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The preventive mechanisms governing the implementation of international humanitarian law norms at the national level

الآليات الوقائية لتطبيق قواعد القانون الدولي الانساني على الصعيد الوطني

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Abstract:

Preventive mechanisms for the implementation of the rules of International Humanitarian Law (IHL) at the national level constitute one of the most significant means of ensuring respect for this body of law both prior to and during armed conflicts. Such mechanisms are primarily reflected in the extent to which States commit to accession to, and harmonization with, the rules of IHL in their domestic legal frameworks. They further encompass the establishment of specialized national bodies, such as national committees on International Humanitarian Law, which are tasked with coordinating efforts across various governmental sectors and providing advisory opinions regarding the implementation of international obligations.

Moreover, the dissemination of knowledge of International Humanitarian Law represents a fundamental preventive element. This is achieved through its incorporation into educational curricula, as well as through the training of armed forces and security personnel to ensure compliance with its rules during military operations. In addition, training sessions and workshops are organized for the benefit of judges and legal practitioners in order to promote its proper application.

Keywords: International Humanitarian Law, accession, harmonization, dissemination of International Humanitarian Law rules.

الملخص:

تعد الآليات الوقائية لتطبيق قواعد القانون الدولي الإنساني على الصعيد الوطني من أهم الوسائل لضمان احترام هذا القانون قبل وأثناء النزاعات المسلحة، تتمثل الآليات الوقائية أساسًا في مدى التزام الدول بالانضمام والمواءمة في تطبيق قواعد القانون الدولي الانساني ، كما تشمل هذه الآليات إنشاء هيئات وطنية مختصة، مثل اللجان الوطنية للقانون الدولي الإنساني، التي تعمل على تنسيق الجهود بين مختلف القطاعات الحكومية، وتقديم المشورة بشأن تنفيذ الالتزامات الدولية.

من جهة أخرى، يُعد نشر المعرفة بالقانون الدولي الإنساني عنصرًا وقائيًا أساسيًا، وذلك من خلال إدراجه في المناهج التعليمية، وتدريب القوات المسلحة وأجهزة الأمن على احترام قواعده أثناء العمليات العسكرية. كذلك، يتم تنظيم دورات تكوينية وورشات عمل لفائدة القضاة والمحامين لضمان حسن تطبيقه.

الكلمات المفتاحية: القانون الدولي الانساني، الانضمام، المواءمة، نشر قواعد القانون الدولي الانساني.

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Introduction:

The effectiveness of any rule of international law is contingent upon the extent to which States accept and consent to be bound by its provisions, as well as their genuine willingness to implement them. This principle has been enshrined in Common Article 1 of the four Geneva Conventions, which obliges States Parties to respect and ensure respect for these Conventions in all circumstances. Given the objectives of international humanitarian law (IHL), particularly its aim of alleviating the suffering of victims of armed conflicts and mitigating their consequences, the implementation of its rules becomes an imperative necessity. Accordingly, States are required to adopt a set of measures capable of creating an enabling environment that ensures effective respect for and application of these rules.

These measures are predominantly of a domestic nature, as they are established within the national legal framework and developed by the State itself, in contrast to international mechanisms adopted at the level of the international community, which transcend national sovereignty. Domestic mechanisms are further divided into preventive mechanisms aimed at averting violations, and repressive mechanisms designed to address them once they occur.

Accordingly, preventive mechanisms constitute one of the most important means for ensuring the optimal implementation of international humanitarian law during armed conflicts. This raises fundamental questions regarding the nature of these mechanisms and their role in promoting respect for this body of law. Several subsidiary questions also arise, including: What are the main preventive measures adopted by States to ensure the effective application of international humanitarian law at the domestic level? Who are the actors responsible for implementing these measures? And what practical mechanisms and procedures are used in this regard?

These issues will be addressed according to the following structure:

Section One: The extent of States' commitment to accession and harmonization in the implementation of international humanitarian law rules.

First requirement: States' commitment to accede to international humanitarian conventions.

Second requirement: States' obligation to harmonize their national legislation with the rules of international humanitarian law.

Section Two: The obligation of dissemination as a mechanism for implementing international humanitarian law rules.

First requirement: The concept of dissemination.

Second requirement: The actors targeted by, and responsible for, dissemination activities.

Section One: The extent of States' commitment to accession and harmonization in the implementation of international humanitarian law rules.

