



ICRC

United Nations General Assembly, 79th session, Sixth Committee

**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

5 November 2024

Chair,

We meet today to discuss the status of the additional protocols to the Geneva Conventions of 12 August 1949 relating to the protection of victims of armed conflict. As we know, this year marks the 75th anniversary of the adoption of the Geneva Conventions, which constitute essential instruments of international humanitarian law.

The 1949 Geneva Conventions and their Additional Protocols contain provisions that continue to be fully 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 and other objects of significant importance for humankind.

And yet, too often we see parties to armed conflict disregarding their legal obligations. Too often we see opposing sides dehumanizing each other, denying the protection of the law to their enemies. Too often we see that violations of IHL meet with no or insufficient response, allowing them to continue. By joining the Geneva Conventions and their Additional Protocols, States Parties have demonstrated their commitment to respect the law in the event of an armed conflict and to take all necessary measures to ensure protection to all those who need it. The rules of IHL, including the rules enshrined in the Additional Protocols, are not aspirational goals for peacetime; they set practical standards that will ensure protection in the worst of times. It is high time to live up to the standards that the vast majority of States have accepted, and to redouble efforts to ensure better respect for IHL.

Today, too many States are still outside the framework of the Additional Protocols to the Geneva Conventions, and among them are several currently involved in armed conflict.

The ICRC stresses the importance of increasing the acceptance of existing treaties, in particular the Additional Protocols to the Geneva Conventions, and the importance of implementing them adequately. States who stay outside the quasi-universally agreed framework create doubt as to what the common rules are – and uncertainty about the rules in armed conflicts costs lives. Each new ratification of an IHL treaty increases the protections afforded during times of armed conflict and contributes to securing the universality of IHL.

There are currently 174, 169 and 79 States party to Additional Protocols I, II and III respectively. The ICRC strongly regrets that no States have joined the Second Additional Protocol in five years, and no States have joined the First Additional Protocol in more than a decade. The ICRC calls on States that have not already done so to accede to the Additional Protocols and will continue its efforts until the Additional Protocols enjoy the same universal ratification as the Geneva Conventions themselves. These rules, rooted fundamentally in the principle of humanity, are our common wealth and our common legacy to future generations, and we urge all States to join in this endeavor.

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 73 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 those States that have signed the Ljubljana-The Hague Convention on International Cooperation in the Investigation and Prosecution of the Crime of Genocide, Crimes against Humanity, War Crimes and Other International Crimes, as well as those States that have endorsed the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas. These instruments all serve to strengthen the protective norms found in the Additional Protocols.

The ICRC also reiterates its appeal for new, legally binding rules on autonomous weapons systems by 2026. In particular, the ICRC has recommended that these rules include specific prohibitions on unpredictable autonomous weapons systems and those that target humans directly. For all other autonomous weapons systems, there must be strict restrictions on design and use. These rules will be a preventive measure, an opportunity to protect those that may be affected by such weapons and avoid terrible consequences for humanity.

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. Following the publication of the updated commentary to the Fourth Geneva Convention currently planned for the end of 2025, work will commence on the updated commentary to the First Additional Protocol.

In addition to their treaty obligations, parties to armed conflict, and all States in general, remain bound by customary international humanitarian law. In close partnership with the British Red Cross, the ICRC continues to regularly update its Customary IHL Database, providing a unique tool to identify customary rules and the practice that underlie them.

Chair,

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. In particular, the ICRC wishes to recommend to the Member States of the Sixth Committee two reports on the gendered impact of armed conflict: One titled [“Gendered Impacts of Armed conflicts and Implications for the Application of IHL”](#) calls on states to commit to apply and interpret IHL using a gender perspective, with the aim of better protecting all

civilians and improving compliance with non-discrimination obligations. The second report, on “[IHL and a Gender Perspective in the Planning and Conduct of Military Operations](#)”, sets out good practices that armed forces are encouraged to adopt to avoid and reduce gendered harm arising from military operations.

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. To quote the words of the President of the ICRC on the 12th of August of this year, the day of the anniversary of the Geneva Conventions, “international law is under strain, disregarded, and undermined to justify violence. More than ever, the world must recommit to this robust protective framework for armed conflict, one that follows the premise of protecting life instead of justifying death.” We call on all States and parties to armed conflict to make a renewed commitment to the Geneva Conventions and their Additional Protocols, putting their full political will behind robust implementation not just of the letter of the law, but of the spirit of the law.

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

Thank you, Chair.