHL work, such as the UN, NATO, ICRC, international courts and human rights bodies.

In addition, joint FCDO and BRC conferences to mark significant IHL anniversaries have been held under the auspices of the IHL Committee. These large events have included participants from the specific target groups mentioned in the question and others, such as Parliamentarians, as relevant. As an illustration, a joint seminar of the International Society for Military Law and the Law of War and the United Kingdom’s IHL Committee was held in December 2022 to mark the 45th Anniversary of the adoption of the two 1977 Additional Protocols to the 1949 Geneva Conventions.

The FCDO is also a co-convenor, and the BRC is a sponsor, of the London Conference on International Law—a biennial event dedicated to exploring the latest developments in international law and in which IHL is a regular theme. Previous panel topics have included cyber warfare and changing technologies in warfare.



¹⁶ British Red Cross IHL Teaching Resources.

HMG also has a website entitled ‘The UK and International Humanitarian Law’, which sets out the sources of IHL, relevant treaties, basic IHL principles and a list of all the relevant institutions. The website also provides a platform to host links to important IHL related documents, such as the ‘Terms of reference of the United Kingdom National Committee on International Humanitarian Law’ and the ‘Joint service manual of the law of armed conflict’.¹⁷

Media and Civil Society: The United Kingdom is a member of the Media Freedom Coalition which was formed in 2019 and is a partnership of countries working together to advocate for media freedom and safety of journalists (including in times of conflict) and hold to account those who harm journalists for doing their job. The BRC published the Field Guide and the Handbook on Media Professionals and Armed Conflict: Protection and Responsibilities Under International Humanitarian Law in 2018. These publications provide information to members of the media about their legal position under IHL.

There are also vibrant media and civil society sectors in the United Kingdom that educate the public about IHL indirectly.

Commonwealth: The Government of the United Kingdom and the BRC work with the Commonwealth Secretariat to raise awareness of IHL and to encourage its implementation in the framework of the Commonwealth. This includes events for representatives of High Commissions in London, as well as supporting the quadrennial Commonwealth Red Cross and Red Crescent Conferences on IHL, and the quadrennial Meetings of Representatives of National Committees on IHL from Commonwealth countries. The BRC also launched a joint publication with the Commonwealth Parliamentary Association on IHL to raise awareness of IHL in the Commonwealth. Together with the ICRC, the BRC submits joint activity reports on the promotion and implementation of IHL from a Commonwealth perspective for Commonwealth Law Ministers Meetings and for the Meetings of Senior Officials of Commonwealth Law Ministries.

3. Is there a military manual on IHL for the armed forces? If so, how often is it updated?

Yes. The United Kingdom’s Joint Service Publication 383, The Joint Service Manual of the Law of Armed Conflict¹⁸ (the LOAC Manual) was published in 2004.¹⁹ A MOD programme to update this publication is underway. It will draw upon Service, Government, and external academic legal experts to ensure that the new manual will be comprehensive and authoritative.



Media Professionals and Armed Conflict: Protection and Responsibilities Under International Humanitarian Law

¹⁷ HMG website ‘UK and International Humanitarian Law’.

¹⁸ The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, 1 July 2004.

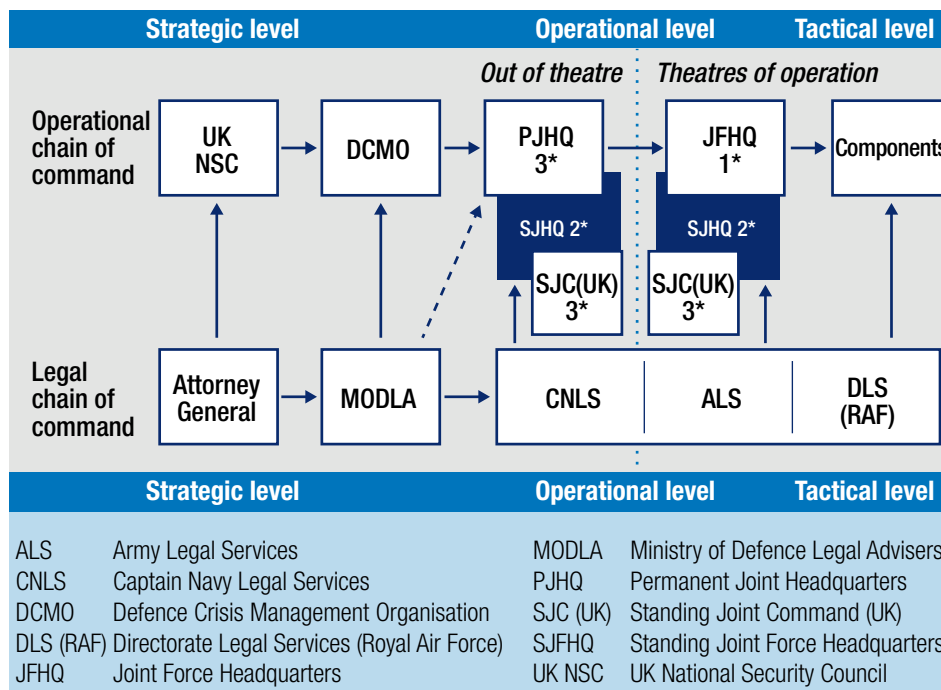
¹⁹ Amendments to the LOAC Manual were made in January 2004, July 2007, September 2010, July 2011, August 2011, November 2011, May 2013, August 2013 and May 2014.

4. Are legal advisers available to advise on IHL within HMG?

Armed Forces: In accordance with the obligation under Article 82 of Additional Protocol I, legal advisers are required to be available, when necessary, to advise military commanders at the appropriate level on the application of international humanitarian law and also on the appropriate instruction to be given to members of the armed forces in this subject.²⁰

All three Services accordingly employ legal advisers: the Royal Navy Legal Services, Army Legal Services and Royal Air Force Legal Services. The legal advisers are uniformed lawyers—qualified solicitors or barristers, or advocates in Scotland—who provide commanders and their staff with legal advice at the operational and tactical levels, including legal aspects of operations. Under Chapter 1 of the Joint Doctrine Publication 3-46 on Legal Support on Operations²¹ each of the three Heads of the Legal Services—the Head of Navy Legal Services, the Director of Army Legal Services and the Director of Legal Services (Royal Air Force)—is responsible for the availability of appropriately trained Service lawyers to support operations.

The Legal Support to Joint Operations guide sets out, in extensive detail, the role of the legal adviser in the conduct of operations. The guidance states that the legal adviser is one of the commander’s principal staff officers and advisers, and has a pivotal role in campaign planning and execution. It also provides a diagram of legal support to the operational chain of command:



20 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, 1 July 2004, paragraph 16.5.

21 Legal Support to Joint Operations (Joint Doctrine Publication 3-46), Ministry of Defence, 3rd Edition, published August 2010, last updated June 2018.

The Ministry of Defence: The MOD Legal Advisers are a division within the Government Legal Department and they are responsible for civilian legal support and services to MOD ministers and the department. Legal teams are based in London, Bristol, Cyprus and Germany, all of which provide legal advice across the full range of the department's activities. The MOD Legal Advisers represent Defence legal interests with other Government departments in Whitehall and liaise as required with Service lawyers and the legal staff of other governments. The Operational and International Humanitarian Law team advise on military and crisis operations (including operational legal advice to the Permanent Joint Headquarters (PJHQ) and single Services) and relationships with allies and partner organisations such as NATO. The team also provide strategic legal advice to the MOD's Head Office and advise on strategic issues such as the application and development of International Human Rights Law and IHL.

Foreign, Commonwealth & Development Office: The FCDO Legal Directorate provides legal services to the department, advises on treaty and maritime policy and provides litigation services in United Kingdom and international courts.²² The Legal Directorate comprises lawyers working in London and overseas, including New York, Washington, Geneva, The Hague, Brussels and Strasbourg. The FCDO Legal Directorate is not a division within the Government Legal Department, but works closely with it. The FCDO Legal Directorate provides a lead role across HMG in advising on international law, including IHL, and is responsible for convening and chairing the National Committee on International Humanitarian Law.

Law Officers: The Attorney General and the Solicitor General, along with the Advocate General for Scotland, are known as the Government's Law Officers. The Attorney General, who is a member of the Cabinet and is the Government's principal legal adviser, advises the Prime Minister at the strategic level on the legal basis for committing armed forces.²³ The Attorney General also provides advice to the MOD and other Government departments on legal issues impacting on existing operations, including if necessary on questions of IHL.

5. What is the role of the British Red Cross in the provision of legal advice to the Government?

The BRC is a neutral humanitarian auxiliary to the United Kingdom's Government, but does not provide legal advice to the Government. The BRC has a role in the promotion and implementation of IHL and works closely with relevant Government departments and the armed forces. It has an International Law and Policy team, which is responsible for implementing the IHL and public international law functions of the BRC, including supporting national IHL implementation. It achieves this through the provision of expert training and assistance to relevant audiences in the United Kingdom, including civil servants, Service personnel, university students and media professionals.

²² FCDO Legal Directorate annual review 2022 to 2023, published September 2023.

²³ *Ibid*, p5.

Statue of justice on the top of the Old Bailey-the Central Criminal Court, London. Credit: iStock



III. Domestic jurisdiction over violations of IHL and international criminal law

1. What is the legal basis for the prosecution and punishment of violations of the 1949 Geneva Conventions?

The national criminal law that enables the United Kingdom to prosecute serious violations of IHL includes the Geneva Conventions Act 1957 (as amended), the International Criminal Court Act 2001 and the International Criminal Court (Scotland) Act 2001.

2. Does the national criminal law contain provisions for the prosecution of war crimes, crimes against humanity or genocide? If so, do domestic courts have extra-territorial jurisdiction over these offences?

Geneva Conventions Act 1957: The Geneva Conventions Act 1957 implements within the United Kingdom the specific provisions concerning grave breaches of the 1949 Geneva Conventions. The 1957 Act was amended by the Geneva Conventions (Amendment) Act 1995 to enable the United Kingdom to ratify the two 1977 Protocols Additional to the Geneva Conventions of 1949. The 1995 Act specifically incorporates the grave breaches provisions of Articles 11(4) and 85(2), (3), and (4) of Additional Protocol I into the law of the United Kingdom. Grave breaches under the Geneva Conventions Act 1957 are subject to universal jurisdiction. This enables prosecution to take place in the United Kingdom even though the offence was committed outside the United Kingdom, and irrespective of nationality.

The International Criminal Court Acts: Domestic courts have jurisdiction over the offences of war crimes, crimes against humanity or genocide if they are committed in England, Wales or Northern Ireland (International Criminal Court Act 2001) or Scotland (International Criminal Court (Scotland) Act 2001). Domestic courts also have extra-territorial jurisdiction over these offences if committed outside the United Kingdom by a national of the United Kingdom, a resident of

the United Kingdom²⁴ or anyone subject to the Service jurisdiction of the United Kingdom. In the case of residents of the United Kingdom, courts have jurisdiction over crimes committed before they came to reside in the United Kingdom (provided they were committed after the entry into force of the Acts).²⁵ This ensures that no one can come to live in the United Kingdom as a way of evading justice for their crimes committed overseas. In view of the gravity of these crimes, the offences in the Acts attract the same sentences as provided for in the International Criminal Court (ICC) Statute: imprisonment for a term not exceeding 30 years,²⁶ or life imprisonment. Giving domestic courts jurisdiction over these crimes ensures that any national or resident of the United Kingdom accused of an ICC crime may be brought before a domestic court. This is the case wherever in the world they have committed their crime, including if they have assisted in the United Kingdom in the commission of a crime overseas. The same goes for anyone subject to the Service jurisdiction of the United Kingdom.²⁷

These Acts also provide the legal basis for the United Kingdom to provide support and co-operation to the ICC, including providing assistance and the transfer of suspects to the Court.

3. When, and for what, will an individual and a commander be held criminally responsible?

Under Article 25 of the ICC Statute, individual members of the armed forces are accountable for their own actions on operations. An individual is responsible for violations if: (1) they commit the crime, on their own or jointly with others; (2) they order, solicit or induce a crime which is committed or attempted; (3) they aid, abet or otherwise assist in the commission of the crime, including providing the means for its commission; or (4) they contribute to the commission or attempted commission of the crime by a group of persons acting with a common purpose.

Commanders have additional accountability under the doctrine of command responsibility. A commander must take into account IHL when issuing orders and instructions or establishing procedures or training, and must take steps to prevent or report violations, and if necessary, institute disciplinary action. A commander will be criminally responsible if, for example: (1) he/she participates in the commission of a war crime in the manner described above, particularly if he/she orders its commission; or (2) he/she knows or, owing to the circumstances at the time, should have known, that war crimes were being, or were about to be, committed by forces under his/her command and control, and failed to take all necessary and reasonable measures within his/her power to prevent or

24 International Criminal Court Act 2001, s 51(2) in respect of England and Wales, s 58(2) in respect of Northern Ireland; and s 1(2). International Criminal Court (Scotland) Act 2001 in respect of Scotland.

25 *Ibid*, s 68.

26 *Ibid*, s 53.

27 Armed Forces Act 2006, s 42. See also Legal Support to Joint Operations (Joint Doctrine Publication 3-46), Ministry of Defence, 3rd Edition, published August 2010, last updated June 2018, p33, which refers to the prosecution of the first British person to be convicted of a war crime under the International Criminal Court Act 2001.

repress their commission or to submit the matter to the competent authority for investigation and prosecution (Article 86(2) of Additional Protocol I, Article 28 of the International Criminal Court Statute).

These provisions have been given domestic effect with regard to Service personnel by the Armed Forces Act 2006 which applies domestic criminal law to Service personnel (section 42), even when they are abroad (section 51); and by sections 65(2) and (3) of the International Criminal Court Act 2001 concerning the responsibility of commanders and other superiors.

4. What institutions are in place for the prosecution of breaches of IHL?

Service jurisdiction and prosecution

The Service Prosecuting Authority (SPA) (the Director and their appointed prosecuting officers) was created and given its functions and powers by the Armed Forces Act 2006. It was formed on 1 January 2009 following the incorporation of the Naval Prosecuting Authority, Army Prosecuting Authority and Royal Air Force Prosecuting Authority. It is headed by the Director of Service Prosecutions. The Service Prosecuting Authority acts under the general superintendence of the Attorney General and remains fully independent of the military Chain of Command.

The SPA is the principal prosecuting authority within the United Kingdom's Service Justice System and is responsible for the prosecution of service offences before the Service Courts. The latter include the Court Martial, the Court Martial Appeal Court, the Service Civilian Court and the Summary Appeal Court. In respect of cases referred to it by either a Service Police Force or a Commanding Officer, the SPA: (1) decides whether the case should be prosecuted; (2) decides where the case should be prosecuted; (3) determines the appropriate charges to bring; and (4) prepares cases and presents them in the Service Courts—using either prosecuting officers at the SPA or members of the independent civilian Bar. In addition, the SPA works closely with and provides advice to the Service Police Forces with respect to the investigation of offences.

The Protocol Between Law Officers and the SPA, published on 23 January 2024, defines the relationship between the Law Officers and the Service Prosecuting Authority.²⁸ This is the first time that a formal protocol has been put in place between Law Officers and SPA.

The Protocol between the Crown Prosecution Service (CPS) and the SPA regarding the exercise of criminal jurisdiction in England and Wales (Joint Prosecution Protocol), published on 25 October 2023, sets out the principles to be applied when there is concurrent jurisdiction between the mainstream criminal courts

28 Protocol between the Law Officers and the Service Prosecuting Authority, document defining the relationship between the Law Officers and the Service Prosecuting Authority, published 23 January 2024.

and the service justice system.²⁹ This protocol applies in respect of conduct of a person subject to Service law, which occurs when that person is in England or Wales. In these circumstances, both the CPS and the SPA have jurisdiction to bring criminal proceedings, and it is necessary to determine the appropriate jurisdiction, the civilian or service justice system.

