

Government Decision no. 420/2006 on the establishment and functioning the National Committee on International Humanitarian Law

Art. 1 - In order to fulfil Romania's obligations deriving from international treaties in the field of humanitarian law, the National Committee on International Humanitarian Law is established, hereinafter referred to as NCIHL, as advisory body of the Government, without legal capacity.

Art. 2 - NCIHL is organised according to the provisions of the present decision and functions according to its interior regulation.

Art. 3 - (1) NCIHL is constituted by one representative of the Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Justice, Ministry of Administration and Interior, Ministry of Education and Research and Ministry of Health. These representatives are appointed, at expert level, by the head of the respective institutions.

(2) At the NCIHL's activities may be invited, as observers, at proposal of its president, Parliament members, representatives of the Ombudsman's Institution, of the International Committee of the Red Cross, of the National Society of Red Cross, of Romanian Institute for Human Rights, of the Romanian Association of Humanitarian Law and of other governmental and non governmental organizations, appointed by the head of the respective institutions, as well as experts in the field of humanitarian law appointed by the president of NCIHL.

Art. 4 – NCIHL has the following main functions:

a.) Examines and proposes the necessary measures at national level, with a view to implementing, observing and preventing the violation of humanitarian law norms provided by the international legal instruments to which Romania is a party;

b.) Supervises and analyses the transposition into internal legislation of the international humanitarian law norms;

c.) Issues advisory opinions on normative drafts in the field of humanitarian law and recommends the ratification of the international legal instruments in the field of humanitarian law;

d.) Elaborates the National Strategy on Implementation of International Humanitarian Law, which is submitted for the approval of the Prime minister;

e.) Elaborates annual reports with respect to the implementation measures which are carried out by the institutions represented in the National Committee for International Humanitarian Law, as well as regarding the activities carried out as consultative body of the Government

f.) Promotes the dissemination of humanitarian law through the national educational system and the one specific to the represented institutions, organizes scientific sessions, training and specialized courses in humanitarian law

g.) Cooperates with national committees from other states and international institutions in this field.

Art. 5 - (1) The management of NCIHL is ensured by a president.

(2) The chairmanship of NCIHL is ensured, by rotation, by the Ministry of Foreign Affairs, Ministry of National Defence, Ministry of Justice, at state secretary level. The representatives of these ministries, appointed according to art. 3 (1), will continue to belong to NCIHL during the period the presidency of NCIHL is exercised by the institution which they represent.

(3) The mandate of the president is one year period.

Art. 6 - The main functions of the president are the following:

- a.) representation of NCIHL;
- b.) coordination of NCIHL's activities;
- c.) approval of establishing working groups on issues of interest;
- d.) coordination of financial activity of NCIHL.

Art. 7 - Within the NCIHL functions a Permanent Secretariat, provided by the Ministry of National Defence. The expenses necessary to the functioning of the Permanent Secretariat will be ensured from the budget of the Ministry of National Defence, while the expenses necessary for NCIHL members will be borne by the appointing institutions.

Art. 8 – The main functions of the Permanent Secretariat are the following:

- a) ensures the administration of current activities;
- b) prepares the NCIHL sessions;
- c) informs the NCIHL's president on urgent matters.

Art. 9 – The management of the Permanent Secretariat is ensured by a representative of the Ministry of National Defence, which will fulfil the following attributions:

- a) ensures the coordination of NCIHL in the absence of the president;
- b) convenes NCIHL's meetings in ordinary and extraordinary sessions;
- c) coordinates the activities of the Permanent Secretariat.

Art. 10 - (1) NCIHL shall meet 4 times a year in ordinary sessions and, every time it is deemed necessary, in extraordinary sessions, at the request of at least 1/3 of the Committee's members. The request is submitted to the Permanent Secretariat.

(2) NCIHL carries out its activity in the presence of at least half plus one of its members.

(3) The decisions are adopted by simple majority of the present members.

Art. 11 - NCIHL shall elaborate its interior regulation 90 days after the entry into force of the present decision, which will be approved by common order of the management of the ministries represented within the NCIHL.