



13 March 2017

Intergovernmental Process on Strengthening Respect for International Humanitarian Law (IHL)

Second Formal Meeting

Geneva, 10-12 April 2017

Background Document: Features and Functions of a Potential Forum of States

1. Introduction

In accordance with the provisional work plan for 2017 established by agreement at the First Formal Meeting in the intergovernmental process on strengthening respect for international humanitarian law (held on 28-29 November 2016), one of the two topics on the agenda of the Second Formal Meeting of 10-12 April 2017 is the features and functions of a potential forum of States.

As proposed by the co-facilitators at the open-ended consultation of 23 January 2017 and at the informal meeting of 22 February 2017, this background document focuses on the **purposes and functions** of a potential forum of States, while addressing the **features** of such a forum only in overview form. Moreover, it provides a basis for examining **concerns** that were voiced in relation to a potential forum in the run-up to the 32nd International Conference of the Red Cross and Red Crescent, and indicates **ways of overcoming them**. The background document also provides **draft proposals** for consideration and possible agreement at the Second Formal Meeting on each of these issues (see also annexed compilation). The draft proposals could form the basis of a possible outcome of the meeting by helping to identify in a succinct form the main elements to be discussed at the last session of the meeting.

The background document is based on an outline considered at the open-ended consultation in January 2017 as well as a draft considered at the informal meeting in February 2017. It takes into account the views expressed by States on these occasions.

2. General remarks

The 32nd International Conference of the Red Cross and Red Crescent of December 2015 recommended, by consensus, “the continuation of an inclusive, State-driven intergovernmental process based on the principle of consensus after the 32nd International Conference and in line with the guiding principles enumerated in operative paragraph 1 [of the resolution] to find agreement on features and functions of a potential forum of States and to find ways to enhance the implementation of IHL using the potential of the International Conference and IHL regional forums in order to submit the outcome of this intergovernmental process to the 33rd International Conference”¹ (emphasis added).

¹ See paragraph 2 of resolution 2, available online: http://rcrcconference.org/wp-content/uploads/sites/3/2015/04/32IC-AR-Compliance_EN.pdf.

The intergovernmental process accordingly provides States with an opportunity to consider different but complementary avenues aimed at strengthening respect for IHL. It should be recalled that the objectives of the intergovernmental process provided for in Resolution 2 (para 2) are neither mutually exclusive, nor subject to conditionality, and should be viewed as mutually reinforcing. Thus, each substantive element of the Resolution should be examined with equal attention in the intergovernmental process. This was reflected in the provisional work plan established by consensus at the First Formal Meeting in November 2016;² it was agreed that all topics specified in resolution 2 will be addressed in the course of 2017. Ways to enhance the implementation of IHL using the potential of the International Conference and IHL regional forums will be on the agenda of the Third Formal Meeting towards the end of this year. At this meeting, States will also establish a work plan for 2018 and review outstanding issues from the meetings held in 2017.

Resolution 2 of the 32nd International Conference does not contain or pre-empt a decision on whether a potential forum of States on IHL should be established. At the informal meeting in February 2017, States' views continued to differ. So as to enable States to consider this question in an informed manner and with a view to faithfully fulfilling the mandate adopted by consensus, it would appear necessary to have a comprehensive discussion on the possible features and functions of a potential forum of States. Given that the intergovernmental process is based on the understanding that "nothing is agreed until everything is agreed", States have a unique opportunity to examine possible features and functions of a potential forum with an open mind, and, once they have reached clarity in their regard, to decide on whether and how to take them forward. The discussion at the Second Formal Meeting is therefore without prejudice to an eventual decision on the establishment of a potential forum of States or on the method of its establishment.

It is furthermore recalled that many questions relating to a potential forum of States were explored in the course of the consultations jointly facilitated by Switzerland and the ICRC between 2011 and 2015. The consultations were largely based on the observation that the IHL treaties containing the most fundamental rules protecting victims of armed conflicts and regulating the conduct of parties to armed conflicts, notably the Geneva Conventions of 1949 and their Additional Protocols of 1977 as well as the Hague Conventions of 1907, are an exception among international treaties. Contrary to other multilateral instruments of a similar importance, they do not provide States parties an opportunity to meet regularly to discuss and exchange experiences on how their application could be improved.³

The outcomes of these consultations were submitted to the 32nd International Conference of the Red Cross and Red Crescent in a Concluding Report, prepared by the ICRC in conjunction with Switzerland.⁴ While no consensus was reached at the 32nd International Conference on the creation of a forum, it is submitted that the forthcoming discussions in the intergovernmental process may nonetheless benefit from the wealth of deliberations that took place previously. In accordance with the views expressed at the open-ended consultation in January 2017 as well as at the informal meeting in February 2017 and considering that the present phase of the intergovernmental process is a "continuation"⁵ of the previous work, this Background Document draws on ideas developed between 2011 and 2015, including concerns voiced during these deliberations as well as possible ways to address them. It should be stressed that delegations are encouraged to share additional views on any issue that will be discussed in the present phase of the intergovernmental process.