Over the past two centuries, a prevailing trend among major powers has been the use of armed force as a primary means of resolving international disputes. It was in this context that international humanitarian law emerged as one of the most important branches of public international law. Its rules, whether customary or conventional, seek to protect victims of international and non-international armed conflicts from the devastating effects of the

unrestricted use of force. Consequently, States are required to ensure the implementation of this body of law at the domestic level through the adoption of legal mechanisms and guarantees that ensure its effective application. This necessitates States' accession to relevant international conventions and compliance with their provisions (First requirement), as well as the harmonization of their national legislation with their international obligations (Second requirement).

First Requirement: The extent of States' commitment to accession in the implementation of international humanitarian law rules

The most effective mechanism for the implementation of international humanitarian law lies in the commitment of States Parties to the principle of pacta sunt servanda, through their accession to the four Geneva Conventions of 1949 and their Additional Protocols, in particular Additional Protocol II relating to non-international armed conflicts. By virtue of such accession, States undertake to respect the provisions of these instruments and to comply with their requirements.

Although the general rules of treaty law impose binding obligations in this regard, Common Article 1 of the Geneva Conventions and of Additional Protocol I confers a specific character upon these obligations by requiring States not only to respect the provisions of the Conventions, but also to ensure their implementation in practice. This issue will be addressed through two successive sub-sections.

Sub-section One: Accession to the Geneva Conventions

It should be noted that the rules of international humanitarian law are characterized by a distinct legal nature, as they combine both conventional and customary sources of law, thereby conferring a binding force upon their provisions vis-à-vis all States without exception.

The obligation to respect the principles of international humanitarian law, of which the four Geneva Conventions constitute the cornerstone, implies that States are required to exercise due diligence and adopt all necessary measures to ensure compliance with these rules by their organs and all persons under their jurisdiction. Accordingly, any international agreement that conflicts with the provisions of this body of law is considered null and void, pursuant to Article 53 of the Vienna Convention on the Law of Treaties.. (Nassira, 2020, p. 109)

Similarly, Common Articles (2, 6, and 7) of the Geneva Conventions establish a fundamental principle whereby the Contracting States are prohibited from concluding any subsequent agreements that would prejudice the victims of armed conflicts or restrict the rights granted to them under these Conventions. This reinforces the guarantees of protection established within the framework of international humanitarian law.. (Nassira, Ibidem, p. 110)

In addition, the International Court of Justice, in its Advisory Opinion of 1996 on the Legality of the Threat or Use of Nuclear Weapons, affirmed that a considerable number of rules of international humanitarian law are of a binding character, thereby imposing an obligation on all States to respect them, whether or not they are parties to the relevant treaties containing such rules. This is justified by the fact that these norms possess a customary nature, from which no derogation or violation is permitted.. (Mesbah, 2023, p. 193)

It is worth noting, in this context, that Common Article 1 of the Geneva Conventions imposes the obligation to apply the provisions of these Conventions in both international and non-international armed conflicts alike. Since the obligation set forth in this Article requires

respect for the provisions of the Conventions, Common Article 3, as an integral part of this conventional framework, likewise becomes binding and must be applied and respected accordingly.. (Yahia, 2022, p. 1998)

Accordingly, it may be concluded that all States are bound to respect and implement the rules contained in the Third Geneva Convention relating to the treatment of prisoners of war, irrespective of their accession thereto, insofar as these rules have acquired a customary and binding character within international humanitarian law. Moreover, States are obliged to apply these provisions in both international and non-international armed conflicts, pursuant to the requirements of Common Article 1 of the four Geneva Conventions.

Sub-section Two: Accession to the Additional Protocols to the Geneva Conventions

The two Additional Protocols to the Geneva Conventions constitute an advanced attempt to further develop the rules of international humanitarian law and to expand the scope of protection afforded to protected persons during armed conflicts, by establishing more effective safeguards aimed at ensuring the protection of their rights.. (Yahia, 2022, p. 1999)

These two Protocols were adopted to reaffirm the principle of protecting victims of armed conflicts and to strengthen the implementation of international humanitarian law rules, drawing on the Geneva Conventions on the one hand and on human rights instruments on the other. They are based on the understanding that these instruments provide essential protection that goes beyond the mere minimum standard of humane treatment, which has proven insufficient in practice.

