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## Sixth Committee

### Summary record of the 16th meeting

Held at Headquarters, New York, on Wednesday, 17 October 2018, at 10 a.m.

*Chair:* Mr. Biang ..... (Gabon)

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Agenda item 83: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 83: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**  
(A/73/277)

1. **Mr. Escalante Hasbún** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that greater compliance with international humanitarian law was indispensable for improving the situation of victims of armed conflict. CELAC acknowledged the Member States which had submitted information for the Secretary-General's report (A/73/277), as well as the activities they had undertaken to strengthen compliance with international humanitarian law. It called on States that had not yet done so to provide the Secretary-General with information on compliance at the domestic level.

2. CELAC also welcomed the efforts of the International Committee of the Red Cross (ICRC) to help a number of States draft legislation on missing persons. States bore the primary responsibility for ensuring the production and proper use of means of identification by armed and security forces, which played an important role in preventing persons from going missing in times of armed conflict.

3. Recent developments posed additional challenges with regard to the protection of civilians, in particular vulnerable groups such as women and children, who continued to be the main victims of breaches of international humanitarian law. In accordance with common article 1 of the Geneva Conventions, the international community must ensure the application of international humanitarian law in all circumstances. The Committee's work could contribute in that regard.

4. Challenges posed by contemporary armed conflicts were not a question of norms, but of improving implementation of the Geneva Conventions and their Additional Protocols. One key challenge was to ensure that combatants respected those instruments in situations where persons in need must have access to humanitarian assistance. It was therefore essential to comply with the provisions of international humanitarian law that guaranteed such assistance, an obligation which extended to medical facilities and transport, food and other supplies, and humanitarian personnel in general. Furthermore, under Additional Protocol I, armed attacks must be limited strictly to military objectives, and reprisals against civilians were prohibited.

5. States parties to the Geneva Conventions and their Additional Protocols should engage in a dialogue with ICRC to identify the applicability and improve the effectiveness of existing mechanisms and, if necessary, create new ways of ensuring compliance with international humanitarian law. Many States, including several members of CELAC, had established commissions to advise national authorities on the implementation, dissemination and development of international humanitarian law. Those bodies played an important role in capacity-building for civil servants and members of the armed forces. Member States that had not yet set up such a commission should consider doing so.

6. National commissions should be tasked with the training of public officials whose duties required knowledge of the obligations imposed by international humanitarian law. That entailed introducing international humanitarian law as a subject in the curricula of law schools and in training courses for judges and officials of ministries of defence and foreign affairs. Above all, international humanitarian law must be an integral part of training courses for the armed forces, including military personnel participating in peacekeeping operations.

7. CELAC stressed the importance of the fundamental principles and rules of international humanitarian law applicable to United Nations forces set out in the Secretary-General's bulletin on observance by United Nations forces of international humanitarian law (ST/SGB/1999/13). The Community acknowledged the role of ICRC and highlighted the numerous initiatives taken by it, in particular those designed to implement resolution 2 of the thirty-first International Conference of the Red Cross and the Red Crescent. It also commended the work carried out by national Red Cross and Red Crescent societies in collaborating with the authorities of their respective States in the humanitarian field, cooperating with their Governments and assisting in the promotion, dissemination and application of international humanitarian law. It encouraged ICRC to continue its fruitful interaction with Member States.

8. The establishment of the International Criminal Court had been a breakthrough in the promotion of respect for international humanitarian law. The Community called on all States parties to the Rome Statute that had not yet done so to ratify the amendments adopted by the Review Conference held in Kampala, Uganda, in 2010 (the Kampala amendments).

9. The declaration of the high-level meeting of the General Assembly on the rule of law at the national and

international levels, adopted on 24 September 2012, had reaffirmed the obligation of all States and all parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances. In that regard, CELAC welcomed the Secretary-General's recommendation that the issue of missing persons must also be considered in the context of peacebuilding and transitional justice processes. The Community reiterated its willingness to take the necessary measures to ensure full implementation of international humanitarian law at the national level and in particular to criminalize prohibited conduct. States must have adequate legal tools to punish perpetrators of war crimes.

