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UNITED STATES MISSION TO THE UNITED NATIONS

**Statement at the 75th General Assembly Sixth Committee
Agenda Item 83: Status of the Protocols Additional to the Geneva Conventions of 1949 and
relating to the protection of victims of armed conflicts
Elizabeth Gross, Attorney Adviser
United States Mission to the United Nations
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Thank you Chair.

The United States has long been a strong proponent of the appropriate development and effective implementation of international humanitarian law, IHL, which we often also refer to as the law of war or the law of armed conflict.

The United States is a party to the Third Additional Protocol to the 1949 Geneva Conventions relating to the adoption of an additional distinctive emblem, but it is not a party to the 1977 Additional Protocols to the 1949 Geneva Conventions. The United States has, under successive Administrations, urged the Senate to give its advice and consent to U.S. ratification of Additional Protocol II to the Geneva Conventions, subject to appropriate reservations, understandings, and declarations. Although the United States continues to have significant concerns with many aspects of Additional Protocol I, Article 75 of that Protocol sets forth fundamental guarantees for persons in the hands of opposing forces in an international armed conflict. The U.S. Government has chosen out of a sense of legal obligation to treat the principles set forth in Article 75 as applicable to any individual it detains in an international armed conflict, and we expect all other nations to adhere to these principles as well.

At the 33rd International Conference of the Red Cross and Red Crescent, the United States submitted a pledge on strengthening domestic implementation of IHL during military operations. This pledge outlined the elements of effective programs within the armed forces for compliance with IHL, including: (i) dissemination and training; (ii) legal advisers; (iii) instructions, regulations, and procedures reflecting IHL standards and establishing processes for ensuring compliance; (iv) internal mechanisms for the reporting of incidents; (v) assessments, investigations, inquiries, or other reviews of incidents; and (vi) corrective actions, as appropriate. The U.S. Department of Defense's law of war program reflects these elements and was reissued in July 2020, after a multi-year revision process that included consideration of lessons learned from military operations since the Directive was last reissued in 2006.

The U.S. pledge also committed to sharing legal interpretations and good practices with other States, non-governmental organizations, and the public. In this regard, the Department of State's annual digest of U.S. practice in international law and the Department of Defense, Office of General Counsel's, website contain materials that reflect U.S. legal interpretations of the law of war and that illustrate U.S. military practice in the law of war.

This resolution also includes references to the International Criminal Court and the Rome Statute. While we are prepared to accept a technical rollover of the resolution this year, the United States wishes to state for the record that we do not support such references. The United States reiterates our continuing and longstanding principled objection to any assertion of ICC jurisdiction over nationals of States that are not parties to the Rome Statute absent a UN Security Council referral or the consent of such a State.

We look forward to continuing to work with other States, including our allies and partners, as well as the ICRC, on further strengthening the implementation of and respect for IHL.

Thank you, Chair.