Accordingly, the obligation to accede to these instruments entails ensuring compliance with their provisions by both civilian and military authorities alike. This obligation is not limited to the mere adoption of legislative measures, but extends to the effective supervision of their proper implementation. This understanding is explicitly affirmed in Article 80 of Additional Protocol I of 1977. Likewise, Additional Protocol II relating to non-international armed conflicts provides, in its Article 19, for the widest possible dissemination of its provisions.. (Merzougui, p. 57)

However, despite the adoption of these two Protocols and the reaffirmation therein of the obligation to respect the rules of international humanitarian law, particularly with regard to the protection of victims of armed conflicts, their scope of application has remained relatively limited in terms of both ratification and practical reach. Consequently, the effectiveness of international humanitarian law, like that of any legal system, remains dependent on the extent to which States Parties comply with the adoption of legal and practical measures capable of ensuring its implementation during armed conflicts. This acquires particular significance given the nature of such conflicts, in which human life is exposed to grave and serious risks.. (Al-Makhzoumi, 2008, p. 83)

States are also required to harmonize their domestic legislation with the provisions of these Conventions, a matter that will be addressed in the following requirement of this study.

Second Requirement: The extent of States' commitment to harmonization in the implementation of international humanitarian law rules

The second half of the twentieth century and the beginning of the twenty-first century witnessed a marked increase in the frequency of armed conflicts, which resulted in a significant rise in the number of victims. In light of this situation, it has become imperative

for States, during peacetime, to align their domestic legislation with the provisions of international conventions related to the implementation of international humanitarian law. This is achieved through the adoption of a mechanism of "legislative harmonization" between domestic and international legal systems, thereby ensuring the effective implementation of the protection guaranteed at the national level.. (Merzougui, p. 59)

This requires, in a first stage, the incorporation and reception of these rules within the domestic legal system, a process that varies from one State to another depending on the nature of the legal system in place. In a second stage, it further requires the undertaking of necessary efforts to operationalize these rules and ensure their enforceability within the national legislative framework, so as to translate them into effective and practical application. This will be examined through two successive sub-sections.

Sub-section One: Reception of international humanitarian law rules within the domestic legal system

In order to ensure the effective protection of victims of armed conflicts, a certain degree of coordination must be achieved between the rules of international humanitarian law, with the protective guarantees they provide to this category of persons, and the rules of domestic law. The absence of such coordination would render this protection devoid of its practical substance and significantly limit its effectiveness.. (Carreau, 2007, p. 51)

In view of the absence of a centralized legislative authority at the international level responsible for enacting rules of general international law-of which international humanitarian law constitutes one of its most significant branches-it becomes incumbent upon States to integrate such rules within their domestic legal systems. This obligation is particularly pertinent in the fields of criminal law, administrative law, and regulatory frameworks of a security and military nature, including military directives.. (Bouzina, 2014, p. 25)

The national judiciary can only apply the rules of international humanitarian law if they are expressly or implicitly incorporated into domestic legislation, thereby ensuring their enforceability before national courts. However, the method of harmonizing domestic legislation with the rules of international humanitarian law varies depending on the source of these rules, whether customary or treaty-based. This necessitates a distinction between the manner in which customary rules are integrated into the national legal system on the one hand, and the manner in which treaty rules are incorporated on the other, a matter which will be addressed subsequently.

First: Incorporation of customary rules.

Customary law constitutes one of the most important sources of general international law and thus represents the primary non-treaty-based source of international humanitarian law, alongside international conventions. It is established that customary rules are, in most cases, directly applicable within domestic legal systems without the need for specific legislative measures, provided that they do not conflict with the State's public order or constitutional provisions.

In this context, the Group of Governmental Experts on the Protection of War Victims, which met in Geneva in January 1995, adopted a set of recommendations aimed at strengthening compliance with international humanitarian law, particularly through the

adoption of preventive measures designed to improve knowledge of these rules and enhance their effective implementation.

Similarly, the International Committee of the Red Cross, in its second recommendation, called for the involvement of experts in international humanitarian law representing different geographical regions and legal systems, as well as consultations with governmental experts and representatives of international organizations. This was with the aim of preparing a comprehensive report on the customary rules of international humanitarian law applicable in both international and non-international armed conflicts. The report was to be circulated to States and relevant international bodies, thereby promoting greater uniformity in the understanding and application of these rules. (Majid, 2009-2010, p. 172)

Second: Incorporation of treaty-based rules.

Unlike customary rules, treaty-based rules relating to the protection of victims of armed conflicts raise particular issues at the level of domestic implementation. This is attributable to the divergence among States regarding the methodology for incorporating international legal norms into their national legal systems, depending on their differing conceptions of the relationship between international law and domestic law. Consequently, there is a need to address this issue in a manner consistent with the constitutional and legal structure of each State individually.