10. Despite the remarkable development of the normative system of international humanitarian law, it was regrettable that the situation on the ground regarding the protection of civilians remained critical. The first step towards achieving such protection was through strengthening the international humanitarian law regime and ensuring its universal acceptance. CELAC called upon States that had not yet done so to become parties to the Additional Protocols at the earliest possible date.

11. **Mr. Chaboureaux** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that all parties involved in armed conflicts had an obligation to respect and ensure respect for international humanitarian law in all circumstances. The serious disregard for international humanitarian law reflected in reports of war crimes from around the world was deeply alarming. Civilians should not be the primary victims of international and non-international armed conflicts, and the international community must take prompt and resolute action to put an end to such a regrettable situation.

12. In the 2016 Global Strategy for the European Union's Foreign And Security Policy, the European Union had reaffirmed its commitment to promoting respect for international humanitarian law, which was part of the broader commitment established in its founding treaties to advance respect for human dignity and the principles of international law.

13. It was essential to combat sexual and gender-based violence, which was unacceptable in all circumstances, including in situations of armed conflict. The European Union was also concerned about the safety and security of humanitarian personnel, including those providing medical services in the context of armed conflict. In that

connection, the European Union invited other States to join it in its efforts to ensure the implementation of Security Council resolution [2286 \(2016\)](#), concerning the protection of civilians in armed conflict.

14. The European Union and its member States strongly supported the establishment of a universal voluntary mechanism with a view to maintaining the regular dialogue that was needed to enhance respect for international humanitarian law. It therefore welcomed the efforts of ICRC and Switzerland in facilitating a State-driven intergovernmental process to strengthen respect for international humanitarian law and would continue to be involved in that process. His delegation commended ICRC for its continuous and manifold efforts to strengthen and promote the dissemination of international humanitarian law.

15. The European Union continued to implement its 2009 guidelines on the promotion of compliance with international humanitarian law and in 2018 had issued its first annual report on action taken in that regard. Its States members would consider ratifying any of the principal international humanitarian law instruments or other relevant international legal instruments to which they were not yet parties and would encourage other States to do the same. The European Union urged all States Members of the United Nations that had not yet acceded to the Additional Protocols to the Geneva Conventions to do so.

16. Furthermore, the European Union, convinced of the importance of national implementation and enforcement, was supporting States in their efforts to adopt national legislation pertaining to their international human law obligations. In that context, it welcomed the increasing number of national commissions and other bodies that were being established to advise national authorities on the implementation, dissemination and development of international humanitarian law. The European Union was also funding programmes to help build effective and transparent security and justice sectors.

17. The European Union and its member States were committed to promoting the dissemination of international humanitarian law and training both within and beyond the European Union, for national authorities, armed non-State actors and humanitarian organizations, with the aim of ensuring that persons who were not or were no longer participating in hostilities could receive prompt protection and assistance. To that end, the European Union intended to strengthen its campaign for the ratification of Additional Protocols I and II to the Geneva Conventions. It was giving particular consideration to the question of how it could

improve training and the dissemination of information through its Common Security and Defence Policy missions and operations.

18. Accountability was crucial to securing compliance. Impunity must be eliminated and remedies for victims of violations of international humanitarian law must be provided. The responsibility for ensuring that alleged perpetrators of genocide, crimes against humanity and war crimes were prosecuted lay first and foremost with States, which would benefit from improved mutual legal assistance.

19. The European Union had always been a strong supporter of the International Criminal Court and had used the means at its disposal to increase support for the Court. Given the importance of complementarity and cooperation between national systems and the Court, it was also committed to promoting the strengthening of national justice systems. The Council of the European Union had recently adopted a set of conclusions reaffirming the Union's support for the Court.

20. The European Union welcomed the national efforts made by many States and their national Red Cross and Red Crescent societies to implement international humanitarian law and encourage broader reflection on challenges in that regard.

21. **Ms. Schoulgin Nyoni** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that ICRC, the International Federation of Red Cross and Red Crescent Societies and its national societies carried out vital work on a daily basis to protect persons in situations of armed conflict and promote compliance with international humanitarian law. The recent report of the Secretary-General on protection of civilians in armed conflict (S/2018/462) painted a horrendous picture of the current situation. Despite the rigorous legal framework in place for their protection, civilians continued to bear the brunt of the effects of armed conflicts around the world, and violence and threats against civilians and civilian infrastructure were still on the increase.

