PART 5

COMPLIANCE AND ENFORCEMENT
Chapter 27

Implementation and Enforcement of International Humanitarian Law*

1 Introduction

“Respect for international humanitarian law in armed conflicts” figured high on the agenda of the XXVth International Conference of the Red Cross, held in Geneva from 23 October to 1 November 1986. The subject was introduced by the President of the ICRC, Mr. Alexander Hay. Summarizing his introductory address, the report of Commission I notes that “Practices prohibited by international humanitarian law were becoming more and more common and obligations on the part of the signatory States were too often neglected or scorned”; and further on: “Serious and repeated violations of international humanitarian law made the ICRC’s humanitarian mission extremely difficult, and in certain cases impossible to carry out.”¹ The resolution by which the Commission concluded its debate on this subject notes:²

a disturbing decline in the respect of international humanitarian law, particularly as regards the treatment of prisoners of war, civilian internees and other persons captured in armed conflicts, and as regards the conduct of hostilities and the treatment of civilian populations in violation of the laws and customs of war.

The Conference, thus, dealt with very much the same subject as the one that had been examined just a month earlier, from 18 August to 12 September 1986, by the participants to that year’s Centre for Studies and Research of the Hague Academy of International Law. Their subject had been defined in the programme as “the application of humanitarian law”. It was understood that the body of

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¹ XXVth International Conference of the Red Cross, Plenary Meeting: Report of the International Humanitarian Law Commission (I), para. 2.1.2.
² Ibid., Annex 1: Resolution adopted by consensus on “Respect for international humanitarian law in armed conflicts and action by the ICRC for persons protected by the Geneva Conventions”, 6th preambular para.

* Published earlier under the title “The present state of research carried out by the English-speaking section of the Centre for Studies and Research”, in Hague Academy Centre for Studies and Research, The Application of Humanitarian Law (1986) pp. 71-102.