In the context of determining the legal status of international law in relation to domestic law, various doctrinal approaches have emerged, most notably the theory of dualism.

1. The theory of dualism:

This theory is based on the premise that international law and domestic law constitute two separate and independent legal systems. Proponents of this approach rely on several arguments to justify their position, the most significant of which is the difference in the sources of each system and the divergence in the manner in which legal rules are created within them. Domestic law is grounded in the will of the internal legislator within the framework of the State's legislative system, whereas international law is based on the common will of States, considered the primary subjects of the international community. **(Houba, 2012, p. 159)**

This approach also relies on the difference in the scope of regulation within each system. International law governs relations between States, international organizations, and other subjects of international law, whereas domestic law regulates relations between individuals within the State.

However, this theory has been subject to numerous criticisms, as it presupposes a complete separation between the two legal systems, leading to their application in a wholly independent manner. It also fails to allow for the possibility of the transmission or interaction of legal rules between international and domestic law, which does not reflect the practical reality of contemporary legal relations.

2. The theory of monism:

The theory of monism is based on the assumption of an organic relationship between international law and domestic law, whereby proponents of this approach consider the legal order to constitute a single unified system from which various rules branch out according to the fields they regulate. However, this theory raises the problem of determining which set of

rules prevails in the event of a conflict between international law and domestic law. This has led to a doctrinal division; one view holds that domestic law should prevail in cases of conflict, based on voluntarist theory, which considers that a State's obligation under international law derives from its own will.

This theory has also been subject to several criticisms, most notably its inconsistency with historical reality, which indicates that international law emerged after domestic law in its development, thereby weakening the assumption of a single source or foundational unity. **(Houba, 2012, p. 160)**

In practical terms, the second approach has emerged as the most prevalent in modern constitutions, through the adoption of "incorporation" or "transformation" mechanisms, which provide for the integration of international conventions into the domestic legal order. In this way, such treaties acquire binding legal force vis-à-vis public authorities and become enforceable and invocable by individuals.

In this context, Article 150 of the Algerian Constitution of 1996 provides for the supremacy of international treaties ratified by the President of the Republic, in accordance with constitutional requirements, over domestic law. This reflects the constitutional legislator's adoption of the monist legal approach, which is based on the conception of international and national law as constituting an integrated legal system. (Majid, 2009-2010, p. 174)

Accordingly, States party to international conventions, particularly those of a humanitarian nature, are required to harmonize their domestic legislation with their international obligations by amending internal legal provisions in order to ensure consistency with such conventions. This process may be undertaken prior to ratification, concurrently therewith, or as soon as possible following its completion.

Section Two: International efforts to harmonize domestic legislation with humanitarian conventions

The accession of States to instruments of international humanitarian law constitutes merely an initial step, which must be followed by the effective implementation of the provisions of such instruments, as the legal framework remains incomplete unless its rules are given practical effect on the ground. This understanding is derived from the content of Common Article 1 of the four Geneva Conventions, as well as Article 80 of Additional Protocol I.

However, the obligation to harmonize domestic legislation with these rules is not confined to States alone; it also extends to various international bodies, foremost among which is the International Committee of the Red Cross. (Hamza, 2015-2016, p. 41)

First: States' efforts in the field of harmonization

Many States have undertaken legislative and institutional measures aimed at harmonizing their domestic laws with the obligations arising from their accession to international conventions, through the incorporation of the provisions of such treaties into their internal legal systems in a manner that ensures their effectiveness. At the Arab level, the Regional Arab Conference held on the occasion of the fiftieth anniversary of the adoption of the Geneva Conventions—organized with the participation of the League of Arab States, the Egyptian Ministry of Justice, the Egyptian Red Crescent, and the International Committee of

the Red Cross—constituted a significant milestone in this regard. The conference resulted in the adoption of the "Cairo Declaration," which called upon Arab States to adopt measures ensuring the optimal implementation of international humanitarian law at the national level.. (Ben Maïza Mohamed, 2022, p. 354)