Non-Service jurisdiction and prosecution

The war crimes team of the Metropolitan Police Counter Terrorism Command (SO15) is responsible for the investigation of all non-Service allegations of war crimes, crimes against humanity, genocide and torture. It has the specialist skills to conduct scoping exercises and investigations. It evaluates the process of obtaining the necessary evidence from abroad, assesses whether an investigation is feasible, and the prospects of being able to protect witnesses and to secure their evidence at trial. The Counter Terrorism Division of the Crown Prosecution Service, Special Crime and Counter Terrorism Division, has responsibility for prosecuting any such crimes.

SO15 and the Counter Terrorism Division of the Crown Prosecution Service have published guidelines³⁰ in regard to the investigation and prosecution of allegations of war crimes, crimes against humanity, genocide and torture in order to enable the process for investigations, arrests and prosecutions to be conducted in an orderly and transparent way. These guidelines will be followed when there is a referral to SO15 to investigate a suspect or suspects.

Separate guidance³¹ has been published in relation to applications for the consent of the Director of Public Prosecutions for the issue of a private arrest warrant for a named suspect for grave breaches of the Geneva Conventions, hostage-taking and torture in accordance with Section 1(4A) of the Magistrates' Courts Act 1980. This separate guidance is to be followed when there is an imminent prospect of a suspect arriving in the United Kingdom's jurisdiction.

The SO15 War Crimes Team has adopted 'structural investigations', which allow investigators to compile contextual evidence of war crimes, crimes against humanity, or genocide before a potential perpetrator enters the country or in support of other jurisdictions or independent judicial bodies.³² In 2023, the SO15 War Crimes Team opened a structural investigation to parallel the investigations of the International Criminal Court (ICC) and to ensure the United Kingdom fully supports the ICC in their investigations, consistent with obligations under

29 Protocol between the Crown Prosecution Service (CPS) and the SPA regarding the exercise of criminal jurisdiction in England and Wales (Joint Prosecution Protocol), published on 25 October 2023.

30 War Crimes/Crimes Against Humanity Referral Guidelines, published 7 August 2015, updated 30 September 2019.

31 War Crimes/Crimes Against Humanity: Guidance for making an application for DPP consent for an application for a private arrest warrant in accordance with section 1(4A) of the Magistrates' Courts Act 1980, updated April 2016.

32 Global Britain, Global Justice: Strengthening Accountability for International Crimes in England and Wales, Report Summary, Redress, October 2023.

the Rome Statute. The SO15 War Crimes Team have also opened structural investigations regarding Ukraine, the genocide of Yazidis during the ISIL insurgency in Iraq and Syria and core international crime offences committed by the Syrian regime from 2011 to present date.

The SO15 and Crown Prosecution Service jointly established the United Kingdom's War Crimes Network to ensure a co-ordinated, proactive and informed approach between Government departments (Crown Prosecution Service, SO15 War Crimes Team, the Attorney General's Office, Home Office, Serious Crime Unit, and the FCDO). Its purpose is to facilitate cooperation on achieving the Government policy to: (i) not provide a safe haven for war criminals or those who commit other serious violations of international law; and (ii) enhance national investigations and prosecutions of those suspected of having committed core international crimes. The United Kingdom's War Crimes Network also includes domestic NGOs who attend the EU Genocide Network to ensure greater collaboration with civil society groups on policy and practice relating to core international crimes within the United Kingdom.

5. Has the Government taken any measures specifically to address crimes of sexual violence in conflict?

The United Kingdom has shown its leadership and commitment to ending sexual violence in conflict. In May 2012, the United Kingdom launched the Preventing Sexual Violence in Conflict Initiative (PSVI). Addressing Conflict-Related Sexual Violence (CRSV) and strengthening the global response to CRSV has been a top priority for the United Kingdom ever since. The top ten achievements of the United Kingdom's Government in relation to addressing sexual violence in conflict are as follows:

- **Convening power:** In 2014, the former Foreign Secretary, William Hague, and the Special Envoy of the UN High Commissioner for Refugees, Angelina Jolie, hosted the Global Summit to End Sexual Violence in Conflict.³³ It was attended by over 120 countries, 70 Foreign Ministers, over 100 NGOs, 900 experts from health, legal, military and academic fields, and many survivors. It was the largest meeting of its kind on the issue of sexual violence in conflict. In 2022, the United Kingdom hosted the International Preventing Sexual Violence in Conflict Initiative Conference.³⁴ These global conferences brought together leaders and representatives from all over the world to help drive action to tackle sexual violence in conflict.
- **Guidelines to strengthen the global response:** One of the outcomes of the 2014 Global Summit included the launch of the first International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.³⁵

33 Global Summit to End Sexual Violence in Conflict, June 2014.

34 International Ministerial Conference on Preventing Sexual Violence in Conflict Initiative, November 2022.

35 International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, June 2014.

A delegate at the International Ministerial Conference on Preventing Sexual Violence in Conflict Initiative (PSVI), London November 2022. Credit: Foreign, Commonwealth & Development Office.



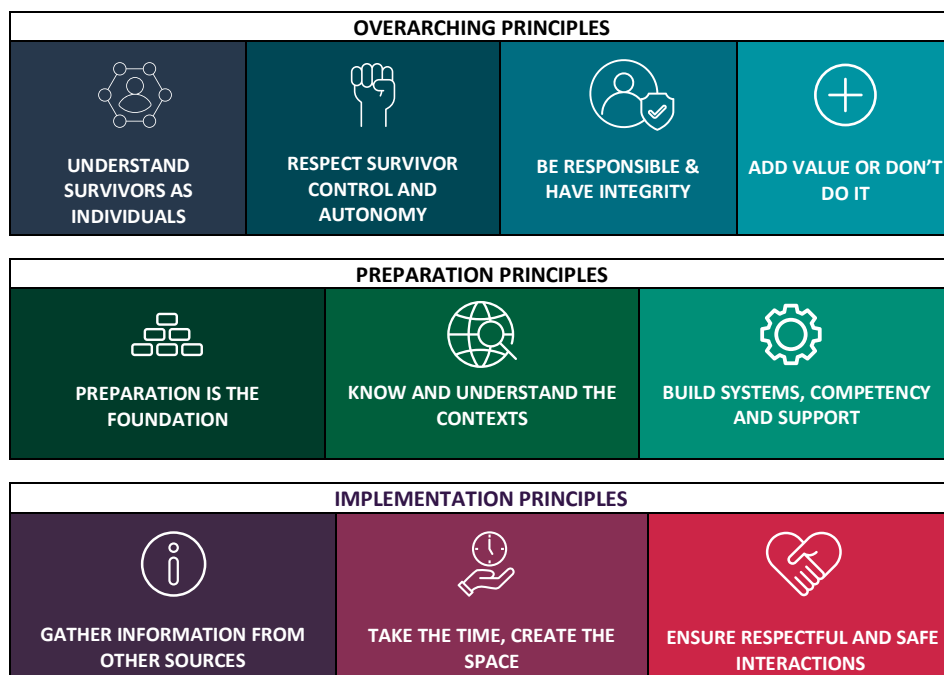
The second edition of the Protocol was published in 2017.³⁶ The Protocol was produced in collaboration with over 200 gender and sexual violence experts, and was designed to help strengthen the evidence base for bringing perpetrators to justice, thus overcoming one of the key barriers to tackling impunity for sexual violence in conflict. In 2022, the United Kingdom Nobel Laureate Nadia Murad, and Institute for International Criminal Investigations, launched the Murad Code.³⁷ The Murad Code's full title is the "Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence". It is a global, voluntary code of conduct for those collecting information from survivors of systematic and conflict-related sexual violence. The Code's key objective is to respect and support survivors' rights and to ensure work with survivors to investigate, document and record their experiences is safe, ethical and effective in upholding their human rights.

- **Driving global action:** In 2023, the United Kingdom launched the new International Alliance on Preventing Sexual Violence in Conflict Initiative to strengthen global action.³⁸ The Alliance is a forum for strengthening work on preventing and responding to CRSV, sharing lessons and supporting survivor-centred action. The United Kingdom also plays an active role in the Call to Action on Protection from Gender-Based Violence in Emergencies to galvanise international efforts for improved response to gender-based violence, including CRSV, in humanitarian efforts. In 2023, the United Kingdom was instrumental in securing and organising a high-level roundtable with Inter-Agency Standing Committee Principals, key donors and women-led organisations to support the formulation of new commitments and concrete actions on gender-based violence prioritisation and financing. The United

36 Second edition of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, March 2017.

37 The Murad Code, April 2022.

38 International Alliance on Preventing Sexual Violence In Conflict Initiative, October 2023.



Extract of principles of Murad Code, see muradcode.com/murad-code

Kingdom also worked with the Call to Action to coordinate a multi-stakeholder pledge at the Global Refugee Forum in December 2023 on Gender Equality and gender-based violence. This resulted in 117 linked individual pledges which included policy, advocacy, technical and financial commitments.

- **Building political will:** In 2013, the United Kingdom launched the Declaration of Commitment to End Sexual Violence in Conflict at the UN General Assembly.³⁹ The Declaration contained a set of practical and political commitments to end the use of rape and sexual violence as a weapon of war, which terrorises and destroys communities during conflict. The Declaration sent an important message to the victims of these crimes that the international community has not forgotten them, and to the perpetrators of rape that they will be held to account. This declaration was endorsed by over two thirds of all members of the UN.
- **Survivors at the heart of decision-making:** In 2019, the United Kingdom appointed two PSVI Survivor Champions: Nadine Tunasi and Kolbassia Haoussou.⁴⁰ They support and champion all survivors of CRSV, including children born of rape. In 2022, the United Kingdom established a Survivor Advisory Group, which shaped PSVI decisions and helped co-create the PSVI Conference in 2022.
- **Supporting children born of CRSV:** Thousands of children born of sexual violence in conflict miss out on education, healthcare, and opportunities to be children due to the circumstances of their birth. In some countries, they cannot be registered at birth, preventing them accessing these services. In

³⁹ Declaration of Commitment to End Sexual Violence in Conflict, September 2013.

⁴⁰ UK announces Survivor Champions to help end sexual violence in conflict, October 2019.

2021, the United Kingdom launched a Call to Action to Ensure the Rights and Wellbeing of Children Born of Sexual Violence in Conflict.⁴¹ This is a 1-page declaration, outlining the main principles to ensure the rights and wellbeing of children born of sexual violence in conflict. This collaboration supported the development of the 'Platform for Action' promoting rights and wellbeing of children born of CRSV.⁴² The Platform for Action, launched in 2022, identifies concrete solutions to address identified areas of concern, implements the principles of the call to action and provides a framework for commitments.

- **Financial support:** The United Kingdom has committed over £60 million to preventing and responding to CRSV around the world since it launched PSVI in 2012, including the £12.5m funding committed in support of the PSVI Strategy (2022-2025). In November 2023, the United Kingdom announced up to £33 million worth of new support for grassroots women's rights organisations on the frontline who are tackling violence against women and girls around the world.⁴³ This includes a new contribution of up to £18 million for grassroots women's rights organisations across 70 countries to tackle gender-based violence in communities, focusing on the most marginalised as part of the United Kingdom's biggest ever funding boost to the UN Trust Fund to End Violence Against Women. Funding will improve access to services including legal aid, shelters, and health care for survivors, support more effective legislation, and help to shift harmful attitudes and behaviours to prevent violence before it starts. This also includes a new £15 million UK-funded programme in Somalia to reach more than 117,000 people with help to advance the rights of women and girls in humanitarian crisis through mental health support, training for health workers to recognise signs of violence and the establishment of centres to bring together medical, legal and psychosocial services. Access to sexual and reproductive health and rights, gender-based violence response services, and prevention of sexual exploitation and abuse are critical to ensure survivor protection and to end impunity for sexual and gender-based violence in conflict. This is reflected within the United Kingdom's Humanitarian Framework and was translated into funding for specialised services in more than 10 conflicts in 2023.
- **Accountability:** In 2022, the United Kingdom launched the ACT for Survivors initiative⁴⁴ to strengthen accountability for CRSV crimes at the national level, including supporting increased prosecutions, with a focus on survivors. The initiative has funded a number of programmes including UN Women's deployment of gender advisers to Colombia, Ethiopia, and Ukraine; the UN Team of Experts' capacity-building work in conflict-affect States, and the Mukwege Foundation Guidebook on State Obligations for Conflict-Related Sexual Violence to support States to understand and comply with their

41 Ensuring the rights and wellbeing of children born of sexual violence in conflict: call to action, published November 2021, updated July 2023.

42 Platform for action promoting rights and wellbeing of children born of conflict-related sexual violence, published November 2022, updated July 2023.

43 UK invests in global grassroots efforts to tackle gender-based violence, November 2023.

44 UK leads global action to tackle sexual violence in conflict, November 2022.

obligations. In addition, since November 2022, the United Kingdom has sanctioned fourteen perpetrators of CRSV.

- **Building capacity:** The United Kingdom's PSVI Team of Experts is a group of external specialists with a range of expertise in tackling CRSV, including in international law, psychological support, gender-based violence and humanitarian responses.⁴⁵ The PSVI Team of Experts is a key tool to contribute specialist expertise and build capacity to achieve PSVI objectives including the training of thousands of police and military personnel on sexual and gender-based violence. Since 2012, the PSVI Team of Experts has been deployed over 90 times, including in Bangladesh, Uganda, Ethiopia and most recently in Ukraine where a member of the PSVI Team of Experts is assisting supporting the Ukrainian Office of the Prosecutor General to develop effective standards and procedures for investigating and prosecuting CRSV crimes and supporting the development and implementation of a national CRSV Action Plan.
- **Impact on the ground:** The United Kingdom's Preventing Sexual Violence in Conflict Initiative Strategy, published in November 2022, sets out 'focus countries' in order to prioritise PSVI activity in countries and regions affected by CRSV where the United Kingdom can have impact.⁴⁶ The United Kingdom's current focus countries are Bosnia and Herzegovina, Colombia, the Democratic Republic of the Congo, Ethiopia, Iraq, South Sudan and Ukraine. In Bosnia and Herzegovina, for example, the United Kingdom's programmes have contributed to vital legislative changes.

6. Mutual Legal Assistance: Are there any legal provisions to allow for mutual legal assistance in connection with persons charged with war crimes, crimes against humanity or genocide?

Mutual legal assistance (MLA) is a method of cooperation between States for obtaining assistance in the investigation or prosecution of criminal offences. MLA is generally used for obtaining material that cannot be obtained on a police cooperation basis, particularly enquiries that require coercive means. The United Kingdom provides a wide range of assistance.

The Home Office has produced detailed MLA guidelines, which are translated into French, Gulf Arabic, Italian, Polish, Portuguese, Spanish and Turkish for authorities outside of the UK who wish to make a MLA request to the United Kingdom.⁴⁷ The Home Office has also produced instructional guidance to assist with drafting MLA requests from EU Member States.

45 Preventing Sexual Violence in Conflict Initiative Strategy, November 2022, p13.

46 *Ibid*, p13.

47 MLA guidelines for authorities outside of the UK, Home Office, published October 2023, last updated May 2024.

7. Extradition: Are there any legal provisions to allow for the extradition of persons charged with war crimes, crimes against humanity or genocide to another State or to the ICC?

Are there any legal provisions to allow for the extradition of persons charged with war crimes, crimes against humanity or genocide to another State?