22. The most effective way to protect civilians was to prevent armed conflicts by addressing the root causes, promoting human rights and the rule of law and strengthening national governance and institutions, but ensuring respect for international humanitarian law was also crucial. In resolution 2 of the thirty-second International Conference of the Red Cross and Red Crescent, States had recognized the need to improve compliance with international humanitarian law and address the current weaknesses and gaps in its implementation, including by non-State actors. The Nordic countries called on States to reach a consensus

on how to implement the resolution ahead of the thirty-third Conference.

23. More must be done to put a stop to the daily violation of the most basic tenets of international law, including arbitrary denial of access to humanitarian assistance and the increasing number of attacks on civilians, humanitarian workers, journalists, schools and medical facilities. States had an obligation to protect persons providing health care and assistance to the wounded and sick, and to uphold the relevant rules and principles of international law. In that connection, the Nordic countries welcomed the landmark Security Council resolution 2286 (2016), in which attacks on medical facilities and medical and humanitarian personnel were strongly condemned. The Nordic countries commended the heroic efforts of the many medical and humanitarian personnel who assisted persons in need in extremely dangerous situations.

24. The implementation of international humanitarian law should be non-discriminatory and, to that end, should include a gender perspective. As rightly stated in resolution 3 of the thirty-second International Conference of the Red Cross and Red Crescent, women's political, social and economic empowerment; gender equality; and the engagement of men and boys in the effort to combat all forms of violence against women were essential to long-term efforts to prevent sexual and gender-based violence in armed conflict, disasters and other emergencies.

25. More should be done to realize the potential of the International Humanitarian Fact-Finding Commission, which had been established under article 90 of Additional Protocol I and had competence to enquire into any facts alleged to be a grave breach or serious violation of international humanitarian law, facilitate respect for those norms through its good offices and make recommendations to the States involved.

26. The Nordic countries commended the efforts of the International Criminal Court to investigate and prosecute persons suspected of genocide, war crimes and crimes against humanity. Nevertheless, primary responsibility for holding such persons accountable was at the domestic level.

27. A proactive approach should be taken to ensuring both compliance with international humanitarian law and accountability for non-compliance. In that connection, the Nordic countries would welcome a discussion of accountability from other perspectives, including the role of universal jurisdiction and the means of strengthening cooperation in bringing national prosecutions, where possible. It would also be beneficial to make use of alternative international mechanisms that

promoted accountability and to strengthen cooperation between international mechanisms and other actors, including national authorities, judiciaries and non-governmental organizations.

28. It was crucial to ensure respect for international humanitarian law and end impunity as a matter of urgency, both for the sake of victims and to ensure the credibility of States as the guardians of international humanitarian law and the rules-based international order.

29. **Ms. Boucher** (Canada), speaking also on behalf of Australia and New Zealand, said that the three delegations were strongly committed to the implementation of, and compliance with, international humanitarian law. Armed conflict continued to have a devastating effect in many regions. In Syria alone, 1.5 million citizens were living with war-related injuries, and civilians had been killed, wounded and terrorized by chemical weapons, barrel bombs and conventional weapons. Armed conflicts such as the one in Syria demonstrated the importance of respect for international humanitarian law in general and also underlined the important contribution to the body of international humanitarian law made by the Additional Protocols to the Geneva Conventions. Contemporary armed conflicts were more complex than ever before, as non-international armed conflicts driven by civil unrest became more widespread and more destructive. International humanitarian law, including the Additional Protocols to the Geneva Conventions, provided a framework for conduct in armed conflict designed not only to alleviate human suffering but also to ensure a lasting transition from conflict to peace and stability. Australia, Canada and New Zealand strongly encouraged States that had not yet become parties to the Additional Protocols to do so as soon as possible.

