



ICRC

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

Statement by the International Committee of the Red Cross

Delivered by Mr. Christopher Harland, Deputy Permanent Observer and Head of the Legal Department

17 October 2022

[Madame, Mr] Chair,

This year marks the 45th anniversary of the adoption of the two Additional Protocols to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International and Non-International Armed Conflicts, of 8 June 1977. We see wars between States, as well as non-international armed conflicts, affecting many regions of the world, with each conflict giving rise to unique humanitarian problems. The populations affected by these armed conflicts often bear the brunt of additional hardship such as food insecurity, pandemics, and increased poverty. The 1949 Geneva Conventions and their Additional Protocols contain provisions that are extremely relevant to the current multiplying crises, including on the rules regulating the conduct of hostilities, on preventing persons from going missing, on protecting objects indispensable to the survival of the civilian population or other objects of significant importance for humankind such as the natural environment and cultural property. Respect for international humanitarian law, at all times and by all parties to armed conflicts, remains crucial for protecting the victims of armed conflict. The ICRC continues to emphasize the importance of ensuring that these instruments are adhered to and adequately implemented.

Since its last submission to this Committee, the ICRC has continued to promote the universalization and implementation of the Additional Protocols of 1977.

There are currently 174, 169 and 79 States party to Additional Protocols I, II and III respectively. The ICRC commends Cameroon for adhering to Additional Protocol III in September 2021, and it notes with regret that the number of States party to Additional Protocols I and II has remained the same over the last two years. As we mark the 45th anniversary of the first two Additional Protocols of 1977, the ICRC calls on States that have not already done so to consider acceding to the Additional Protocols. There is still time until the end of the year, and any further step towards universalization of the Protocols would be a very strong sign of the international community's belief in the protective power of IHL.

The ICRC also encourages states that have not already done so to consider ratifying or acceding to other IHL treaties to which they are not yet party, and reminds states of the possibility to recognize the competence of the International Humanitarian Fact-Finding Commission as established under Article 90 of Additional Protocol I.

The ICRC would like to congratulate all 68 States that have ratified the Treaty on the Prohibition of Nuclear Weapons. The ICRC will continue to work towards the broadest possible adherence by States to the treaty.

The ICRC commends Mozambique and Estonia on the recent establishment of a national committee on IHL. By our reckoning, there are now 118 national IHL committees or similar entities, working on the promotion and implementation of IHL at the domestic level. The ICRC supports the work of these bodies and thanks all States that took part in the Fifth Universal Meeting of National IHL Committees, held in December 2021, for sharing their practice on the domestic implementation of IHL. Numerous examples of measures taken to respect IHL across the globe can be found in the ICRC's report to the Universal Meeting, published in June 2022. The ICRC also highlights the Online Community of national committees and similar entities on IHL, where 36 States are actively sharing their practice and discussing common challenges.

The ICRC is continuing to update its commentaries to the Geneva Conventions of 1949 with work currently underway on the Fourth Geneva Convention on civilians. The results will assist in understanding how the protection of civilians should be interpreted in contemporary armed conflict.

[Madame, Mr] Chair,

The ICRC reiterates that the principal cause of suffering during armed conflict is not the lack of rules, but insufficient respect for the law. The ICRC, through its Advisory Service on IHL, has continued to provide national authorities with assistance in adopting the legislative, regulatory and practical measures needed to ensure full implementation of IHL in domestic law and practice. Specialized tools and other technical documents related to the implementation of IHL, such as legislative checklists, model laws and ratification kits, continue to be developed and updated. Here we wish to highlight the recent publication of the "Bringing IHL Home Guidelines on the National Implementation of International Humanitarian Law", a series of checklists that States and Red Cross and Red Crescent National Societies can use to implement the commitments they have undertaken in the framework of the 33rd International Conference of the Red Cross and Red Crescent, with respect to the domestic implementation of IHL. As we start preparing for the next International Conference, planned in late 2024 in Geneva, the ICRC encourages States to make use of this tool and others available to them to continue improving respect for IHL and to assess areas which could be strengthened domestically, with the view to discussing possible measures for improvement at the next International Conference.

We also wish to highlight the publication of the ICRC's January 2022 report entitled "Explosive Weapons with Wide Area Effects: A Deadly Choice in Populated Areas", providing an in-depth analysis of the humanitarian, technical, legal, and operational aspects related to the use of these weapons, as well as recommendations to political authorities and armed forces on measures to better protect civilians and facilitate respect for IHL. We invite States to take full advantage of these publications in updating military manuals, national policy and legal frameworks.

The ICRC remains fully committed to working with States and to supporting them in their efforts to implement IHL.

Thank you very much, [Madame, Mr] Chair.