The domestic law in the United Kingdom allows for the extradition of persons charged with war crimes, crimes against humanity or genocide to another State. Section 196 of the Extradition Act 2003 ensures that genocide, crimes against humanity, war crimes and related offences under the International Criminal Court Act 2001 are “extradition offences”. They are “extradition offences” regardless of the location in which the conduct is alleged to have taken place.⁴⁸ Different extradition procedures apply according to whether the requesting State is designated as a category 1 or category 2 territory (or neither) under the Extradition Act 2003.⁴⁹

Are there any legal provisions to allow for the extradition of persons charged with war crimes, crimes against humanity or genocide to the International Criminal Court?

The United Kingdom’s domestic law allows for the surrender of persons charged with war crimes, crimes against humanity or genocide to the International Criminal Court. The legal provisions to allow for arrest and surrender are set out in Part 2 of the International Criminal Court Act 2001.

8. Does the United Kingdom support international justice mechanisms? What does the ICC do and does the United Kingdom support its work?

The United Kingdom strongly supports international accountability and justice mechanisms. Its view is that where serious crimes occur during armed conflict, the perpetrators should be prosecuted and held to account. The United Kingdom’s position is that ensuring justice for such crimes has an important deterrent effect and is an integral part of post-conflict reconstruction and reconciliation.

The ICC investigates and, where necessary, prosecutes individuals charged with the gravest crimes of concern to the international community. Established by an international treaty called the Rome Statute, the ICC is the world’s first permanent

48 A Review of the United Kingdom’s Extradition Arrangements, Right Honourable Sir Scott Baker, David Perry QC and Anand Doobay, September 2011, paragraph 6.50.

49 Extradition: processes and review, Home Office Guidance, published March 2013, last updated November 2023.

The International Criminal Court (ICC). Credit: Justflix/Wikimedia Commons.



international criminal court. Under the Rome Statute States parties grant the ICC jurisdiction over four main crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. War crimes include grave breaches of the Geneva Conventions in the context of armed conflict. For instance, the use of child soldiers, the killing or torture of persons such as civilians or prisoners of war, and intentionally directing attacks against hospitals, historic monuments, or buildings dedicated to religion, education, art, science or charitable purposes.

The ICC is intended to complement, not to replace, national criminal systems; it prosecutes cases only when States do not because they are unwilling or unable to do so genuinely. As a judicial institution, the ICC does not have its own police force or enforcement body; thus, it relies on cooperation with countries for support, particularly for making arrests, transferring arrested persons to the ICC detention centre in The Hague, freezing suspects' assets, and enforcing sentences.⁵⁰

50 International Criminal Court Website, How the Court Works

The United Kingdom signed the Rome Statute on 30 November 1998 and deposited its instrument of ratification on 4 October 2001. The United Kingdom continues to support, assist and cooperate with the ICC and ad hoc tribunals to deliver justice, through effective and efficient systems. The United Kingdom's support for international criminal justice and accountability is a fundamental element of its foreign policy.⁵¹ For example, the United Kingdom:

- Contributes to the ICC through annually assessed contributions (circa £13m⁵²) and additional voluntary contributions (circa £2.3m since 2022);
- Offers additional support by protecting witnesses and enforcing sentences by holding prisoners in domestic prisons;
- Continues to encourage States that have not yet done so to ratify the Rome Statute of the ICC;
- Where necessary and appropriate, urges the UN Security Council to consider referrals to the ICC as well as sanctions;⁵³
- Joined, alongside 122 other States, the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, which is a commitment not to vote against any credible draft resolution intended to prevent or halt mass atrocities;
- In March 2023, led a referral of the situation in Ukraine to the ICC for investigation by the Office of the Prosecutor, which secured the support of 42 other countries and was the largest State Party referral in the history of the ICC;
- In 2023 the United Kingdom donated an additional £1 million in funding to the Trust Fund for Advanced Technology and Specialised Capacity of the ICC, and provided soldiers with military expertise to the ICC to help uncover evidence of war crimes; and
- Has established a dedicated Counter Terrorism Police Liaison Officer post for the ICC in SO15 to ensure enhanced working and support of the ICC.

9. What is the United Kingdom's position with regards to transitional justice?

In post-conflict situations, the United Kingdom works to support the re-emergence or strengthening of justice systems which meet international standards and which are consistent with the Rome Statute of the ICC. The United Kingdom believes that justice is best served if it is carried out to the required standards locally by domestic courts, if that is possible. Other mechanisms which the United Kingdom has supported include: truth seeking mechanisms, reparations for victims, and

51 UK National Statement delivered by Ambassador James Kariuki at the UN Security Council Arria meeting on the Rome Statute, 'Reflecting on our relationship with the International Criminal Court after 20 years of the Rome Statute', June 2022.

52 Circa £12m in 2023.

53 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, strengthening accountability.

vetting processes to ensure that State institutions do not employ those found to have participated in human rights violations. The United Kingdom's position is that these mechanisms must be locally and nationally owned, inclusive, gender-sensitive and respect States' obligations under international law. The United Kingdom works to ensure that responses to tackle impunity and provide redress for victims are comprehensive and in line with emerging best practice.⁵⁴

10. What does the International Humanitarian Fact-Finding Commission (IHFFC) do and does the United Kingdom support its work?

In order to secure the guarantees afforded to the victims of armed conflicts, Article 90 of the First Additional Protocol to the Geneva Conventions of 1949 (AP I) provides for the establishment of an IHFFC. The IHFFC was subsequently established in 1991. It is a permanent body of 15 independent experts, acting in their personal capacity, elected by the States having made a declaration of recognition under Article 90 of AP I.⁵⁵ At present, 76 States, including the United Kingdom, have made a comprehensive declaration under Article 90. One of the Vice-Presidents⁵⁶ of the IHFFC is currently a United Kingdom national.⁵⁷

The IHFFC's essential purpose is to contribute to implement and ensure respect for IHL in armed conflict situations. It is an investigative body and stands at the service of parties to an armed conflict to conduct enquiries into alleged violations.⁵⁸

The UK's support extends through various channels, including participation in the IHFFC's 'Group of Friends' (GoF) and outreach activities among UN bodies in New York via the UK Mission (UKMis). The UK has shown leadership within the GoF, serving as its inaugural Chair, with the first meeting at the UK Permanent Mission to the UN in New York in 2019.

In May 2024, the UK further demonstrated its commitment by hosting a reception on behalf of the IHFFC in Geneva. This event, held in collaboration with the Canadian, Costa Rican, and Chilean Permanent Missions, was aimed at raising awareness and fostering greater understanding of the IHFFC's work.

54 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, strengthening accountability.

55 International Humanitarian Fact-Finding Commission website.

56 Dr. Robin McNeill Love.

57 Members of the International Humanitarian Fact-Finding Commission.

58 International Humanitarian Fact-Finding Commission website.

A Royal Air Force Medical Emergency Response Team provide emergency treatment to a simulated casualty. Credit: AS1 Tomas Barnard.



IV. Protections

PROTECTION OF PEOPLE

1. What is the United Kingdom's goal in relation to the protection of civilians in armed conflict?

In the context of armed conflict, the goal of protection is to improve the safety of civilians by limiting their exposure to violence, abuse, coercion, exploitation and deprivation and the threat thereof.⁵⁹ The United Kingdom's approach to protection of civilians in armed conflict is to uphold international laws, use its influence to encourage others to do likewise, seek to condemn those that do not, and push for accountability.⁶⁰ The United Kingdom works towards these commitments through, inter alia, political engagement, monitoring and reporting of IHL, strengthening State and non-State capacity, peace support operations, and ensuring respect for IHL in United Kingdom military operations.⁶¹

2. How does the United Kingdom work towards these goals regarding protection of civilians?

Political engagement: Protecting civilians is at the core of the United Kingdom's policies to prevent, manage and resolve conflicts around the world. This involves, for example, working bilaterally and multilaterally on the resolution of the conflict itself.⁶² This also involves using the United Kingdom's permanent seat on the UN Security Council to advocate for the protection of all civilians in crisis situations in line with IHL. The United Kingdom has supported or led on a number of thematic UN Security Council resolutions (UNSCRs) on protection issues, and holds the pen at the UN Security Council on Protection of Civilians, Women, Peace and Security, Children and Armed Conflict and Peacekeeping.

Taking persons with disabilities in armed conflict as an example, the United Kingdom held the pen (alongside Poland) on UN Security Council resolution 2475 on the impact of armed conflict on persons with disabilities, which was adopted unanimously on 20 June 2019. The resolution urges "all parties to armed conflict

59 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, introduction.

60 *Ibid*, introduction.

61 *Ibid*, introduction.

62 *Ibid*, political engagement.

to take measures, in accordance with applicable international law obligations to protect civilians, including those with disabilities, and to prevent violence and abuses against civilians in situations of armed conflict, including those involving killing and maiming, abduction and torture; as well as rape and other forms of sexual violence in conflict and post-conflict situations.” It also encourages Member States to ensure that persons with disabilities have access on an equal basis with others to basic services, and emphasises the importance of building capacity and knowledge of the rights and needs of persons with disabilities across United Nations peacekeeping and peacebuilding actors.⁶³

Monitoring and reporting of IHL: Effective and independent monitoring and reporting of compliance with IHL in situations of conflict is critical to raise awareness of protection issues and provide the necessary evidence base for timely political and legal action. For example, the United Kingdom promotes and supports the deployment of UN civilian human rights monitors to countries affected by conflict and draws on the findings of these monitors to inform its political action on the protection of civilians. The United Kingdom also, supports the inclusion of international human rights and IHL standards, with supporting national mechanisms, in peace agreements as well as their subsequent implementation.⁶⁴

Strengthening State and non-State capacity: States have the primary responsibility to protect civilians. Where States are willing to respect IHL but lack capacity to do so, the United Kingdom stands ready to help through partnership programmes to build knowledge of IHL and more accountable defence and security forces and equitable justice services. For example, the United Kingdom provides specialist training on the rule of law to foreign governments and armed forces, with a focus on three themes: IHL, the military justice system (which is crucial to maintaining discipline and integrity), and international agreements.⁶⁵ With the support of the BRC, the United Kingdom enhances knowledge and strengthens the application of IHL, and reinforces dialogue on IHL issues. This includes promotion of the establishment of weapons reviews, encouraging discussion and effective implementation of IHL within the Commonwealth, including hosting a Commonwealth Conference on IHL compliance, attending and contributing to the International Conferences of the Red Cross and Red Crescent, and developing toolkits to assist other States write their own voluntary reports on domestic implementation of IHL.⁶⁶ The United Kingdom also provides technical training and policy support on the integration of Human Security into Defence. This entails training on the concepts and their application and integration into military operational planning. Furthermore, the United Kingdom sponsors participants from partner countries to attend the Human Security in Military Operational Planning course at MOD Shrivenham to broaden awareness and uptake of these concepts.

Peace support operations: The United Kingdom plays a key role on the UN Security Council in setting the mandates for peacekeeping missions, seeking to

63 *Ibid*, political engagement.

64 *Ibid*, strengthening accountability.

65 *Ibid*, strengthening State and non-State capacity.

66 International humanitarian law implementation report: toolkit.

ensure that all missions are mandated to protect civilians where relevant to the situation. For example, all new UN peacekeeping missions since 1999 have had a protection of civilians element in their mandate, and for some it is the primary goal.⁶⁷ The United Kingdom is also active in the provision of technical support and training delivery to UN and international peacekeeping missions. This includes training delivered through the United Kingdom's British Peace Support Team Africa, which provides training to UN and Africa Union missions on key elements of peacekeeping, including protection of civilians, children and armed conflict, and women, peace and security. The United Kingdom also provides technical training to specific countries as part of its pre-deployment for peacekeeping missions, with the most recent examples being Indonesia and Vietnam. The United Kingdom has also developed pre-deployment training for peace support operations that was utilised during the United Kingdom's troop contribution to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). This entailed comprehensive training on human security factors and cross cutting themes, as well as the creation of in-country tools and approaches to Recognise, Respond, Report and Refer to instances of insecurity and a 'reach-back' mechanism for further technical support on human security issues that may be encountered.

Ensuring respect for IHL in United Kingdom military operations: With regards to the United Kingdom's conduct, military action is planned and conducted in full accordance with United Kingdom and international law. In particular, great care is taken to minimise the risk of harm to civilians and civilian infrastructure. The MOD has robust targeting policies, practices and processes which are consistent with the United Kingdom's obligations under IHL. The United Kingdom's Armed Forces observe all practicable precautions in attack and conduct a rigorous assessment before and after striking a target. The MOD analyses all UK military activity and will investigate any credible reports that the United Kingdom's actions may have caused civilian harm.⁶⁸

Humanitarian Action: The United Kingdom, as a major aid donor, provides funding to actors who promote IHL, notably components of the International Red Cross and Red Crescent Movement, relevant NGOs, for example Geneva Call, and IHL research programmes. The United Kingdom also funds UN humanitarian institutions, including through core contributions, and calls for the UN coordinated international humanitarian system to promote compliance with IHL as part of its protection role. The Inter-Agency Standing Committee Protection Policy requires the humanitarian system collectively, and in particular, UN Humanitarian Coordinators and Humanitarian Country Teams, to reduce risks and support people's safety, including by promoting IHL compliance.

67 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, strengthening accountability.

68 *Ibid*, strengthening accountability.

3. What protections are in place for children?

The United Kingdom signed (7 September 2000) and ratified (24 June 2003) the Optional Protocol on the Involvement of Children in Armed Conflicts 2000.⁶⁹ The United Kingdom's position is that although recruitment into the Armed Forces can occur below the age of 18 (the minimum age for enlisting in the Armed Forces is 16),⁷⁰ all feasible measures are taken to ensure that members of its Armed Forces who are younger than 18 years old do not take part in hostilities.⁷¹ The United Kingdom entered a declaration to this effect at the signature of the Optional Protocol.⁷² Under 18s are also not to be deployed on UN peacekeeping operations in line with UN policy.

The United Kingdom is also part of the UN Working Group on Children and Armed Conflict which leads the international response on child protection in armed conflict, supporting the Special Representative of the Secretary General's work by applying diplomatic pressure to listed governments and armed groups.⁷³

The FCDO collaborated with Save the Children, War Child, the Norwegian Ministry of Foreign Affairs and the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to host a roundtable event in April 2022 called 'Preparing the children and armed conflict agenda for the future'. The event brought together representatives from supportive member States, the United Nations, regional organisations, civil society organisations, young representatives affected by conflict, legal and child rights advisors and academics to discuss how actors can come together to help support, build momentum and make tangible progress in preparing the Children in Armed Conflict agenda for the future including building effective prevention practices.⁷⁴

69 United Nations Treaties Collection, Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, New York, 25 May 2000.

70 British Army website, how to join, can I apply, how old do I need to be to join the Army.

71 Joint Service Publication (JSP) 822 on Defence Direction and Guidance for Training and Education, Volume 4: Care and Welfare in Training, published in June 2012, last updated in February 2024.

72 At the signature of the Optional Protocol, the UK entered the following declaration with the UN Secretariat: "The UK 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 part in hostilities. However, the UK understands that Article 1 of the protocol would not exclude the deployment of members of the Armed Forces under the age of 18 to take a direct part in hostilities where: there is a genuine military need to deploy their unit or ship to an area in which hostilities are taking place; and by reason of the nature and urgency of the situation it is not practicable to withdraw such persons before deployment; or 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 people."

73 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, political engagement.

74 Preparing the children and armed conflict agenda for the future, FCDO, Save the Children, War Child, the Norwegian Ministry of Foreign Affairs and the Office of the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, April 2022, Wilton Park, UK.