30. Many of the key provisions of the Additional Protocols, including those concerning respect for and protection of medical units, personnel and their transport, and protection of the civilian population, reflected rules of customary international law. As sponsors of Security Council resolution 2286 (2016), in which the Council condemned attacks on the sick, the wounded, medical personnel and medical facilities and demanded that all parties to armed conflicts comply with their obligations under international humanitarian law, Australia, Canada and New Zealand continued to condemn such attacks and to call for compliance with and respect for international humanitarian law. All States and parties to armed conflict should take responsibility for the implementation of the recommendations of the Secretary-General, submitted pursuant to paragraph 13 of that resolution and

contained in document S/2016/722, concerning measures to enhance the practical application of protections afforded under international law to the wounded and sick, medical personnel and humanitarian personnel, their means of transport and equipment, as well as hospitals and other medical facilities. In December 2016, the General Assembly had adopted resolution 71/130 concerning the situation in the Syrian Arab Republic, in which it condemned such attacks and deplored their long-term consequences for the civilian population and the country's health-care system. Australia, Canada and New Zealand had also sponsored General Assembly resolution 71/248 establishing 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, which would help ensure accountability for violations of international law, including international humanitarian law and international human rights law.

31. To enhance the implementation of international humanitarian law, including the Additional Protocols, States must take practical measures such as incorporating international humanitarian law into their doctrine, field training and rules of engagement. They must also ensure that their judicial structures were capable of effectively addressing national-level violations of international humanitarian law. During the Canadian presidency of the Group of Seven, the States members of the Group had committed to linking the provision of support to parties to armed conflicts to those parties' compliance with international humanitarian law. Australia, Canada and New Zealand acknowledged the indispensable role of ICRC in disseminating international humanitarian law by working, together with States, to ensure the protection of civilians and victims in armed conflict.

32. **Mr. Horna** (Peru) said that his Government was continuing to implement its long-standing policy to ensure the proper implementation of international humanitarian law and international human rights law. Peru was a party to the key legal instruments in those areas of law and had transposed their provisions into its domestic law. It complied with its international obligations and ensured that its national institutions provided protection for those who were not or were no longer participating in hostilities. The Ministry of Justice and Human Rights and the Ministry of Defence had been training the armed forces on the applicable rules of international law for over 20 years. As a result, Peruvian peacekeepers had a solid grounding in

international humanitarian law, which translated into irreproachable conduct in the field.

33. Peru had adopted a variety of measures to improve the protection of civilians, including vulnerable populations. It was also taking steps to address the issue of missing persons and had established a register of victims to ensure full reparation. The Ministry of Women and Vulnerable Populations had recently adopted a protocol for the care of individuals and families rescued from terrorist groups, while the National Commission for the Study and Implementation of International Humanitarian Law was drafting a bill on the prevention and punishment of international crimes and human rights violations.

34. It was crucial to ensure respect for the provisions of international law on the protection of civilians. As a member of the Security Council, Peru was calling for the Council to take firm action to protect civilians severely affected by conflict in countries such as Yemen, Syria, South Sudan, the Democratic Republic of the Congo, Myanmar, Somalia, the Central African Republic, Libya and Palestine.

35. Peru recognized the concept of the responsibility to protect. According to that principle, the State bore the primary responsibility for the protection of its people but, when the national authorities failed to fulfil that responsibility, Member States could take timely and decisive collective action in line with the Charter of the United Nations.

36. The Security Council, in issuing its mandates, must continue to emphasize the link between human rights and the protection of civilians. It should also ensure that human rights and rule of law activities received sufficient financial resources, and it must adopt measures to ensure accountability and impose targeted sanctions. In combination, those mechanisms could lead the parties to an armed conflict to abide by international humanitarian law and international human rights law.

37. Failure to punish the perpetrators of the most serious crimes created a climate of impunity that fostered conflict. His delegation therefore encouraged all States to ratify the Rome Statute and cooperate with the International Criminal Court, since the Court played a key role in preventing such crimes from going unpunished.

38. Peru rejected all attacks on medical facilities and humanitarian workers, which were war crimes under international law. It was similarly concerned about attacks on schools and journalists. His delegation called for full compliance with the provisions of the Geneva Conventions of 1949 that clearly prohibited attacks on

hospitals or medical personnel and, by extension, humanitarian convoys and all other convoys bearing distinctive emblems. The international community should also give greater recognition to the sacrificial and dangerous work carried out by humanitarian agencies and workers to assist civilians in conflict situations.

