

Common Article 1 lays down the obligation on High Contracting parties to “undertake to respect and ensure respect for the present Conventions in all circumstances”.¹ In accordance with this, articles 47, 48, 127 and 144 of GCs I, II, III, IV respectively require compliance from such parties during war and peace and dissemination of the text of the conventions as “widely as possible” in order to raise awareness of the entire population.² The obligation to disseminate is reiterated and developed in Art 83 of AP I and Art 19 of AP II.³

States are given considerable leeway in choosing their means of dissemination⁴ and there is no doubt that taking advantage of an ever popular and growing ‘virtual space’, particularly amongst the global youth, would be a highly effective way for a High Contracting party to discharge this obligation. Doing so would indirectly encourage the civilian population to integrate IHL principles into their daily lives in times of peace.⁵ In terms of the implementation of IHL, it is both necessary and critical for states and relevant civil society organizations (particularly those involved in humanitarian assistance) to adopt an approach outside of the framework provided by IHL itself and to consider other options.⁶ Assessing the cyber world and the IHL violations therein would initiate an immediate line of communication with the youth (future global leaders) amongst other target markets.

As wargames technology improves and graphics become ever more realistic, it is essential that IHL experts track this trend and any possibilities of incorporating law into cyber-life. Swiss organizations TRIAL and Projuvenate recently released a study on the desirability of making video and computer games IHL compliant due to the disgraceful lack of respect for the principles of distinction and proportionality in the majority of wargames, which often reward, instead of condemning IHL breaches.⁷ E-IHL Games has embraced the importance of communication as a strategic management function, and is attempting to disseminate IHL principles through technology. Through gratuitous ‘virtual violence’, cyberworld fanatics no longer perceive the distinction between real life conflicts and the atrocities wargames perpetuate where, limited only by imagination, legal sanction is ignored and points are awarded for the most imaginative massacre.⁸

Nicaragua found that the CA I obligation formed part of Customary International Law, and as such it must be honored⁹. Although many insist that computer games are merely fantasy, they may in fact encourage real-life IHL transgressions in future, in which case the games and their manufacturers must be held accountable. Respecting and enforcing IHL compliance in peacetime is essential in guaranteeing respect for IHL in times of armed conflict.¹⁰ If wargame manufacturers refuse to acknowledge their obligation to promote lawful warfare, and states fail to regulate these industries as part of their dissemination obligation, the GCs will be breached. Thus it would be possible to bring legal action against wargame producers who fail to uphold IHL standards, by relying on the duty to disseminate IHL principles and promote compliance with the law.

¹ Common Article 1 of the Geneva Conventions revisited: Protecting collective interests

² The Geneva Conventions of August 12 1949.

³ ICRC Factsheet on the obligation to Disseminate IHL, available at:

[http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/5JYLTB/\\$FILE/Obligation_to_](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/5JYLTB/$FILE/Obligation_to_)

⁴ Ibid.

⁵ Additional Protocols of 1977, art 83.

⁶ PALWANKAR, U., “Measures available to States for fulfilling their obligation to ensure respect for international humanitarian law”, *International Review of the Red Cross*, No. 298, 1994, pp. 9-25.

⁷ Castillo, F. “Playing by the Rules: Applying International Humanitarian Law to Video and Computer Games” (2009) 4.

⁸ Special issue of the International Review of the Red Cross, No 860, 2005 on Communication (Dissemination of IHL).

⁹ BOISSON DE CHAZOURNES, L., and CONDORELLI, L., “Common article 1 of the Geneva Conventions revisited: protecting collective interests”, *International Review of the Red Cross*, No 837, 2000, pp. 67-87, available at: <http://www.icrc.org/Web/Eng/siteeng0.nsf/html/57JQCP>

¹⁰ Ibid.