Algeria constitutes a model in this regard, having made significant progress in harmonizing its domestic legislation with the provisions of the Geneva Conventions and their Additional Protocols. It acceded to the four Conventions during the period of the War of Liberation on 20 June 1960 through the Provisional Government, and subsequently ratified the two Additional Protocols on 16 May 1989. **(Atlam, 2006, p. 292)** Pursuant to Article 150 of the 1996 Constitution, duly ratified international treaties acquire a legal force superior to that of domestic legislation, thereby becoming an integral part of the national legal order and directly applicable without the need for subsequent transformation or legislative incorporation, provided that they have satisfied the requirements of conclusion, ratification, and publication in accordance with the applicable legal procedures. (Saeed Salem Jouili, 2002, p. 28)

Second: The efforts of the International Committee of the Red Cross in the field of harmonization

The International Committee of the Red Cross has played a pivotal role in the development of international humanitarian law, particularly with regard to the protection of victims of armed conflicts. The Geneva Conventions have entrusted it with specific functions, in addition to granting it the right of initiative in this field. Among its most prominent areas of activity is the provision of support and assistance to States in the process of harmonizing their domestic legislation, with a view to ensuring the effective implementation of international humanitarian law.. (Amer, p. 215)

In this context, the International Committee of the Red Cross has established a specialized "Advisory Services" unit, aimed at strengthening States' capacity to adapt their domestic legislation in accordance with the provisions of international humanitarian law, in particular the Geneva Conventions, thereby ensuring their incorporation and implementation at the national level. This unit operates in coordination with National Red Cross and Red Crescent Societies, as well as governmental bodies and academic institutions, in order to develop appropriate legal frameworks conducive to the effective implementation of these rules. (Aouacheria, 2001, pp. 111-112).

The Committee, through these services, also works to encourage States to initiate the implementation of their international obligations and to enhance the quality of such implementation, by providing them with appropriate legal tools that are consistent with the requirements of humanitarian instruments, thereby ensuring the effective and efficient application of their provisions.

Second Chapter: The extent of States' commitment to dissemination as a mechanism for the implementation of international humanitarian law rules

The dissemination of international humanitarian law rules is a fundamental issue for all members of the international community, as the four Geneva Conventions require States Parties to take the necessary measures to ensure the widest possible dissemination of these rules. This is achieved by targeting various categories of persons and by relying on qualified

individuals and bodies entrusted with the task of dissemination and awareness-raising, which calls for examination through the following two sections:

Section One: The concept of dissemination.

In order to ensure the protection of victims of armed conflicts, States are obliged to disseminate the provisions of humanitarian conventions, as this process constitutes a fundamental guarantee for the respect of international humanitarian law rules in both peacetime and wartime alike.It also contributes to the empowerment of individuals. (Houba, National and International Efforts to Enforce the Rules of International Humanitarian Law, 2015, p. 63) ، particularly the relevant categories of persons, to become aware of their rights and obligations, thereby enhancing the effectiveness of these rules and ensuring their proper implementation. (Mesbah, National Mechanisms for the Implementation of the Rules of International Humanitarian Law, 2023, p. 195)

The dissemination process derives its legal basis from a set of international provisions and conventions that have enshrined this obligation, which will be addressed and analyzed in the following two sub-sections.

Sub-section One: Definition of the dissemination process

Various legal systems uphold the established principle that "ignorance of the law is no excuse." However, the seriousness of ignorance is significantly amplified when it concerns the rules of international humanitarian law, given the grave consequences resulting from their violation, which affect humanity by exacerbating human suffering, causing loss of life, and endangering the future of individuals and societies. Consequently, there is a pressing need to familiarize individuals with these rules and to ensure their widest possible dissemination, both within military and civilian spheres. (Nassira, The role of Preventive Domestic Mechanisms in the implementation of international Humanitarian Law, 2020, p. 114)

The dissemination of international humanitarian law rules, particularly those relating to the protection of victims of armed conflicts, is not confined to periods of armed conflict with the aim of limiting the effects of military operations; rather, it also extends to peacetime, as a preventive mechanism that contributes to averting the outbreak of conflicts or mitigating their intensity. In this context, dissemination refers to the set of measures and means adopted in advance by States to generalize knowledge of the provisions of international humanitarian law, thereby ensuring its correct and effective application whenever the need arises.

