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National Information Bureaux: Historical evolution, legal foundations and practical challenges

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Abstract

This article examines the historical evolution, legal foundations and contemporary practice of National Information Bureaux (NIBs), institutions that States are required to establish under the Geneva Conventions to collect, centralize and transmit information on enemy combatants hors de combat *and certain categories of enemy civilians who have fallen into the State's hands. It traces the origins of NIBs from early wartime initiatives in the nineteenth century to their codification in the 1949 Geneva Conventions, particularly Article 122 of Geneva Convention III and Article 136 of Geneva Convention IV. NIBs are intended to facilitate the exchange of information on prisoners of war and interned protected persons, to respond to enquiries concerning*

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their fate and whereabouts, and to assume certain other tasks related to these categories of persons. Drawing on historical sources and contemporary State practice, the article shows that the establishment and functioning of NIBs remain uneven. States most frequently establish NIBs in the context of international armed conflicts, in particular conflicts with neighbouring States or military interventions abroad. These bodies are usually embedded within governmental structures, and their activities often extend beyond the tasks envisaged in the Geneva Conventions, frequently prioritizing issues relating to the State's own nationals. By contrast, there is no documented practice of establishing NIBs in non-international armed conflicts, although some States have created institutions performing partially comparable tasks. Peacetime practice is also limited, with a relatively small number of States establishing or preparing NIBs through standby institutional arrangements. Two models have emerged: the State-operated model, in which NIB functions are assigned to ministerial or other governmental bodies, and the auxiliary-humanitarian model, in which these tasks are entrusted to National Red Cross or Red Crescent Societies. The article concludes by identifying key challenges in the contemporary operation of NIBs and suggesting measures to strengthen their effectiveness.

Keywords: armed conflicts, Geneva Conventions, international humanitarian law, interned civilians, prisoners of war, National Information Bureau.

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Introduction

Under the four Geneva Conventions of 1949, States are required to establish, upon the outbreak of an international armed conflict (IAC) and in all cases of occupation, National Information Bureaux (NIBs). NIBs are responsible for collecting, centralizing and transmitting information about protected persons who have fallen into enemy hands during armed conflict, namely prisoners of war (PoWs), wounded, sick, shipwrecked or dead military personnel, and civilian protected persons deprived of liberty.[1] The primary function of NIBs is to ensure that such persons are properly accounted for and that the families and relevant national authorities are informed of their fate.

Despite the clear legal framework in place, State practice remains highly uneven. This article argues that while NIBs are vital for ensuring respect for international humanitarian law (IHL), their establishment and functioning are often delayed, influenced by political considerations, or poorly executed. Such shortcomings can result in inadequate registration and traceability of protected persons, prolonged family separation, and uneven enforcement of humanitarian standards. They can also, more broadly, undermine the integrity of the legal framework and

1 See Marco Sassòli, "The National Information Bureau in Aid of the Victims of Armed Conflicts", *International Review of the Red Cross*, Vol. 27, No. 256, 1987; "Note on the National Information Bureau", *International Review of the Red Cross*, Vol. 107, No. 929, 2025.

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erode trust in its mechanisms. Consequently, this article stresses the need for more standardized practices in the operation of NIBs to ensure that all protected persons are treated with respect, regardless of the country in whose hands they may be.

The first section of the article traces the historical origins of NIBs prior to the adoption of the 1949 Geneva Conventions, with particular attention to their operation during the First and Second World Wars. The second section examines the legal framework applicable to NIBs under the Geneva Conventions. It also highlights certain gaps in the legal regulation of NIBs, related mainly to their operation in non-international armed conflicts (NIACs), the absence of explicit requirements for peacetime preparedness and the lack of detailed provisions concerning their organizational structure. The third section describes, analyzes and evaluates the functions of NIBs in the contemporary world, both in countries which are currently involved in armed conflicts and in countries which are not. Through this examination, the article highlights the gap between the legal regulation and the practice of States, and explores how political, legal and institutional contexts shape the formation and effectiveness of NIBs.

Evolution of the legal regulation before 1949

The obligation to establish an NIB relative to PoWs was first enshrined in Article 14 of the Regulations concerning the Laws and Customs of War on Land (Hague Regulations), annexed to the 1899 Hague Convention II with Respect to the Laws and Customs of War on Land.[2] The obligation applied to all belligerent States and to neutral countries on whose territory PoWs had been received, and was to be implemented "on the commencement of hostilities".[3] NIBs had three main tasks – to keep an individual return for each PoW,[4] to answer all inquiries about PoWs and "to receive and collect all objects of personal use, valuables, letters etc., found on the battlefields or left by prisoners who have died in hospital or ambulance, and to transmit them to those interested".[5] To be able to fulfil these tasks, "the various services concerned"[6] had to furnish the NIB with all necessary information related to PoWs, including information related to their internments, admission to hospitals or deaths. Article 16 of the 1899 Regulations granted the NIB the privilege of free postal services.

2 Regulations concerning the Laws and Customs of War on Land, Annexed to Hague Convention (II) with Respect to the Laws and Customs of War on Land, 29 July 1899 (entered into force 4 September 1900) (1899 Hague Regulations).

3 *Ibid.*, Art. 14(1).

4 The term "return" refers to a record or report that contains up-to-date information about an individual PoW, enabling the tracing of their identity, whereabouts and treatment.

5 1899 Hague Regulations, above note 2, Art. 14(2).

6 *Ibid.*, Art. 14(1).

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The revised version of the Hague Regulations, annexed to the 1907 Hague Convention IV respecting the Laws and Customs of War on Land,[7] carried over Articles 14 and 16 with only minor changes. The body was now called the "inquiry office for prisoners of war", and the range of situations concerning PoWs on which it was expected to collect information was expanded to include, for example, release on parole or escapes by PoWs. Moreover, the revised Article 14 indicated which information about PoWs the body was obliged to collect and record in the individual returns. This included the individual's "regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character".[8] Finally, the revised Article 14 established a new task for the body, that of sending the individual returns of all PoWs to the government of the opposing belligerent after the conclusion of peace.

The obligations for belligerents to inform each other about internments and transfers and about admissions to hospitals and deaths occurring among wounded and sick members of the enemy armed forces, and to collect, and transfer to interested persons, all objects of personal use belonging to such members, was also foreseen by Article 4 of the 1906 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field,[9] though this instrument did not explicitly require the establishment of a special national body. In 1912, moreover, the Ninth International Conference of the Red Cross and Red Crescent, held in Washington, called upon National Red Cross and Red Crescent Societies (National Societies) to organize, already in time of peace, special commissions that would, in times of armed conflict, provide help and assistance to PoWs.[10] These commissions were to concern themselves with PoWs having the nationality of the commission's country who were captured by the opposing belligerent, sending them, through the International Committee of the Red Cross (ICRC), all forms of assistance, and they would seek to obtain reciprocity from the commission of the opposing party. In so doing, they would rely on the information and communication channels provided by the offices established under Article 14 of the 1907 Hague Regulations.[11]

7 Regulations concerning the Laws and Customs of War on Land, Annexed to Hague Convention (IV) respecting the Laws and Customs of War on Land, 18 October 1907 (entered into force 26 January 1910) (1907 Hague Regulations).

8 *Ibid.*, Art. 14(1).

9 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, 6 July 1906 (entered into force 9 August 1907).

10 Ninth International Conference of the Red Cross and Red Crescent (Ninth International Conference), Res. VI, "Assistance aux prisonniers de guerre", in *Compte rendu des travaux et résolutions*, 1912, p. 318. See also Philippe Abplanalp, "The International Conferences of the Red Cross as a Factor for the Development of International Humanitarian Law and the Cohesion of the International Red Cross and Red Crescent Movement", *International Review of the Red Cross*, Vol. 36, No. 308, 1995, p. 528.

11 See Ninth International Conference, above note 10, pp. 137–138.

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The practice of establishing NIBs preceded the legal regulation enshrined in the Hague and Geneva Conventions. The first NIBs were set up during the Franco-Prussian war of 1870–71;[12] they operated both in belligerent countries (France and Prussia) and in neutral States (Belgium and Switzerland), and their main task was to ensure family contact for PoWs and the sick and wounded who had fallen into enemy hands. The NIBs cooperated with the Information Office of the International Agency for the Relief of Wounded and Sick Soldiers, set up by the ICRC in 1870 in Basel. The Russo-Japanese War of 1904–05 was the first conflict in which the task of setting up and running an NIB was entrusted to a National Society.[13] This occurred in the Russian Empire; the Provisional Regulations Relating to Prisoners of War, issued by Tsar Nicholas II on 13 May 1904, assigned the treatment and supervision of Japanese PoWs to the Ministry of War, while the information bureau was established within the Russian Red Cross and headed by Friedrich F. Martens, the author of the well-known Martens Clause.[14] The communication and exchange of information between the Ministry of War and the armed forces, on the one hand, and the Russian Red Cross, on the other, turned out to be one of the main challenges of this model.[15]

The outbreak of the First World War prompted the establishment of NIBs in many countries, both belligerent and neutral.[16] Some of the countries involved in the conflict, such as Serbia,[17] the United Kingdom[18] and Japan,[19] set up NIBs within their ministries of war. Other belligerents formed NIBs under the auspices of their National Societies. This was the case in the Russian Empire,[20] where the NIB had been set up even prior to the beginning of the First World War, as well as

12 "Les bureaux de renseignements pendant la guerre Franco-Allemande", *Bulletin International des Sociétés de Secours aux Militaires Blessés*, No. 19, 1874.

13 See also "Les prisonniers de guerre russes et japonais", *Bulletin International des Sociétés de la Croix-Rouge*, No. 166, 1911, pp. 118–119.

