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UNITED NATIONS GENERAL ASSEMBLY SIXTH COMMITTEE

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Statement by Dr Carrie McDougall, Legal Adviser

Mr Chair,

I am pleased to deliver this statement on behalf of CANZ: Canada, New Zealand and my own country, Australia.

At the outset, we reaffirm our strong commitment to the implementation of, and compliance with, international humanitarian law (IHL).

This discussion takes place at a time when the devastating impact of armed conflict is an all too constant reality. The many contemporary armed conflicts only serve to reinforce the centrality of IHL, and underline the fact that the Additional Protocols to the Geneva Conventions of 1949 remain an essential component of the IHL framework that protects civilians and other persons in both international and non-international armed conflict.

We believe that States should strive to replicate the universal membership of the Geneva Conventions to ensure that the protections of IHL are applied by *all* parties to *all* armed conflicts at *all* times. Accordingly, we strongly encourage States that have not yet become parties to the three Additional Protocols to do so as soon as possible and to give full effect to their provisions.

Many of the key rules contained in the Protocols reflect rules of customary international law and are binding on all parties to armed conflict. For example, in CANZ's view, many of the articles of the First Additional Protocol on the respect and protection of medical units, personnel and their transports reflect customary international law. Equally, Article 13 of the Second Additional Protocol, prohibiting making civilians the object of attack is inarguably custom.

Mr Chair,

Recent events have reminded us of the importance of these particular rules of international law. Attacks on hospitals in violation of IHL, indiscriminate attacks on civilians, attacks on humanitarian convoys, and siege warfare causing starvation and leading to the suffering of civilians are, quite simply, abhorrent. Such attacks remind us that the international community must do much more to ensure compliance with IHL and to minimise unnecessary suffering in armed conflict.

We recall Resolution 2286, adopted by the Security Council on 3 May 2016, condemning attacks on the sick, wounded and medical personnel and facilities, and demanding that all parties to armed conflicts comply with their obligations under IHL, including the Geneva Conventions and the obligations applicable to them under the Additional Protocols. As co-sponsors of this resolution, we take this opportunity to renew our condemnation of such attacks and again call for compliance with IHL and the need to ensure accountability for IHL violations.

Ensuring strengthened compliance with IHL by all parties to armed conflict must be our priority. Australia, Canada and New Zealand will continue to work to that end. Important progress was made following the 31st International Conference of the Red Cross and Red Crescent but, despite broad State support for enhancing IHL compliance, States were unable to reach agreement at the 32nd International Conference on the establishment of a Meeting of States on compliance with IHL. That result was disappointing.

The resolution adopted by the 32nd International Conference recommends the continuation of this crucial work. We remain strongly committed to identifying ways to enhance compliance with IHL and will engage closely in discussions about the features and functions of a potential forum of States and on the potential of the International Conference and regional IHL forums.

We are committed to working with other States and the ICRC to deliver an outcome for consideration by the 33rd International Conference in 2019. This is an ambitious, but realistic, timeframe. Full compliance with IHL cannot wait any longer.

We also welcome the resolution adopted by the 32nd International Conference on strengthening IHL protecting persons deprived of their liberty in armed conflict. We strongly support efforts to develop guidance to assist States to meet their obligations and ensure the humane treatment of detainees.

Finally, we would like to acknowledge the crucial role of the ICRC in disseminating IHL and working to improve compliance among parties to armed conflicts. The role of the ICRC is indispensable. Together with States, the ICRC strives to ensure that victims of armed conflict are afforded protection – a key aim of IHL.

Australia, Canada and New Zealand look forward to working closely with all States and the ICRC to address the pressing challenges in the field of IHL. We encourage all States to do the same.