



ICRC

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**General debate on
The rule of law at the national and international levels
[agenda item 84]**

Statement by the
International Committee of the Red Cross (ICRC)

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on the ICRC website:*

www.icrc.org

Mr Chair,

The International Committee of the Red Cross (ICRC) recognizes the importance that the Sixth Committee continues to place on the promotion of the rule of law, and reiterates the important link between promoting the rule of law at the national and international levels and increasing respect for international humanitarian law (IHL). Indeed, upholding the rule of law strengthens the effectiveness of IHL.

Given the ICRC's humanitarian mandate to protect and assist victims of armed conflict, and in view of the continued suffering in armed conflicts today, it bears repeating that High Contracting Parties to the Geneva Conventions of 1949 have the primary responsibility to respect and ensure respect for the Conventions in all circumstances. This obligation also exists under customary international law.

Mr Chair,

The ICRC remains fully committed to working for the faithful application, promotion and strengthening of IHL. The 32nd International Conference of the Red Cross and Red Crescent, held in December 2015 in Geneva, served as an important platform for raising awareness of the rule of law. In particular, the resolutions adopted on strengthening respect for IHL and strengthening IHL protecting persons deprived of their liberty remind us of the obligation of States to respect and ensure respect for IHL. This obligation requires States to develop clear normative frameworks, strong judicial mechanisms and effective measures to ensure accountability in order to prevent and punish serious violations of the law.

In addition, the resolution on health care in danger calls on States to adopt and effectively implement domestic legislation and to continue efforts by their armed and security forces to integrate practical measures into their operations to prevent and address violence against the wounded and sick as well as the delivery of health care, including in armed conflict. United Nations Security Council resolution 2286 (2016) reiterates these calls, and emphasizes the responsibility of States to ensure accountability for serious IHL violations related to the protection of the wounded and sick and the delivery of medical care in armed conflict. These resolutions represent vital entry points for continued engagement in ensuring greater respect for IHL.

Mr Chair,

The ICRC supports the efforts of States to fulfil their responsibility to promote the rule of law. In particular, the ICRC's Advisory Service on IHL continues to provide technical expertise to States upon their request. We also develop and share tools and publications that provide technical support and guidance on domestic legislation and examples of State practice in implementing IHL.

One such authority which plays an important role in framing national responses to IHL issues is the national committee on IHL or similar body. To date, such entities have been established in over 100 States worldwide. They have all been invited by the ICRC to meet in November 2016 in Geneva to discuss how to enhance protection in armed conflict through domestic law and policy and to share their work and experiences.

We also continue to promote the comprehensive implementation of IHL, through our collaboration with organizations such as the African Union, the Arab League, the Organization of American States, the Commonwealth Secretariat and the Asian-African Legal Consultative Organization.

Mr Chair,

The ICRC will continue to follow the discussions held in the Sixth Committee and other United Nations forums on the rule of law. We strongly encourage States to ratify international legal instruments and to put in place the mechanisms necessary to respect and ensure respect for IHL.

Strengthening the rule of law will increase respect for IHL, thus serving the best interests of humanity. We reaffirm our commitment to work closely with States and other parties in this regard.

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