

CANZ STATEMENT – STATUS OF THE PROTOCOLS
ADDITIONAL TO THE GENEVA CONVENTIONS
15 OCTOBER 2018

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

To commence, we affirm our strong commitment to the implementation of, and compliance with, international humanitarian law (IHL).

We make this statement in a time when armed conflict continues to have a devastating effect in many regions. In Syria alone, 1.5 million Syrians suffer from war-related injuries. Civilians have been killed, injured and terrorized by chemical weapons, barrel bombs and conventional weapons.

Armed conflicts like that in Syria continue to demonstrate the importance of respect for international humanitarian law generally, and specifically underline the important contribution the Additional Protocols to the Geneva Conventions of 1949 make to the body of international humanitarian law. Contemporary armed conflict are more complex than ever before, as non-international armed conflicts driven by civil unrest become more widespread and more destructive. International humanitarian law, including the Additional Protocols to the Geneva Conventions, provides a framework for conduct in armed conflict that not only strives to alleviate human suffering, but also to ensure a more lasting transition to peace and stability.

We believe that States should strive to replicate the universal membership of the Geneva Conventions and ensure that the important protections provided by international humanitarian law are applied by all parties to an armed conflict at all times. As such, we strongly encourage all 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 therefore binding on all parties to armed conflict. For example, in CANZ's view, many of the articles of the First Additional Protocol on the 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 customary international law.

We recall United Nations Security Council resolution 2286, condemning attacks on the sick, wounded and medical personnel and healthcare facilities, and demanding that all parties to armed conflicts comply with their obligations under international humanitarian law, 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, urge implementation of this resolution, and again call for compliance with and respect for international humanitarian law.

We further remind all States and parties to armed conflict of the UN Secretary General's recommendations to implement UNSCR 2286, dated 18 Aug 2016, on measures to enhance the practical application of protections afforded under international law to the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, and their means of transport and equipment, as well as hospitals and other medical facilities.

All States must take responsibility for the implementation of these recommendations. The UN General Assembly held special sessions on the situation in Syria in October and December 2016, which included passing resolution A/RES/71/130. This resolution built on UNSCR 2286 in condemning such attacks and deploring the long-term consequences for the civilian population and the health-care system of the Syrian Arab Republic. Canada, Australia and New Zealand also co-sponsored General Assembly resolution 71/248 in December 2016, which established the Syria International, Impartial and Independent Mechanism to assist in ensuring accountability for crimes involving violations of international law, in particular of international humanitarian law and international human rights law.

We stress that increased implementation of international humanitarian law, including the Additional Protocols, will be achieved through practical measures to enhance respect for international humanitarian law, such as States incorporating international humanitarian law into their doctrine, field training and rules of engagement, and ensuring that their judicial structures are capable of effectively addressing their national international humanitarian law violations should they occur.

We note that during Canada's recent G7 Presidency, G7 Foreign Ministers committed to link the provision of support to parties to armed conflict to the latter's compliance with international humanitarian law in order to foster greater adherence to international humanitarian law and thus a reduction of unnecessary human suffering in areas of armed conflict.

Finally, we would like to acknowledge the crucial role of the International Committee of the Red Cross in disseminating international humanitarian law 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 civilians and victims of armed conflict are afforded protection – an obligation at the heart of international humanitarian law. Australia, Canada and New Zealand look forward to working closely with all States and the ICRC to encourage respect for and compliance with international humanitarian law. We encourage all States to do the same.