



Statement on behalf of the European Union and its Member States

at the Sixth Committee

on the Agenda item 83:

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

United Nations

New York

4 November 2020

– CHECK AGAINST DELIVERY –

Thank you, Mr./Madam Chair,

The Candidate Countries the Republic of North 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.

Mr./Madam Chair,

War is a scourge, which - as the UN Charter states - brings ‘untold sorrow to mankind’. War causes suffering to all involved, in particular to those who do not take part in hostilities, such as civilians, medical personnel, aid workers, and the wounded. War creates victims.

It is with this in mind that two Additional Protocols were adopted back in 1977 to strengthen the protection of victims in international and non-international armed conflicts. The Geneva Conventions are universally ratified. But the Additional Protocols still lack a number of ratifications. We therefore call today on those States that have not ratified them to do so.

While there is scope for a wider ratification, there is equally a pressing need to improve compliance with the Protocols and to strengthen their implementation. In this regard, we recall Resolution ‘Bringing IHL home’ adopted by the 33rd International Conference of the Red Cross and Red Crescent. This provides a useful roadmap for the effective implementation of IHL at the national level.

We encourage compliance with the fundamental rules of IHL by all involved in conflicts. This places constraints on the conduct of war and reduces risks to civilians and civilian objects during armed conflicts. All parties to a conflict must comply with the fundamental principles of IHL, notably principles of humanity, distinction, military necessity, proportionality and precaution. It is with sorrow and concern that we note that egregious harm to civilians is a reality in many conflicts and often affects persons in vulnerable situations, including children and women.

We recall that IHL condemns attacks on the sick, wounded, healthcare facilities and medical personnel exclusively engaged in medical duties. Civilians and humanitarian workers not taking part in hostilities, and civilian objects, including schools and medical facilities, not used for military purposes, should never be targets of military attacks. We also call on all States to implement Security Council Resolution 2286 (2016) without delay.

Many rules of the 1977 Additional Protocols reflect customary international law and they must be complied with even by those that have not ratified the 1977 Additional Protocols.

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

This also applies to non-state actors. The European Union itself is bound by customary international law.

Mr./Madam Chair,

The International Fact-Finding Commission established under Article 90 of the First Additional Protocol can play a key role in securing the guarantees afforded to the victims of armed conflicts. By documenting serious breaches of IHL and establishing the facts of alleged violations, the Commission can assist the parties to the conflict to restore compliance with and respect for IHL. We should therefore make use of it.

Furthermore, we underline that States are primarily responsible for prosecuting individuals responsible for grave breaches of IHL under their jurisdiction. Should a State be unwilling or unable to prosecute perpetrators, the ICC may complement States' accountability efforts. The ICC is instrumental in the fight against impunity through investigating and prosecuting grave breaches of Geneva Conventions. We fully support ICC' efforts in that regard.

We equally acknowledge the important contribution of the International Committee of the Red Cross as a driving force behind the promotion and development of IHL, and praise its humanitarian work on the ground. We take note with satisfaction of the ICRC updated 2020 Guidelines on the Protection of the Natural Environment in Armed Conflict.

Mr./Madam Chair,

As shown by our Third report on the implementation of the EU Guidelines on promoting compliance with IHL, the EU continues to engage constructively with parties to a conflict to strengthen and promote compliance with IHL. In 2019, the mandate of the EU Special Representative for Human Rights was extended to include the promotion of the Union's positions in the area of IHL. Equally, the EU took the initiative to develop a collective platform "Protect Medics – Save Lives" to collect and analyse data, cross-check evidence, produce regular analytical reports, undertake public awareness-raising activities, and support capacity-building for medical workers in conflict. This is an attempt to facilitate a more systematic and coordinated approach in the protection of healthcare in armed conflict. Also, at the 33rd International Conference of the Red Cross and Red Crescent, the EU and its Member States submitted a number of pledges that will help promoting IHL.

Mr./Madam Chair,

In closing, the EU and its Member States remain fully committed to the strengthening and implementation of IHL as part of a wider commitment laid down in the EU founding Treaties to advance respect for human dignity and for the principles of international law. Those commitments were reaffirmed in the EU Global Strategy, which places respect for international law, including IHL, at the heart of EU global action.

Thank you, Mr./Madam Chair.