The consultations between 2011 and 2015 also addressed the question of how a potential forum of States could be established.⁶ For the reasons mentioned above, it is submitted that this issue should be further explored at a later stage of the intergovernmental process, once delegations have reached more clarity on the features and functions of a potential forum of States.

² See Annex to the Factual Summary of the First Formal Meeting of November 2016.

³ It should be noted that Meetings of States Parties (sometimes called differently) are regular features of multilateral treaties, including in IHL areas, such as cultural property or weapons, in the human rights law area and in the international criminal law domain. See also p. 21 ff. of the Background Document prepared for the Preparatory Discussion of December 2013: <https://www.icrc.org/eng/assets/files/2014/2013-12-preparatory-discussion-strengthening-ihl-meeting-2014-icrc.pdf>.

⁴ The Concluding Report is available online: http://rcrcconference.org/wp-content/uploads/sites/3/2015/04/32IC-Concluding-report-on-Strengthening-Compliance-with-IHL_EN.pdf.

⁵ See para. 2 of Resolution 2 of the 32nd International Conference.

⁶ For a detailed overview of the positions expressed in this regard, see pp. 31-33 of the Concluding Report.

Finally, it is fundamental to recall the continued relevance of the guiding principles of the intergovernmental process, set forth in Resolution 2 of the 32nd International Conference, including for the discussion at the Second Formal Meeting in April.

3. Purposes of a potential forum of States

The guiding principles provide useful guidelines for the discussion of the purposes of a potential forum of States. This may lead to the following general considerations, among others:

- A potential forum of States would aim at offering a **"safe space" for dialogue and cooperation** on IHL issues. In order to avoid politicization and to ensure its non-contextual nature, a potential forum of States would not serve to consider or examine the implementation of IHL, or the lack thereof, in a specific context or by a particular State. Likewise, a potential forum of States would not serve for States to criticize other States or comment on an alleged lack of implementation of IHL by another State. Insofar as participating States would voluntarily refer to concrete measures of IHL implementation, they would only address the implementation of IHL within their own sphere of competence and responsibility.
- A potential forum of States would not aim at developing new law or amending IHL treaties. It would be of a **voluntary, i.e. non-legally binding**, nature. Accordingly, States would be free to participate, or not, and to decide which information they would wish to share. This appears to be an important consideration also with a view to avoiding politicization and ensuring the non-contextualized nature of the forum.

With these considerations in mind, it is submitted that the general purpose of a potential forum of States may be described as follows: *a potential forum of States would provide a venue for States to exchange views regularly on IHL issues of common interest, based on dialogue and cooperation, with a view to strengthening respect for this body of law.*

At the informal meeting in February 2017, it was said that a potential forum should aim at a positive and constructive dialogue, focusing on mutual learning rather than problems. More specifically, and in order to realize the general purpose above, it is submitted that the features and functions of a potential forum of States should be designed in a way *to enable States to learn from each other through an exchange of experiences in the implementation of IHL, discussion of possible challenges and ways to address them, sharing of best practices and to flag capacity-needs and foster international cooperation in addressing such needs, with the consent of the concerned State(s).*

It is submitted that a combination of a positive approach as outlined above, and regularity, will contribute to building trust among States over time and gradually increase their confidence to engage in an open dialogue and cooperation. Regularity of a potential forum of States would enable its work to be detached from considerations of a geo-political nature that may exist at any given time, and thus help prevent politicization, an issue discussed further below.

Questions for discussion:

1. Does the following **draft proposal** relating to the purposes of a potential forum of States provide an adequate basis for further work?

A potential forum of States would provide a venue for States to exchange views regularly on IHL issues of common interest, based on dialogue and cooperation, with a view to strengthening respect for this body of law. It would enable States to learn from each other through an exchange of experiences in the implementation of IHL, discussion of possible challenges and ways to address them, sharing of best practices and to flag capacity-needs and foster international cooperation in addressing such needs, with the consent of the concerned State(s).