Rapid response team from the Red Cross of Ukraine

4. What protections are in place for the wounded, sick or dead?

The wounded and sick are to be protected and respected. They may not be attacked. They must be treated humanely. They must be provided with medical care. They may not wilfully be left without medical assistance nor exposed to contagious diseases or infection. Priority of treatment is dictated by medical reasons only.⁷⁵ This applies to all wounded and sick, whether from the United Kingdom, allied or enemy, military or civilian.⁷⁶ The duty of respect means that the wounded and sick are not to be made the target of attack, and the duty of protection imposes positive duties to assist them.⁷⁷

The dead must be protected against pillage and maltreatment. The looting of the property of the dead and the mutilation of their bodies are war crimes.⁷⁸ This is a well-established rule of customary international law.⁷⁹

5. What protections are in place for medical personnel, religious personnel and media professionals?

Medical and religious personnel: ‘Medical personnel’ means persons assigned, by a party to the conflict, to medical units or to the administration of medical units or to the operation or administration of medical transports.⁸⁰ The term embraces not only doctors and nurses but also a wide range of specialists, technicians, maintenance staff, drivers, cooks, and administrators.⁸¹ It expressly includes

75 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, published July 2004, last updated May 2014, paragraph 7.3.

76 *Ibid*, paragraph 7.3.2.

77 *Ibid*, paragraph 7.3.1.

78 *Ibid*, paragraph 7.31.

79 *Ibid*, paragraph 7.31.

80 *Ibid*, paragraph 7.11.

81 *Ibid*, paragraph 7.11.1.

military and civilian personnel and those assigned to civil defence organisations as well as medical personnel of national red cross or red crescent or other duly authorised and recognised national voluntary aid societies.⁸² Medical units are to be respected and protected at all times and shall not be the object of attack. Medical units are given this general protection to enable them to perform their humanitarian functions.⁸³ Chaplains are entitled to similar respect, protection, and identification to that afforded to medical personnel.⁸⁴

Media personnel: Media professionals are a wider category than war correspondents. Apart from war correspondents accredited to the armed forces, who have prisoner of war status on capture, journalists engaged in professional missions in areas of armed conflict are entitled to the protection afforded a civilian.⁸⁵

6. How does the United Kingdom interpret the requirement to protect prisoners of war against insults and public curiosity? Is there any guidance for media organisations and individual journalists regarding the use of images of prisoners of war?

Article 13 of the Third Geneva Convention requires that prisoners of war (POWs) be treated humanely and with respect for their honour in all circumstances. They are protected against any act of violence, as well as against intimidation, insults, and exposure to public curiosity.

At the 28th International Conference of the Red Cross and Red Crescent, the Government of the United Kingdom and the BRC made a joint pledge to establish and promote an up-to-date and practical interpretation of this requirement to protect prisoners of war against insults and public curiosity. This is especially important in light of the widespread availability of social media, television and the existence of modern communications technology.

The Government of the United Kingdom and the BRC published guidance on 31 December 2007 suggesting that the following general principles should apply:

- Any image of prisoners of war (POWs) as identifiable individuals should normally be regarded as subjecting such individuals to public curiosity and should not be transmitted, published or broadcast. Where the specific circumstances of a case make it necessary in the public interest to reveal the identity of a POW (e.g. because of the person's seniority, or because the person is a fugitive from international justice) great care should be taken to protect the person's human dignity.
- Images of POWs individually or in groups in circumstances which undermine their public dignity, should not normally be transmitted, published or

82 *Ibid*, paragraph 7.11.1.

83 *Ibid*, paragraphs 7.13 and 7.13.1.

84 *Ibid*, paragraph 7.30.

85 *Ibid*, paragraph 8.18.

broadcast. In the exceptional circumstances where such images are transmitted, for example, to bring to public attention serious violations of IHL, individual identities must be protected.⁸⁶

The guidance states that the Government of the United Kingdom and the BRC hope that media organisations and individual journalists would act prudently and discreetly when reporting on POWs, bearing in mind the effect of publication or transmission of their work on the POWs and their families. The guidance further states that States and the ICRC and the Red Crescent Movement should spread knowledge of the international rules for the protection of POWs and civilian security internees against insults and public curiosity to media organisations and individual journalists.⁸⁷

7. What is being done to address conflict-induced food insecurity in situations of armed conflict?

A UN Security Council resolution on conflict and hunger (UNSCR 2417) was passed in 2018 strongly condemning “the starving of civilians as a method of warfare in a number of conflict situations and prohibited by international humanitarian law”. Starvation as a method of warfare is prohibited in AP I and AP II to the Geneva Conventions and is recognised as a war crime in armed conflict by the Rome Statute for the ICC. The prohibition is recognised as a rule of Customary International Law.

Under UNSCR 2417, the UN Secretary General can issue a ‘White Note’ to the Security Council. These White Notes serve as an early warning tool to raise the alarm on the risk of famine in a certain context and to urge States to take action, to prevent a famine from occurring. These White Notes frequently identify lack of compliance with IHL as one of the main factors contributing to increased risk of famine. The United Kingdom consistently supports this process and will continue to make strong calls for IHL compliance when White Notes are discussed at the Security Council, and in other UN fora.

The United Kingdom announced at the UN Security Council open debate on the protection of civilians in May 2023 that: “To tackle conflict-induced hunger, we also need a greater focus on relevant aspects of international humanitarian law. And in this respect, we are also developing a legal handbook to achieve part of this objective.”⁸⁸

The United Kingdom is also a member of the Group of Friends on Conflict and Hunger. The aim of the group is to keep issues relating to conflict and hunger,

86 ‘Public curiosity’ in the 1949 Geneva Conventions: the interpretation developed by the Government of the United Kingdom of Great Britain and Northern Ireland and the British Red Cross, published December 2007.

87 *Ibid.*

88 Civilians caught up in conflict need protection, food, and dependable essential services right now, Statement by Lord (Tariq) Ahmad of Wimbledon at the UN Security Council open debate on the protection of civilians, May 2023.

including man-made famines, on the agenda of the UN as a whole, promote better understanding among Member States on the drivers and methods to tackle conflict induced food insecurity, and to promote effective implementation of UN Security Council resolution 2417.⁸⁹ The United Kingdom established the group with the Dominican Republic in 2021.

The UN Security Council adopted a Presidential Statement addressing Conflict-Induced Food Insecurity in Situations of Armed Conflict in August 2023 reiterating its commitment to address conflict-induced food insecurity in situations of armed conflict, urging unity to address the growing scale of food insecurity and human suffering due to conflict and violence, and condemning the use of starvation of civilians as a method of warfare, which is prohibited by IHL, and the unlawful denial of humanitarian access and depriving civilians of objects indispensable to their survival.⁹⁰ The United Kingdom's Permanent Representative to the United Nations in New York declared that: "International humanitarian law is our greatest defence against hunger in armed conflict".⁹¹

The Global Food Security Summit also took place in London in November 2023 and focussed international attention on the deepening global food security crisis.



8. What is the United Kingdom's position on human security in military operations?

Human Security is an approach to national and international security which places emphasis on human beings, rather than the traditional focus on the security of the State.⁹² This Human Security concept is an international framework⁹³ that considers pre, inter and post conflict phases, examines early warning mechanisms and responds to violent and destabilising situations.⁹⁴

The MOD published Joint Service Publication (JSP) 985 on Human Security in Defence, dated December 2021, which defines Defence Human Security at the strategic level as: "To gain a heightened understanding of the human environment, potential conflict drivers and dynamics to improve integrated planning and entrench Human Security in the way Defence operates. This enables the United Kingdom's Armed Forces to act as a 'force for good', minimising harm to civilians and maintaining legitimacy."⁹⁵

89 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, humanitarian action.

90 Security Council Adopts Presidential Statement Addressing Conflict-Induced Food Insecurity in Situations of Armed Conflict, S/PRST/2023/4, August 2023.

91 *Ibid.*

92 The MOD have published two major publications on Human Security, namely the Joint Service Publication 1325 on Human Security in Military Operations, dated January 2019, and the Joint Service Publication 985 on Human Security in Defence, dated December 2021, which supersedes the previous version.

93 United Nations (January 2016), Human Security Handbook, P5, New York, United Nations.

94 Human Security in Defence, Joint Service Publication 985, published December 2021, paragraph 0101.

95 *Ibid.*, paragraph 0103.

Human Security in Defence recognises the specific and unique contribution that the military can make to advancing security for populations and mitigate harm during operations. It is essential that defence activities are cognisant of the civilian environment, the risks of contributing to human insecurity and be alert to any reverberating effects from this on the United Kingdom's own strategic objectives. Defence personnel must furthermore be alert to how adversaries may harm civilians as part of their effort to achieve their objectives.

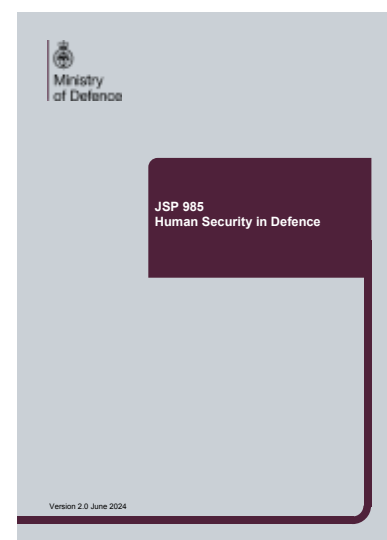
There is a moral, legal and strategic imperative to human security. Adopting a human security approach can be a force multiplier, strengthening the military's legitimacy to act and the ability to deliver mission objectives. It also introduces an analytical lens that ensures populations are considered as a critical audience. The policy directs UK Defence to incorporate Human Security considerations into all that it does, from strategic planning through to activity at the operational and tactical levels to deliver more conflict sensitive and stable outcomes.

The JSP on Human Security sets out cross-cutting themes, which are thematically categorised consequences of insecurity that exacerbate, perpetuate or entrench conflict/instability. It also acknowledges eight different factors of insecurity including personal/physical, political, economic, cultural/community, health, food, environmental/climate and information. Cross-cutting themes include Protection of Civilians, Women Peace and Security (which includes Conflict-Related Sexual Violence), and Children Affected by Armed Conflict.⁹⁶

A Human Security in Military Operational Planning course is delivered at the Defence Academy in Shrivenham and runs twice a year. This course enables operational planners to understand human security concepts, conflict sensitivity and to factor this into their planning. Human Security Advisers are situated across all three services and in Strategic Command to support the advancement of human security across Defence and a dedicated officer is tasked with establishing Defence training on human security to institutionalise understanding.

The United Kingdom contributes to the protection of civilians by integrating related measures in the planning and conduct of its operations and missions. Protection of civilians includes all efforts taken to avoid, minimise and mitigate negative effects that might arise from conditions of insecurity, as well as the United Kingdom's own military operations. This includes:

- Considering protection of civilians as central to the Human Security approach and integral to all military operations;
- Continuing to consider measures to reduce the risks posed to civilians when conducting operations and missions. Planning should involve measures to avoid placing civilians in harm's way;
- Understanding, considering and, when required, planning to deliver specific protection needs for children, women, men and vulnerable groups;



⁹⁶ *Ibid*, paragraph 0205.

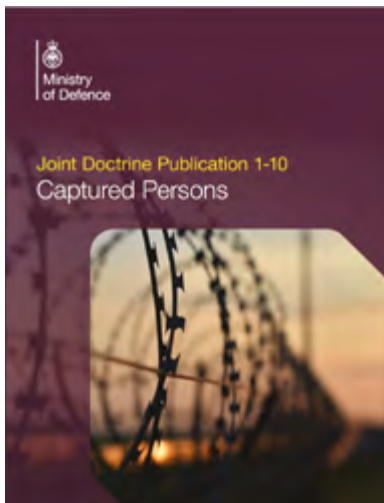
- Continuing to protect and promote the humanitarian space and principled humanitarian action by civilian actors, seeking to avoid any politicisation or militarisation of aid provision;
- Seeking to address communities' key protection concerns assessed through context-relevant, meaningful engagement; and
- Understanding and mitigating further harm to civilians through inappropriate conduct, including when spending power attracts criminal or unethical activity.⁹⁷

9. What protections are in place for captured persons?

a) Where are the rules that protect captured persons deprived of their freedoms outside the United Kingdom, specifically prisoners of war, internees and detainees?

The 1949 Geneva Conventions and their 1977 Additional Protocols are the framework rules that protect captured persons deprived of their freedoms outside the United Kingdom, specifically prisoners of war, internees and detainees. The fourth edition of the Joint Doctrine Publication (JDP) 1-10 on Captured Persons is based upon these rules, and where appropriate, the rules have been extended from prisoners of war to detainees and internees. JDP 1-10 on Captured Persons is the capstone doctrine publication for all captured persons (CPERS) activities.⁹⁸ The JDP on CPERS contains enduring principles and best practice, setting out guidance for the strategic level together with the fundamental rules and principles that apply at the operational level. Importantly, it also reflects the United Kingdom's Government policy and guidance resulting from recent operations. The updated fourth edition also incorporates changes following the 17 January 2017 Supreme Court judgments in three cases⁹⁹ and the recommendations of the Al Sweady inquiry.¹⁰⁰

The JDP on CPERS defines captured persons as: "the generic term given to all individuals who are captured and held by UK Armed Forces on operations overseas, whether they be prisoners of war, protected persons as defined in Geneva Convention IV, or detainees or security internees, whether or not the Geneva Conventions apply."¹⁰¹



97 *Ibid*, paragraph 0205.

98 Captured Persons (CPERS) Joint Doctrine Publication 1-10 (JDP 1-10), Development, Concepts and Doctrine Centre, Ministry of Defence, Fourth Edition, published October 2011, last updated September 2020.

99 Serdar Mohammed, Yunus Rahmatullah and Abd Ali Hameed Al-Waheed. For more information, see <https://www.supremecourt.uk/cases/uksc-2015-0218.html>

100 Captured Persons (CPERS) Joint Doctrine Publication 1-10 (JDP 1-10), Development, Concepts and Doctrine Centre, Ministry of Defence, Fourth Edition, published October 2011, last updated September 2020, preface, paragraph 2.

101 *Ibid*, chapter 1, paragraph 1.3.

b) How are these rules disseminated to Service personnel?

Policy in the United Kingdom on captured personnel is disseminated through training to all Service personnel, and is kept under constant review. All members of the United Kingdom's Armed Forces are fully trained in CPERS handling practices and prepared to deal with CPERS during an operation, and commanders are accountable for training their units.¹⁰²

In the British Army, CPERS training is part of the Operational Law individual training requirement, which is considered core education and must be undertaken annually by all Army personnel. Theatre specific CPERS training is included as part of pre-deployment training. Provost Marshal (Army) is the designated lead for designing, delivering and validating all CPERS training. Further detail is available in Chapter 5 of the JDP on CPERS.¹⁰³

c) Is there a basic level of protection?

International and domestic law stipulates basic standards of treatment that are applicable to CPERS as a minimum in all circumstances. The JDP on CPERS sets out that all CPERS must be treated humanely at all times, including during all stages of their handling from point of capture to release or transfer. All CPERS are entitled to respect for their person, honour and religion.¹⁰⁴

To the extent operational circumstances permit, all CPERS are to be protected from the effects of the conflict. All CPERS are to be treated consistently with the United Kingdom's obligations, whether under the Geneva Conventions or any other applicable international law, and as a matter of United Kingdom policy.¹⁰⁵

The JDP on captured persons sets out that the underlying principle governing treatment of CPERS is one of equivalency. Equivalency means that CPERS will receive basic provisions of an equivalent standard to the United Kingdom's deployed Armed Forces in theatre.¹⁰⁶

As a key skill, every individual in the United Kingdom's Armed Forces must be aware of the minimum standards that apply to CPERS handling.¹⁰⁷

d) How is the status of captured persons determined and identified?

Beyond the minimum standards of humane treatment, CPERS may also be entitled to varying degrees of enhanced rights and protections, depending on

¹⁰² *Ibid*, chapter 5, paragraph 5.6.

¹⁰³ *Ibid*, chapter 5.

¹⁰⁴ *Ibid*, chapter 2, paragraph 2.1.