The importance of dissemination stems from its pivotal role within the field of international humanitarian law, a fact affirmed by Resolution No. 21 adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (1974–1977). The Resolution indicated that dissemination performs two fundamental functions: on the one hand, it serves as a means of ensuring the effective implementation of the rules of this body of law; and on the other, it contributes to the promotion of security and stability. Accordingly, States' accession to or ratification of international conventions gives rise to an implicit obligation to implement their provisions, and the dissemination of such provisions among relevant actors constitutes one of the principal requirements of this obligation. (Nassira, The role of Preventive Domestic Mechanisms in the implementation of international Humanitarian Law, 2020, pp. 114-115)

Sub-section Two: The legal binding nature of the dissemination process

The dissemination of international humanitarian law rules constitutes a legal obligation grounded in the provisions of international conventions. This obligation was established at an early stage, as reflected in the Hague Convention concerning Land Warfare of 1899, which stipulated in Article 1 that the contracting States were required to issue instructions to their land armed forces in accordance with the provisions of the annexed Regulations.

This approach was further strengthened and made more explicit in the four Geneva Conventions, particularly through Articles 47, 48, 127, and 144, which contain a common provision obliging States to disseminate the content of these Conventions as widely as possible, both in peacetime and during armed conflicts.

The obligation was also reaffirmed in Additional Protocol I, where Article 80 requires States Parties, and in particular parties to international armed conflicts, to take all necessary measures to fulfil their obligations, including issuing instructions designed to ensure respect for and implementation of the Conventions. As for Additional Protocol II, relating to non-international armed conflicts, Article 19 provides for the obligation to disseminate its provisions as widely as possible. (Ahsan, 2011, pp. 21-22)

These treaty provisions, together with various international declarations and recommendations, constitute the legal basis for States' obligation to disseminate international humanitarian law rules in both international and non-international armed conflicts. Although some of these instruments do not explicitly state the binding nature of the dissemination duty, international doctrine and practice have consistently recognized it as a fundamental obligation incumbent upon States. This obligation also encompasses a cooperative dimension, reflected in the exchange of national legislation incorporating international humanitarian law, as well as the sharing of official translations of conventions and additional protocols.

Accordingly, each State is required to assume responsibility for the dissemination and teaching of provisions relating to the protection of victims of armed conflicts, at both the military and civilian levels. This obligation is not limited to members of the armed forces but extends to the civilian population as a whole, thereby achieving the intended objective of familiarizing individuals with international humanitarian law rules and consolidating respect for them, a matter that will be addressed in the following part of the study.

Section Two: Target groups and actors responsible for dissemination

The number of victims of armed conflicts has recently increased, in light of a notable shortcoming in the provision of adequate protection for them. This situation requires States to intensify their efforts to disseminate knowledge of international humanitarian law rules across all sectors without exception, as well as to train and appoint qualified individuals responsible for activating the protection mechanisms established for these victims. The examination of this issue necessitates identifying the target groups of dissemination, which will be addressed in the following sub-sections.

Sub-section One: Target groups of dissemination

The dissemination of international humanitarian law rules is a comprehensive process that targets all relevant actors, particularly those who play a direct role in determining the fate of victims of armed conflicts. Foremost among these are members of the armed forces, as well as civilians who may be exposed to violations during hostilities. It is also necessary to take

into account the dynamic nature of these categories, as civilians may become participants in the conflict, and combatants may cease to be involved in hostilities. This requires that the scope of dissemination be characterized by generality and inclusiveness. (Merzougui, p. 63)

First: Members of the armed forces.

Members of the armed forces constitute one of the primary addressees of international humanitarian law, given the direct connection between their duties and the conduct of hostilities. These rules include provisions restricting the means and methods of warfare, as well as obligations relating to the protection of persons who do not, or no longer, take part in hostilities, and the requirement to ensure their humane treatment.

Combatants are presumed to have prior knowledge of these rules, as compliance therewith constitutes an essential condition for the lawfulness of their conduct during armed conflicts**.** (Ahsan, 2011, p. 23)

In this context, Article 127 of the Third Geneva Convention relative to the Treatment of Prisoners of War provides that States Parties are obliged to disseminate the text of the Convention as widely as possible, with particular emphasis on its inclusion in military education programmes, thereby ensuring the entrenchment of its principles among all members of the armed forces.

Accordingly, States are required to integrate the study of the four Geneva Conventions into military curricula, while ensuring that the content of such training is adapted in accordance with ranks and responsibilities. (Majid, 2009-2010, p. 183)

The dissemination of international humanitarian law rules within military environments is achieved through a range of means, including the preparation and distribution of military manuals and instructions, the organization of specialized training courses—particularly for personnel participating in peacekeeping operations or international monitoring missions—as well as the teaching of these rules in military and police academies and institutes. This aims to enable every member of the armed forces to be acquainted with the rights and duties governing the treatment of victims of armed conflicts, thereby ensuring respect for these rules in practical application.

