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*Statement by the International Committee of the Red Cross,*  
New York, October 2012

**The Rule of Law at the national and international levels**

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## **ICRC statement to the United Nations General Assembly, October 2012**

The International Committee of the Red Cross (ICRC) welcomes the importance that the Sixth Committee continues to attach to the promotion of the rule of law. It further welcomes the declaration of the heads of State and government gathered at the High-Level Meeting of the 67th session of the General Assembly, in which they reaffirmed their commitment to the rule of law and the need for its universal endorsement and implementation at the national and international levels.

While there is a wide range of national experience in the area of the rule of law, there are also common standards and international norms shared by all States, including international humanitarian law (IHL). As a result of its work in armed conflict, the ICRC is convinced that clear domestic legal frameworks that are known by the competent authorities and consistent with international law can, when properly implemented, save lives and reduce suffering.

To take but one example, even a brief analysis of the violent incidents affecting the delivery of health care in many countries today is sufficient to demonstrate that appropriate national implementation measures are essential to ensuring respect for the rules protecting the wounded and the sick, as well as health-care workers.

It is important to stress that these legal frameworks should include accountability measures with a view to preventing – and, when they unfortunately occur – punishing serious violations of IHL and other international crimes.

The Sixth Committee expressed the view that all parties interested in strengthening the rule of law should work together on enhancing national capacity and ownership as part of the technical assistance they provide to relevant authorities. The ICRC fully shares this view and considers that this is particularly true in the field of domestic implementation of international obligations. In this particular domain, the ICRC supports all efforts to facilitate exchanges of good practice and the formulation of common policies and approaches. It helps to develop technical expertise and to promote national capacity-building designed to strengthen compliance with IHL, thus contributing to strengthening the rule of law. This work with the authorities is generally carried out in situations in which the ICRC has an established presence. At the request of national authorities and with their consent, the ICRC contributes in areas as diverse as prison reform, strengthening the judiciary, training civil servants and the security forces and developing university programmes.

In this endeavour, the ICRC works closely with relevant authorities on domestic implementation of their international obligations, including the adoption of legislation and other measures to prevent and punish serious violations of IHL and other international crimes. It works with the authorities to ensure that the means and methods used are the most suitable and useful for achieving compliance with IHL and other related standards. The efforts of national authorities require the coordination of many ministries, departments and other specialized agencies. Thus, the ICRC often encourages the establishment of inter-ministerial bodies in the form of national committees on the implementation of IHL. When equipped with the necessary resources and with political support, national IHL committees can be key tools for achieving significant results with the participation of all interested parties at the national level.

Experience has demonstrated that all efforts to build national capacity must take into account and integrate local legal and institutional traditions. In this regard, Red Cross and Red Crescent National Societies can play a very important role, working alongside their public authorities. Their participation offers a twofold advantage. They bring relevant local and national knowledge and, thanks to their role within the International Red Cross and Red

Crescent Movement, they are well informed about global trends and the possibilities for international support.

The ICRC will continue to follow closely the discussions in the Sixth Committee on the rule of law, especially as regards domestic implementation of IHL and other related standards. It will also pay particular attention to the implementation of the pledges made by States during the High-Level Meeting. More importantly, it will also continue its technical advisory assistance in support of States' own efforts and in close cooperation with authorities and other interested parties. It is our hope that the enhanced efforts of the United Nations General Assembly in the field of the rule of law can make a difference and help bring about greater respect for international law.