¹⁰⁵ *Ibid*, chapter 2, paragraph 2.2.

¹⁰⁶ *Ibid*, chapter 2, paragraph 2.11.

¹⁰⁷ *Ibid*, chapter 5, paragraph 5.2.

their categorisation. By the time CPERS are admitted to a CPERS holding facility, it is essential that their categorisation has taken place. This will ensure that they receive their additional rights and protections.¹⁰⁸

Annex 1D of the JDP on captured persons provides a summary table of the categories of captured persons¹⁰⁹ as follows:

Fundamentals

Annex 1D

Summary of categories of captured persons

1D

Type of operation	Captured persons	Examples	Rules governing captured persons		
International armed conflict	Prisoners of war	Combatants	Geneva Convention (GC) III and Additional Protocol (AP) I	Customary international law and applicable international human rights	
	Retained persons	Medical, chaplains			
	Others entitled to prisoner of war status	War correspondents, supply contractors and others authorised to accompany armed forces <i>Levée en masse</i>			
	Internees	Civilians belonging to the opposing state interned for imperative reasons of security	GC IV		
	Detainees	Civilian criminals Spies Mercenaries	AP 1, Article 75		
Non-international armed conflict	Internees	Dissident armed forces, other organised non-state armed groups or individuals interned for imperative reasons of security This includes civilians taking a direct part in hostilities	Common Article 3 and AP II (if criteria are satisfied)	Customary international law and applicable international human rights	
	Detainees	Civilians detained for committing a criminal offence under the host nation law			
Other operations*	Internees	Individuals who are threatening mission accomplishment	Domestic laws of the UK		Customary international law and applicable international human rights
	Detainees	Individuals who are threatening mission accomplishment or committing criminal acts	Domestic laws of the country in which the operation occurs		

* For example, a non-combatant evacuation operation, humanitarian intervention, counter-piracy or peace support operation.

The JDP on CPERS provides as follows:

“Often, the appropriate categorisation of a CPERS is straightforward, whether through the circumstances under which they were captured or through clear indications of status. For example, during an international armed conflict, wearing military uniform is generally clear evidence that an individual is a combatant and, therefore, must be treated as a prisoner of war. Where an individual’s status is not immediately

108 *Ibid*, chapter 1, paragraph 1.31.

109 Reproduction of the summary table, found at *Ibid*, chapter 1, Annex 1D.

*obvious, it is necessary to formally determine status by an Article 5 of Geneva Convention III tribunal. In cases of doubt, and in accordance with the Conventions, our Armed Forces must presume CPERS to be prisoners of war until their status is determined.*¹¹⁰

Please see Chapter 1, Section 5—‘Categories of CPERS’ in the JDP on CPERS for more detailed information. The latest edition of the JDP provides guidance on the constitution and conduct of Article 5 tribunals and further detail is at Annex 1A.¹¹¹

e) Does status categorisation differ in a non-international armed conflict (NIAC)?

As categories of CPERS differ depending on the legal type of the conflict, it is essential to distinguish between IAC, NIAC and other operations. The JDP on CPERS provides that Commanders are entitled to expect clear direction on this matter. Should such direction be unclear, commanders should seek guidance from their legal adviser and through the chain of command.¹¹²

With regard to a NIAC, the JDP on captured persons states that:

*“As prisoner of war status only applies during international armed conflict, it follows that Article 5 tribunals do not exist during non-international armed conflict. During non-international armed conflict, it might be necessary to determine whether the CPERS should be treated as an internee or a criminal detainee. Such a determination should be made by the Detention Authority and subject to review by the Detention Review Authority.”*¹¹³

f) What protections are in place for medical personnel, religious personnel and war correspondents?

Medical or religious personnel: The JDP on captured persons provides that captured enemy medical or religious personnel, even if members of the armed forces, do not have combatant status. They do not become prisoners of war, but may be retained in order to carry out their duties on behalf of prisoners of war. They are often referred to as ‘retained personnel’. While being held they shall receive, as a minimum, the benefits and protection accorded to prisoners of war.¹¹⁴

War correspondents: The JDP on captured persons provides that duly authorised war correspondents are entitled to prisoner of war status. The armed forces must issue these personnel with an appropriate identity card. They are also

110 *Ibid*, chapter 1, paragraph 1.32.

111 *Ibid*, chapter 1, Annex 1D.

112 *Ibid*, chapter 1, paragraph 1.29.

113 *Ibid*, chapter 1, paragraph 1.33.

114 *Ibid*, chapter 1, paragraph 1.39.

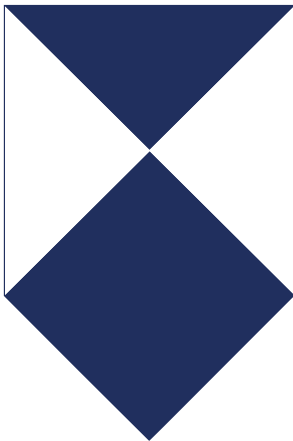
entitled to the rights and protections guaranteed to prisoners of war under Geneva Convention III and Additional Protocol I.¹¹⁵ The ‘Green Book’ details the MOD working arrangements with the media throughout the full spectrum of conflict and MOD deployment.¹¹⁶ It covers the practical arrangements for accrediting ‘war correspondents’, requiring them to carry an identity card as a means of proof of such authorisation, and providing them with distinguishing media insignia while working with units in the field.

PROTECTION OF LOCATIONS AND FACILITIES

10. Hospitals: How are hospitals protected?

The United Kingdom’s LOAC Manual, reflecting IHL, makes clear that certain areas are exempt from attack, bombardment, or from military operations, and that includes hospital zones and localities for the protection of the wounded and sick of the armed forces and medical personnel (Article 23 of Geneva Convention I).¹¹⁷ The United Kingdom’s LOAC Manual also notes that hospital and safety zones and localities may be established in peacetime or in time of armed conflict and in occupied territory ‘to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven’ (Article 14 of Geneva Convention IV).¹¹⁸

11. Cultural property: How is cultural property protected?



The cultural emblem

The United Kingdom enacted the Cultural Property (Armed Conflicts) Act 2017, which implements the 1954 Hague Convention and its two Protocols. The 1954 Hague Convention and its two Protocols provide a detailed international legal framework for the protection of cultural property during armed conflict (either international or non-international) and in times of occupation. State parties are required to respect cultural property both at home and abroad by desisting from exposing it to destruction and damage and from committing any hostile act against it.¹¹⁹

Section 2 of the Cultural Property (Armed Conflicts) Act 2017 incorporates the definition of cultural property as set out in Article 1 of the 1954 Hague Convention. The term ‘cultural property’ includes:

115 *Ibid*, chapter 1, paragraph 1.36.

116 Ministry of Defence working arrangements with media organisations (MOD green book), Joint Service Publication 580, published October 2010, last updated March 2013.

117 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, published July 2004, last updated May 2014, paragraph 5.31.

118 *Ibid*, paragraph 5.41.

119 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, ensuring respect for IHL in UK military operations.

- Movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above;
- Buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined above, such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined above; and
- Centres containing a large amount of cultural property as defined above, to be known as ‘centres containing monuments’.

Government departments leading on cultural issues, in consultation with relevant stakeholders, established categories of cultural property to receive general protection in the United Kingdom. The 2017 Act gives protection to the cultural emblem under domestic law, and establishes a system to regulate the use of that distinctive (protective) emblem. The Act also established new offences, such as making protected cultural property the object of attack, and dealing in unlawfully exported cultural property. The Act further directed the MOD to establish a military unit of Cultural Property Protection (CPP) specialists in accordance with Article 7(2) of the Hague Convention and as a result the CPP Unit was established in 2018.¹²⁰ The CPP Unit is a distinct team of Army Reservists with relevant cultural protection expertise, within a wider specialist unit of the Army’s 77 Brigade Outreach Group. In alignment with direction from JSP 985 Human Security in Defence, all three of the UK Armed services have dedicated SO1 Human Security officers assigned, who have a responsibility for supporting CPP initiatives and training.¹²¹

A guidance document was published by the Government in November 2017 to support the effective implementation of the three treaties and the 2017 Act.¹²² The Scottish Government¹²³ and Northern Ireland executive¹²⁴ have published their own guidance on the provisions of the Convention, which are available online. Dissemination of knowledge of the Hague Convention and its Protocols is part of

120 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, ensuring respect for IHL in UK military operations.

121 Questionnaire: National report on the implementation of the 1954 Hague Convention and its two (1954 and 1999) Protocols, Four-year cycle 2017-2020, Response of the United Kingdom, July 2021.

122 Protection of cultural property in the event of armed conflict: 1) Implementation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, its Protocols and the Cultural Property (Armed Conflicts) Act 2017; and 2) Guidance on the Cultural Property (Armed Conflicts) Act 2017, published November 2017.

123 Guidance on implementation of the 1954 Hague Convention, its protocols, and the Cultural Property (Armed Conflicts) Act 2017 in Scotland, published December 2017.

124 Guidance on the implementation of the 1954 Hague Convention for the Protection of Cultural Property in Northern Ireland, published December 2020.

regular IHL training. A Cross-Government Cultural Protection Working Group was also established. It includes experts from external organisations and among other objectives, aims to ensure that the United Kingdom effectively implements the 2017 Act and related international obligations.

UN Security Council resolution 2347 (2017) was the first UN Security Council resolution entirely dedicated to the protection of cultural heritage in armed conflict. It affirmed that attacks against and destruction of cultural heritage, or cultural or religious sites, could constitute a war crime and that perpetrators of such attacks must be brought to justice. The United Kingdom resolution was adopted under the United Kingdom's presidency of the UN Security Council.¹²⁵

12. Schools and educational facilities: How is the protection and continuation of education in armed conflict supported?

The United Kingdom recognises that the enjoyment of human rights can be substantially affected by the presence of instability and armed conflict. The Safe Schools Declaration recognises the impact of armed conflict on the right to education.¹²⁶ It is a non-legally binding intergovernmental commitment which provides States with the opportunity to express support for the protection and continuation of education in armed conflict, and for the implementation of concrete measures to deter the military use of schools and universities. The Safe Schools Declaration has now been endorsed by 119 States, including by the United Kingdom in April 2018.¹²⁷

As indicated in this report, the United Kingdom complies with its obligations under IHL, including those on which the Safe Schools Declaration was based. States which endorse the Declaration are encouraged to adopt further reporting and administrative actions. The United Kingdom has taken various actions, including the following:

- A cross-Government Safe Schools Working Group was created to oversee the United Kingdom's implementation. It includes policy leads and legal experts from the FCDO and the MOD. The Working Group provides the opportunity to discuss wider issues on the conflict agenda and ensure the United Kingdom's implementation of the Declaration fits in with broader work across Government on relevant policy issues;
- The United Kingdom co-sponsored UN Security Council resolution 2601 (2021) on the Protection of Education in Armed Conflict, which was the first of its kind, linking the protection of education to international peace and security;
- UK Defence policy is that, whilst on deployments, unless absolutely unavoidable, it should not use functioning schools, universities or places of learning for any purpose, or carry out any security tasks in close proximity

125 UK Approach to Protection of Civilians in Armed Conflict, published August 2020, ensuring respect for IHL in UK military operations.

126 The Safe Schools Declaration: A Framework For Action, GCPEA, 2017.

127 List of States that have endorsed the Safe Schools Declaration.

to their buildings or grounds, and not use evacuated or abandoned schools, universities or places of learning except in extenuating circumstances with no viable alternative, in line with the Safe Schools Declaration;¹²⁸

- Guidelines were developed for ‘Protecting Schools and Universities From Military Use’ which were intended to provide guidance to States and armed non-State actors for the planning and execution of military operations.¹²⁹ The United Kingdom provided a panellist for the Fourth International Conference on the Safe Schools Declaration on 25-27 October 2021 to discuss the United Kingdom’s work in implementing these Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

The United Kingdom is committed to the continuation of education in emergencies, and the United Kingdom will continue to call upon others to endorse and implement the Declaration.

13. Natural environment: What protections are in place for the natural environment in armed conflicts?

There are two main articles in AP I that deal with protections for the natural environment in armed conflict. The first is Article 35(3) which states that: “[i]t is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.” The second is Article 55(1) which states that “[c]are shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage” and Article 55(2) states that “[a]ttacks against the natural environment by way of reprisals are prohibited”. The United Kingdom’s LOAC Manual states that the only difference of substance between these two articles is that while Article 35 relates to all methods of warfare whether on land, sea, or in the air wherever in the world they are utilised, Article 55 *only* relates to environmental damage on the territory or in the territorial sea of a State party to the conflict.¹³⁰

With regards to Article 55(2), the United Kingdom reserved the right to take reprisal action in certain circumstances as follows:

“The obligations of Articles 51 and 55 are accepted on the basis that any adverse party against which the United Kingdom might be engaged will itself scrupulously observe those obligations. If an adverse party makes serious and deliberate attacks, in violation of Article 51 or Article 52 against the civilian population or civilians or against civilian objects, or, in violation of Articles 53, 54 and 55, on

128 Human Security in Defence, Joint Service Publication 985, published December 2021, paragraph 0205.

129 Guidelines for Protecting Schools and Universities From Military Use, Safe Schools Declaration website.

130 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, published July 2004, last updated May 2014, paragraph 5.29.1.

*objects or items protected by those Articles, the United Kingdom will regard itself as entitled to take measures otherwise prohibited by the Articles in question to the extent that it considers such measures necessary for the sole purpose of compelling the adverse party to cease committing violations under those Articles, but only after formal warning to the adverse party requiring cessation of the violations has been disregarded and then only after a decision taken at the highest level of government. Any measures thus taken by the United Kingdom will not be disproportionate to the violations giving rise there to and will not involve any action prohibited by the Geneva Conventions of 1949 nor will such measures be continued after the violations have ceased. The United Kingdom will notify the Protecting Powers of any such formal warning given to an adverse party, and if that warning has been disregarded, of any measures taken as a result.*¹³¹

The LOAC Manual states that: “[t]his means that reprisals taken in accordance with the statement are permissible by and against the United Kingdom”.¹³² The LOAC Manual further provides that commanders and commanders-in-chief are not to take reprisal action on their own initiative, and that requests for authority to take reprisal action must be submitted to the MOD and require clearance at Cabinet level.¹³³

After almost a decade working on the topic of “protection of the environment in relation to armed conflicts”, the UN International Law Commission adopted a set of draft principles on this topic at its seventy-third session in 2022. The draft principles are “aimed at enhancing the protection of the environment in relation to armed conflicts, including through measures to prevent, mitigate and remediate harm to the environment”.¹³⁴ General Assembly resolution 77/104 of 7 December 2022 welcomed the conclusion of the International Law Commission’s work on protection of the environment in relation to armed conflicts and its adoption of the draft principles and related commentaries.¹³⁵ The General Assembly took note of all the views and comments expressed in the debates of the Sixth Committee on the subject, including comments and observations submitted in writing by Governments.¹³⁶ The United Kingdom noted in its speech at the 77th session of the

131 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Declarations and reservations made upon ratification by the United Kingdom, dated January 1998.

132 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, 1 July 2004 paragraph 16.19.1.

133 *Ibid.*

134 Article 2, Draft principles on protection of the environment in relation to armed conflicts, International Law Commission, 2022.

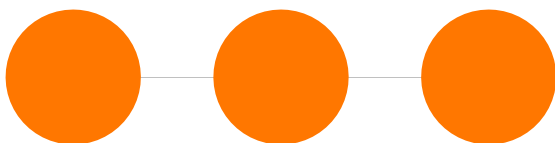
135 Draft principles on protection of the environment in relation to armed conflicts, with commentaries, International Law Commission, 2022.