The scope of dissemination is not limited to military circles but extends also to the civilian population, which will be addressed in the following sub-section.

Second: The civilian population

The dissemination of rules relating to the protection of victims of armed conflicts constitutes a fundamental obligation incumbent upon the armed forces; however, its importance is no less significant for the civilian population, and may indeed be greater given the role civilians may assume in the context of armed conflicts. It should be noted that the dissemination of these rules within civilian circles is more complex than within military ones, due to the lack of homogeneity that characterizes military institutions, as civil society is composed of diverse groups differing in ethnic, religious, and cultural backgrounds.

Accordingly, it is necessary to adopt varied methods and means for disseminating these rules, whether through educational curricula or communication tools, in order to ensure adequate understanding and assimilation. The importance of such dissemination is further highlighted by the reality of contemporary armed conflicts, which are increasingly marked by

the involvement of civilians in acts of violence, particularly in situations of internal armed conflict. (Majid, 2009-2010, p. 188)

Article 127 of the Third Geneva Convention has enshrined this obligation, requiring the High Contracting Parties to disseminate the text of the Convention and to include its study within educational programmes, both military and civilian, whenever possible. However, the wording "if possible" must not be interpreted as diminishing the legal nature of the obligation incumbent upon States in this regard.

Military doctrine, including military manuals, has also emphasized the necessity of integrating international humanitarian law rules into awareness programmes directed at the civilian population. In this context, Resolution No. 21 adopted by the Diplomatic Conference on the dissemination of international humanitarian law in armed conflicts identified specific categories to be targeted by dissemination activities, foremost among them senior State officials, given their responsibility for implementing the provisions of this law in both peacetime and wartime.

The dissemination process also extends to academic institutions, particularly faculties of law, without being limited to them, as it further encompasses faculties of political science, social sciences, and medicine, as well as educational institutions at both primary and secondary levels, to the extent permitted by the learners' cognitive capacity to grasp the fundamental principles of international humanitarian law.

Moreover, this process extends to medical circles, in view of their central role in providing care to victims of armed conflicts, especially since the Geneva Conventions establish a set of rights and obligations specific to medical personnel. Accordingly, familiarity with these provisions is essential in order to avoid the adverse consequences that may result from ignorance thereof. (Samir, 2021, pp. 20-21-22)

Section Two: Actors responsible for dissemination

With regard to the entities responsible for dissemination, a State's ratification of international humanitarian law instruments represents only an initial step that must be followed by the adoption of practical measures to ensure the achievement of the ultimate objective, namely the protection of victims of armed conflicts. This is to be realized through the dissemination of these rules among both the armed forces and the civilian population. The 1977 Additional Protocol I introduced two principal mechanisms to support this process, namely legal advisers and qualified personnel.

First: Legal advisers

As for legal advisers, Article 82 of Additional Protocol I provides for this relatively recent system, under which they play a fundamental role in providing legal advice and contributing to the dissemination of international humanitarian law within the armed forces. Sweden was among the first States to adopt this system, regulating it through specific legislation and ensuring that legal advisers are selected from among legal professionals who also receive appropriate military training.

Accordingly, States Parties to the Geneva Conventions and their Additional Protocols are required to ensure the legal training and preparation of members of their armed forces through such legal advisers, thereby guaranteeing the effective implementation of the relevant international rules. (Houba, The General Theory of International Humanitarian Law, 2012, p. 172)

Second: Qualified personnel

As for qualified personnel, Article 6 of Additional Protocol I calls upon States to prepare such personnel in peacetime, with the aim of facilitating the implementation of the provisions of the Conventions, particularly with regard to the activities of Protecting Powers. Although the provision does not precisely define the nature of these personnel, international practice, as reflected in certain initiatives, has indicated the possibility of relying on various categories, including physicians, lawyers, and medical service personnel, to provide assistance when necessary, whether to Protecting Powers or to competent humanitarian bodies. (Yves.Sandoz, 1986, p. 231)

The preparation of such personnel forms part of each State's national competence, which highlights the important role played by National Societies in this field through their contribution to their training and capacity-building. This requires equipping them with multidisciplinary knowledge encompassing international humanitarian law, medical sciences, and relief operations, as well as familiarity with relevant military aspects. (Houba, National and International Efforts to Enforce the Rules of International Humanitarian Law, 2015, pp. 73-74)

