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Towards the establishment of a new international humanitarian law compliance mechanism: lessons learned from monitoring systems within the international humanitarian and human rights law frameworks

Poulopoulou, S.

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Propositions relating to the dissertation

TOWARDS THE ESTABLISHMENT OF A NEW INTERNATIONAL
HUMANITARIAN LAW COMPLIANCE MECHANISM
*Lessons learned from monitoring systems within the international
humanitarian and human rights law frameworks*

by Sofia Pouloupoulou

1. In addition to complementing the protections granted by International Humanitarian Law, the application of International Human Rights Law during armed conflict enables its monitoring system to oversee the implementation of both legal frameworks by the party or parties concerned.
2. While the global human rights monitoring system contributes to the supervision of International Humanitarian Law, it cannot make up for the monitoring gap caused by the lack of effective compliance mechanisms under the 1949 Geneva Conventions.
3. Within the International Humanitarian Law framework, the plenary forums for States Parties cannot engage with the reporting procedure and its outcomes in a substantive manner without being assisted by a monitoring body that is specifically mandated to consider national implementation reports.
4. The activation of a fact-finding or enquiry procedure must not be left to the discretion of States. Otherwise, the chances that an enquiry or a fact-finding mission can actually take place within the International Humanitarian Law framework are very limited.
5. Additional monitoring mechanisms can be added to the compliance system of a treaty after its adoption provided that a body with decision-making powers that convenes at regular intervals is in place.
6. Any future mechanism established at the United Nations level with the mandate to monitor the implementation of humanitarian norms by armed non-State actors must not make the exercise of its mandate conditional on the agreement of the governments concerned.
7. A future compliance system under the 1949 Geneva Conventions should encompass thematic reporting, a Meeting of the High Contracting Parties to the 1949 Geneva Conventions and an International Humanitarian Law Committee.
8. The decentralised manner in which International Law is implemented and enforced extends to International Humanitarian Law in the context of which various actors work towards its implementation.
9. As a means of ensuring compliance with International Humanitarian Law, International Criminal Law is complementary to mechanisms and tools that seek to influence the conduct of the parties to a conflict and ensure the protection of victims while an armed conflict is ongoing.
10. The skills acquired through the PhD process are highly valuable in one's work as a practitioner.