136 Sixth Committee Speakers Tackle Identification, Application of Peremptory Norms-Jus Cogens Concept, as International Law Commission Review Continues: Delegates Diverge on Draft Principles Addressing Protection of Environment in Armed Conflict, 77th Session, 23rd and 24th meetings (am & pm), GA/L/3670, 26 October 2022. Sixth Committee Speakers Debate Draft Texts on Protection of Environment in Armed Conflict, as International Law Commission’s Cluster 1 Review Concludes, 77th Session, 25th meeting (pm), GA/L/3671, 27 October 2022.

UN Sixth Committee (Legal) in October 2022 that these draft principles do not, and are not to be regarded as, in any way, modifying IHL, nor affecting any limitations and reservations relating to it. The United Kingdom welcomed the commentaries' confirmation that, where the draft principles' terminology does not align with IHL (for example, the use of "environment" rather than "natural environment"), this is not intended to alter its scope. The United Kingdom similarly welcomed the recognition in the commentaries that IHL constitutes the *lex specialis* in those situations to which it applies.¹³⁷

14. Dangerous forces: Are objects and installations containing dangerous forces protected?

Article 56(1) of AP I states that "[w]orks or installations containing dangerous forces, namely dams, dykes and nuclear electrical generating stations, shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population." Although it is not a prerequisite for this protection, dams, dykes, and nuclear electrical generating stations may be marked to facilitate their identification with a special sign consisting of 'three bright orange circles placed on the same axis'.¹³⁸ This is set out in Appendix E of the LOAC Manual¹³⁹ as follows:



The United Kingdom, on ratification of Additional Protocol I, declared that:

"The United Kingdom cannot undertake to grant absolute protection to installations which may contribute to the opposing Party's war effort, or to the defenders of such installations, but will take due precautions in military operations at or near the installation... in the light of the known facts, including any special markings which the installation may carry,¹⁴⁰ to avoid severe collateral losses among the civilian population; direct attacks on such installations will be launched only on authorisation at a high level of command."¹⁴¹

137 Sixth Committee Speakers Tackle Identification, Application of Peremptory Norms-Jus Cogens Concept, as International Law Commission Review Continues: Delegates Diverge on Draft Principles Addressing Protection of Environment in Armed Conflict, 77th Session, 23rd and 24th meetings (am & pm), GA/L/3670, 26 October 2022.

138 *Ibid*, paragraph 5.30.

139 *Ibid*, Appendix E, p485.

140 This is a reference to knowledge on the part of the responsible commander that the installation is, eg, a nuclear power station. Unless the protective emblem is displayed, the commander will need to rely on intelligence reports about the nature of the installation.

141 Where direct attacks are made, commanders will be under a duty to take precautions to minimise collateral damage. It may be possible to put a nuclear power station out of action without damaging the reactor.

PROTECTION OF EMBLEMS

15. What protections are in place for emblems?¹⁴²

a) Do the armed forces use one of the distinctive emblems, i.e. the red cross, the red crescent or the red crystal emblem?

The British armed forces use the red cross emblem for the identification of medical and religious personnel, medical units, and transports.¹⁴³

b) Are medical and religious personnel entitled to use a distinctive emblem?

Medical and religious personnel are entitled to use the distinctive emblem. The LOAC Manual provides that:

*“Service medical personnel must be clearly identifiable as such so that they receive the protection and respect due to them. To achieve this, all service medical personnel must, in addition to normal service identity discs, wear on the left arm a water-resistant armband (brassard) bearing the appropriate distinctive emblem. . . . Service medical personnel must also carry a special identity card bearing the distinctive emblem. In no circumstances may service medical personnel be deprived of their armbands.”*¹⁴⁴

c) Where are the domestic rules that prohibit the misuse of the emblems in peacetime and in time of conflict?

The rules prohibiting the misuse of a distinctive emblem in conflict and in peacetime are set out in the Geneva Conventions Act 1957, as amended by the Geneva Conventions (Amendment) Act 1995, the Geneva Conventions and United Nations Personnel (Protocols) Act 2009 and the International Criminal Court Act 2001. The LOAC Manual also notes that “[i]t is prohibited to make improper use of the distinctive emblem”¹⁴⁵ and that “[g]reat care must be used to ensure that rules on the use of protective emblems are scrupulously observed.”¹⁴⁶

142 Please see above for information on the cultural emblem. The British Red Cross also has a special responsibility to cooperate with the Department for Digital, Cultural, Media and Sport in helping to protect the integrity of the cultural emblem.

143 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, 1 July 2004, paragraph 7.23.

144 *Ibid*, paragraph 7.26.

145 *Ibid*, paragraph 5.10.

146 *Ibid*, paragraph 5.10.1.

d) Is wrongful use of a distinctive emblem a criminal offence, and if so, what is the maximum penalty?

Under section 6(3) the Geneva Conventions Act 1957, it is a criminal offence in the United Kingdom to use one of the distinctive emblems without the authority of the Secretary of State (in practice, this is normally the Secretary of State for Defence). Use of a distinctive emblem by any civilian person or organisation other than the BRC is a misuse.

In accordance with Article 85(3)(f) of AP I, sections 1(1) and 1(1A)(b) of the Geneva Conventions Act 1957 provide that the perfidious use of the red cross and red crescent emblems shall be regarded as a grave breach when committed wilfully and when causing death or serious injury to body or health. Further, in accordance with Article 6(1) of Additional Protocol III 2005, sections 1(1) and 1(1A)(c) also make perfidious use of the red crystal emblem a grave breach. Section 1A(6) of the Geneva Conventions Act 1957 states that grave breaches are criminal offences that carry a maximum sentence of 30 years.

e) How are wrongful uses of a distinctive emblem reported and processed domestically?

The BRC has a special responsibility in preventing or repressing misuse or unauthorised use. In line with its special status and role as auxiliary to the public authorities in the humanitarian field, the BRC responds to reported instances of emblem misuse and of misuses of imitations of the emblem in the United Kingdom, in close co-operation and consultation with the MOD and the Intellectual Property Office. BRC volunteers and staff members contribute by reporting apparent misuses to the International Law and Policy team at the BRC Office, and by upholding the emblem rules and procedures themselves. Members of the public are able to report potential misuses of emblems via the BRC website.¹⁴⁷



The three distinctive emblems: red cross, red crescent and red crystal

¹⁴⁷ British Red Cross website, protecting people in armed conflict, the emblem.



A spotter and sniper team of The Royal Gurkha Rifles look through their sights and take cover to look onto enemy positions within their observation point. Credit: Sergeant Ben Beale, RLC

V. Means and methods of warfare

1. What are the guiding principles in relation to the use of weapons and targeting in armed conflict?

The guiding principle is set out in the United Kingdom's LOAC Manual as follows: "[i]t is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering."¹⁴⁸ This principle is taken directly from Article 35(2) of AP I. The LOAC Manual notes that IHL is consistent with the economic and efficient use of force, that the right to choose weapons is not unlimited, and that any weapon that goes beyond what is needed to achieve the military object of disabling the enemy combatant would be difficult to justify on the grounds of military necessity.¹⁴⁹ The LOAC Manual further notes that: "[i]n deciding the legality of use of a specific weapon... it is necessary to assess: a. its effects in battle; b. the military task it is required to perform; and c. the proportionality between factors (a) and (b)."¹⁵⁰

Chapter 2 of the LOAC Manual sets out detailed guidance in relation to the four fundamental principles that underlie international humanitarian law: military necessity; humanity; distinction; and proportionality. Chapter 5 deals with conduct of hostilities, and notes that: "[t]here is the obligation to select the means (that is, weapons) or methods of attack (that is, tactics) which will cause the least incidental damage commensurate with military success."¹⁵¹ In considering the means or methods of attack to be used, the LOAC Manual lists the following factors that a commander should have regard to:

- the importance of the target and the urgency of the situation;
- intelligence about the proposed target — what it is being, or will be, used for and when;
- the characteristics of the target itself, for example, whether it houses dangerous forces;
- what weapons are available, their range, accuracy, and radius of effect;
- conditions affecting the accuracy of targeting, such as terrain, weather, and time of day;

148 The Manual of the Law of Armed Conflict (JSP 383), Ministry of Defence, published July 2004, last updated May 2014, paragraph 6.1.

149 *Ibid*, paragraphs 2.1 and 6.1.1.

150 *Ibid*, paragraph 6.2.1.

151 *Ibid*, paragraph 5.32.4.

- factors affecting incidental loss or damage, such as the proximity of civilians or civilian objects in the vicinity of the target or other protected objects or zones and whether they are inhabited, or the possible release of hazardous substances as a result of the attack;
- the risks to own troops of the various options available.¹⁵²

The United Kingdom places NATO at the heart of its defence and in doing so strives to achieve maximum coherence and interoperability with, and between, its closest allies and partners.¹⁵³ Allied joint publication (AJP)-3(C) Allied Joint Doctrine for the Conduct of Operations is the keystone NATO doctrine for the conduct of joint operations from preparation to conclusion.¹⁵⁴ There is a version of this AJP that is promulgated as UK national doctrine (the cover carries both the MOD and NATO emblems) and contains UK national element additions, which explain a particular UK approach, clarify a UK definition, or aid understanding (identified as boxes with the UK flag icon).¹⁵⁵ This provides a common framework to command, coordinate and synchronise Alliance operations.¹⁵⁶

NATO forces need to be able to employ a range of capabilities against a variety of actors in a variety of environments through joint targeting.¹⁵⁷ The AJP-3.9 Allied Joint Doctrine for Joint Targeting requires that joint targeting must be conducted so as to comply with the principle of proportionality.¹⁵⁸ The principles of joint targeting are command and control, direction, coherence, lawfulness, integration, timeliness, responsiveness, and assessment.¹⁵⁹ The lawfulness principle is explained as follows:

“Joint targeting must be compliant with the applicable legal framework, especially IHL/LOAC principles of humanity, military necessity, distinction, proportionality, and precaution. Within the context of an armed conflict, the use of the term “target” does not mean that they can be lawfully engaged in accordance with IHL/LOAC. A legal assessment (military necessity, distinction and proportionality and precautions in attack) has to be conducted prior to any engagement.

152 *Ibid*, paragraph 5.32.5.

153 Allied Joint Publication-3, Allied Joint Doctrine for the Conduct of Operations (Edition C Version 1, UK Change 1), published June 2017, last updated September 2023, page vii.

154 *Ibid*, page xix.

155 Where possible, the United Kingdom adopts NATO doctrine (Allied joint publications) rather than producing national doctrine (joint doctrine publications). Where it cannot, the United Kingdom will ensure it remains compatible. As a result the United Kingdom’s doctrine architecture comprises: NATO Allied joint publications distributed in the UK for use on coalition operations as appropriate; NATO Allied joint publications promulgated as UK national joint doctrine; and UK joint doctrine publications promulgated as UK national joint doctrine.

156 Allied Joint Publication-3, Allied Joint Doctrine for the Conduct of Operations (Edition C Version 1, UK Change 1), published June 2017, last updated September 2023, page xix.

157 NATO standard, AJP-3.9 Allied Joint Doctrine for Joint Targeting, Edition B, version 1, November 2021, paragraph 1.1.

158 *Ibid*, paragraph 1.2.

159 *Ibid*, paragraph 1.2.3.

Equally, in situations other than armed conflict, a legal assessment prior to any targeting action has to take place on the basis of the applicable legal framework, including the international law principle of proportionality.”¹⁶⁰

2. Which weapons are categorically outlawed, or otherwise prohibited in some way? Where are these rules set out?

Biological weapons: The relevant treaty is the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction 1972. Also known as the Biological Weapons Convention 1972, the treaty prohibits the development, production, acquisition and retention of biological agents or toxins. On 26 March 1975, the United Kingdom ratified the Convention. The Biological Weapons Act 1974 enabled relevant provisions of the Convention to be incorporated into domestic law. The Terrorism Act 2000 is also relevant as, under Section 54, a person commits an offence if he receives, or invites another to receive, instruction or training in the making or use of chemical, biological or nuclear weapons. The Anti-terrorism, Crime and Security Act 2001 is also relevant as it amended the Biological Weapons Act and the Chemical Weapons Act and extended their territorial reach.

Chemical weapons: The relevant treaty is the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction 1993. Also known as the Chemical Weapons Convention 1993, it prohibits the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons. On 13 May 1996, the United Kingdom ratified the Convention. The Chemical Weapons Act 1996 enabled relevant provisions of the Convention to be incorporated into domestic law. The Terrorism Act 2000 is also relevant as, under Section 54, a person commits an offence if he receives, or invites another to receive, instruction or training in the making or use of chemical, biological or nuclear weapons. The Anti-terrorism, Crime and Security Act 2001 is also relevant as it amended the Biological Weapons Act and the Chemical Weapons Act and extended their territorial reach.

In June 2018, States Parties to the Chemical Weapons Convention convened in special session at the initiative of the United Kingdom alongside a number of international partners in light of chemical weapons use in Malaysia, Syria, Iraq and the United Kingdom to address the threat from chemical weapons use. States reaffirmed their support for the Convention and agreed action to protect the global norm against chemical weapons use, and prevent impunity for such use. The decision secured enables the Organisation for the Prohibition of Chemical Weapons, the implementing body for the Chemical Weapons Convention, to attribute responsibility for chemical weapons attacks in Syria, and potentially more widely at the request of an affected State Party. Please see

160 *Ibid*, paragraph 1.2.3.

the guidance of the Department for Business, Energy and Industrial Strategy on 'The Chemical Weapons Convention UK National Authority' for information on the designated National Authority that is responsible for overseeing the implementation of the Chemical Weapons Convention.

Weapons with non-detectable fragments, mines, incendiary weapons, blinding laser weapons and explosive remnants of war: The relevant treaty is the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects 1980. Also known as the Convention on Certain Conventional Weapons 1980, or 'the CCW', this is a weapons-specific measure of IHL. On 13 February 1995, the United Kingdom ratified the CCW, Protocol I on weapons with non-detectable fragments, Protocol II on prohibitions or restrictions on the use of mines, booby-traps and other devices, and Protocol III on prohibitions or restrictions on the use of incendiary weapons. On 11 February 1999, the United Kingdom ratified Protocol II as amended and Protocol IV on blinding laser weapons. On 13 May 2024, the United Kingdom ratified Protocol V on explosive remnants of war. The United Kingdom took the view that implementing legislation was unnecessary to implement the obligations in these international agreements.

Anti-personnel landmines: The relevant treaty is the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. Also known as the Mine Ban Treaty 1997, or the Ottawa Convention, it prohibits the use, stockpiling, production and transfer of anti-personnel mines. On 31 July 1998, the United Kingdom ratified the Convention. The Landmines Act 1998 enabled relevant provisions of the Convention to be incorporated into domestic law, making it a criminal offence to use, develop, produce, keep, or participate in the acquisition or transfer of an anti-personnel landmine. Destruction of all operational stocks of anti-personnel landmines was completed in February 1999, and no export licences have been issued in respect of anti-personnel landmines since the entry into force of the Convention.

Cluster Munitions: The Convention on Cluster Munitions 2008 prohibits all use, stockpiling, production and transfer of cluster munitions. On 4 May 2010, the United Kingdom ratified the Convention on Cluster Munitions. The Cluster Munitions (Prohibitions) Act 2010 enabled relevant provisions of the Convention to be incorporated into domestic law. Total destruction of stocks in the United Kingdom was completed on 17 December 2013.