39. **Mr. Luna** (Brazil) said that delegations that had not yet done so should consider providing the Secretary-General with information on their implementation of international humanitarian law.

40. 2018 marked the 150th anniversary of the Declaration of St. Petersburg to the effect of prohibiting the use of certain projectiles in wartime, which, together with the 1864 Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, was at the origin of the basic principle that the necessities of war ought to yield to humanitarian requirements. International humanitarian law embodied the notion that even when the law failed and conflict erupted, there were still rules aimed at protecting the most vulnerable, avoiding unnecessary suffering and maintaining human dignity during hostilities. Brazil noted with concern the growing lack of respect for international humanitarian law. The disregard for its most fundamental norms in times of armed conflict had already caused immense human suffering, claimed the lives of innocent civilians and left a trail of destruction and despair.

41. Despite initial hopes that the creation of the United Nations, along with the clear prohibition of the use of force, would make international humanitarian law obsolete, countless international and non-international armed conflicts were still taking place, with dire consequences for civilians, especially the most vulnerable. Military action inevitably resulted in high human and material costs. Therefore, States that were truly willing to avoid violations of international humanitarian law and protect civilians should first and foremost commit themselves to considering the use of force only after all other options had been exhausted, and to using force solely in accordance with the Charter of the United Nations.

42. It was important to focus not only on the development of new rules governing conflict but also on means of ensuring respect for international humanitarian law. If all parties to a conflict were committed to respecting at least the basic principles of proportionality, necessity and distinction, the situation on the ground would be less tragic. Unfortunately, indiscriminate attacks on civilians, the destruction of cultural heritage, military action directed against schools and medical facilities, the use of explosive



weapons in populated areas and access restrictions on humanitarian workers had become the norm, rather than the exception. Brazil urged all States to renew their commitment to international humanitarian law and find ways to make it more effective and better able to address the challenges posed by cyberattacks and new technologies such as lethal autonomous weapons systems and drones.

43. At the thirty-second International Conference of the Red Cross and Red Crescent, consensus had been reached on a number of policy measures to address current and future challenges in the field of humanitarian assistance. However, the Conference had fallen short of determining specific steps that should be taken to address gaps and weaknesses in the implementation of international humanitarian law. His delegation hoped that all States would continue to engage constructively in intergovernmental efforts to strengthen compliance.

44. Brazil was a party to all the main international humanitarian law instruments, including the four Geneva Conventions and their Additional Protocols. His Government had taken significant steps to promote the proscription of certain types of weapons, including by supporting the General Assembly resolution that had culminated in the adoption of the Treaty on the Prohibition of Nuclear Weapons and participating actively in the negotiation of that Treaty. His Government had also endeavoured to disseminate and implement international humanitarian law instruments at the national level through the National Committee on International Humanitarian Law. The National Committee had recently established a subcommittee on new technologies of war to collect and disseminate information that might contribute to national and international debates on the compatibility of new technologies with international law, in particular international humanitarian law and international human rights law.

45. Ensuring greater respect for international humanitarian law was currently the key challenge for the protection of civilians in armed conflict. However, the best way to protect civilians would be to bring about a less militarized world order and a renewed commitment to multilateralism.

46. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that the nature of contemporary armed conflicts continued to provide challenges for the application and respect of international humanitarian law in a number of areas, ranging from the classification of armed conflicts to the use of new technologies. The increasing complexity of armed conflicts had given rise to discussions over the

notion and typology of armed conflicts, including whether the classification of conflicts into international and non-international was sufficient to encompass the types of armed conflicts currently taking place. His delegation believed that it was, while recognizing that there were an increasing number of different factual scenarios that might be classified as non-international armed conflicts.

47. The interplay between international humanitarian law and human rights law continued to have practical consequences for the conduct of military operations. It affected issues related to detention, as well as to the use of force, in both international and non-international armed conflicts, not to mention the extraterritorial targeting of persons. In contemporary armed conflicts, the protective scope of international humanitarian law remained a matter of the utmost concern, perhaps excessively so.