14 F. Thormeyer, "Russie: Les bureaux de renseignements sur les prisonniers de guerre", *Bulletin International des Sociétés de la Croix-Rouge*, No. 165, 1911. Japan established its NIB in the Ministry of War.

15 Contemporary observers noted that military authorities, overwhelmed by operational responsibilities, often placed philanthropic activities in a secondary position, leading to frictions with Red Cross representatives and making it difficult to rely on consistent military cooperation for information exchange. See F. Thormeyer, above note 14, pp. 48–49.

16 "Rapport du Bureau central de renseignements sur les prisonniers de guerre, et sa composition en octobre 1915", *Bulletin International des Sociétés de la Croix-Rouge*, No. 185, 1916.

17 "Constitution du Bureau officiel de renseignements du ministère de la Guerre", *Bulletin International des Sociétés de la Croix-Rouge*, No. 183, 1915, p. 415.

18 Ronald F. Roxburgh, *The Prisoners of War Information Bureau in London: A Study*, Longmans, Green and Co., London and New York, 1915.

19 "Japon: Commission des Prisonniers", *Bulletin International des Sociétés de la Croix-Rouge*, No. 181, 1915, p. 91.

20 Ivan Aleksandrovich Ovchinnikov, *Центральное справочное бюро о военнопленных: Регистрация военнопленных* [*Central Information Bureau on Prisoners of War: Registration of Prisoners of War*], State Printing House, Petrograd, 1915.

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in Austro-Hungary[21] and France.[22] The latter model was also used in some neutral countries, such as Denmark,[23] Belgium[24] and the Netherlands.[25] Alongside these NIBs, special commissions established by National Societies in accordance with the 1912 Washington Conference resolution also operated during the war, providing relief and tracing services for PoWs.[26] Unlike NIBs, these commissions were humanitarian bodies of National Societies rather than official State bodies.

In line with the 1907 Hague Regulations, the primary focus of all NIBs deployed during the First World War was on PoWs, but NIBs also often dealt with sick and wounded soldiers who had fallen into enemy hands. In some cases, despite the absence of an explicit legal basis in international law, and sometimes even in national law, they additionally handled matters concerning civilian internees and missing persons. The tasks of the NIBs were mainly those foreseen by international instruments – namely, to collect information about the relevant persons and indicate it in an individual return (card), to communicate this information to the national authorities of the enemy State, to answer inquiries about their fate and whereabouts, and to receive and return objects of personal use belonging to them. Communication often took place through diplomatic channels, particularly when the NIBs were part of State institutions, and was facilitated by the International Prisoners of War Agency (IPWA). The IPWA was set up by the ICRC in 1914 in Geneva and, despite its name, it provided services not only for PoWs but for civilian internees and civilians in occupied territories as well.[27] Reports suggest that the communication did not always go smoothly and that it was not easy for NIBs, especially those run by National Societies, to secure the cooperation of the military forces.[28] Given that the overall number of PoWs during the First World War exceeded 9 million, NIBs were kept very busy throughout the conflict. Most of them closed shortly after the end of the war (1918), handing over the documents in their possession either to their countries' ministries of war or to the IPWA, which was integrated into the ICRC in 1919–20.[29]

21 "L' Agence internationale des prisonniers de guerre (deuxième article)", *Bulletin International des Sociétés de la Croix-Rouge*, No. 181, 1915.

22 Sources de la Grande Guerre, "L'Agence des prisonniers de guerre de la Croix-Rouge française", 13 November 2016, available at: https://sourcesdelagrandeguerre.fr/?p=4808 (all internet references were accessed in May 2026).

23 "L'agence des prisonniers de guerre de la Croix-Rouge danoise en 1916", *Bulletin International des Sociétés de la Croix-Rouge*, No. 189, 1917.

24 "Agence belge de renseignements pour les prisonniers de guerre et les internés", *Bulletin International des Sociétés de la Croix-Rouge*, No. 185, 1916.

25 See Onderzoeksgids Oorlogsgetroffenen WO2, "Nationaal Opsporingsbureau, Informatiebureau van het Nederlandse Rode Kruis", available at: www.oorlogsgetroffenen.nl/archiefvormer/Informatiebureau.

26 Ninth International Conference, above note 10, p. 318, para. 3.

27 For more details, see ICRC, *The International Prisoners-of-War Agency: The ICRC in World War One*, Geneva, 2007; Gradimir Djurović, *L'Agence centrale de recherches du Comité international de la Croix-Rouge*, Institut Henry-Dunant, Geneva, 1981, pp. 39–78.

28 "L' Agence internationale des prisonniers de guerre (quatrième article)", *Bulletin International des Sociétés de la Croix-Rouge*, No. 183, 1915, p. 312.

29 E. C., "Les Bureaux de renseignements sur les prisonniers de guerre (2me article)", *Revue Internationale de la Croix-Rouge et Bulletin International des Sociétés de la Croix-Rouge*, Vol. 1, No. 5, 1919.

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During the inter-war period, the obligation to set up "bureaux of relief and information concerning prisoners of war" (Part VI) was enshrined in the 1929 Geneva Convention relative to the Treatment of Prisoners of War. Article 77 of the 1929 Convention draws inspiration from Article 14 of the 1907 Hague Regulations, but it is again more detailed regarding the situations of PoWs about which NIBs must collect information, as well as the content of that information. In addition, Article 77 newly establishes the obligation of NIBs to transmit all information related to PoWs, including the place of their detention, to the powers concerned, through two channels – the Protecting Powers and the Central Agency of information regarding PoWs, which, under Article 79, was to be set up in a neutral country. The agency, known as the Central Agency for Prisoners of War (CAPW), was indeed set up by the ICRC in 1939.[30] The information had to be transmitted "immediately" and updated on a weekly basis. The revised 1929 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field continued to enshrine the obligations of belligerents to inform each other about "the wounded, sick and dead, collected or discovered",[31] without requiring the creation of any special body. The 1930 Commentary to the Convention did, however, refer to NIBs as bodies through which the tasks foreseen in Article 4 could, though need not, be carried out.[32]

The regulation was first tested, on a massive scale, during the Second World War, when the total number of PoWs exceeded 35 million.[33] The situation was more complicated this time, because not all major parties to the conflict had ratified the 1929 Geneva Conventions. The main absentee was the USSR, which moreover had not formally succeeded to the 1907 Hague Regulations. In 1941, the Soviet government issued a note expressing its readiness to apply the provisions of the 1907 Hague Regulations, including Article 14 on the exchange of information related to PoWs, on the condition of their reciprocal application by Nazi Germany and its allies.[34] The proposal was not accepted by Germany, and despite the efforts of the ICRC and some third countries, especially the United States, to make the USSR and Germany accept the regulation, the two States did not have any regular communication related to their PoWs.[35] The same was largely true for the relationship between the USSR and German allies, including those which agreed to provide, and even started providing, information on Soviet PoWs in their power.[36] Moreover, although the USSR

30 See G. Djurović, above note 27, pp. 117–202.

31 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, Geneva, 27 July 1929 (entered into force 27 July 1929), Art. 4(1).

32 Paul des Gouttes, *La Convention de Genève du 27 juillet 1929: Commentaire*, ICRC, Geneva, 1930, p. 31.

33 Bob Moore, "Prisoners of War", in John Ferris and Evan Mawdsley (eds), *The Cambridge History of the Second World War*, Cambridge University Press, Cambridge, 2015.

34 See Dmitry Stratievsky, "Советские военнопленные Второй мировой и гуманитарное право. Могла ли Москва спасти своих граждан?" ["Soviet Prisoners of War in World War II and Humanitarian Law: Could Moscow Have Saved Its Citizens?"], *Журнал российских и восточноевропейских исторических исследований* [*Journal of Russian and East European Historical Studies*], Vol. 1, No. 5, 2014.

35 *Ibid.*, p. 86.

36 ICRC, *Report of the ICRC on Its Activities during the Second World War (September 1, 1939 – June 30, 1947)*, Vol. 2: *The Central Agency for Prisoners of War*, Geneva, 1948, pp. 253–254.

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declared its readiness to share information with the CAPW, it proved very reluctant to do so in practice.[37] Germany adopted a similarly reluctant position, especially with respect to PoWs coming from countries under its occupation.[38]

Despite these flaws, NIBs played an important role during the Second World War. They were established in most countries involved in the conflict, as well as in neutral countries.[39] Many States adopted the same model that they had used during the First World War, establishing NIBs either within State institutions or under the auspices of their National Societies. The former model was used in France, Germany, Japan, the United Kingdom and the United States.[40] The latter model prevailed in Austria, Finland, Hungary, Italy, the Netherlands and South Africa. Similar to the First World War, NIBs generally did not confine their activities to PoWs but extended their services to wounded and sick soldiers and, despite the absence of an explicit legal basis, to civilian internees. Their typical tasks again corresponded to those foreseen in international instruments, such as the collection of information and the making of inquiries. In line with these instruments, the exchange of information took place, within the limits indicated above, through neutral States serving as Protecting Powers, such as Switzerland and Sweden, and through the CAPW.[41] Most NIBs closed after the end of the war, whereas the CAPW has remained in operation to this day,[42] though it is now known as the Central Tracing Agency (see below).

Current legal regulation of NIBs

All four of the 1949 Geneva Conventions contain provisions relating to NIBs.[43] The first three refer to the same NIB that addresses the needs of combatants who are made *hors de combat* (i.e., they are wounded, sick, shipwrecked, dead or in captivity) and

37 *Ibid.*, pp. 253–254.