Explosive weapons: With regards to the use of explosive weapons in populated areas, the United Kingdom has endorsed the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (EWIPA).¹⁶¹ As armed conflicts become more protracted, complex, and urbanised, the risks to civilians have increased. The causes of these

161 EWIPA Dublin Conference 2022.



A pile of unexploded ordnance and a box of the PE4 explosive, which was used to detonate the deadly munitions. Credit: Cpl Mike Fletcher.

risks involve a range of factors, including the use of explosive weapons in populated areas, and pose complex challenges for the protection of civilians.¹⁶² This declaration represents a new and significant development in the long-standing and ongoing efforts to protect civilians from the use of explosive weapons in populated areas. The United Kingdom's policies and practices support the commitments in the Political Declaration. The United Kingdom will continue to use its knowledge and expertise to share good practice to encourage States to have appropriate procedures in place, and to support the work of international and civil society organisations, to

¹⁶² Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas, Part A Preamble, section 1.1.

improve the protection of civilians from the humanitarian consequences of armed conflict.

3. What is the United Kingdom's approach to reviewing weapons?

a) Does the Government conduct a legal review to determine whether new weapons and means or methods of warfare may be employed lawfully?

Article 36 of AP I requires States to determine whether new weapons, means or methods of warfare may be employed lawfully under international law. The United Kingdom's Weapon Reviews document¹⁶³ sets out how the United Kingdom gives effect to Article 36 of AP I, noting that the Government takes the obligation very seriously.¹⁶⁴ Weapon reviews in the United Kingdom are generally undertaken by serving military lawyers (tri-Service) on the staff of the Development, Concepts and Doctrine Centre located in the Defence Academy in Shrivenham, on behalf of the MOD Legal Advisers. The United Kingdom's Weapon Reviews document also makes clear that the United Kingdom will still conduct a review if it seeks to acquire equipment that is already in service with the armed forces of another State, even if that State has conducted its own weapon review.

b) At what point(s) in the procurement process does the Government conduct legal reviews?

Weapon reviews take place at key milestones in the procurement process of a piece of equipment. Broadly, these are at:

- the MOD's decision to commit funds to developing a specific capability (known as 'Outline Business Case');
- the MOD's decision to commit fully to the procurement of a particular piece of equipment or weapon (known as 'Full Business Case'); and
- at the date the finalised equipment enters service.

However, the procurement process can change, most notably in respect of Urgent Operational Requirements (UORs) when an expedited procurement process enables the rapid purchase of new weapons or modification of existing weapons to support current or imminent operations. UORs are also subject to the weapon review process and as such a review must be obtained before the UOR enters into service, orally if necessary, with more formal comprehensive advice to follow.

163 UK Weapon Reviews, Concepts and Doctrine Centre, Ministry of Defence, March 2016.

164 UK Weapon Reviews, Development, Concepts and Doctrine Centre, Ministry of Defence, March 2016. As the International Committee of the Red Cross (ICRC) commentary to Article 36 of Additional Protocol I confirms (paragraph 1480), it is the normal use of a new weapon which is evaluated.

c) How is information/practice shared?

The Development, Concepts and Doctrine Centre held the first ever international Weapons Review Forum in Autumn 2015. States, academics, the ICRC, the BRC and key non-governmental organisations were invited to contribute. The forum enabled fourteen States, who were the primary participants, to discuss the weapons review process between themselves, as well as in open sessions with selected academics and other parties involved in the process, including procurement teams and defence industry representatives. The aim of the forum was to share and learn good practice between States and see how other States fulfil their Article 36 obligations. The 2015 forum represented an important step forward in international co-operation. A second forum was organised in 2016.

4. What is the United Kingdom's approach to the provision of weapons, weapons systems or means of warfare to its partners? What criteria are used to ensure that the export of arms does not commit or facilitate a serious violation of IHL?

All proposals to gift controlled military equipment and dual-use equipment to partner nations are assessed on a case-by-case basis against the Strategic Export Licensing Criteria, in the same way as commercial licence applications and with the same degree of rigour. The MOD manages the gifting assessment process for the United Kingdom's Government and seeks advice on gifting proposals from advisers in the MOD and the FCDO. Where Defence provides training or assistance in addition to or alongside the provision of material, there is published guidance on how to ensure this Overseas Security and Justice Assistance (OSJA) work is consistent with human rights obligations and values.¹⁶⁵ The guidance states that the British Government believes in helping other States' justice and security systems when it is consistent with its domestic and international law obligations and when useful, safe and in the national interest to do so. The Guidance sets out which human rights and IHL risks must be considered prior to providing justice or security sector assistance. For example, when identifying risks, officials need to consider whether assistance might directly or significantly contribute to unlawful killing and/or disproportionate or indiscriminate use of force.¹⁶⁶

In 2006, the United Kingdom and six other countries (Argentina, Australia, Costa Rica, Finland, Japan and Kenya) co-authored the UN resolution that began the process of negotiating an Arms Trade Treaty. On 2 April 2013, the Arms Trade Treaty was adopted at the UN General Assembly after 154 States voted to

¹⁶⁵ Guidance on how to ensure UK overseas security and justice assistance work meets our human rights obligations and our values, FCDO, published December 2011, last updated January 2017.

¹⁶⁶ *Ibid*, Annex A, stage 2, section C.

adopt the Treaty. The Arms Trade Treaty requires States to refuse to authorise the export of arms if there is an overriding risk that the arms could be used to commit or facilitate a serious violation of human rights law or IHL. The United Kingdom ratified the Arms Trade Treaty in 2014, the same year that the treaty entered into force. Primary legislation was not required for ratification but secondary legislation was amended and the published criteria against which all export licences are assessed were updated to reflect the Treaty.

In December 2021, the Secretary of State for International Trade laid before Parliament a revised version of the licensing criteria for strategic export controls, known as the ‘Strategic Export Licensing Criteria’.¹⁶⁷ These Criteria were applied with immediate effect to all licence decisions.

Having assessed the recipient country’s attitude towards relevant principles established by instruments of international humanitarian law, the Government will:

*“c) Not grant a licence if it determines there is a clear risk that the items might be used to commit or facilitate a serious violation of international humanitarian law. In considering the risk that items might be used to commit or facilitate a serious violation of international humanitarian law, the Government will also take account of the risk that the items might be used to commit or facilitate gender-based violence or serious acts of violence against women or children”.*¹⁶⁸

The full criteria are at <https://questions-statements.parliament.uk/written-statements/detail/2021-12-08/HCWS449>



Sailors on board HMS Kent take part in a night time gunnery serial in the Philippine Sea, August 2021. Credit: LPhot Dan Rosenbaum.

¹⁶⁷ NTE 2021/14: updates to the export control regime, published December 2021.

¹⁶⁸ Strategic Export Licensing Criteria, December 2021.

5. What are the United Kingdom's obligations under IHL in relation to the activities of private military and security companies?

The use and the presence of private military and security companies (PMSCs) in conflict and high-risk environments is not a new phenomenon.¹⁶⁹ PMSCs are hired by a range of entities, including States. PMSCs can provide an essential service in support of diplomatic, commercial and humanitarian activity in complex environments around the world.¹⁷⁰

Whilst the Montreux Document on PMSCs is not legally binding, it provides guidance on the basis of existing international law.¹⁷¹ It is supported by 59 States—including the United Kingdom which was a founder signatory in 2008—as well as three international organisations.¹⁷² The Montreux Document makes clear that States are prohibited from circumventing IHL obligations through PMSCs. It makes clear that all States should take measures to suppress IHL violations committed by the PMSC personnel through appropriate means such as military regulations, administrative orders and other regulatory measures as well as administrative, disciplinary or judicial sanctions, as appropriate.¹⁷³ It also encourages States to adopt their own national regulations on PMSCs designed to strengthen respect for international law.¹⁷⁴

In 2010, an International Code of Conduct for Private Security Service Providers (ICoC) was created which provided a set of governance and industry principles to guide companies.¹⁷⁵ These principles were based on IHL and human rights.¹⁷⁶ The ICoC mandated the development of auditable standards to ensure that companies were implementing their commitments under the code. These standards—known as the PSC1 standards—were drafted in a multinational and multi-stakeholder forum in which the Government of the United Kingdom, industry and civil society

169 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the International Code of Conduct Association, Jamie Williamson, May 2022.

170 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the FCDO, October 2022.

171 Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict, September 2008.

172 Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict, Participating States and International Organisations.

173 Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict, September 2008.

174 Security in Complex Environments Group.

175 International Code of Conduct for Private Security Service Providers.

176 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the FCDO, October 2022.

based in the United Kingdom fully participated.¹⁷⁷ Compliance with the Code is monitored by the multi stakeholder oversight mechanism: the International Code of Conduct Association for Private Security Service Providers (ICoCA).

The United Kingdom is actively engaged in ongoing negotiations mandated by the UN Human Rights Council, to develop an international regulatory framework on PMSCs. The framework's objectives include providing for the regulation, oversight, and accountability of PMSCs globally, to protect and promote human rights and ensure the protection and accountability for violations of IHL. Its objectives also include describing the circumstances in which PMSCs and their personnel could be held accountable for abuses of human rights and violations of IHL. In 2024 and beyond, the United Kingdom will continue to collaborate with participating States, to progress discussions further towards agreeing a UN framework that raises international standards, oversight, and accountability of PMSCs; sets out what constitutes a responsible, law abiding PMSC; and enables irresponsible, malign actors whose activities undermine the proper functioning of the sector to be held accountable. The United Kingdom also supports a framework that encourages States to establish comprehensive domestic frameworks to regulate and monitor PMSCs.

The United Kingdom works closely with industry and civil society to promote responsible practice and raise professional standards in the United Kingdom and internationally, ensuring compliance with standards of conduct. This has included the introduction of professional standards against which PMSCs can be certified by independent third-party auditors, the International Organization for Standardization (ISO) management system for private security, ISO 18788 for land-based operations and ISO 28007 for maritime-based operations.¹⁷⁸

In July 2011, the Security in Complex Environments Group (SCEG) was formally appointed the Government's partner to support the Government in the transparent regulation of companies that operate within this sector.¹⁷⁹ The SCEG is a group for security and risk service providers, operating in complex territories in both the land and maritime domain, who demonstrably operate in a transparent and accountable manner with accredited certification against relevant international standards.¹⁸⁰ SCEG members are expected to be compliant with applicable legislation, regulations and principles.¹⁸¹ SCEG companies have to show they have

177 Written Ministerial Statement on PSC1 and ISO 28007 issued on 17th December 2012.

178 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the FCDO, October 2022.

179 Security in Complex Environments Group, Terms of Reference, last updated October 2023.

180 *Ibid.*

181 At the international level, this includes the UN Guiding Principles on Business and Human Rights, the Voluntary Principles on Security and Human Rights, the International Code of Conduct for Private Security Services, and the Montreux Document. Domestically, this includes the UK Bribery Act, the UK Counter Terrorism and Security Act and the Modern Slavery Act.

achieved internationally accredited certification or intend to within two years of joining SCEG to become certified, against relevant standards.¹⁸²

In terms of regulation in the United Kingdom's domestic context, the Security Industry Authority is the regulator of the private security industry. It was established under the Private Security Industry Act 2001 to contribute to public protection by setting and improving standards in the regulated private security industry. It is an executive non-departmental public body.¹⁸³ These safeguards and norms regulating the private security sector do not, however, apply to private military companies.¹⁸⁴ Furthermore, the MOD closely monitors all threats to the United Kingdom, its partners and its allies, including from PMSCs, and FCDO sanctions those involved in malign PMSC activity.¹⁸⁵

In signing the Montreux Document, developing the International Code of Conduct, actively engaging in ongoing discussions to develop an international regulatory framework on PMSCs, being an active Government member of ICoCA, partnering with SCEG to establish a monitoring regime for PMSCs based in the United Kingdom, establishing the Security Industry Authority, and monitoring and sanctioning those involved in malign PMSC activity, the Government of the United Kingdom has shown international leadership in relation to PMSCs,¹⁸⁶ as well as complying with its IHL obligations.

6. What is the United Kingdom's position on the application of IHL to cyber operations in armed conflict?

The United Kingdom submitted a national contribution to the United Nations as part of the Group of Governmental Experts process on 'Advancing responsible State behaviour in cyberspace in the context of international security', established pursuant to UN General Assembly resolution 73/266. The United Kingdom's statement made clear that international law applies to a State's behaviour in cyberspace in the same way that it applies to activities in any other domain.¹⁸⁷ The section of the statement on IHL provides:

"IHL applies to operations in cyberspace conducted in the furtherance of hostilities in armed conflict just as it does to other military operations."

182 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the FCDO, October 2022.

183 Security Industry Authority website, About Us.

184 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence submitted by Transparency International UK and Transparency International Defence & Security, September 2022.

185 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the FCDO, October 2022.

186 FAC Inquiry on the Wagner Group and beyond: proxy Private Military Companies, Written evidence from the International Code of Conduct Association, Jamie Williamson, May 2022.

187 Application of international law to States' conduct in cyberspace: UK statement, published June 2021, document summary on gov.uk website.

IHL seeks to limit the effects of armed conflict—it protects persons who are not, or who are no longer, participating in hostilities, and limits the methods and means of warfare employed by the belligerents. As noted above, recourse to the use of force in cyberspace is governed by international law other than IHL, in particular the UN Charter. IHL seeks to limit the effects of armed conflict and it is not therefore correct that its applicability to cyber operations in armed conflict would encourage the militarisation of cyberspace.

A cyber operation is capable of being an ‘attack’ under IHL where it has the same or similar effects to kinetic action that would constitute an attack. Where an operation in cyberspace amounts to an ‘attack’, the principles of distinction, proportionality, humanity and military necessity apply in the same way as they do to an attack by any other means. Those responsible for planning, deciding upon, or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is reasonably available to them at the relevant time. All relevant rules of IHL must be observed when planning and conducting operations whether by cyber or other means—the complexity of cyber operations is no excuse for a lower standard of protection to be afforded to civilians and civilian objects.

*Civilians are protected from attack unless and for such time as they take a direct part in hostilities. To the extent that civilians carry out cyber operations in an armed conflict that amount to attacks, they would lose their protected status under IHL and, by taking a direct part in hostilities, become legitimate military targets”.*¹⁸⁸

Created in 2020, the National Cyber Force operates continually to support the armed forces and foreign policy of the United Kingdom and disrupt a variety of threats: some enabled by the internet and others that put at risk the United Kingdom’s own ability to benefit from a free, open, peaceful and secure cyberspace. It draws together personnel from GCHQ, the MOD, including Defence Science and Technology Laboratory (Dstl), and Secret Intelligence Service under one unified command. Operations conducted by the National Cyber Force are subject to rigorous governance and are consistent with all international and domestic law, including international humanitarian law when applicable. In April 2023, HMG published ‘The National Cyber Force: Responsible Cyber Power in Practice’.¹⁸⁹

188 *Ibid*, paragraphs 22-25.

189 The National Cyber Force: Responsible Cyber Power in Practice, National Cyber Force, published April 2023.

7. What is the United Kingdom's position on the application of IHL to emerging technologies and artificial intelligence (AI)?

The United Kingdom is ambitious for its AI-enabled military capability but has also set out very strong commitments that it will exploit and use AI in ways that are safe, legal, ethical and responsible. The United Kingdom's strong stance on the applicability of IHL to AI-enabled capability means that its position is that irresponsible and unethical behaviours and outcomes are already prohibited under existing legal mechanisms.

