

77th Session of the General Assembly

Sixth Committee

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

Statement by Mr. Maximilian Gorke

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Mr. Chair,

My delegation fully aligns itself with the statement made by the European Union. We would like to add some points in our national capacity.

Austria thanks the Secretary General for his comprehensive report contained in document A/77/264.

We are very concerned by recurrent and very recent reports of serious violations of international humanitarian law in conflict situations. This happens despite the fact that the Geneva Conventions are universally ratified. Austria has been working towards a better implementation of international humanitarian law for many years. The Geneva Conventions together with their Additional Protocols provide a fundamental framework for armed conflicts and important rules to limit the barbarity of war. Upholding international humanitarian law and enhancing the protection of civilians in armed conflicts remains a major challenge, as we can see on a daily basis. The international community has to do more in this regard. One step is the universal ratification of the Additional Protocols to the Geneva Conventions – we call on all States to accede to the Additional Protocols if they have not yet done so.

The Protection of Civilians in armed conflicts is a longstanding Austrian foreign policy priority. In this context, Austria continues to strongly support the process aimed at strengthening compliance with international humanitarian law, in pursuance of the pledge of the 33rd international Red Cross and Red Crescent Conference in December 2019. A regional conference of the European national IHL committees had to be postponed due to the pandemic but is scheduled to take place in spring of 2023 in Vienna. Austria will also continue the tradition to organize an annual seminar on the promotion and dissemination of IHL together with the Austrian Red Cross and academia. A legal amendment from 2021 tasks the Austrian National Committee with the coordination of the implementation of international humanitarian law - this coordination includes the dissemination of knowledge as well as follow-up on pledges made by the Republic of Austria.

Austria considers fact-finding an essential element of ensuring IHL compliance and the good offices of the International Humanitarian Fact Finding Commission under Article 90 of the First Additional Protocol to the Geneva Conventions are an important tool in this regard. Austria also welcomes the establishment of the

Independent International Commission of Inquiry on Ukraine by the Human Rights Council as well as the invocation of the Moscow Mechanism within OSCE in order to document violations of international humanitarian law in Ukraine. In the same vein, Austria remains a strong supporter of the IIM for Syria and the Independent Investigative Mechanism for Myanmar – both contribute to gathering evidence in view of future prosecutions. Accountability and the fight against impunity for violations are essential elements in the humanitarian law system. Austria has been a strong supporter of the International Criminal Court (ICC) since its creation and we continue to promote, together with the other EU Member States, the universal acceptance of the jurisdiction of the Court. Amendments of the Rome Statute with regard to the activation of the Court's jurisdiction over the crime of aggression or starvation as a method of warfare in non-international armed conflicts strengthen the ICC's role in the protection of civilians.

Before concluding, allow me to reference some of the measures Austria has taken in the past year to strengthen the implementation and dissemination of IHL:

- In 2021 Austria hosted a virtual conference on “Safeguarding Human Control over Autonomous Weapon Systems” in order to contribute to the discussion on a legally binding instrument prohibiting autonomous weapon systems that do not provide for meaningful human control.
- In 2022 Austria organized a “Conference on the Humanitarian Impact of Nuclear Weapons” in order to raise awareness and make progress on addressing the issue of the catastrophic and unacceptable humanitarian consequences and risks of nuclear weapons and the need of attaining a world free of nuclear weapons.
- In order to promote and enhance the Protection of Civilians, Austria offers IHL and human rights law trainings for armed forces. 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) and aims 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.

Thank you