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Domestic reception of international humanitarian law : UK and Canadian implementing legislation / Christopher Harland

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Abstract:	<p>This article provides a comparative overview of the domestic implementation of international legal obligations in Canada and the UK. The author focuses on the implementation of the four Geneva Conventions and their two Additional Protocols, the Rome Statute, and the Anti-Personnel Landmine Treaty (The Ottawa Treaty). The implementation of the Geneva Conventions involved similar approaches by domestic legislation in both countries with regard to the grave breaches and protected persons provisions; however, the author views the Canadian approach for the protection of the Red Cross emblem as being more robust as it is protected through trademark legislation. The authors finds that the most significant variation between the implementing legislation of the two countries concerned the Rome Statute, the most complex of the three obligations. Canada and the UK used divergent methods to incorporate war crimes, command responsibility, universal jurisdiction and double jeopardy provisions into domestic legislation. Overall, the author concludes that the simple fact the legislation is being drafted independently inevitably leads to different approaches in different countries, which are affected by a unique set of internal and external considerations such as the federal structure, and membership in the European Union. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]</p>
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