2. Are there additional considerations on the purposes of a potential forum of States?

4. Functions of a potential forum of States

In the consultations held between 2011 and 2015, a range of possible functions of a potential forum of States were considered.⁷ The functions that generated the widest interest among States between 2011 and 2015 were:

- **Thematic discussions** on IHL, and
- **National reporting** on the implementation of IHL.

At the open-ended consultation in January 2017 and the informal meeting in February 2017, no additional functions were proposed for examination in the intergovernmental process. It is therefore suggested that these two functions be further explored by States.

At the informal meeting, it was recalled that the proposal of establishing a forum of States, including the two functions mentioned above, raised concerns among some States in the run-up to and at the 32nd International Conference. The main issue was how the **guiding principles**, in particular **non-politicization** and **non-contextualization**, could be realized in the functions of a potential forum of States. Other concerns related to the questions of ensuring that a potential forum of States is **effective**, **cost-efficient** and **voluntary**, i.e. does not create new obligations.

It is submitted that various safeguards may be established to avoid politicization, both through the general rules that would guide the work of a potential forum of States, as well as through the way in which its functions would be designed. The first issue is examined below, while possible safeguards that relate specifically to thematic discussions and national reporting are addressed further below.

In general terms, politicization would be avoided by preventing any form of consideration or discussion of specific contexts. The notion of “context” should be understood as relating both to specific situations of conflicts, as well as the situation of specific countries, whether or not they are involved in an armed conflict. Accordingly, the rule that delegations will not consider or comment on the situation in other States would be a distinct feature of a potential forum. This may be achieved by establishing the following concrete **rules guiding the work of a potential forum**, which could state among others:⁸

- that in their **oral or written statements**, delegates are to address the **implementation of IHL only within their own sphere of competence and responsibility**. The rules could furthermore specifically prohibit delegates from engaging in controversies of a political, context-specific or accusatory nature.
- that the **powers of a possible chair** presiding over debates include the power to accord or withdraw the right to speak to delegates and the responsibility to ensure observance of the guiding principles and other rules that States may agree upon.
- that **written documents** submitted by delegations to such a forum are subject to a review in order to ensure conformity with the above standards. For example, it could be established that documents require previous validation of a possible bureau/secretariat and/or that documents may only be circulated by a possible bureau/secretariat.
- that States are encouraged to ensure that their delegations are composed of or involve the **participation of experts**, in particular those responsible at the national level for the implementation of IHL.

Questions for discussion:

1. Do the general safeguards outlined above provide an adequate basis to discuss how politicization will be avoided in a potential forum of States?
2. Are there additional safeguards that may be envisaged? If so, which?

⁷ For a detailed overview of the functions that were discussed in that framework, see pp. 9-11, as well as Annex 4 of the Background Document for the Second Meeting of States of 17-18 June 2013, available at <https://www.icrc.org/eng/assets/files/2013/2013-06-strengthening-ihl-background.pdf>.

⁸ Some of the safeguards mentioned here relate to aspects that remain to be discussed in the intergovernmental process, such as the role of a possible chair or bureau, and would thus require further consideration at a later stage.

3. Does the following **draft proposal** relating to general safeguards provide an adequate basis for agreement for further work?

A potential forum of States would adopt the rules governing its work. These rules would contain safeguards to ensure that its work is in line with the guiding principles, in particular the principles of non-politicization and non-contextualization, such as:

- *[as may be agreed among States, including on the basis of the list above]*

- ...

4.1 Thematic discussions on IHL

In the course of the consultations between 2011 and 2015, a number of questions related to thematic discussions were examined. These included: the purposes and selection of topics for thematic discussions, as well as their format and outcome.⁹ The deliberations aimed in particular at ensuring that thematic discussions are non-politicized, non-selective, voluntary and interactive.

In general terms, thematic discussions as explored in the consultations between 2011 and 2015 would permit a regular dialogue among States, in a plenary set-up, on current or emerging IHL issues. In line with the guiding principles, such discussions would not be context-specific, but **dedicated to particular topics**. Thematic discussions would likewise not aim at the codification or the creation of binding rules, but focus on a **better understanding and application of IHL** in the areas chosen for discussion.

