PART 2

CRIME
Chapter 2
Domestic Reception of International Humanitarian Law: UK and Canadian Implementing Legislation

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1) INTRODUCTION

The shared legal traditions of the United Kingdom and Canada include methods of domestic incorporation of international legal obligations. In many common law countries, including Canada and the UK, Parliament usually adopts legislation prior to the entry into force of the international obligation for the country, seeking to have the necessary implementing legislation in place prior to, or coterminous with, the beginning of the entry into force of that international obligation.

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1 Canada and the UK are classed here as common law countries, even though both have elements of civil law jurisdictions in Québec and Scotland. Other Commonwealth Members also have mixed legal systems, including South Africa, Mauritius, Cameroon, Seychelles, etc. See, for example, M. S. Amos, “The Common Law and the Civil Law in the British Commonwealth of Nations” (1936–1937) 50 Harv. L. Rev. 1249.