38 For a general account of the treatment of PoWs during the Second World War, see S. P. MacKenzie, "The Treatment of Prisoners of War in World War II", *Journal of Modern History*, Vol. 66, No. 3,1994.

39 It remains unclear whether the USSR established an NIB during the Second World War. Some sources suggest that it did (see D. Stratievsky, above note 34, p. 86), but they provide no further details. Other sources make no mention of the existence of such a body: see e.g. Alexander Leonidovich Kuzminykh, "Развитие системы органов и учреждений военного плена и интернирования в СССР (1939–1956)" ["Development of the System of Bodies and Institutions of Military Captivity and Internment in the USSR (1939–1956),"], *Вестник Северного (Арктического) федерального университета* [*Bulletin of the Northern (Arctic) Federal University*], Vol. 5, 2011.

40 "Bureaux officiels et semi-officiels de renseignements (Gouvernements et Croix-Rouges)", *International Review of the Red Cross*, Vol. 22, No. 257, 1940.

41 For a detailed overview of the activities of the CAPW during the Second World War, see ICRC, above note 36.

42 See G. Djurović, above note 27, pp. 221–246.

43 See Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949, 75 UNTS 31 (entered into force 21 October 1950) (GC I), Art. 16; Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949, 75 UNTS 85 (entered into force 21 October 1950) (GC II), Art. 19; Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949, 75 UNTS 135 (entered into force 21 October 1950) (GC III), Art. 122; Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950) (GC IV), Art. 136.

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who either fall into the power of the enemy or are received by or found in a neutral or non-belligerent power. Geneva Convention IV (GC IV) deals with an NIB established for certain categories of protected persons – i.e., civilians. The two NIBs, one for combatants *hors de combat* and one for civilians, can either be kept structurally separated or can be merged into one institution. Both categories of persons must, however, be served.

NIBs for combatants *hors de combat*: Establishment, mandate and functions

The NIB for combatants *hors de combat* is primarily regulated by Article 122 of Geneva Convention III (GC III), as well as Articles 16 of Geneva Convention I (GC I) and 19 of Geneva Convention II (GC II). This NIB deals with wounded, sick and dead members of enemy armed forces in the field (GC I), shipwrecked, wounded, sick or dead members of enemy armed forces at sea (GC II), and PoWs (GC III). It must be established "upon the outbreak of a conflict and in all cases of occupation".[44] The obligation is addressed to the parties to the conflict, including Occupying Powers. It also applies to neutral and non-belligerent States that "may have received"[45] PoWs on their territory, or that have wounded, sick or shipwrecked persons in their power, or have found dead persons on their territory.[46] There is no specification as to where the NIB should be located, but the location needs to be such as to enable the NIB to fulfil its tasks, particularly those requiring access to competent national authorities. The practice shows that NIBs tend to have their seats in the capitals, but they may have regional branches. In larger countries or, in the past, empires, separate NIBs may be established for different parts the territory, as was the case in the British Empire during the Second World War (with special NIBs in Canada, South Africa, India, the Middle East, etc.).[47] Separate NIBs, or branches thereof, should also be set up in each occupied territory, though this was rarely done during the First and Second World Wars.[48]

Although the regulation contained in Article 122 of GC III is more detailed than that found in the 1907 Hague Regulations and the 1929 Geneva Convention on PoWs, the main tasks that NIBs are expected to fulfil remain largely unaltered.

44 GC III, Art. 122.

45 *Ibid.*, Art. 122. GC III provides for the accommodation of sick and wounded PoWs in neutral countries during hostilities, and for the possible internment in such countries of other PoWs pursuant to agreement, as alternatives to direct repatriation (Arts 109–111). The ICRC, in its 2020 Commentary on GC III, specifies however that "[n]eutral or non-belligerent States should ensure that this protection is granted to all prisoners of war who have fallen under their control or jurisdiction, and not only when they have received them within their territory". ICRC, *Commentary on the Third Geneva Convention: Convention (III) relative to the Treatment of Prisoners of War*, 2nd ed., Geneva, 2020 (2020 Commentary on GC III), para. 4705.

46 GC I, Art. 4; GC II, Art. 5. In its 2016 Commentary on GC I, the ICRC notes that "[i]t is immaterial which factors explain this presence, and whether such presence is lawful or unlawful as a matter of international or national law". See ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd ed., Geneva, 2016, para. 924.

47 ICRC, above note 36, p. 146.

48 2020 Commentary on GC III, above note 45, para. 4703.

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These tasks are fourfold.[49] First, NIBs shall collect and centralize information about interned combatants *hors de combat*, including the deceased retrieved from the battlefield. This information encompasses data enabling the identification of such individuals as well as information relating to their situation. The former shall always include surname, first name(s), date of birth, indication of the power on which the person depends, and army, regimental, personal or serial number.[50] For PoWs, it shall also include rank, place of birth, the first name of the father and maiden name of the mother, the name and address of the person to be informed, and the address to which correspondence for the prisoner may be sent.[51] For the wounded, sick, shipwrecked and dead, it shall include "any other particulars shown on his identity card or disc".[52] These lists are merely illustrative.[53] NIBs may collect other information as long as it is gathered lawfully, for instance while respecting the limits on information that PoWs are required to provide under Article 17(1) of GC III, and provided that its collection or dissemination does not expose protected persons to risks.

The information relating to the situation of protected persons shall include, for the wounded, sick and shipwrecked, the date and place of capture or death and particulars concerning wounds or illness, or cause of death;[54] and for PoWs, information regarding "transfers, releases, repatriations, escapes, admissions to hospital, and deaths",[55] as well as regular updates on the state of health of those who are seriously ill or seriously wounded.[56] The standards of medical ethics, including the principle of confidentiality, must be respected.[57] For dead persons, death certificates or certified lists containing information about the location of the graves must be secured.[58] The information shall be gathered not by the NIB itself but by other relevant national authorities, such as PoW camp administrators, military or civilian hospitals, or the Graves Registration Service, which shall pass it over to the NIB "as soon as possible"[59] or "within the shortest possible period".[60] These terms must be defined in light of the circumstances and of the available means of communication.[61] Article 122(5) specifies that for the

49 See M. Sassòli, above note 1, pp. 10–13; "Note on the National Information Bureau", above note 1, pp. 837–848.

50 GC I, Art. 16; GC II, Art. 19; GC IV, Art. 122(4).

51 GC III, Art. 122(4). The list is almost identical to the one found in Article 4 of the 1929 Geneva Convention, though it no longer contains "unit", since some States considered that this information could be of military significance and hence should not be shared with the enemy. See 2020 Commentary on GC III, above note 45, para. 4782. See also Article 17 of GC III, which indicates the information that PoWs are required to provide at the beginning of captivity.

52 GC I, Art. 16; GC II, Art. 19.

53 "Note on the National Information Bureau", above note 1, p. 839.

54 GC I, Art. 16; GC II, Art. 19.

55 GC III, Art. 122(5).

56 *Ibid.*, Art. 122(6).

57 "Note on the National Information Bureau", above note 1, p. 843.

58 See GC III, Art. 120; GC I, Art. 17.

59 GC I, Art. 16; GC II, Art. 19.

60 GC III, Art. 122(2).

61 "Note on the National Information Bureau", above note 1, p. 838.

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seriously ill or wounded, information must be supplied regularly, every week if possible.

The second task of NIBs is to transmit information about protected persons to the power on which they depend. Similarly as under Article 77 of the 1929 Geneva Convention on PoWs, the transmission shall take place through two channels: the Protecting Powers and the Central Prisoners of War Information Agency. The latter body, foreseen by Article 123 of GC III, was not established anew. Rather, the CAPW, set up in 1939, started assuming this role. Since the mandate of the CAPW was not limited to PoWs but also encompassed other protected persons, including interned civilians, its name was changed to the Central Tracing Agency (CTA) in 1960.[62] The information to be transmitted by the two channels is identical, and this repetition serves to increase the chance that the information will reach its addressees.[63] In practice, the institution of Protecting Powers has rarely been used since 1949[64] and the main channel has thus been that of the CTA. The CTA shall transmit the information to "the Power concerned",[65] which means the country of origin of the protected persons or the power on which they depend.[66] If the country and the power are not identical, the interests of the persons and the final purpose of the transmission – namely, to make the information available to the families – shall guide the choice.[67] The transmission must take place "immediately" and "by the most rapid means"[68] between the NIB and the CTA, and "as rapidly as possible"[69] between the CTA and the power concerned. These terms must again be interpreted in light of circumstances and of the available means of communication.[70]

The third task of NIBs is replying to enquiries. The authors of enquiries are not specified, but they usually encompass the country of the protected persons, the CTA, National Societies, members of the families of protected persons, and other parties with a legitimate interest in knowing the whereabouts of those persons.[71] NIBs shall reply to enquiries based on the information they have collected and centralized (under the first task described above). If this information is not sufficient,

62 ICRC, "The Central Tracing Agency", *Cross-Files*, 30 August 2020, available at: https://blogs.icrc.org/cross-files/research-guide-agency/.

63 2020 Commentary on GC III, above note 45, para. 4731.

64 Protecting Powers have been designated in only a few conflicts since 1949, namely the Suez conflict in 1956 (Egypt v. France/the UK), the conflict between France and Tunisia (1961), the Goa Crisis in the same year (India v. Portugal) and the Falklands/Malvinas conflict in 1982 (UK v. Argentina). See 2020 Commentary on GC III, above note 45, para. 1297. See also ICRC, *Commentary on the Fourth Geneva Convention: Convention (IV) relative to the Protection of Civilian Persons in Time of War*, 2nd ed., Geneva, 2025 (2025 Commentary on GC IV), para. 1337.

