

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts and measures taken to strengthen international humanitarian law

Report by Austria

30th April 2020

Since Austria's last report in 2018, the following measures were taken by Austria relating to the Protocols Additional to the Geneva Conventions of 1949, the protection of victims of armed conflicts and the strengthening of International Humanitarian Law (IHL):

1. Austria has continued to support the process aimed at strengthening compliance with IHL, in pursuance of the pledge of the International Committee of the Red Cross (ICRC) and Switzerland made at the 31st International Conference of the Red Cross and Crescent in 2011, and has actively participated in the relevant expert meetings and meetings of states. Austria has continued to support the proposal to establish a particular and regular forum for the discussion of IHL issues and has used every opportunity in all relevant fora to call for respect for IHL.
2. At the 33rd Red Cross and Red Crescent Conference in December 2019 – together with other states and national societies – Austria hosted a side-event on “Protecting Civilians in Urban Warfare” and co-sponsored two side-events on “Humanitarian Consequences of Nuclear Weapons” and “Protection of Journalists in Armed Conflicts”. Austria supported the resolutions adopted at the 33rd Conference, i.e. “Bringing IHL home: A road map for better national implementation of international humanitarian law”; “Addressing mental health and psychosocial needs of people affected by armed conflicts, natural disasters and other emergencies”; “Time to act: Tackling epidemics and pandemics together”; “Restoring Family Links while respecting privacy”; “Women and leadership in the humanitarian action of the International Red Cross and Red Crescent Movement”; “Act today, shape tomorrow”; “Disaster laws and policies that leave no one behind”; “Implementation of the Memorandum of Understanding and Agreement on Operational Arrangements dated 28 November 2005 between Magen David Adom in Israel and the Palestine Red Crescent Society”. In the context of the adoption of the Resolution on IHL, Austria was actively involved in the insertion of strong reference to the Independent Humanitarian Fact Finding Commission (IHFFC) as established under Article 90 of Protocol I additional to the Geneva Conventions.
3. At the 33rd Red Cross and Red Crescent Conference, Austria submitted five pledges, together with the Austrian Red Cross. Austria pledged to host a regional conference of

the European national IHL commissions in Vienna in 2020, in close cooperation with the ICRC. Building on the experience of the fourth universal meeting of national committees and similar bodies, held in Geneva in 2016, as well as other regional and sub-regional meetings, the aim of the Conference is to facilitate the exchange of best practices and to strengthen cooperation in Europe regarding the implementation of IHL.

4. In line with similar pledges made at previous International Conferences and in the context of the 33rd International Conference's agenda item "Strengthening and respecting IHL", Austria submitted a pledge on the dissemination of IHL through regular seminars on various IHL topics. Thereby, Austria showed its continued commitment to organize jointly annual seminars on current IHL topics for professionals and volunteers in fields relevant to IHL, for students as well as for journalists and other opinion leaders, with the assistance of the Universities of Graz and Linz.
5. Austria also submitted pledges on the following topics: Explosive Weapons in Populated Areas (EWIPA); Humanitarian effects of nuclear weapons; Antipersonnel Mines and Cluster Munitions.
6. Over the last years Austria worked for a broad international engagement to address the human suffering caused by the use of explosive weapons in populated areas (EWIPA) and strengthen implementation of IHL in that regard. On 1 and 2 October 2019, an international conference was held in Vienna under the title "Protecting Civilians in Urban Warfare" that led to the commencement of the elaboration of a political declaration facilitated by Ireland.
7. Austria will continue its cooperation with UN member states, international organizations, including the UN and the ICRC, and civil society to raise awareness and make progress on the issue of the catastrophic and unacceptable humanitarian consequences and risks of nuclear weapons and to the need of attaining a world free of nuclear weapons.
8. Regarding anti-personnel mines and cluster munitions Austria will continue its cooperation with UN member states, international organizations, including the UN and the ICRC, and civil society to reach the objective of a mine-free and cluster munitions free world.
9. At the 33rd Red Cross and Red Crescent Conference, Austria also supported pledges on the voluntary publication by certain States of reports on the domestic implementation of IHL, as well as on support for the IHFFC. Austria also supported the pledges of the

EU and the EU member states. Austria is currently in the process of examining to support further open pledges by other States/signatories.

10. The Austrian Ministry of Defense regularly organizes the “Vienna Course on International Law for Military Legal Advisers”, which takes place under the auspices of the European Security and Defense College (ESDC). The main aim of this course is to convey core knowledge about the application of international law, in particular human rights law and IHL, to international crisis-management operations by military and security forces.
11. The Austrian Ministry of Defence has published a compilation of legal documents on IHL, including both international treaties to which Austria is a party, as well as Austrian laws and regulations, to serve as a key reference document, especially for legal advisers and law teachers, for the training of members of the Austrian armed forces in IHL.
12. Austria remains a strong supporter of the International Criminal Court (ICC) and of the universality of the Rome Statute. In 2019, Austria has actively supported the amendment to Article 8 of the Rome Statute proposed by Switzerland to include the war crime of intentionally using starvation of civilians as a method of warfare in non-international armed conflicts.
13. In 2019, Austria made a substantive financial contribution to the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 (IIIM). In addition, Austria continued its financial support to other institutions such as the ICC Trust Fund for Victims and the Residual Special Court for Sierra Leone.