The MOD published a Defence Artificial Intelligence (AI) Strategy in June 2022 which sets out how rapid technological change is transforming the character of warfare and how a radical upheaval in defence is accordingly underway.¹⁹⁰ The AI Strategy outlines that new technologies generate massive volumes of data, unlock new threats and vulnerabilities and expand the scale of potential attacks through advanced next-generation capabilities (such as swarming drones, high-speed weapons and advanced cyber-attacks).¹⁹¹ The AI Strategy states that the United Kingdom must transform into an 'AI ready' organisation, and sets out how the MOD will proactively drive changes to its culture, skills and policies, train leaders, upskill the workforce, and strengthen the Defence AI & Autonomy Unit.¹⁹² Further, the United Kingdom "must adopt and exploit AI at pace and scale for Defence advantage" and must establish "AI as one of our top priorities." It also notes that the MOD "will ensure that—regardless of any use of AI in our strategic systems—human political control of our nuclear weapons is maintained at all times."¹⁹³

The AI Strategy sets out that IHL provides a robust, principle-based framework for the regulation of weapons development and use, focusing on effects rather than the nature of any particular technology. It imposes positive obligations that take account of core principles—distinction, necessity, humanity and proportionality—and is the most appropriate way of regulating new means and methods of warfare. The AI Strategy confirms that although AI is a general-purpose technology which can contribute to weapons systems, nothing about AI fundamentally changes the United Kingdom's obligations under domestic law and international law, or the importance that the United Kingdom attaches to the standards, values and norms of the British society.¹⁹⁴

190 Defence Artificial Intelligence Strategy, MOD, June 2022, executive summary.

191 *Ibid.*

192 *Ibid.*

193 *Ibid.*

194 *Ibid.*, paragraph 5.1.1.



Royal Marines carry out experimental exercises with a range of drones to further develop tactics and techniques with autonomous systems. Credit: L(Phot) Barry Wheeler.

8. What is the United Kingdom's position on autonomous weapons systems?

The United Kingdom continues to place importance on the UN Convention on Certain Conventional Weapons (CCW), under the framework of which discussions on 'Lethal Autonomous Weapons Systems' (LAWS) take place. Discussions within the Group of Government Experts (GGE) set up within the framework of the CCW remain central to the United Kingdom's efforts to shape international norms and standards, as does the United Kingdom's support to wider Government in forums such as the Global Partnership for Artificial Intelligence and the Council of Europe.¹⁹⁵

The United Kingdom welcomes the strengthened mandate of the LAWS GGE. The new mandate states: "That the [LAWS GGE] is to further consider and formulate, by consensus, a set of elements of an instrument, without prejudging its nature, and other possible measures to address [LAWS]. The Group shall submit a report to the Seventh Review Conference. The Group should complete its work as soon as possible, preferably before the end of 2025, and the Chair of the Group will update the annual Meeting of the High Contracting Parties on the work of the

¹⁹⁵ *Ibid.*

Group.” The United Kingdom will continue to work proactively, constructively and collaboratively to assist in fulfilling it.

The MOD set out the United Kingdom’s position on LAWS in its policy document entitled “Ambitious, Safe, Responsible” as follows:

“AI can enable systems—including weapons—to exhibit some measure of autonomy: deciding and acting to accomplish desired goals, within defined parameters, based on acquired knowledge and an evolving situational awareness. This potentially could lead to weapons that identify, select and attack targets without context-appropriate human involvement. That is not acceptable—the United Kingdom does not possess fully autonomous weapon systems and has no intention of developing them.

We strongly believe that AI within weapon systems can and must be used lawfully and ethically. Sharing the concerns of Governments and AI experts around the world, we therefore oppose the creation and use of systems that would operate without meaningful and context-appropriate human involvement throughout their lifecycle. The use of such weapons could not satisfy fundamental principles of International Humanitarian Law, nor our own values and standards as expressed in our AI Ethical Principles. Human responsibility and accountability cannot be removed—irrespective of the level of AI or autonomy in a system. The UK will always clearly establish authorities, thus human responsibility, and accountabilities whenever UK forces deploy weapon systems which incorporate AI.

We will continue to work closely with international allies and partners to address the opportunities and risks around autonomy in weapons systems. Global governance for such systems is a difficult task. It will be challenging to reach international agreement on definitions for full or partial autonomy on a technical or systems level. It is also important to ensure any approach allows for rapid technological advancement, and doesn’t become redundant or isn’t able to be circumvented as technology develops. Such international processes must be inclusive, and involve all key actors in this space if they are to be effective.

We believe the best approach is to focus on building norms of use and positive obligations to demonstrate how degrees of autonomy in weapons systems can be used in accordance with international humanitarian law—with suitable levels of human control, accountability and responsibility. Setting out those characteristics that would make it inherently impossible for a system to comply with international humanitarian law is key to this, and we will continue to engage actively in the international arena to reach consensus on them.

The UN Group of Government Experts on LAWS under the Convention for Certain Conventional Weapons will continue to be our primary

avenue for such discussions. Our own approach, driven by the AI Ethical principles, is to build understanding, best practice and codes of conduct through which we can achieve ethical outcomes in our use of AI".¹⁹⁶

In March 2023, the United Kingdom co-sponsored the 'draft articles on autonomous weapon systems' proposal which, inter alia, includes articles on "Preventing Autonomous Weapon Systems That, By Their Nature, Are Incapable of Use in Accordance With IHL". This includes suggested "Regulatory Measures to Ensure Accountability". The United Kingdom has also proposed that the LAWS GGE develop a document that would constitute an authoritative and comprehensive statement of the application of IHL and agreed best practice with regard to LAWS.

In May 2023, the United Kingdom joined a Joint Statement with 51 other States which highlighted the approach that acknowledged that some weapons would be automatically prohibited under IHL. The Statement also welcomed the focus on the role of humans in the context of autonomy in weapon systems by ensuring an appropriate level of human involvement throughout the life-cycle of the weapon system and preserving human responsibility and accountability.

9. What is the United Kingdom's position on the application of IHL to outer space?

The United Kingdom's position is that IHL will apply to operations in space conducted in the furtherance of hostilities in armed conflict.¹⁹⁷ The United Kingdom delivered a statement on behalf of 46 Member States at the Joint Panel Discussion of the 1st and 4th Committees on Challenges to Space Security and Sustainability in October 2022, which stated as follows:

"We affirm the applicability of international humanitarian law in space and note that this affirmation does not, in itself, permit or encourage the resort to force. Rather, it reminds States that certain conduct is never lawful, even during armed conflict".¹⁹⁸

The United Kingdom has welcomed NATO's recognition that attacks to, from or within space represent a clear challenge to the security of the Alliance and could lead to the invocation of Article 5 of the North Atlantic Treaty.¹⁹⁹ The United

196 Ambitious, Safe, Responsible, Our approach to the delivery of AI enabled capability in Defence, MOD, June 2022, Annex C.

197 United Kingdom National Submission on Space Threats to respond to the call from UN Secretary General under the UNGA resolution A/RES/75/36 on "Reducing Space Threats through norms, rules and principles of Responsible Behaviour", April 2021.

198 Enhancing the overall safety, sustainability and security of outer space: Joint statement by 46 Member States, UN Fourth Committee, October 2022

199 Defence Space Strategy: Operationalising the Space Domain, February 2022, paragraph 3.2.

Kingdom has further stated that it will seek appropriate responses in accordance with international and domestic law.²⁰⁰

Joint Doctrine Publication (JDP) 0-40, UK Space Power, is the United Kingdom's keystone space domain doctrine.²⁰¹ The executive summary version of this JDP on UK Space Power notes that space is strategically and economically important to the United Kingdom, and the United Kingdom therefore works collaboratively with allies and partners, within domestic and international law, to responsibly preserve and promote the safety and security of space.²⁰²



200 *Ibid.*

201 Joint Doctrine Publication 0-40, UK Space Power, September 2022.

202 Bite-sized doctrine, executive summaries of UK joint doctrine, UK Space Power, MOD.

Annex A—Significant IHL Treaties to which the United Kingdom is a party

International Humanitarian Law Treaties	Signed	Ratified/Acceded	Implementing legislation
Geneva Conventions I—IV 1949	08.12.1949	23.09.1957	Geneva Conventions Act 1957, Geneva Conventions (Amendment) Act 1995, Geneva Conventions and United Nations Personnel (Protocols) Act 2009, plus Orders in Council ²⁰³
Additional Protocol I 1977	12.12.1977	28.01.1998	Geneva Conventions (Amendment) Act 1995
Additional Protocol II 1977	12.12.1977	28.01.1998	Geneva Conventions (Amendment) Act 1995
Additional Protocol III 2005	08.12.2005	23.10.2009	Geneva Conventions and United Nations Personnel (Protocols) Act 2009
Hague Convention (and Protocols) for the Protection of Cultural Property in the Event of Armed Conflict 1954	30.12.1954	12.09.2017	Cultural Property (Armed Conflicts) Act 2017
Biological Weapons Convention 1972	10.04.1972	26.03.1975	Biological Weapons Act 1974, Terrorism Act 2000, Anti-terrorism, Crime and Security Act 2001
Convention on Certain Conventional Weapons 1980 (CCW)	10.04.1981	13.02.1995	HMG took the view that implementing legislation was unnecessary to implement the obligations in this international agreement.
Protocol I to CCW on Non-Detectable Fragments	10.04.1981	13.02.1995	HMG took the view that implementing legislation was unnecessary to implement the obligations in this Protocol.
Protocol II to CCW on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (and Protocol II as amended)	10.04.1981	13.02.1995 (11.02.1999 for Protocol II as amended)	HMG took the view that implementing legislation was unnecessary to implement the obligations in this Protocol.
Protocol III to CCW on Prohibitions or Restrictions on the Use of Incendiary Weapons	10.04.1981	13.02.1995	HMG took the view that implementing legislation was unnecessary to implement the obligations in this Protocol.
Protocol IV to CCW on Blinding Laser Weapons		11.02.1999	HMG took the view that implementing legislation was unnecessary to implement the obligations in this Protocol.

²⁰³ Where necessary, it is the practice of the United Kingdom to extend the provisions of IHL implementing legislation to Crown Dependencies and British Overseas Territories. Examples for the 1949 Geneva Conventions and Additional Protocols include the Geneva Conventions Act (Guernsey) Order 1966, Geneva Conventions Act (Jersey) Order 1966, Geneva Conventions Act (Isle of Man) Order 1970, Geneva Conventions Act (Colonial Territories) Order in Council 1959, Geneva Conventions (Amendment) Act (Overseas Territories) Order 2002, and Geneva Conventions (Overseas Territories) Order 2010.

International Humanitarian Law Treaties	Signed	Ratified/Acceded	Implementing legislation
Protocol V to CCW on Explosive Remnants of War		13.05.2024	HMG took the view that implementing legislation was unnecessary to implement the obligations in this Protocol.
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction 1993	13.01.1993	13.05.1996	Chemical Weapons Act 1996
Anti-Personnel Landmines Convention 1997	03.12.1997	31.07.1998	Landmines Act 1998
Rome Statute of the International Criminal Court 1998	30.11.1998	04.10.2001	International Criminal Court Act 2001, International Criminal Court (Scotland) Act 2001
Cluster Munitions Convention 2008	03.12.2008	04.05.2010	Cluster Munitions (Prohibitions) Act 2010
Optional Protocol on the Involvement of Children in Armed Conflicts 2000	07.09.2000	24.06.2003	Armed Forces Act 2006
Arms Trade Treaty 2013	03.06.2013	02.04.2014	Primary legislation was not required for ratification but secondary legislation was amended, and the United Kingdom's Consolidated Criteria, which are the basis upon which official decisions are made about whether to approve licence applications for arms exports, were updated. The Consolidated Criteria was updated again in December 2021. ²⁰⁴

204 Criterion 2c now states that the Government will not grant a licence if it determines there is a clear risk that the items might be used to commit or facilitate a serious violation of international humanitarian law. Criterion 2c further states that “in considering the risk that items might be used to... commit or facilitate a serious violation of international humanitarian law, the Government will also take account of the risk that the items might be used to commit or facilitate gender-based violence or serious acts of violence against women or children.”

Annex B—Relevant and Recent Non-Binding Political Declarations on IHL

The following table lists examples of relevant and recent non-legally binding political declarations and commitments on IHL endorsed by the United Kingdom. The list is not intended to be exhaustive.

Date	Political Declaration / Commitment
October 2012	Copenhagen Process: Principles and Guidelines on the handling of detainees in international military operations ²⁰⁵
September 2013	A Declaration of Commitment to End Sexual Violence in Conflict ²⁰⁶
July 2016	The Kigali Principles on the Protection of Civilians ²⁰⁷
July 2016	NATO Policy for the Protection of Civilians ²⁰⁸
November 2017	Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers ²⁰⁹
March 2018	Declaration of Shared Commitments on UN Peacekeeping Operations ²¹⁰
April 2018	Safe Schools Declaration ²¹¹ & Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict ²¹²
April 2018	Toronto Commitments on Promoting Implementation of International Humanitarian Law ²¹³
May 2021	Promoting Humanitarian Access, Respect for International Humanitarian Law and Protection of Civilians (G7 Statement) ²¹⁴
June 2021	NATO Policy on Preventing and Responding to Conflict-Related Sexual Violence ²¹⁵
November 2021	Call to action to ensure the rights and wellbeing of children born of sexual violence in conflict ²¹⁶
October 2022	NATO Human Security Approach and Guiding Principles ²¹⁷
November 2022	Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences arising from the use of Explosive Weapons in Populated Areas ²¹⁸

205 <https://www.onlinelibrary.iihl.org/wp-content/uploads/2021/05/Copenhagen-Process-Principles-and-Guidelines-EN.pdf>

206 <https://www.gov.uk/government/publications/a-declaration-of-commitment-to-end-sexual-violence-in-conflict>

207 <https://www.globalr2p.org/wp-content/uploads/2015/05/KP-Principles-13-April-2020.pdf>

208 https://www.nato.int/cps/en/natohq/official_texts_133945.htm

209 https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/human_rights-droits_homme/principles-vancouver-principes-pledge-engageons.aspx?lang=eng

210 <https://peacekeeping.un.org/sites/default/files/a4p-declaration-en.pdf>

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212 https://protectingeducation.org/wp-content/uploads/documents/documents_guidelines_en.pdf

213 https://publications.gc.ca/collections/collection_2018/amc-gac/FR5-144-2018-10-eng.pdf

214 <https://assets.publishing.service.gov.uk/media/6092be42e90e076aa7da9a57/G7-famine-prevention-and-humanitarian-crises-compact-london-may-2021.pdf>

215 https://www.nato.int/cps/en/natohq/official_texts_184570.htm

216 <https://www.gov.uk/government/publications/ensuring-the-rights-and-wellbeing-of-children-born-of-sexual-violence-in-conflict-call-to-action/call-to-action-to-ensure-the-rights-and-wellbeing-of-children-born-of-sexual-violence-in-conflict>

217 https://www.nato.int/cps/en/natohq/official_texts_208515.htm?selectedLocale=en

218 <https://www.dfa.ie/media/dfa/ourrolepolicies/peaceandsecurity/ewipa/EWIPA-Political-Declaration-Final-Rev-25052022.pdf>

Date	Political Declaration / Commitment
November 2022	Political Declaration on Conflict-Related Sexual Violence ²¹⁹
July 2023	NATO Policy on Children in Armed Conflict ²²⁰
July 2023	NATO Policy on Combatting Trafficking in Human Beings ²²¹

219 <https://www.gov.uk/government/publications/conflict-related-sexual-violence-political-declaration-at-the-2022-preventing-sexual-violence-in-conflict-initiative-conference/preventing-sexual-violence-in-conflict-initiative-psvi-conference-2022-a-political-declaration-on-conflict-related-sexual-violence>

220 https://www.nato.int/cps/en/natohq/official_texts_217691.htm?selectedLocale=en

221 https://www.nato.int/cps/en/natohq/official_texts_71856.htm

Annex C—List of Cited Works and Relevant Resources

This list contains all the documents cited in the footnotes.

All references are listed in alphabetical order and contain the web link.

This list is not intended to be an exhaustive inventory of all relevant resources in connection to the implementation of IHL in the United Kingdom, but to act as an easy reference page to other existing useful materials.

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British Red Cross website on emblems: <https://www.redcross.org.uk/about-us/what-we-do/protecting-people-in-armed-conflict/the-emblem#:~:text=For%20further%20information%2C%20or%20to,%40redcross.org.uk.>

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