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31st International Conference of the Red Cross Red Crescent
Geneva, 28 November–1 December – **For humanity**



COMMUNICATIONS BRIEF

STRENGTHENING INTERNATIONAL HUMANITARIAN LAW

BACKGROUND

In the last four years, over 60 countries have been the theatre of armed conflicts, whether international or non-international, which have inflicted devastation and suffering on entire (mainly civilian) populations.

Today's conflicts are characterized by their increasing complexity, which is due mainly to their diversity (in terms of the parties involved and the technology used), and their extended duration that includes phases of high and low intensity and instability. Despite this complexity, international humanitarian law (IHL) remains, on the whole, an appropriate framework for regulating the conduct of belligerent parties. To improve the situation of people adversely affected by armed conflict, what is required in most cases is greater compliance with the existing legal framework. In some specific areas, however, IHL should be strengthened in order to provide better protection for victims.

RED CROSS RED CRESCENT RESPONSE

Promoting compliance with existing IHL and further strengthening this body of law in order to prevent suffering have been a top priority for the International Red Cross and Red Crescent Movement since its origins. The ICRC, with the support of the entire Movement, has consistently encouraged States to adopt measures to ensure better compliance with IHL and to adapt the law to changing circumstances. The ICRC is continuing its task of promoting and strengthening IHL by challenging participants in the 31st International Conference in two proposed resolutions. The resolutions aim for (1) better implementation of existing IHL through an Action Plan and (2) strengthened legal protection for victims of armed conflicts.

The ICRC will also present to the 31st International Conference its third report on "IHL and the Challenges of Contemporary Armed Conflicts" in the hope that it will stimulate discussion of these challenges and of the best way to address them. Because it would be impossible to discuss all the topics included in the report at the International Conference, the ICRC decided to develop just one topic which is likely to be of interest to all participants – "humanitarian access and assistance" – for debate in the IHL Commission.

CALL TO ACTION

While existing IHL remains generally adequate to meet the challenges of contemporary armed conflicts, the ICRC has found that certain humanitarian concerns are not sufficiently addressed in four specific areas – namely protection for persons deprived of their liberty in non-international armed conflicts, international mechanisms for monitoring compliance with IHL and reparations for victims of violations, protection of the natural environment, and

protection of internally displaced persons. Consultations with States led by the ICRC confirmed the continued relevance of IHL and indicated that further debate should be pursued in two key areas as a matter of priority: protection for persons deprived of their liberty in non-international armed conflicts and international mechanisms for monitoring compliance with IHL.

The 31st International Conference is an important opportunity for all components of the Movement to meet with representatives of the 194 States party to the Geneva Conventions and engage in dialogue on strengthening IHL and ensuring that it remains relevant. To advance this agenda, the ICRC has issued a report (“Strengthening Legal Protection for Victims of Armed Conflicts”) that will be discussed during the plenary session of the International Conference. The ICRC has also outlined a call to action in the draft resolution.

States and Movement partners are called upon to adopt the resolution on “strengthening legal protection for victims of armed conflicts” and to:

1. Invite the ICRC to pursue further research, consultation and discussion in cooperation with States to identify and propose the most appropriate way to:
 - Ensure that IHL remains practical and relevant in providing legal protection to all persons deprived of their liberty in relation to armed conflict;
 - Enhance and ensure the effectiveness of mechanisms of compliance with IHL,
2. Encourage all members of the International Conference to participate in this work.

The Action Plan for 2011-2015 proposes general and specific objectives together with concrete practical recommendations for action on the implementation of existing IHL. The objectives include: humanitarian access; protection of specific categories of persons, in particular children, women and persons with disabilities; protection of journalists and the role of the media with regard to IHL; incorporation into national law and repression of serious IHL violations; and strengthening controls on arms transfers.

States and Movement partners are called upon to adopt the resolution on the four-year Action Plan for the Implementation of International Humanitarian Law and to:

1. Adopt individual or joint pledges in relation to the recommendations contained in the Action Plan,
2. Make every possible effort to ensure that all actors concerned implement, as appropriate, the Action Plan,
3. Ensure that synergies are created with other humanitarian actors and organizations in connection with the four-year action plan for the implementation of IHL, and invite international and regional organizations to implement the actions contained in the four-year action plan which relate to their activities.

States specifically are called upon to cooperate with National Societies, as auxiliaries to public authorities in the humanitarian field, in adopting the four-year action plan for the implementation of IHL.

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ADDITIONAL RESOURCES

[31st International Conference website](#)

[31st International Conference official documents](#)