In the consultations between 2011 and 2015, it was considered that thematic discussions could serve the following specific purposes:

- to ensure that States are **better informed** about current or emerging IHL issues,
- to enable a **better mutual understanding** of States' legal and policy positions on current or emerging IHL issues,
- to provide an opportunity for **exchanges of views on key legal, practical and policy questions**,
- to develop a **deeper understanding of IHL and practical measures** taken by States to implement it, and
- to **strengthen existing networks** by bringing together IHL experts from different States.

As regards the need to avoid politicization, in addition to the general safeguards outlined above, the following specific safeguards relating to thematic discussions could be further explored at the Second Formal Meeting, possibly among others:

- Establishing clear **criteria for the selection of topics** (see below).
- **States would participate equally in the selection of topics** for discussion. In the further discussions in the intergovernmental process, it may be examined whether a possible bureau or other structure could ensure that topics are identified that enjoy large support among States, including for example through the consultation of regional groups, before being submitted to States for selection.
- **Encourage the participation of experts**, such as through panel presentations, with a view to ensuring that a range of relevant opinions on the topic of a thematic discussion is presented and that the discussion is conducted in an expert and professional manner.
- **The ICRC, in its expert capacity, could also provide relevant background documents** so as to focus attention on the substance of the topic under discussion.

⁹ For a detailed overview of the issues discussed regarding thematic discussions, see pp. 20-22 of the Concluding Report.

As stated above, the criteria for the selection of topics are particularly relevant for the purpose of avoiding politicization and could thus be further discussed at the Second Formal Meeting in April 2017. Drawing from the consultations between 2011 and 2015 and views expressed at the informal meeting in February 2017, the following criteria could be considered:

- A topic should not be of a merely theoretical interest, but **relate to concrete problems observed** in the implementation of IHL with a view to improving the situation of persons affected by armed conflict.
- A topic should be **timely**.
- A topic should be **considered relevant** by a sufficient number of States, including those with related field practice, so as to ensure wide engagement in the discussion.

It is submitted that questions relating to the format and possible outcome of thematic discussions be considered at a later stage of the intergovernmental process.

Questions for discussion:

1. Does the the following **draft proposal** relating to the description of thematic discussions provide an adequate basis for agreement for further work?

A thematic discussion would take place in plenary at each session of a potential forum of States. Thematic discussions would serve, in particular:

- *to ensure that States are better informed about current or emerging IHL issues,*
- *to enable a better mutual understanding of States' legal and policy positions on current or emerging IHL issues,*
- *to provide an opportunity for exchanges of views on key legal, practical and policy questions,*
- *to develop a deeper understanding of IHL and practical measures taken by States to implement it, and*
- *to strengthen existing networks by bringing together IHL experts from different States.*

2. Do the safeguards against politicization of thematic discussion outlined above provide an adequate basis for further discussion? How could they be further elaborated?
3. Are there additional safeguards that may be envisaged? If so, which?
4. Does the following **draft proposal** relating to the criteria of selection of topics of thematic discussions provide an adequate basis for agreement for further work?

Topics of thematic discussions on IHL in a potential forum of States should respond to the following criteria:

- *A topic should not be of a merely theoretical interest, but relate to concrete problems observed in the implementation of IHL with a view to improving the situation of persons affected by armed conflict.*
- *A topic should be timely.*
- *A topic should be considered relevant by a sufficient number of States, including those with related field practice, so as to ensure wide engagement in the discussion.*

5. Does the the following **draft proposal** relating to further work on thematic discussions provide an adequate basis to proceed in the intergovernmental process?

In the further discussions on thematic discussions, in particular their format and outcome, specific safeguards against politicization/contextualization will be elaborated.

4.2 National reporting on the implementation of IHL

In the course of the consultations between 2011 and 2015, a number of issues related to a reporting function were examined. These included: the purposes, scope, periodicity, format and types of reports, as well as follow-up procedures to ensure non-contextual and non-politicized consideration of the

issues presented in reports.¹⁰ In addition, States expressed a number of views on how a reporting function could be set up to avoid politicization and contextualization, i.e. the individualized examination of particular States.

In the consultations between 2011 and 2015, there was a strong view that a reporting function should not and would not aim at an individualized examination of the state of IHL implementation in specific countries, i.e. would be designed so as to **avoid individual scrutiny**. Rather, it should allow a global overview of the state of IHL implementation (see below). It was emphasized that reports would be light and flexible and that cumbersome reporting requirements must be avoided.

