While the general principle of applicability of treaties based on reciprocity is relevant in international humanitarian law, there is no reciprocity in respect for treaties.

OUTLINE

Chapter 2, III. 5. b) State – State: International Humanitarian Law in the law of treaties [1]

Chapter 13, IX. 2. c) applicability of the general rules on State responsibility dd) but no reciprocity [2]

LEGAL SOURCE

common 2/3 [3] (see ICRC updated Commentary [4])

PI, 96/2 [5]

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CASES

International Law Commission, Articles on State Responsibility (Part A., Arts 49-51) [8]

Sweden, Report of the Swedish International Humanitarian Law Committee (Part. 3.3) [9]

United States Military Tribunal at Nuremberg, The Ministries Case [10]

Eritrea/Ethiopia, Partial Award on POWs (Part B., Paras. 148-163) [11]

ICTY, Prosecutor v. Martic (Part A., Para. 9) [12]


Colombia, Constitutional Conformity of Protocol II (Para. 9) [14]

Germany, Government Reply on the Kurdistan Conflict [15]

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Source URL: https://casebook.icrc.org/glossary/reciprocity

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[1] https://casebook.icrc.org/law/fundamentals-ihl#b_iii_5_b
[12] https://casebook.icrc.org/case-study/icty-prosecutor-v-martic#part_a_para_9