

32nd International Conference of the Red Cross and Red Crescent, Strengthening compliance with international humanitarian law

[Source: Strengthening compliance with international humanitarian law, Resolution 2 adopted by the 32nd International Conference of the Red Cross and Red Crescent, 8-10 December 2015, available at: http://rcrcconference.org/wp-content/uploads/sites/3/2015/04/32IC-AR-Compliance_EN.pdf]

Strengthening compliance with international humanitarian law

[Preamble]

[1] The 32nd International Conference of the Red Cross and Red Crescent (International Conference),

[2] *stressing* the importance and continued relevance of international humanitarian law (IHL) for regulating the conduct of parties to armed conflicts, both international and non-international, and providing protection and assistance for the victims of armed conflicts,

[3] *recalling* the universal ratification of the 1949 Geneva Conventions and *emphasizing* the primary responsibility of States in the development of IHL,

[4] *recalling* Resolution 1 of the 31st International Conference, and *taking note* of the *Concluding Report* prepared by the ICRC and Switzerland on the consultations held in implementing the relevant provisions of this resolution,

[5] *stressing* that the imperative need to improve compliance with IHL was recognized by all States in the consultation process facilitated by the ICRC and Switzerland as a key ongoing challenge, and that more can be done to address the current weaknesses and gaps in the implementation of IHL, including by non-State parties to armed conflict,

1. *thanks* Switzerland and the ICRC for facilitating the consultation process with States and other actors pursuant to the relevant provisions of Resolution 1 of the 31st International Conference, and *recalls* the guiding principles of the consultation process:

[a] the State-driven and consensus-based character of the process and the need for the consultations to be based on applicable principles of international law

[b] the importance of avoiding politicization, including by ensuring that States address the implementation of IHL only within their own sphere of competence and responsibility

[c] the need for an IHL compliance system to be effective

[d] the avoidance of unnecessary duplication with other compliance systems

[e] the requirement to take resource considerations into account

[f] the need to find appropriate ways to ensure that the discussions address all types of armed conflicts, as defined in the Geneva Conventions of 1949 and their Additional Protocols (for the latter as may be applicable), and the parties to them

[g] the need for the process to ensure universality, humanity, impartiality and nonselectivity

[h] the need for the process to be based on dialogue and cooperation

[i] the voluntary, i.e. non-legally binding, nature of the consultation process, as well as of its eventual outcome

[j] the need for the process and the mechanism to be non-contextualized.

2. *Recommends* the continuation of an inclusive, State-driven intergovernmental process based on the principle of consensus after the 32nd International Conference and in line with the guiding principles enumerated in operative paragraph 1 to find agreement on features and functions of a potential forum of States and to find ways to enhance the implementation of IHL using the potential of the International Conference and IHL regional forums in order to submit the outcome of this intergovernmental process to the 33rd International Conference.