65 GC III, Art. 122(3).

66 *Ibid.*, Art. 123. See also 2020 Commentary on GC III, above note 45, para. 4733.

67 2020 Commentary on GC III, above note 45, para. 4835.

68 GC III, Art. 122(3).

69 *Ibid.*, Art. 123.

70 2020 Commentary on GC III, above note 45, para. 4745.

71 M. Sassòli, above note 1, p. 13; "Note on the National Information Bureau", above note 1, p. 846.

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NIBs need to make their own "enquiries"[72] to obtain the relevant information. NIBs are not instructed to reply to enquiries within any specific time limit, but they should seek to do so promptly. If they are unable to collect the relevant information, they shall inform the author of the enquiry and keep the enquiry open until they will be in a position to provide an adequate reply. In exceptional cases, they may decline to provide information if that would be against the wishes of the protected persons or could expose those persons or members of their families to risks.[73]

Fourthly, NIBs shall collect personal valuables, including currencies other than that of the Detaining Power and documents of importance to the next of kin, left by PoWs who have been repatriated or released, or who have escaped or died.[74] The value of such items is not necessarily only material or monetary, as the category includes articles of an intrinsic or sentimental value (e.g., family photos or wedding rings).[75] The regulation specifies that the items need to be sent in sealed packets, accompanied by statements giving clear and full particulars of the identity of the person to whom the items belonged, and by a complete list of the contents of the parcel.[76] It may be useful to recall here that any mail sent by NIBs or the CTA shall be free from postage.[77] While this rule applies to all types of communication, in the age of email and SMS it is likely to be more relevant to the transmission of material objects.[78]

The four tasks discussed above are explicitly stipulated in the Geneva Conventions. States may however entrust NIBs with other tasks as well.[79] The 2020 ICRC Commentary on GC III divides these additional tasks into two categories.[80] The first category encompasses tasks carried out on behalf of protected persons of the adverse party who are in the hands of the State to which the NIB belongs: these tasks may consist in collecting information other than that stipulated in Articles 16 of GC I, 19 of GC II and 122 of GC III;[81] transmitting information other than that foreseen by the same provisions (e.g., judicial records[82]); or forwarding the correspondence of protected persons to their families.[83] The other category consists of tasks carried out on behalf of protected persons who belong to the same party as the NIB but who are in enemy hands or have been received in neutral countries. In these cases, the NIB may act as the primary contact for families; it can obtain information

72 GC III, Art. 122(7). Unusually, the same term "enquiry" is used to refer both to requests made by families and other actors to the NIB, and to the NIB's own searches for the relevant information.

73 See "Note on the National Information Bureau", above note 1, pp. 846–847; 2020 Commentary on GC III, above note 45, paras 4750–4761.

74 GC I, Art. 16; GC II, Art. 19; GC III, Art. 122(9).

75 See "Note on the National Information Bureau", above note 1, p. 84.

76 GC III, Art. 122(9).

77 *Ibid.*, Art. 124.

78 2020 Commentary on GC III, above note 45, para. 4767.

79 See M. Sassòli, above note 1, pp. 16–22.

80 2020 Commentary on GC III, above note 45, para. 4773.

81 See, for instance, GC III, Arts 30(4), 54(2), 68(2), 76 or 106.

82 See *ibid.*, Arts 104, 107.

83 See *ibid.*, Art. 71.

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from the CTA, Protecting Powers or counterpart NIBs regarding persons held by the adverse party, transmit such information to families, and gather responses from them for onward transmission.[84]

NIBs for civilians (protected persons): Establishment, mandate and functions

NIBs for civilians (or, more precisely, protected persons[85]) are regulated mainly by Articles 136–141 of GC IV. The regulation is in many ways similar to that found in GC III: the NIB shall again be established "upon the outbreak of a conflict and in all cases of occupation",[86] and shall have the four main tasks of collecting and centralizing information about protected persons in custody, transmitting this information to the powers concerned, replying to enquiries regarding protected persons in custody, and collecting personal valuables left by protected persons in custody and forwarding them to those concerned.[87] Some additional tasks may again be entrusted to the NIB, such as transmitting information on missing persons[88] or helping to establish links between civilian persons from the NIB's country interned by the enemy and their families. Similar to GC I–III, the transmission of information shall take place through the two channels of Protecting Powers and the CTA and shall be carried out "immediately" and "by the most rapid means".[89]

Despite these overlaps, the two regulations also show differences. This is so due to the obvious fact that they serve different categories of persons: whereas GC III focuses on combatants *hors de combat*, GC IV deals with civilians. Detaining Powers tend to keep a much more attentive eye on those belonging to the first group, as the purpose of the internment is to prevent them from rejoining their armed forces and taking part in hostilities again.[90] PoWs and wounded, sick and shipwrecked enemy combatants thus tend to be under rather strict control, and the Detaining Power keeps track of their whereabouts in its own interest and for its own needs. Civilian persons protected by GC IV, whether they are located in the territory of one of the parties to the conflict or in occupied territories, are not usually subject to the same

84 2020 Commentary on GC III, above note 45, para. 4775.

85 GC IV applies to protected persons, who are defined as "those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals" (GC IV, Art. 4(1)), and who do not fall under the scope of application of GC I–III (GC IV, Art. 4(4)). Protected persons under GC IV thus form a subcategory of civilians who find themselves in the hands of a party to the conflict of which they are not nationals, subject to certain nationality-based exclusions (e.g., for nationals of neutral countries).

86 GC IV, Art. 136(1).

87 *Ibid.*, Arts 136–139.

88 See Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1125 UNTS 3, 8 June 1977 (entered into force 7 December 1978) (AP I), Art. 33.

89 GC IV, Art. 137.

90 2025 Commentary on GC IV, above note 64, para. 2895.

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level of monitoring. Although the situation differs from one conflict to another,[91] it is not as common for the parties to the conflict to keep all enemy civilians on their territory or in occupied territories under strict surveillance.[92] Instead, they tend to exercise a general control over such persons, looking for signs of hostile and subversive activities and reacting (only) to them. The parties to the conflict are entitled to temporarily intern individual enemy civilian persons if their own security concerns make it absolutely necessary,[93] but the control over interned civilians tends to be looser than that exercised over detained combatants *hors de combat*. Differences in the perceived threat posed by the two groups thus determine the differences in their legal regulation in various ways.

First, NIBs set up under GC III exercise their tasks (collection of information, replying to inquiries etc.) with respect to all combatants *hors de combat* who are in the power of the enemy (or a neutral) State. NIBs set up under GC IV exercise most of these tasks with respect to three particular segments of protected persons, namely "those who are kept in custody for more than two weeks, who are subjected to assigned residence or who are interned".[94] Based on the experience of the Second World War, when a large number of persons disappeared without trace, the obligation to collect and transmit information is not limited to interned civilians but extends to other categories of detained protected persons as well; the nature of the detention is thus irrelevant to the application of the provision. In addition, specific tasks are imposed on NIBs with respect to seriously ill or seriously wounded civilian internees[95] and deceased civilian internees.[96] These rules closely mirror those for combatants *hors de combat*.[97]

Second, GC IV lays down that NIBs for civilians shall be "responsible for taking all necessary steps to identify children whose identity is in doubt in occupied territory. Particulars of their parents or other near relatives should always be recorded if available."[98] This provision applies to children living or staying in occupied territories, though the collection of information for the purpose of the identification of children does not need to be carried out only in that area. Unlike the

91 During the Second World War, many States involved in the conflict (e.g., Germany, Japan, the United Kingdom and the United States) resorted to a protracted and massive internment of enemy civilians located in their territory. See Van Waterford, *Prisoners of the Japanese in World War II*, McFarland, Jefferson, NC, 1994; John E. Schmitz, *Enemies Among Us: The Relocation, Internment, and Repatriation of German, Italian, and Japanese Americans during the Second World War*, University of Nebraska Press, Lincoln, NE, 2021.

92 See Marco Sassòli, "Internment", in Rüdiger Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law*, Oxford University Press, Oxford, 2013, available at: https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e313.

93 See GC IV, Art. 42.

94 *Ibid.*, Art. 136(2).

95 *Ibid.*, Art. 138(2).

96 *Ibid.*, Art. 130. See also Helen Obregón Gieseken and Ximena Londoño, "Dignity in Death: International Humanitarian Law and the Protection of the Deceased in War", *International Review of the Red Cross*, Vol. 107, No. 929, 2025.

97 Articles 122(6) of GC III and 17 of GC I for the former category and Article 120 of GC III for the latter category.

98 GC IV, Art. 50(4).

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other tasks, this one is not limited to children deprived of liberty but, rather, applies to all children whose identity is uncertain. NIBs shall "take all necessary measures" to establish such identity, which suggests that the obligation is one of conduct rather than of result. Article 50 of GC IV also requires that these tasks shall be carried out by "a special section" of the NIB. This provision constitutes the only guidance in the Geneva Conventions concerning the internal organization of NIBs. No equivalent provision exists in GC I–III, as it is not expected that the category of combatants *hors de combat* would include children.[99]

Third, the obligation to establish an NIB under GC IV applies solely to belligerent parties and not to neutral States as is the case under GC III. This is so despite the fact that GC IV also foresees the option of accommodating civilians, including children, in neutral countries.[100] The 1958 ICRC Commentary on GC IV notes that the relevant provision was deleted from the draft upon the initiative of the ICRC, which considered that civilians residing in neutral countries would in many cases be able to reach out to their families by common means and that they might object to information about them being communicated to certain authorities.[101]

This relates to a fourth distinction, which concerns the type of information to be, or not to be, collected and transferred to the State of nationality or residence of civilians. This difference again reflects, in part, the contrasting characteristics of the two groups: for example, civilians do not have a rank, military unit or personal or service number to report. More importantly, however, civilians are granted a formal say as to whether information about them shall be communicated to the State of their nationality or residence.[102] If they decide that this could be detrimental to them or their families, the NIB will share information about them only with the CTA and will refrain from its transmission to any third persons or outside authorities.[103] Such a regulation does not feature in GC III, and it was included in GC IV mainly to accommodate the needs of civilians who have fled the State of their nationality or residence out of fear of persecution.[104]

99 Article 77(2) of AP I prohibits recruitment of children under the age of 15, while the 2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict raises the minimum age for recruitment to 18. Article 77(1) of AP I generally holds that children "shall be the object of special respect". See also Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: *Rules*, Cambridge University Press, Cambridge, 2005 (ICRC Customary Law Study), Rule 135, available at: https://ihl-databases.icrc.org/en/customary-ihl/rules. For more details, see Vanessa Bramwell, "Protecting Children in Armed Conflict", in Damien Rogers (ed.), *Human Rights in War*, Springer, Singapore, 2021.