In line with views expressed at the informal meeting in February 2017, and drawing on the ideas developed in the consultations between 2011 and 2015, a voluntary reporting function would provide a **non-contextual and non-politicized platform for information sharing** in order to:

- ensure that the **substantive debates at a potential forum of States are nourished**, based on information provided by States.
- permit the identification of **common experiences** in the implementation of IHL, **best practices, recurrent challenges** and **possible ways of addressing them**.
- provide an opportunity to **express capacity-building needs** that may be requested by a State, on a voluntary basis.

At the informal meeting it was recalled that, in the consultations between 2011 and 2015, a number of questions were raised with regard to a reporting function, notably with a view to ensuring compatibility with the guiding principles. The questions related in particular to: **i) ensuring that a reporting function remains light** and **ii) ensuring that a reporting function is non-contextualized and non-politicized**. It is proposed that these questions be further discussed at the Second Formal Meeting, before exploring the modalities of a possible reporting function in more detail.

i) Ensuring that a reporting function remains light

With regard to the first issue, in the consultations between 2011 and 2015, emphasis was put on ensuring that a reporting function does not overburden States that wish to submit a report. Accordingly, the option of an article-by-article review of relevant treaties was excluded early on. The consultations also included consideration of possible tools to facilitate reporting, such as **templates, questionnaires or guidelines**. Further options may be explored in the intergovernmental process, notably in relation to the question of which form reports could take (i.e. types of reports). Finally, given the voluntary nature of a potential forum of States, it would be in the sole **discretion of each State** to decide what information it wishes to share in the report it may decide to submit.

ii) Ensuring that a reporting function is non-contextualized and non-politicized.

With regard to the second issue, various safeguards to ensure a non-individualized, non-contextual and non-politicized reporting function were considered in the consultations between 2011 and 2015. It should be reiterated that, in line with the guiding principles, a reporting function would not aim at individual examinations of States, but rather serve the purposes of a potential forum of States, notably to enable States to learn from each other by exchanging experiences in IHL implementation, discussing recurrent challenges and ways of addressing them, and sharing best practices. A reporting function would simply be a tool to bring such issues to light.

Specific **safeguards against politicization** could be further explored at the Second Formal Meeting in April 2017 so as to set the scene for a subsequent examination of specific reporting modalities. The safeguards could include the following and may be complemented by other ideas to be further developed in the intergovernmental process:

- In their reports States would **only address the implementation of IHL within their own sphere of competence and responsibility**. Rules could be established that States are not to comment in their report on the specific practices of other States or engage in controversies of a political nature relating to the situation in another State.

¹⁰ For a detailed overview of the issues discussed regarding national reporting, see pp. 16-20 of the Concluding Report.

- **Procedures** could be established to ensure that these safeguards are observed in national reports. For instance, States could submit their reports to a secretariat, to be possibly managed by the ICRC, as was suggested in the consultations between 2011 and 2015, tasked with ensuring observance of the principles of non-politicization/non-contextualization, and others.
- In the consultations between 2011 and 2015, an important topic of discussion was the question of how reports would be considered in a potential forum of States (i.e. “**follow-up procedures**”), so as to ensure that the information provided in national reports nourishes a potential forum’s work, while not involving the individual examination of State reports. Different options were developed during the consultations, and may be further explored in the current intergovernmental process. States are, in particular, encouraged to revisit the options that were explored in the consultations between 2011 and 2015¹¹ and propose specific models for further consideration at the Second Formal Meeting.

Questions for discussion:

1. Does the the following **draft proposal** relating to the description of national reporting provide an adequate basis for agreement for further work?

A voluntary reporting function would provide a non-contextual and non-politicized platform for information sharing in order to:

- *ensure that the substantive debates at a potential forum of States are nourished, based on information provided by States.*
- *permit the identification of common experiences in the implementation of IHL, best practices, recurrent challenges and possible ways of addressing them.*
- *provide an opportunity to express capacity-building needs that may be requested by a State, on a voluntary basis.*

2. Do the safeguards against politicization of a national reporting function outlined above provide an adequate basis for further discussion? How could they be further elaborated?
3. Are there additional safeguards that may be envisaged? If so, which?
4. Does the the following **draft proposal** relating to further work on safeguards against the politicization/contextualization of a reporting function provide an adequate basis to proceed in the intergovernmental process?

Specific safeguards to ensure a non-contextual and non-politicized reporting function will be elaborated. These could relate, among others, to the specific rules guiding a reporting function, to procedures to ensure observance of the rules, and to follow-up procedures related to national reports.