48. In recent years, extraterritorial military operations had given rise to new forms of military presence in the territory of a State and refocused attention on the rights and duties of an occupying Power and the regulation of the use of force in occupied territories. The responsibilities and tasks assigned to multinational forces had also evolved to encompass a spectrum of operations including conflict prevention, peacekeeping, peacemaking, peace enforcement and peacebuilding. The multifaceted nature of those operations meant that multinational forces were more likely to use force, raising the question of when and how international humanitarian law would apply to their actions.

49. His delegation reiterated its unwavering commitment to international humanitarian law, and in particular the Geneva Conventions and their Additional Protocols. Nothing justified the violation of those norms of international law, and his delegation was opposed to attempts by certain countries to reinterpret them in order to avoid their unconditional implementation. The ethical principles underlying the rules of international humanitarian law were the same as those which united the international community in its efforts to achieve lasting world peace and combat international terrorism, transnational crime and other scourges of humanity, which must not be allowed to serve as a pretext for certain States to violate those legal precepts.

50. A wide array of new technologies had entered the modern battlefield. Cyberspace had opened up a potentially new war-fighting domain. Remote-controlled weapons systems such as drones were increasingly being used by the parties to armed conflicts. Automated weapons systems were also becoming more prominent, and certain autonomous

systems such as combat robots were being considered for future use on the battlefield. Ensuring that those weapons complied with existing norms would involve new legal and practical challenges.

51. Hostilities pitting non-State armed groups operating within populated areas against government forces were also a recurring pattern. The intermingling of armed groups with civilians, in violation of international humanitarian law, had been used by some armies as a justification to bypass the taking of all possible precautions to minimise risks to civilians.

52. A recent challenge for international humanitarian law had been the tendency of States to label as “terrorist” all acts of warfare committed by non-State armed groups against them, especially in non-international armed conflicts. While armed conflict and acts of terrorism were different forms of violence governed by different bodies of law, they had come to be perceived as almost synonymous owing to constant conflation in the public domain. The use of the term “terrorist act” in the context of armed conflict caused confusion between the two separate bodies of law and could lead to a situation in which non-State armed groups disregarded the norms of international humanitarian law because of a perception that they had no incentive to abide by the laws and customs of war. The designation of some non-State armed groups as ‘terrorist groups’ also had significant implications for humanitarian engagement and could impede humanitarian action.

53. Challenges posed by contemporary armed conflicts were not a question of norms, but of improving implementation of the Geneva Conventions and their Additional Protocols. One key challenge was to ensure that combatants respected those instruments in situations where persons in need must have access to humanitarian assistance. It was therefore essential to comply with the provisions of international humanitarian law that guaranteed such assistance, an obligation which extended to medical facilities and transport, food and other supplies, and humanitarian personnel in general. Furthermore, under Protocol I, armed attacks must be limited strictly to military objectives, and reprisals against the civilian population were prohibited.

54. In order to combat impunity, it was essential to have national judicial institutions capable of exercising jurisdiction and upholding justice. Those institutions should be able to act without pressure from outside parties, least of all inept and politicized courts whose transparency was open to question. His delegation

encouraged all States that had not yet acceded to the Additional Protocols to do so as soon as possible.

55. **Ms. Pino Rivero** (Cuba) said that her Government valued its status as a State party to the Geneva Conventions and their Additional Protocols and had enacted the Military Offences Act to address actions or omissions that could constitute crimes under international humanitarian law. All the necessary guarantees relating to the protection of civilians had been incorporated into national law.

56. Nothing justified the violation of international law, and efforts to combat international terrorism, transnational crime and other scourges of humanity, including military interventions in other countries, must not be allowed to serve as a pretext for certain States to violate those legal precepts. Cuba was opposed to attempts by certain countries to reinterpret those norms in order to avoid their unconditional implementation.

57. Civilians were increasingly the victims and direct targets of abuse by armed forces in conflicts, in violation of the principle of distinction between combatants and civilians. Civilian buildings, such as hospitals and schools, were also being attacked indiscriminately. The increasing use of highly sophisticated weapons, in particular unmanned aerial vehicles, was of serious concern, since it did not guarantee compliance with international humanitarian law. Of particular concern was the catastrophe experienced by Arab peoples in territories occupied by Israel. The civilian population in those territories was especially affected, in flagrant disregard of international humanitarian law.