100 GC IV, Arts 132(2), 24(2).

101 Jean Pictet (ed.), *Commentary on the Geneva Conventions of 12 August 1949*, Vol. 4: *Geneva Convention relative to the Protection of Civilian Persons in Time of War*, ICRC, Geneva, 1958 (1958 Commentary on GC IV). See also 2025 Commentary on GC IV, above note 64, para. 6101.

102 GC IV, Art. 137(2).

103 1958 Commentary on GC IV, above note 101, p. 531.

104 2020 Commentary on GC III, above note 45, para. 4701; but see also paras 4735, 4737, 4755 (noting that the absolute character of the obligation must be reconciled with protection against the transmission of information that might be detrimental to the PoWs concerned and/or their families).

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Aspects of the legal regime left unregulated

The previous subsections have explained the current legal regulation of NIBs as laid down in GC I–III and GC IV, yet there are also certain aspects that are deliberately left unregulated. One concerns the operation of NIBs in NIACs. The only provision of the Geneva Conventions applicable in NIACs, common Article 3, does not refer to NIBs, and the same is true for the 1977 Additional Protocol II to the Geneva Conventions (AP II), which is applicable in some of these conflicts.[105] There is thus no legal obligation to establish NIBs in NIACs. At the same time, under customary IHL, as identified by the ICRC, States as well as non-State parties to a conflict have the obligation to record all available information about people deprived of their liberty and the deceased,[106] to allow any persons in their detention to get in touch with their families subject to reasonable conditions related to frequency and the need for censorship by the authorities,[107] and to "take all feasible measures to account for persons reported missing as a result of armed conflict and … provide their family members with any information [they have] on their fate".[108] Having access to information on the fate and whereabouts of family members is also considered one of the requirements of the respect for family life.[109] This understanding has been reflected in recent discussions on missing persons in armed conflict, including in relation to NIACs: during a 2019 UN Security Council discussion, Germany explicitly noted that "governments, armed forces and armed groups have an obligation to provide information and to help reunite families".[110] The reference to both States and non-State groups suggests that this obligation is understood to apply in armed conflicts of any type.

The rules introducing these obligations do not formally require the establishment of any organ, but it might be difficult to fulfil the obligations in the absence of special institutional structures. NIBs are logical candidates for this role. As the 2020 ICRC Commentary on GC III suggests, "[i]n some cases, the bureau's authority to collect, centralize and transmit information … may cover all types of armed conflicts, whether international or non-international".[111] In its operational practice, the ICRC has recommended parties to NIAC to appoint a person or committee that would collect information about all conflict-related detainees, people reported missing and dead persons who are under the control of any group fighting on behalf of

105 More specifically, AP II applies in some NIACs, namely those "which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol". Protocol Additional (II) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 1125 UNTS 609, 8 June 1977 (entered into force 7 December 1978) (AP II), Art. 1(1).

106 ICRC Customary Law Study, above note 99, Rules 116, 123.

107 *Ibid.*, Rule 125.

108 *Ibid.*, Rule 117.

109 *Ibid.*, Rule 105.

110 *Missing Persons in Armed Conflict*, UN Doc. S/PV.8543, 11 June 2019, p. 9.

111 2020 Commentary on GC III, above note 45, para. 4715.

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that party or located in territory under its control; to coordinate the search for people reported missing; and to transmit the aforementioned information to an independent and impartial body such as the ICRC.[112] The establishment of NIBs in any type of armed conflict has also been encouraged, though not mandated, by the UN Security Council.[113] It may therefore be concluded that "[t]here is no obligation to establish NIBs in non-international armed conflicts, but it is possible to do so if deemed useful to give effect to IHL rules applicable in a given context".[114]

The second aspect not addressed by the regulation pertains to the establishment of NIBs in times of peace. The Geneva Conventions do not contain this requirement, which is understandable since most IHL rules apply only in times of armed conflict. However, as NIBs must be set up immediately "upon the outbreak of a conflict and in all cases of occupation",[115] it might be useful to start preparations already in times of peace. Such preparations may consist in adopting the relevant legislation, drafting rules for the operation of a future NIB or even formally establishing an NIB and entrusting it with some tasks.[116] Making such preparatory steps has a long tradition: following the adoption of the 1907 Hague Convention IV, several National Societies, at the request of their States, began preparations for the establishment of NIBs, which then became fully operational at the outbreak of the First World War. This was so in the Russian Empire and in the Netherlands.[117] However, virtually no NIB continued its activities after 1918, and they had to be re-established when the Second World War broke out. After 1945, some NIBs remained in place and were either closed upon the completion of their mandate later (e.g., France) or have remained in place, often under a different name (e.g., the Netherlands). Since 1945, several States have designated, in peacetime, an entity – in the State administration or the National Society – to operate an NIB in the event of armed conflict. Cases in point include Norway (1959), Slovenia (1993), Argentina (2004) or Paraguay (2010).[118] In 1986, the International Conference of the Red Cross and Red Crescent adopted a resolution in which it urged States to "consider taking such measures as may be necessary to institute their National Information Bureau in peacetime in order for it to fulfil its tasks as soon as possible at the outbreak of an armed conflict".[119]

112 ICRC, *Non-State Armed Groups and the Separated, Missing and Dead: Obligations under International Humanitarian Law and Examples of How to Implement Them*, Geneva, 2025, p. 37. Article 3 common to the four Geneva Conventions (common Article 3) allows the parties to a NIAC to conclude special agreements in order to bring into force all or part of the provisions of the Conventions. This avenue could be used to agree on the establishment of mechanisms similar to NIBs.

113 UNSC Res. 2474, 11 June 2019, para. 9.

114 ICRC, *Overview of the Legal Framework Governing National Information Bureaux*, Geneva, April 2022, p. 1, available at: https://shop.icrc.org/overview-of-the-legal-framework-governing-national-information-bureaux-pdf-en.html.

115 GC III, Art. 122(1); GC IV, Art. 136(1).

116 2020 Commentary on GC III, above note 45, paras 4702–4704; 2025 Commentary on GC IV, above note 64, paras 6106, 6109.

117 See I. A. Ovchinnikov, above note 20; Onderzoeksgids Oorlogsgetroffenen WO2, above note 25.

118 For more details, see the section below on "NIBs in Countries Not Involved in Armed Conflicts".

119 25th International Conference of the Red Cross and Red Crescent (25th International Conference), Res. XIV, "National Information Bureau (NIB)", 31 October 1986. See also 25th International Conference,

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The third issue which has been largely left to the discretion of States is the organization of NIBs. The Geneva Conventions do not go beyond indicating that once involved in an armed conflict (for parties to the conflict, including Occupying Powers) or upon receiving or finding combatants *hors de combat* on their territory (for neutral and non-belligerent powers), States must immediately establish an NIB. The NIB must be able to accomplish all the tasks assigned to it under the Conventions, and a special section of the Bureau must be set up for children whose identity is in doubt.[120] Furthermore, under GC III, States need to ensure that their NIB "is provided with the necessary accommodation, equipment and staff to ensure its efficient working",[121] and they are "at liberty to employ prisoners of war in such a Bureau".[122] All other aspects of the organization and operation of NIBs are to be determined by the relevant States. This involves several important choices. Should the NIB be a special, separate institution or should its competences be conferred on one or more existing institutions? Should there be just one NIB in the country, responsible for both enemy combatants *hors de combat* and protected persons under GC IV, or should two separate bodies be established, one under GC I–III and the other under GC IV? On which national legal basis (statutory law, executive decree etc.) should NIBs operate? And should they be part of the State apparatus or be run by National Societies? The next section will show how these questions have been addressed in practice.

NIBs in the contemporary world

There is no comprehensive global database of NIBs, and finding information about the existence and, even more so, the activities of NIBs is not easy. This paper primarily relies on data collected from publicly available sources, including the websites of some NIBs. It also uses information obtained through email communication with several national committees for the implementation of IHL and information kindly shared by the Czech Red Cross, which conducted its own survey on the situation in EU countries in 2025.[123] The data reveals that so far, a relatively limited number of States have either established NIBs or, at least, have taken preparatory measures for their establishment. In 2021, the ICRC put this number at twenty-six.[124] The figure has increased to thirty-three as of March 2026.[125]

Res. XIII, "Obtaining and Transmitting Personal Data as a Means of Protection and of Preventing Disappearances", 31 October 1986.

120 GC IV, Art. 50(4).

121 GC III, Art. 122(1).

122 *Ibid.*, Art. 122(1).

123 I would like to express my gratitude to the Czech Red Cross and its president, Marek Jukl, for providing this information.