4. Features of a potential forum of States

As submitted at the open-ended consultation in January 2017 and at the informal meeting in February 2017, the co-facilitators suggest that the Second Formal Meeting serve to enable a preliminary exchange of views on the possible features of a potential forum of States in an overview form, in particular with a view to ensuring that further discussions remain within the framework of the guiding principles. Many of the possible features of a potential forum of States will necessarily depend on the

¹¹ For ease of reference, the options that were developed in the consultations between 2011 and 2015 are summarized below. For a detailed overview, see pp. 19-20 of the Concluding Report.

- Option 1: a compilation of all reports in a single document, which could be discussed in a forum.
- Option 2: a single follow-up document could be discussed in a forum. The document would not make any references to States or contexts; it would generally identify best practices, common challenges, and capacity-building needs that were identified in the reports. Possibly, this document could also include generic recommendations.
- Option 3: States could just be given an opportunity to briefly present their national report in a dedicated segment of a forum, with a view to spurring informal exchanges on mutual experiences and with a particular focus on capacity-building.

functions of such a forum. It is thus submitted that detailed discussions on the features could take place once States have reached sufficient clarity on its purposes and functions.

In light of the views expressed in the consultations between 2011 and 2015, as well as of the guiding principles, a number of general considerations appear to be relevant at this stage:

- **Establishment:** A potential forum of States would not be established on the basis of a legally binding instrument, such as an international treaty.
- **Participation** in a potential forum of States, including **resourcing** would be voluntary.
- **Cost-effectiveness:** A potential forum of States would be as lean and cost-effective as possible. Resource considerations should in particular be taken into account with regard to its support structure, as well as with regard to the duration of meetings.

By way of reminder, the consultations between 2011 and 2015 permitted States to consider the following features of a potential forum of States:¹²

- Denomination,
- Periodicity,
- Participation,
- Structure (i.e. Bureau/Chair, administrative support),
- Resourcing.

Questions for discussion:

1. What are your initial views on the features of a potential forum of States, building on the previous consultations?

¹² See pp. 24-31 of the Concluding Report.

Annex: Compilation of draft proposals for consideration and possible agreement

I. Purposes of a potential forum of States

1. A potential forum of States would provide a venue for States to exchange views regularly on IHL issues of common interest, based on dialogue and cooperation, with a view to strengthening respect for this body of law. It would enable States to learn from each other through an exchange of experiences in the implementation of IHL, discussion of possible challenges and ways to address them, sharing of best practices and to flag capacity-needs and foster international cooperation in addressing such needs, with the consent of the concerned State(s).

II. Functions of a potential forum of States

2. A potential forum of States would adopt the rules governing its work. These rules would contain safeguards to ensure that its work is in line with the guiding principles, in particular the principles of non-politicization and non-contextualization, such as:

- [as may be agreed among States, including on the basis of the list on p.4]
- ...

i. Thematic discussions on IHL issues

3. A thematic discussion would take place in plenary at each session of a potential forum of States. Thematic discussions would serve, in particular:

- to ensure that States are better informed about current or emerging IHL issues,
- to enable a better mutual understanding of States' legal and policy positions on current or emerging IHL issues,
- to provide an opportunity for exchanges of views on key legal, practical and policy questions,
- to develop a deeper understanding of IHL and practical measures taken by States to implement it, and
- to strengthen existing networks by bringing together IHL experts from different States.

4. Topics of thematic discussions on IHL in a potential forum of States should respond to the following criteria:

- A topic should not be of a merely theoretical interest, but relate to concrete problems observed in the implementation of IHL with a view to improving the situation of persons affected by armed conflict.
- A topic should be timely.
- A topic should be considered relevant by a sufficient number of States, including those with related field practice, so as to ensure wide engagement in the discussion.

5. In the further discussions on thematic discussions, in particular their format and outcome, specific safeguards against politicization/contextualization will be elaborated.

ii. National reporting on the implementation of IHL

6. A voluntary reporting function would provide a non-contextual and non-politicized platform for information sharing in order to:

- ensure that the substantive debates at a potential forum of States are nourished, based on information provided by States.
- permit the identification of common experiences in the implementation of IHL, best practices, recurrent challenges and possible ways of addressing them.
- provide an opportunity to express capacity-building needs that may be requested by a State, on a voluntary basis.

7. Specific safeguards to ensure a non-contextual and non-politicized reporting function will be elaborated. These could relate, among others, to the specific rules guiding a reporting function, to procedures to ensure observance of the rules, and to follow-up procedures related to national reports.