

Intergovernmental Process on Strengthening Respect for International Humanitarian Law

Geneva, September 18th, 2018. Open ended consultation

Presentation of the contribution of Mexico

Dear Mr. Chair and distinguished delegates,

Mexico extends its appreciation to Switzerland and the ICRC, as co-facilitators, for their extensive efforts in the Intergovernmental Process on Strengthening Respect for International Humanitarian Law, as well as for preparing a draft discussion paper for today's open ended consultation, with the aim to facilitate our discussions.

My country reiterates its commitment to strengthening respect for IHL, as well as its active engagement within this intergovernmental process to reach an outcome to be submitted to the 33rd International Conference of the Red Cross and Red Crescent in 2019.

We believe that, at this stage of the process, it is necessary to give a step forward by starting to discuss the inclusion of the agreed guiding principles into a possible architecture for a potential mechanism for dialogue on IHL.

Please allow me to first make a few comments about the contributions kindly put forward by other countries before presenting our contribution.

We appreciate the contributions submitted by other countries, as they are a token of the interest in advancing this process. We believe that these contributions, along others that may be submitted later, are a good basis to more productive and constructive discussions towards the fifth formal meeting in December.

From the review of the contributions presented, we notice that in general terms, there seems to be agreement on the principles that any mechanism should be voluntary, not contextual and not politicized. Most of the contributions are in favour of a more continuous and frequent dialogue. It is clear that there are still differences on whether the dialogue should be annual or biennial. All contributions advocate for the dialogue to have a direct link with the International Conference. In this regard, some mention a subsidiary body, others a parallel mechanism, others mention keeping the issue on the agenda of the International Conference permanently.

We believe that all are valuable contributions and we think they have elements that can be used to achieve an acceptable outcome to all parties.

In this regard, we welcome the initiative of the co-facilitators to develop sample proposals with combinable elements derived from these contributions, to be reviewed at the next informal consultation. Therefore, we encourage delegations to present their comments and suggestions to these contributions.

Our contribution is very specific:

- To establish a mechanism for dialogue on IHL linked to the International Conference and periodically report to it.
- An International Conference **resolution** would establish such a mechanism. The International Conference can and has adopted resolutions allowing States to meet on a regular basis and under specific condition.
- This mechanism would be dedicated to discussions, collaboration and exchanges on IHL, **only among States**.
- The meetings of this mechanism would have a legal nature similar to that of this intergovernmental process, but with a **long-term mandate and a specific periodicity**.
- They would be held **every two years after each International Conference (in between conferences)**, in order to ensure an adequate follow-up of the discussions.
- This mechanism should be **convened in parallel to the Universal Meetings of the National Committees of IHL**, or other similar bodies. This would guarantee the participation of relevant national experts in the implementation of IHL.
- Meetings of such mechanism should be open to all States, even if they have not yet established a National Committee on IHL.

The Resolution establishing this mechanism should explicitly reinforce that no State would be bound to participate in the meetings (**Voluntary nature**).

This contribution articulates existing mechanisms in which most States participate (*in accordance with Guiding Principle (GP) → **Avoid duplication and complementarity with existing mechanisms***) thus, reducing expenses by not requiring additional meetings (**GP → Resource considerations to be taken into account**). To be noted is that, by using the platform of the National Committees on IHL, it is expected that the process will have a positive impact on domestic and international enhancement of IHL.

Furthermore, the biennial periodicity of the meetings would also enable the continuity of the dialogue (**GP → Ensure dialogue and cooperation; Converging Element (CE) → Regularity of the dialogue**) while incorporating this mechanism to the structure of the International Conference without amending its Statutes (**CE → Preserve the unique character of the International Conference; CE → Preference not to alter the Statutes of the Movement or the Rules of the Procedure as a result of the intergovernmental process**).

We believe this is the added value of our contribution to this process.

We think these ideas can be combined with those of other contributions, and we are open to discuss possible alternatives.

We are well aware that there is still a lot to do to arrive to potential outcomes. We are on the belief that more comprehensive proposals will be defined in the coming weeks with the dedicated work and the active participation of all.

Thank you.