124 ICRC, *Bringing IHL Home through Domestic Law and Policy: Report of the Fifth Universal Meeting of National Committees and Similar Entities on International Humanitarian Law*, 2021, p. 23.

125 Figure communicated by the ICRC, on file with author.

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The relevant countries may be divided into two broad categories. The first comprises States that are currently, or were recently, engaged in armed conflict, either within their own borders or through the deployment of their armed forces abroad. In such States, NIBs have usually been established and made operational during the period of conflict and, in some cases, have continued to function thereafter. The second category includes States that are not presently, nor have recently been, involved in armed conflict. In these States, NIBs have either been set up with specific tasks or preparatory steps have been taken toward their establishment.

NIBs in countries involved in armed conflicts

In line with their obligations under the Geneva Conventions, several countries which are or have recently been involved in armed conflicts have established NIBs. This is mainly the case for countries that have been involved in intensive and protracted IACs with their neighbours, such as the conflicts between Armenia and Azerbaijan and between the Russian Federation and Ukraine. These four countries have established NIBs which remain functional at the time of writing (2026).

Armenia and Azerbaijan were engaged in a long-standing territorial dispute over the Nagorno Karabakh region from the 1990s to 2023. Azerbaijan established the State Commission on Prisoners of War, Hostages and Missing Persons, which is mandated to perform NIB functions, in the 1990s.[126] It is a State body, chaired by the head of the State Security Service and composed of high-ranking officials from multiple ministries and other State bodies. Although its mandate includes collecting information about Armenian PoWs and civilian internees in line with the Geneva Conventions, the body is mainly tasked with ensuring the return of Azerbaijani PoWs and civilian internees, searching for Azerbaijani missing persons, investigating violations of the Geneva Conventions committed against Azerbaijani protected persons by Armenia, and coordinating the activities of State bodies and other entities in this area. Armenia, for its part, set up the Interagency Commission on Prisoners of War, Hostages and Missing Persons, performing the tasks of an NIB, in 2000.[127] Its composition and mandate resemble those of its Azerbaijani counterpart: it too is a State body, chaired by the director of the National Security Service and composed of representatives of various State agencies. Its mandate is again mainly focused on collecting and verifying data on Armenian PoWs and interned civilians, coordinating efforts for their release and return, and searching for missing persons. The two institutions thus primarily serve the needs of the citizens of their own countries.

The Russian Federation and Ukraine both established their NIBs in 2022, shortly after the escalation of the armed conflict between the two countries. According to the information available on the website of its Ministry of Defence, the Russian Federation established the Information Bureau for POWs in February

126 The current regulation is contained in Presidential Decree of the Azerbaijan Republic No. 536, 18 July 2001. For more information about the Commission, see its website at: http://human.gov.az/az/index.html.

127 The current regulation is contained in Prime Minister's Decree No. 1236-A, 20 October 2022. The Commission does not seem to have a dedicated website.

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2022.[128] The Bureau is located in the Ministry of Defence, and its mandate, as the title suggests, is limited to PoWs and does not extend to protected persons under GC IV. The main task of the Bureau should be collecting and transmitting information about Ukrainian PoWs, and it should also be able to respond to inquiries. However, it is very difficult to find any information about its actual activities.

Ukraine assigned the tasks of an NIB to the already existing Ukrainian National Centre for Peacebuilding, a State institution within the Ministry of Reintegration of the Temporarily Occupied Territories of Ukraine,[129] which was set up in 2021 "to ensure effective monitoring and documentation of violations of international law by the Russian Federation and to bring it to international legal responsibility for carrying out armed aggression against Ukraine".[130] From March to May 2022, the mandate of the institution only covered PoWs, but it was then expanded to include persons protected by GC IV as well;[131] in 2024, the institution was moved to the Ministry for Development of Communities and Territories of Ukraine. The body, now mostly referred to as the National Information Bureau for Prisoners of War, Forcibly Deported and Missing Persons, has two main functions. First, it accomplishes the tasks foreseen by Geneva Conventions: it collects and centralizes information about Russian PoWs and interned civilians, it transmits this information through the CTA to Russia, and it replies to enquiries about such persons.[132] Second, it collects and centralizes information about Ukrainian PoWs, civilian internees and missing persons. This second function constitutes a significant part of the body's activities, and accordingly, a lot of the information available on its website is directed toward Ukrainian citizens.[133]

It is interesting to note that in both Russia and Ukraine, the establishment of an NIB was actively advocated for by civil society. In the Russian Federation, a number of non-governmental organizations issued, in March 2022, an open letter addressed to the prime minister and other official figures, recapitulating the obligations stemming for the country from GC III and calling upon the Russian

128 Centre for Analysis of the World Arms Trade, "Замминистра обороны России Александр Фомин провел брифинг для иностранных военных атташе" ["Russian Deputy Defense Minister Alexander Fomin Holds Briefing for Foreign Military Attachés"], 4 August 2022, available at: https://armstrade.org/includes/periodics/news/2022/0804/095568797/detail.shtml.

129 Cabinet of Ministers of Ukraine, Order No. 228, "Про визначення державного підприємства, яке виконує функції Національного інформаційного бюро" ["On the Definition of a State Enterprise that Performs the Functions of the National Information Bureau"], 17 March 2022. For more information about the Commission, see its website at: https://nib.gov.ua/en/.

130 National Security and Defence Council of Ukraine, Decision No. 226/2021, "Про деякі питання активізації процесу мирного врегулювання ситуації в Донецькій та Луганській областях" ["About Some Issues of Activation of the Process of Peaceful Settlement of the Situation in Donetsk and Luhansk Regions"], 2 June 2021, Art. 1(6).

131 Cabinet of Ministers of Ukraine, Order No. 434, "Питання виконання Женевської конвенції про захист цивільного населення під час війни від 12 серпня 1949 року" ["The Issue of Implementation of the Geneva Convention on the Protection of the Civilian Population in Time of War of August 12, 1949"], 31 May 2022.

132 Ukraine NIB, "Results of the National Information Bureau for the First Year", 17 March 2023, available at: https://nib.gov.ua/en/news/rezultati-roboti-natcionalnogo-informatcijnogo-byuro-za-pershij-rik/.

133 See the Ukraine NIB website, available at: https://nib.gov.ua/en/.

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authorities to set up an NIB and to inform the public about its activities.[134] The letter confirms that information about the NIB, which should have been established in February 2022, was not easily accessible. In Ukraine, a member of the bar association Attorneys United filed a claim to a court against the Cabinet of Ministers in 2015, arguing that the failure by the Cabinet to establish an NIB under GC IV significantly complicated his ability to provide adequate and full legal assistance to clients from the parts of Crimea or Donbas controlled by the Russian Federation. The claim was rejected on procedural grounds, in 2018, but the District Court of Kyiv adjudicating it also noted that Article 136 of GC IV did not establish an individual right to have an NIB set up.[135] The obligation to do so, stemming from the Geneva Conventions, would thus be of a purely inter-State nature.

In addition to States involved in IACs with their neighbours, some countries that have participated in military interventions far from their own territory have likewise established NIBs or have made preparatory arrangements for their establishment. In France, the General Staff issued a circular in February 2010 which set out the responsibilities and functioning of the National Information Bureau on Prisoners of War.[136] This body shall be "responsible for communicating to the nation … information concerning PoWs in the hands of the French armed forces",[137] and shall also receive information about French PoWs detained by other States. The mandate is similar to that of the Prisoner of War Information Bureau (PWIB), a body operating in the United Kingdom. The PWIB is managed by Veterans UK, an executive agency of the Ministry of Defence working under the authority of the deputy chief of the defence staff (personnel). In peacetime, it is in standby mode; it is activated when an armed conflict breaks out, primarily when the UK is involved in a military intervention abroad, and then serves as "the single UK repository for information on persons protected under the Geneva Conventions [and] provide[s] such information to the ICRC and all other entitled parties".[138] It operates in parallel with the Civilian Information Bureau, run by the Home Office, which deals with foreign nationals held in captivity within the UK. Together, these two bodies form the UK

134 For Human Rights, "Создание Национального справочного бюро по делам военнопленных и другие шаги для выполнения международных обязательств России" ["Creation of a National Information Bureau for Prisoners of War and Other Steps to Fulfil Russia's International Obligations"], 31 March 2022, available at: www.zaprava.ru/sozdanie-nacionalnogo-spravochnogo-byuro-po-delam-voennoplennyx-i-drugie-shagi-dlya-vypolneniya-mezhdunarodnyx-obyazatelstv-rossii/.

135 District Administrative Court of Kyiv, Case No. 826/10645/15, 1 October 2018, available at: https://reyestr.court.gov.ua/Review/76848843.

136 Circulaire No. 126/DEF/EMA/ESMG/JUROPS relative au bureau national de renseignements sur les prisonniers de guerre, 2 February 2010, available at: https://www.legifrance.gouv.fr/download/pdf/circ?id=30741.

137 *Ibid.*

138 International Conference of Governmental and Non-Governmental Experts, *The Missing: Action to Resolve the Problem of People Unaccounted for as a Result of Armed Conflict or Internal Violence and to Assist Their Families*, 2003, p. 36. See also Nick Larkin, "The UK Experience in the Establishment and Operation of Its National Information Bureau", in *Report of the Second Universal Meeting of National Committees on International Humanitarian Law*, ICRC, March 2007.