Nevertheless, the primary responsibility for the implementation of international humanitarian law rules remains incumbent upon the States Parties to the Geneva Conventions, whereas the role of qualified personnel is limited to providing support and assistance, thereby contributing to the strengthening of the effective protection of victims of armed conflicts. (Al-Yahysi, 2024, p. 193)

Third: The role of the National Committee in disseminating international humanitarian law rules

The National Committee on International Humanitarian Law is a domestic advisory body established at the State level to support the implementation and dissemination of international humanitarian law rules. It is composed of representatives from various governmental sectors and specialized experts. This Committee is responsible for submitting recommendations to public authorities regarding the harmonization of national legislation with the provisions of the Geneva Conventions, working to promote awareness of these rules and to train relevant stakeholders in their application, as well as coordinating with competent international bodies to ensure compliance with humanitarian obligations during armed conflicts. (Zina, pp. 3-4-5)

he National Committee on International Humanitarian Law in Algeria was established by a decision of the public authorities within the framework of the State's commitment to implementing the rules of international humanitarian law, particularly following its accession to the Geneva Conventions and their Additional Protocols. This Committee was created as an advisory body comprising representatives from several sectors, such as the Ministry of National Defence, the Ministry of Justice, and the Ministry of Foreign Affairs, in addition to specialized experts. Its purpose is to coordinate national efforts to disseminate international humanitarian law, adapt domestic legislation to its requirements, and strengthen cooperation with international bodies, foremost among which is the International Committee of the Red Cross. (Abdelkader, 2014)

The National Committee on International Humanitarian Law in Algeria occupies a pivotal position as an effective mechanism for the dissemination and implementation of

international humanitarian law rules, serving as a bridge between the State's international obligations and their practical application within the domestic legal system. It functions as an advisory body tasked with proposing the incorporation of the provisions of the Geneva Conventions into domestic legislation, while also playing a coordinating role among various governmental sectors to ensure compliance with these rules.

In addition, it contributes to the dissemination of humanitarian legal culture through training and awareness-raising activities, and it strengthens cooperation with international bodies, particularly the International Committee of the Red Cross. This makes it an essential instrument for entrenching the principles of human protection in situations of armed conflict and for ensuring their effective implementation in practice. (Souria, 2014, p. 23)

Fourth: The Algerian Red Crescent

The Algerian Red Crescent is a national humanitarian association operating in Algeria and forming part of the International Red Cross and Red Crescent Movement. It was established with the aim of providing humanitarian assistance and protecting human life and dignity, particularly in situations of natural disasters, armed conflicts, and health and social crises.

The Algerian Red Crescent is characterized as a non-governmental, independent organization operating in accordance with fundamental principles, most notably humanity, impartiality, neutrality, and independence.

It plays a key role in the dissemination of international humanitarian law within society. This role can be summarized as follows: raising public awareness of the principles of this law, such as the protection of civilians during armed conflicts; organizing training courses for volunteers and students on its rules and applications; contributing to the integration of its concepts into schools and universities; cooperating with authorities and institutions to promote a culture of respect for this law; and strengthening the principles of humanity, neutrality, and the protection of human beings in times of war. (Al-'Asbali, 2008, pp. 90-91).

Conclusion:

In conclusion, it is evident that national preventive mechanisms constitute a fundamental pillar in ensuring respect for and implementation of international humanitarian law rules at the domestic level. The mere accession of States to the Geneva Conventions and their Additional Protocols is insufficient unless it is translated into effective practical and institutional measures. The importance of these mechanisms lies in their role in integrating international humanitarian law rules into the national legal system and in promoting awareness among various actors, both within the armed forces and within civil society, thereby contributing to the entrenchment of a culture of compliance and the prevention of violations before their occurrence.

Furthermore, the effectiveness of these mechanisms depends on the extent of political will, the existence of appropriate national legislation, and institutional structures capable of education, training, and oversight, as well as the involvement of relevant stakeholders, including legal advisers, national societies, and specialized experts. Accordingly, the preventive nature of these mechanisms is primarily aimed at transforming international humanitarian law rules from theoretical obligations into practical applications that contribute

to strengthening the protection of victims of armed conflicts and mitigating their humanitarian consequences.

Therefore, the development and strengthening of national preventive mechanisms remain an essential requirement for ensuring the effectiveness of international humanitarian law and for entrenching its principles in the practical conduct of States, in order to achieve the humanitarian purpose for which it was established.

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