



Statement on behalf of the European Union and its Member States

at the Sixth Committee

on the Agenda item 83:

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

United Nations

New York

4 November 2020

– CHECK AGAINST DELIVERY –

Thank you, Mr./Madam Chair,

The Candidate Countries the Republic of North Macedonia , Montenegro , Serbia and Albania , the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova, and Georgia, align themselves with this statement.

Mr./Madam Chair,

War is a scourge, which - as the UN Charter states - brings ‘untold sorrow to mankind’. War causes suffering to all involved, in particular to those who do not take part in hostilities, such as civilians, medical personnel, aid workers, and the wounded. War creates victims.

It is with this in mind that two Additional Protocols were adopted back in 1977 to strengthen the protection of victims in international and non-international armed conflicts. The Geneva Conventions are universally ratified. But the Additional Protocols still lack a number of ratifications. We therefore call today on those States that have not ratified them to do so.

While there is scope for a wider ratification, there is equally a pressing need to improve compliance with the Protocols and to strengthen their implementation. In this regard, we recall Resolution ‘Bringing IHL home’ adopted by the 33rd International Conference of the Red Cross and Red Crescent. This provides a useful roadmap for the effective implementation of IHL at the national level.

We encourage compliance with the fundamental rules of IHL by all involved in conflicts. This places constraints on the conduct of war and reduces risks to civilians and civilian objects during armed conflicts. All parties to a conflict must comply with the fundamental principles of IHL, notably principles of humanity,

This also applies to non-state actors. The European Union itself is bound by customary international law.

Mr./Madam Chair,

The International Fact-Finding Commission established under Article 90 of the First Additional Protocol can play a key role in securing the guarantees afforded to the victims of armed conflicts. By documenting serious breaches of IHL and establishing the facts of alleged violations, the Commission can assist the parties to the conflict to restore compliance with and respect for IHL. We should therefore make use of it.

Furthermore, we underline that States are primarily responsible for prosecuting individuals responsible for grave breaches of IHL under their jurisdiction. Should a State be unwilling or unable to prosecute perpetrators, the ICC may complement States' accountability efforts. The ICC is instrumental in the fight against impunity through investigating and prosecuting grave breaches of Geneva Conventions. We fully support ICC' efforts in that regard.

We equally acknowledge the important contribution of the International Committee of the Red Cross as a driving force behind the promotion and development of IHL, and praise its humanitarian work on the ground. We take note of its report (I)-6(HL)TETBT1 0 0 07 3.6 Tm(W)2TETB

Thank you, Mr./Madam Chair.