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NIB.[139] The activation of the PWIB occurred, for instance, during the war in Iraq in 2003.[140]

In the United States, the functions of NIBs, both under GC I–III and under GC IV, are performed by the National Detainee Reporting Centre (NDRC), formerly known as the National Prisoner of War Information Centre.[141] Established by the Secretary of the Army and falling under the Office of the Provost Marshal General, the body was put in operation, for instance, during Operation Desert Storm in 1991 and Operation Iraqi Freedom in 2003. US Joint Publication 3-63, *Detainee Operations*, describes the NDRC as "the national-level center that accounts for all persons who pass through the care, custody, and control of the Department of Defense and that obtains and stores information concerning detainees and their confiscated personal property".[142] The NDRC collects information on enemy PoWs and protected persons detained by the US military, communicates this information to the CTA, and performs all the other tasks – and, it seems, only those tasks – foreseen for NIBs under the Geneva Conventions.[143] It should be distinguished from the Defence POW/MIA Accounting Agency (DPPA), which was established in 2015 to locate, recover and identify US military personnel who had become PoWs or gone missing in action during past armed conflicts since the Second World War.[144] The DPAA's mandate is therefore retrospective and focused on accounting for personnel from historical conflicts; it does not address current US PoWs or other contemporary detention cases involving US military personnel. Unlike some of the previously mentioned countries, the United States thus maintains a strict separation between the NDRC, which performs the functions of an NIB, and the DPPA, which focuses on US military personnel detained abroad.

States involved in NIACs have not established formal NIBs, and there is indeed no legal obligation for them to do so. Some have, however, set up bodies with *prima facie* similar functions, mainly those of collecting and managing information about interned persons. Yet in reality, these bodies are conceived differently from classical NIBs. Their work is embedded in domestic institutional frameworks, they gather information on individuals belonging to all parties to the conflict, with no formal information-sharing mechanisms between parties to the conflict, and they do not communicate with the CTA. This is so even in conflicts where parties have characterized detained enemy fighters as PoWs. In many cases, moreover, such bodies

139 UK Ministry of Defence. *Captured Persons*, JDP 1-10, 4th ed., September 2020, pp. 155–156.

140 European Court of Human Rights, *Hassan v. United Kingdom*, Appl. No. 29750/09, Judgment (Grand Chamber), 16 September 2014, para. 20.

141 See US Department of Defense, *Law of War Manual*, June 2015 (updated July 2023), §§ 9.31 (National PoW Information Bureau), 10.31 (National Protected Person Information Bureau).

142 US Joint Chiefs of Staff, *Detainee Operations*, JP 3-63, 13 November 2014, p. GL-3.

143 See US Departments of the Army, the Navy and the Air Force, *Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees*, AR 190-8/OPNAVINST 3461.6/AFI 31-304/MCO 3461.1, 1 October 1997; US Department of Defense, *The Department of Defense Detainee Program*, DODD 2310.01E, 15 March 2022.

144 For more information, see the DPAA website at: www.dpaa.mil.

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primarily focus on missing persons, and as such, they usually operate as instruments of transitional justice and peacebuilding processes rather than as mechanisms grounded in IHL.

Thus, Colombia, which has been engaged in a protracted NIAC with various non-State armed groups for more than six decades, set up, in 2017, the Search Unit for Missing Persons (Unidad de Búsqueda de Personas dadas por Desaparecidas, UBPD).[145] This body makes up part of the Comprehensive System for Peace (previously the Comprehensive System for Truth, Justice, Reparation and Non-Repetition), created following the Final Peace Agreement between the Government of Colombia and the Revolutionary Armed Forces of Colombia – People's Army. The system also includes the Special Jurisdiction for Peace and the Commission for the Clarification of Truth, Coexistence and Non-Recurrence.[146] Within this framework, the UBPD has a specific mandate to search for, locate and identify persons who disappeared in connection with the armed conflict, thereby contributing to the broader objectives of truth, justice, reparation and guarantees of non-recurrence. Likewise, after the end of a NIAC with the Liberation Tigers of Tamil Eelam (1976–2009), Sri Lanka established, in 2018, an Office on Missing Persons with the mandate to clarify "the fate and whereabouts of persons who went missing or were disappeared in connection with the conflict, political unrest or civil disturbances, or as a result of enforced disappearances".[147]

During the civil war in South Sudan (2013–20), thousands of people were detained by parties to the conflict or went missing. The 2018 peace agreement provided for an immediate release of "Prisoners of War (PoWs) and detainees".[148] The implementation of the agreement has been monitored and overseen by the Reconstituted Joint Monitoring and Evaluation Commission, which has also followed the progress of the release and has occasionally reported serious instances of non-compliance.[149] In 2021, the Ministry of Humanitarian Affairs and Disaster Management established a technical working group on missing persons, composed of representatives of several State organs, civil society and the South Sudan Red Cross, with the support of the ICRC.[150] In the same year, Sudan, also recovering from a NIAC, set up a committee to review the cases of detainees and missing persons.[151] This committee is composed of representatives of the army, police,

145 See Colombia, Decreto 589 por el cual se organiza la Unidad de Búsqueda de Personas dadas por desaparecidas en el contexto y en razón del conflicto armado, 5 April 2017.

146 See Colombia, Decreto 588 por el cual se organiza la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la no Repetición, 5 April 2017.

147 Office on Missing Persons, "Establishment of the OMP", available at: www.omp.gov.lk/about/establishment-of-the-commission.

148 Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan, 2018, Art. 2.1.6.

149 "RJMEC Calls for Urgent Release of Opposition Detainees", *Sudan Post*, 28 April 2025; "RJMEC Renews Call for SPLM-IO Detainees Release, Dialogue Resumption", *Standard Zone News*, 7 October 2025.

150 See Ministry of Humanitarian Affairs and Disaster Management of South Sudan, Ministerial Order No. 1/2021, referred to in *Missing Persons: Report of the Secretary-General*, UN Doc. A/77/245, 29 July 2022, para. 35.

151 See *Missing Persons*, above note 150, para. 36.

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intelligence services and rebel movements, and is tasked with identifying and investigating individuals who went missing or were captured during armed conflict in 2002–20. However, due to the resumption of hostilities, the committee has remained largely dormant. In other countries that are, or have recently been, torn by civil war, such as Yemen and Syria, no comparable efforts have been documented to date.

Several lessons emerge from this overview of the practice of States which are, or have recently been, involved in armed conflicts. First, States most commonly establish NIBs in the context of large-scale IACs with their neighbours, and occasionally also in connection with military interventions abroad. There is no documented practice of establishing NIBs in NIACs, although some States have set up institutions with partially comparable functions. Second, the tasks of NIBs are generally assigned to State bodies, most often situated within ministries of defence or other security-related government departments. Third, many NIBs limit their activities to specific categories of protected persons, most commonly PoWs, and do not operate simultaneously under both GC III and GC IV. However, they frequently assume additional functions not foreseen by the Geneva Conventions, typically including the search for missing persons. Fourth, in addition, they often carry out tasks relating to their own nationals detained by the adversary, and in practice these activities tend to prevail. This characteristic may expose NIBs to a risk of politicization, with some becoming involved in narrative-building or public messaging, particularly in inter-State conflicts between neighbouring States. In certain cases, NIBs may also assume monitoring and investigative functions regarding alleged offences committed by the opposing party to the conflict. These are roles that do not easily align with, and may even compromise, the functions foreseen by the Geneva Conventions.

NIBs in countries not involved in armed conflicts

The obligation to establish an NIB applies in times of armed conflict, but it might be useful to start preparations already in times of peace, as recommended by the 25th International Conference of the Red Cross and Red Crescent in 1986.[152] Taking such steps allows States to prepare the necessary infrastructure, develop clear procedures, and train qualified personnel in advance, ensuring a faster and more efficient response when armed conflicts break out. It also raises awareness of obligations under IHL and promotes coordination with other national or international bodies, such as the CTA, strengthening overall humanitarian preparedness. Despite these advantages, relatively few States that are not currently (or have not been recently) involved in armed conflicts have established NIBs or have taken preparatory measures such as adopting relevant legal regulations.[153]

Two main institutional models can be identified in current State practice, each reflecting a different approach to the organization of NIB functions. In one

152 25th International Conference, Res. XIV, above note 119, para. 1.

153 This category should not be conflated with States that established NIBs during an armed conflict and maintained them in operation for a period after the hostilities had ended, as occurred in some countries following the First and Second World Wars.

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model, NIB responsibilities are assigned to ministerial or other government departments (State-operated model). In the other, the functions are entrusted to National Societies (auxiliary-humanitarian model). These two models are most prominently observed in Latin America and Europe respectively, though they are not geographically exclusive. The following paragraphs examine these two models and illustrate them with examples from State practice.

The State-operated model may be documented by two Latin American countries, Argentina and Paraguay. In Argentina, the tasks of the NIB were assigned, though a 2004 decree of the Ministry of Foreign Affairs, International Trade and Worship,[154] to the General Directorate of the Legal Counsel of that ministry. The NIB's tasks are confined to those outlined in Article 122 of GC III (with respect to PoWs), and they are to be carried out upon the outbreak of an IAC. No further details are provided. In Paraguay, the tasks of the NIB are entrusted, under a presidential decree issued in 2010,[155] to the Office for Legal Affairs, Human Rights and International Humanitarian Law of the Ministry of Defence. The NIB is responsible for fulfilling the obligations set out in both GC III and GC IV (for PoWs as well as interned civilians). Upon its activation at the outbreak of an IAC, the NIB would be expanded to include representatives from various other State bodies. These two Latin American countries have thus established NIBs in a standby or dormant mode, integrated within the State system and designed to become operational upon the outbreak of an IAC.[156]

The auxiliary-humanitarian model, where the functions of the NIB are assigned to National Societies, is adopted by a larger number of States, such as Croatia,[157] Germany,[158] the Netherlands,[159] Norway,[160] Poland,[161] Slovenia[162] and Sweden.[163] Other countries, for instance the Czech Republic, are currently considering a move in this direction. The relevant regulation is usually contained in domestic

154 Argentina, Decreto No. 1430/2004, 19 October 2004.

155 Paraguay, Decreto No. 5684 por el cual se asigna a la Dirección de Asuntos Jurídicos, Derechos Humanos y Derecho Internacional Humanitario, las funciones de Oficina Nacional de Información en Caso de Conflicto Armado, 22 December 2010.