58. The need to achieve universal support for a legal framework applicable to armed conflicts was more pressing than ever; in that regard, the Committee should discuss the issues comprehensively, transparently and without double standards. The international community must hold accountable any State that violated international humanitarian law as well as States that promoted internal conflicts in other sovereign States in order to impose their external agendas.

59. A centre for international humanitarian law studies had been established in 1994, following the signing of a cooperation agreement between ICRC and the Cuban Red Cross to disseminate international humanitarian law and promote the fundamental principles of the International Red Cross and Red Crescent Movement. The centre provided training for the Cuban armed forces, the Ministry of the Interior and professionals in the fields of health care, law, education and the media. In 2017, the Cuban Society of International Law had hosted its tenth international workshop on international humanitarian law, attended by investigators and



members of the Cuban armed forces. Cuba would continue to work towards the universal implementation of the norms of international humanitarian law and to cooperate with ICRC and its various associations in order to disseminate respect for such norms.

60. **Mr. El Jallad** (Lebanon) said that his country attached the utmost importance to international humanitarian law and to the protection of civilians in particular. Lebanon had ratified the Geneva Conventions and Additional Protocols I and II and was committed to their implementation. In 2017, Lebanon had acceded to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and Protocols I, II and III thereto, and had taken measures to implement their provisions.

61. International humanitarian law had been incorporated as a basic component of the curricula used in military schools and academies. The Ministry of Defence had established the post of international humanitarian law counsel in 2017 to advise the Minister of Defence and top-ranking commanders. International humanitarian law experts would also be assigned to advise the leadership of major operational units. Following a constructive dialogue with ICRC, the Lebanese army had taken measures to ensure compliance with humanitarian norms by its units, particularly those involved in the fight against terrorism in eastern Lebanon. The Lebanese Red Cross and other human rights associations were also engaging with young people to disseminate the rules of international humanitarian law. Members of the Lebanese Red Cross and civil defence personnel had made many sacrifices during past conflicts in Lebanon.

62. Lebanon had been a victim of grave breaches of international humanitarian law over many years. More than 12 years after the Israeli aggression of 2006, there was still no accountability and no remedies had been provided for the crimes committed. The Commission of Inquiry established by the Human Rights Council at that time had concluded that Israel had violated international humanitarian law when its forces had “simply changed the status of all civilian objects by making them legitimate targets”. The Commission had also found that the Israeli forces had destroyed large parts of the Lebanese civilian infrastructure and that the attacks had caused considerable and disproportionate damage to cultural, archaeological and historical property which could not be justified by military necessity. Even the environment had not been spared, with the destruction of the El-Jiyeh electric power plant, which had resulted

in a massive oil spill on the Lebanese shores and beyond.

63. Flagrant breaches of international humanitarian law were still being committed against the Palestinian people on a daily basis. The Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), explicitly prohibited, *inter alia*, collective punishment, the deportation by the occupying Power of its own civilian population into the territory it occupied, and the targeting of civilian and medical personnel. However, the killings of Palestinian civilians in recent months and the decision to demolish the village of Khan al-Ahmar demonstrated the continued contravention of international humanitarian law by Israel. The Palestinian people had no choice but to turn to the General Assembly in the hope that it would guarantee their basic right to survival.

64. Laws and regulations protecting civilians already existed, but compliance was still a challenge. Accountability remained the most important element for ensuring respect for those laws. The dissemination of international humanitarian law in societies and within relevant State institutions could help promote compliance. ICRC had already played a major role in developing humanitarian principles. It was now up to States to work together to give effect to those rules.

65. **Mr. Rittener** (Switzerland) said that, as the depositary of the Geneva Conventions and their three Additional Protocols, her country attached great importance to their universal ratification and strongly urged States that had not yet done so to ratify the Additional Protocols as soon as possible. It also encouraged all States parties to Additional Protocol I to recognise the competence of the International Humanitarian Fact-Finding Commission established under article 90 of the Protocol, which could easily be done by depositing a simple declaration with the depositary. The Commission was ready to investigate allegations of violations and to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I. It was currently investigating an explosion that had occurred in eastern Ukraine on 23 April 2017, in which an armoured vehicle of the Organization for Security and Cooperation in Europe had been struck, resulting in the death of a paramedic.

