



Statement on behalf of the European Union and its Member States

By

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at the Sixth Committee

on

**Agenda item 81
"Status of Protocols Additional to Geneva Conventions of 1949 and relating to
the protection of victims of armed conflicts"**

United Nations

New York

7 October 2016

- CHECK AGAINST DELIVERY -

Mr. Chairman,

I have the honour to speak on behalf of the European Union and its Member States.

The Candidate Countries the former Yugoslav Republic of Macedonia*, Montenegro*, Serbia* and Albania*, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, align themselves with this statement.

We welcome the Report of the Secretary General (A/71/183) on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts.

Respect of international humanitarian law is crucial to ensure the protection of victims of armed conflicts. International humanitarian law is still too often disregarded. Upholding international humanitarian law and protecting human dignity in situations of armed conflict remains a major challenge. Enhancing the protection of civilians must be our common goal.

The Geneva Conventions enjoy universal acceptance. Also many of the provisions contained in the 1977 Additional Protocols are today recognized as customary international humanitarian law. Minimum standards of humanity, including those enshrined in common Article 3 of the Geneva Conventions, must be respected in all circumstances and at all times in situations of armed conflict, including by non-state actors.

The EU takes note with appreciation of the outcome of the 32nd International Conference of the Red Cross and Red Crescent, held in Geneva in December 2015, including the adoption of four resolutions on international humanitarian law. On the occasion of the 32nd International Conference, the EU, its Member States and European Union National Red Cross Societies of Member States submitted a number of ambitious Joint Pledges. These pledges aim, inter alia, at the strengthening of compliance with international humanitarian law, the strengthening of international humanitarian law protecting persons deprived of their liberty, the promotion and

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

dissemination of international humanitarian law as well as increasing respect for and protection of medical missions in times of armed conflict or other emergencies.

Ensuring enhanced compliance with international humanitarian law remains a priority for the European Union and its Member States. EU commends the work of the ICRC and Switzerland in facilitating a State-driven intergovernmental process to find agreement on features and functions of a potential forum of States and to find ways to enhance the implementation of international humanitarian law. We will continue to engage closely in that process, with a view to achieving agreement on the establishment of a forum of States without delay. The new EU Action Plan on Human Rights and Democracy foresees a number of actions on supporting compliance with IHL in view of the creation of a possible future IHL compliance mechanism.

Mr. Chairman,

The EU will strive to ensure that EU and EU MS support to military, police, border control and other security forces, including in the context of CSDP missions and operations, is in compliance with/contributes to the promotion, protection and enforcement of international humanitarian law.

The EU and its Member States take note with appreciation of the adoption at the 32nd Conference of the Resolution 1 on strengthening international humanitarian law protecting persons deprived of their liberty and strongly support the drafting of an outcome document to enhance the legal protection of persons detained in armed conflicts, in particular in relation to Non-international Armed Conflict.

The EU condemns sexual and gender-based violence in all circumstances, including in armed conflict, and stresses the need to combat this scourge as set out in the Resolution 3 on "Sexual and gender-based violence: joint action on prevention and response", jointly submitted at the 32nd Conference by ICRC and the International Federation of Red Cross and Red Crescent Societies.

The EU continues to implement the 2009 EU Guidelines on International Humanitarian Law, which promote compliance with IHL by third states and non-state actors. The EU and its Member States are convinced that national implementation and enforcement of international humanitarian

law and other relevant legal instruments which have an impact on international humanitarian law are of great importance. In order to improve implementation of international humanitarian law at the national level, the EU continues to support States in their efforts to adopt national legislation pertaining to their international humanitarian law obligations. The EU is also funding programmes to help build effective and accountable security and justice sectors.

It is important to remember that accountability is crucial to secure compliance. Climates of impunity must be removed and remedies for victims of violations must be provided in accordance with international humanitarian law. The responsibility to end impunity by prosecuting alleged perpetrators for the crimes of genocide, crimes against humanity and war crimes, lies first and foremost with states, including through improved ways for mutual legal assistance.

The EU continues to support the International Criminal Court (ICC), not least by providing political support to the Court in multilateral fora such as the UN Security Council and the UN Human Rights Council. The EU supports the Court, civil society and the third States interested in receiving assistance in order to become party to the Rome Statute or to implement it. We conduct demarches each year to preserve the integrity and to promote the universality of the Rome Statute. We also recall the important role played by international criminal tribunals in promoting respect for international humanitarian law by investigating and prosecuting alleged perpetrators for the crimes of genocide, crimes against humanity and war crimes.

Mr. Chairman,

The EU and its Member States are fully committed to the implementation of the principle of complementarity enshrined in the Rome Statute. For this purpose, the EU developed a Joint Working Document on Advancing the Principle of Complementarity. This provides operational guidance to bridging the gap between international justice and national justice systems, to achieve an effective and efficient interplay between national justice systems and the International Criminal Court which is pivotal to giving full effect to the Rome Statute.

We commend the progress towards IHL implementation as reflected in the contributions of the UN Member States to the Report of the Secretary General. We urge the Member States of the

United Nations, that have not yet done so, to accede to all the additional Protocols to the Geneva Conventions. We also call on the Member States of the United Nations to consider accepting the competence of the International Humanitarian Fact-Finding Commission pursuant to Article 90 of the First Additional Protocol and we look forward to the diplomatic conference to be convened to elect new members of the Commission later this year. We welcome the fact that 85 states have now become States Parties to the Arms Trade Treaty.

The EU continues to support all efforts to ensure compliance with international law by Private Military and Security Companies (PM/SCs). The EU as an international organisation has endorsed the Montreux Document which reaffirms pertinent international legal obligations and lists good practices for States related to operations of private military and security companies during armed conflict. It participated in the Plenary Meeting of the Montreux Document Forum regarding private military and security companies, which was convened by Switzerland and the ICRC on 29 January 2016. The EU has also been actively engaged in the current discussions regarding the operationalisation of the certification, monitoring and complaints handling by the International Code of Conduct Association (ICoCA).

We wish to also commend the ICRC for its continuous and manifold efforts to strengthen and to promote the dissemination of international humanitarian law as reported by the Secretary General under this agenda item. We also welcome the national efforts provided by numerous States and their national Red Cross and Red Crescent societies to implement international humanitarian law and encourage broader reflection on these challenges.

We will continue to do our utmost to promote an international order based on the rule of law where no state and no perpetrator is above the law and where no person is outside the protection of the law, in particular in situations of armed conflict.

I thank you, Mr. Chairman.