156 A similar model has been adopted in Kyrgyzstan, where Regulation No. 84 on the Ministry of Defense stipulates that one of the tasks of the Ministry is to "establish a National Information Bureau in accordance with the norms of international humanitarian law". Kyrgyzstan, Regulation No. 84 on the Ministry of Defense of the Kyrgyz Republic, 9 March 2021 (amended 2024), Art. 4(1)(40). No further details are available, however.

157 Croatia, Law on the Croatian Red Cross, 12 October 2001, Art. 8.

158 Germany, Act on the German Red Cross and Other Voluntary Aid Societies as Defined in the Geneva Conventions, 5 December 2008, Section 2(1)(3).

159 Netherlands, Royal Red Cross Decree, 1988, Art. 3.4.b.

160 Norway, Agreement between the Ministry of Defence and the Norwegian Red Cross on the Establishment and Operation of the National Information Office in Armed Conflict, 2007, para. 1.

161 Poland, Act on the Polish Red Cross, 16 November 1964, Art. 3(3).

162 Slovenia, Law on the Slovenian Red Cross, 26 January 2003, Art. 13 (inquiry service)

163 Sweden, Ordinance 1996:1475 Relating to the Obligation to Provide Information Concerning Prisoners of War and Other Protected Persons, 1996, Section 3.

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laws on National Societies,[164] other domestic legal acts,[165] or an agreement between the State and its National Society.[166] Such instruments designate the National Society as such, or some sections thereof (usually the inquiry service/tracing agency[167]), as the entity responsible for exercising the tasks of an NIB in the event of an armed conflict. These NIBs are thus also established in a standby or dormant mode, to be "woken up" upon the outbreak of an armed conflict. Most NIBs shall assume the tasks laid out in both GC I–III and GC IV,[168] though some have their mandate confined to one category only.[169] Overall, the auxiliary-humanitarian model is characterized by the designation, through domestic laws, of National Societies as the entities responsible for carrying out NIB functions in armed conflict, with these bodies maintained in a standby mode and usually mandated to fulfil obligations under both GC I–III and GC IV.

Again, several lessons emerge from this overview of State practice concerning the establishment of NIBs in peacetime. First, such NIBs are generally conceived as standby or dormant mechanisms, intended to be activated in the event of an armed conflict rather than operating continuously in their full capacity. Second, two main institutional models can be observed: the State-operated model, which places NIB functions within ministerial or other governmental structures, and the auxiliary-humanitarian model, which entrusts them to National Societies. Third, the establishment of NIBs in peacetime allows States to put in place the necessary legal frameworks, operational infrastructure, procedures and trained personnel well in advance of armed conflict, ensuring operational readiness before hostilities arise. Fourth, relatively few States not currently or recently involved in armed conflict have taken steps to establish NIBs.[170] This limited practice may reflect a lack of perceived urgency, resource constraints, or the relatively low prioritization of IHL implementation in peacetime. At the same time, increasing global instability and the recurrence of armed conflicts highlight the potential value of promoting the establishment of NIBs in peacetime, which could facilitate more efficient and coordinated responses once hostilities begin.

164 This is the case in Croatia, Germany, the Netherlands, Poland and Slovenia.

165 This is the case in Sweden.

166 This is the case in Norway.

167 See of the Law on the Croatian Red Cross, above note 157, Art. 8; Law on the Slovenian Red Cross. above note 162, Art. 13.

168 See Law on the Croatian Red Cross, above note 157, Art. 8; Act on the German Red Cross, above note 158, Section 2; Law on the Slovenian Red Cross, above note 162, Art. 13; Ordinance 1996:1475, above note 163, Section 3.

169 Under Article 3(3) of the Act on the Polish Red Cross, above note 161, the Polish Red Cross has the task of "directing the National Information Bureau as stipulated by the international Conventions relating to the treatment of civilian persons in time of war".

170 See Isabelle Gallino and Sylvain Vité, "Complying with IHL in Large-Scale Conflicts: Key Preparedness Measures", *Humanitarian Law and Policy Blog*, 3 April 2025, available at: https://blogs.icrc.org/law-and-policy/2025/04/03/complying-with-ihl-in-large-scale-conflicts-key-preparedness-measures/.

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Conclusion

The historical evolution of NIBs reflects the gradual institutionalization of obligations concerning protected persons who have fallen into enemy hands during an IAC, namely PoWs, wounded, sick, shipwrecked or deceased members of the armed forces, and civilian protected persons deprived of liberty. While the first formal legal basis appeared in the 1899 Hague Regulations, institutions performing functions similar to those of NIBs had already been established during the Franco-Prussian War of 1870–71. Over time, particularly during the First and Second World Wars, the functions of these institutions expanded beyond the original category of PoWs to include other categories of persons, including protected persons under GC IV. This evolution laid the groundwork for the more structured and permanent obligations concerning NIBs introduced in the 1949 Geneva Conventions. Under Articles 16 of GC I, 19 of GC II, 122 of GC III and 136 of GC IV, parties to IACs are required to establish NIBs. These institutions are tasked with centralizing and transmitting information on PoWs and protected persons deprived of liberty under GC IV, as well as responding to enquiries concerning their fate and whereabouts. At the same time, the Geneva Conventions deliberately leave certain aspects unregulated, including the operation of NIBs in NIACs, their potential establishment in peacetime, and the specifics of their organization.

The analysis of current State practice reveals that NIBs remain relatively uncommon and unevenly institutionalized. States most frequently establish them in response to large-scale IACs with neighbouring States (the Russian Federation and Ukraine etc.) or when they participate in military interventions abroad (the United Kingdom, United States etc.). There is no documented practice of establishing NIBs in situations of NIAC, although some States have created institutions performing partially comparable functions. When established in wartime, NIBs are typically embedded within governmental structures, and their activities frequently extend beyond the functions expressly envisaged by the Geneva Conventions. In practice, they tend to focus primarily on the interests of the State's own nationals, such as facilitating the return of captured military personnel or documenting violations allegedly committed by the enemy State. Their mandates therefore tend to extend beyond the traditional role of NIBs, encompassing monitoring, investigative or quasi-diplomatic functions. This functional expansion may politicize their activities and move them further away from the functions envisaged by the Geneva Conventions.

By contrast, States rarely establish NIBs in peacetime, although some adopt preparatory measures for their creation, typically through legal or institutional arrangements placing them in a standby or dormant mode. Two institutional models can be observed: in the State-operated model, NIB functions are assigned to ministerial or other governmental bodies, while in the auxiliary-humanitarian model, they are entrusted to National Societies. While both models coexist in peacetime practice, contemporary wartime practice shows a virtually uniform reliance on the State-operated model. This differs from historical experience during the First and

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Second World Wars, when a number of States relied on their National Societies to perform NIB-related functions.

This shift may reflect growing awareness of the practical and conceptual challenges associated with the auxiliary-humanitarian model. These include the risk of confusion between NIB functions and the existing activities of National Societies, such as tracing services and the search for missing persons, as well as difficulties in coordinating information-sharing with military authorities in light of the sensitivity of the information handled and differences in institutional priorities. It may also be linked to the increasing sensitivity of the information collected by NIBs and the resulting preference for stronger State control. Yet the State-operated model also presents challenges, including risks of politicization and practical difficulties relating to resource constraints and coordination among the authorities responsible for collecting information on protected persons. It is too early to draw definitive conclusions as to the relative weight of these factors, and further practice will be needed to assess the respective advantages and disadvantages of the two models and the implications of their use for the fulfilment of the tasks assigned to NIBs under the Geneva Conventions.

The analysis moreover demonstrates that the practical operation of NIBs continues to face a number of legal, institutional and operational constraints. Although no comprehensive solutions can yet be identified (partly due, again, to the relatively limited practice in this area), several lessons emerge. First, States should be encouraged to establish NIBs in peacetime, as early preparation enhances readiness, strengthens institutional memory and facilitates a timely and coordinated response once hostilities begin. Second, NIBs should remain firmly anchored in the tasks assigned to them in the Geneva Conventions; any expansion of their activities into monitoring and investigative roles should be approached with caution so as to avoid politicization and not to compromise their core mandate. Third, the choice between the State-operated and auxiliary-humanitarian models should be guided by the domestic institutional context and accompanied by clear allocation of responsibilities and coordination mechanisms, in order to ensure both effective information management and respect for the nature of NIB functions. Fourth, the institutional logic of NIBs may be less suited to the legal and operational framework of NIACs, where information-related functions can be pursued through different mechanisms.

Finally, greater dissemination of information about the role and functions of NIBs, already in peacetime, is essential to ensure that relevant professionals and the wider public understand their tasks and are prepared to engage with them effectively when armed conflict breaks out. This is also consistent with the obligation of States under the Geneva Conventions to ensure that the provisions of the Conventions become widely known in both peace and war, including through military and, where possible, civilian instruction.[171] Strengthening NIBs at the legal,

171 See GC I, Art. 47; GC II, Art. 48, GC III, Art. 127; GC IV, Art. 144.

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institutional and operational levels would thereby support the effective implementation of the information-related obligations under the Geneva Conventions and improve the practical functioning of the systems designed to collect, centralize and transmit information on the fate and whereabouts of protected persons who have fallen into enemy hands during armed conflict.

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