66. Recalling that, at the thirty-second International Conference of the Red Cross and Red Crescent, all States had undertaken, on the basis of consultations facilitated by Switzerland and ICRC, to participate in an intergovernmental process aimed at strengthening respect for international humanitarian law, he

encouraged all States to participate in that process ahead of the thirty-third International Conference to be held on the occasion of the seventieth anniversary of the Geneva Conventions in December 2019.

67. **Ms. Seiferas** (Israel) said that her country had had to contend with security threats and acts of war and terrorism from both States and non-State actors ever since its establishment. Throughout its existence, Israel had been committed to implementing the principles of the laws of armed conflict, while facing difficult dilemmas that arose from the means and methods of warfare directed against its citizens by terrorist organizations. Notwithstanding its reservations about attempts to classify certain key provisions of the Additional Protocols as customary international law, Israel considered that the promotion of compliance with the laws of armed conflict was of the highest importance. The challenges of armed conflict, including asymmetric warfare, were becoming more urgent. Non-State adversaries did not consider themselves bound by the laws of armed conflict, which they systematically abused, taking advantage of States' adherence thereto. Those laws should therefore be interpreted and applied in such a way as to meet those emerging challenges.

68. Time and time again terrorists embedded themselves and their weapons among their own civilian populations. Rather than take precautions to shield civilian populations, terrorist groups did the exact opposite. The abhorrent practice of exploiting innocent people as human shields extended further to such sites as hospitals, schools and places of worship and, in the context of armed conflict with terrorist groups like Hamas and Hizbullah, had been part of her country's reality for decades. Preventing armed attacks and acts of terrorism perpetrated against her country's people by a terrorist group embedded in a civilian population was a genuine challenge. Only by meticulously applying the relevant laws and improving applicable systems and methods, could the maximum protection of, and minimum harm to, civilians be assured. The practice of States that actually applied the law in real situations should be taken into account when examining and studying the development of international law.

69. Israel ensured that all aspects of its military operations complied with the laws of armed conflict. Its system of oversight had been hailed by legal experts as one of the best in the world, and Israel was continuing to improve it. The Israeli Defence Forces were trained to uphold procedures that ensured that the delicate balance between military necessity and humanitarian considerations was maintained to the greatest possible extent. Educational programmes for military personnel,

with case studies, were taught by military lawyers, academics and practitioners, and training simulators had been developed to prepare infantry forces for combat in urban areas when civilians were present. A fact-finding assessment mechanism, with broad powers to obtain information from both the Israeli Defence Forces and civilians, was used for the prompt examination of exceptional incidents that took place during military operations. On the basis of the mechanism's findings, the Military Advocate General's Corps decided whether to open a criminal investigation. Lawyers in that Corps also provided commanders with legal advice, independent from the chain of command and subject to external civilian oversight, and examined the legality of decisions regarding rules of engagement, use of weapons, detainee treatment and humanitarian efforts, among others. Furthermore, the Israeli Supreme Court had issued rulings in response to hundreds of petitions on issues related to the laws of armed conflict and had even in some cases halted military operations.

70. Israel recognized the impressive efforts of ICRC to publish updated interpretations of the Geneva Conventions and their Additional Protocols, in order to highlight the changes that had transpired in armed conflict over the previous half century. It was concerned, however, about the commentary to the First and Second Geneva Conventions, in respect of both the methodology used to reach conclusions and the substantive positions set out therein, which did not always accurately reflect the state of the law. Given the primary role of States in creating, interpreting and applying the law, it was important to consult with them, receive their input and provide greater weight to their positions, interpretations and views. Her delegation acknowledged the important contribution of ICRC and its humanitarian work on the ground throughout the world and looked forward to working with other members of the Committee to strengthen the application of the laws of armed conflict worldwide.

*The meeting rose at 11.35 a.m.*