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Chair: Mr. Manongi. (United Republic of Tanzania)

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The meeting was called to order at 10.05 a.m.

Agenda item 77: United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (*continued*)
(A/69/516 and Add.1; A/C.6/69/L.7)

1. **Mr. Mangisi** (Tonga), speaking on behalf of the 12 Pacific small island developing States represented at the United Nations, noted that voluntary contributions had not proved to be an adequate way of funding the Programme of Assistance, in particular the United Nations Regional Courses in International Law and the United Nations Audiovisual Library of International Law; consequently there was a need to provide more reliable funding for those activities, in line with the conclusion of the Advisory Committee.

2. In discussions on the rule of law at the international level, States had reaffirmed the importance of developing and maintaining cooperation within the international community through international law and the three pillars of the United Nations, namely international peace, socioeconomic development and human rights. Those issues were directly linked to the Sustainable Development Goals, the post-2015 development agenda and the search for multi-stakeholder and partnership approaches, all of which were of great importance to the Pacific small island developing States. Furtherance of the codification and progressive development of international law, support for the growing network of international treaties, international dispute resolution mechanisms and training and education in international law contributed significantly to international efforts to maintain international peace and security; they also promoted human rights and sustainable development and were deeply rooted in the objective for which the Programme had been first created.

3. The international community had repeatedly recognized the vulnerability of the Pacific small island developing States. Their geographic remoteness, limited economies of scale, narrow resource base, susceptibility to the impact of climate change and sensitivity to severe disruption from natural disasters were obstacles to their sustainable development. Notwithstanding those challenges, the Pacific small island developing States derived considerable benefit from Regional Courses in International Law, international fellowships, the Audiovisual Library and publications. They regarded the Programme of

Assistance as a core tool for training international lawyers, particularly government officials, in international law.

4. The Pacific small island developing States recognized the efforts made to strengthen, revitalize and expand the Programme to respond to the increasing demand for international law training and research materials in developing as well as developed countries, but expressed their concern about the continued insufficient funding for the Programme of Assistance, which had prevented the implementation of a number of activities in 2013 and again in 2014, including the Regional Courses in International Law for Asia-Pacific.

5. Thus, the Programme was at risk. The Pacific small island developing States welcomed the Advisory Committee's recommendations, and they urged Member States to take timely measures to include the Programme in the regular budget of their organizations. They also supported the Advisory Committee's recommendation inviting the General Assembly to revisit the matter of funding for the Programme of Assistance, in particular the Regional Courses and the United Nations Audiovisual Library of International Law for the year 2015.

6. The dissemination of the knowledge, study and teaching of international law was of central importance for the Pacific small island developing States and the international community in their efforts to achieve a world system based on the rule of law. Actions rooted in the Programme of Assistance should aim to alleviate the inherent economic, financial and social difficulties of the Pacific small island developing States.

7. **Mr. Thiratayakinant** (Thailand) said that the Programme of Assistance constituted a core United Nations activity for disseminating knowledge on international law, thereby strengthening international peace and security and cooperation among Member States. By fostering an in-depth understanding of international law, the Programme promoted the rule of law at its most fundamental level. His delegation expressed appreciation to countries, international institutions and organizations as well as individuals for their support of Programme's activities.

8. The Codification Division had undertaken considerable efforts to make publications and research materials available online in the United Nations Audiovisual Library of International Law to students

and practitioners around the world. Lawyers in developing countries relied on the cost-effective access to the invaluable historical archives of the United Nations and collections of lectures, and it would be regrettable if the Library had to be discontinued for lack of funding.

9. The fellowship programmes for qualified candidates from developing countries, together with study visits, regional courses and seminars organized by the Office of Legal Affairs, had allowed successive generations of legal practitioners around the world to advance their knowledge and develop expertise in areas of international law.

10. The Regional Courses in International Law offered opportunities for lawyers in developing countries to receive high-quality training from renowned scholars and practitioners and for participants from different legal backgrounds to share their experiences and views on contemporary issues of international law, exchange ideas and establish valuable connections and networking. Thailand had hosted the 2012 Regional Course in International Law for Asia-Pacific, and it deeply regretted that the Regional Course had been cancelled in 2013 and 2014, owing to lack of funding, despite its own contribution and preparations and those of the Codification Division.

11. His delegation expressed concern over the lack of regular budgetary funding for the Programme of Assistance. Member States had applauded the Programme, and it was thus surprising that they could not agree on allocating a very small proportion of the United Nations budget to it. It was to be hoped that that issue would be addressed and resolved at the current session, as recommended by the Advisory Committee.

12. Thailand reiterated its willingness to host the Regional Course for Asia-Pacific in 2015, in accordance with General Assembly resolution 68/110, subject to sufficient funding on the part of the United Nations in addition to the costs that his Government would bear as the host country.

13. **Mr. Xiang Xin** (China) said that, since its inception, the Programme of Assistance had played an important and positive role in promoting the teaching, study and application of international law, in particular in developing countries, and in building the capacity of developing countries in the field of international law.

The United Nations International Law Fellowship Programme and the Regional Courses in International Law had benefited numerous diplomats and young scholars, and the Audiovisual Library, with its constantly upgraded content, had provided abundant resources for practitioners of international law.

14. His delegation regretted that, owing to lack of resources, Regional Courses in International Law for Asia and for Latin America had had to be cancelled on several occasions and that the Audiovisual Library was at risk of being discontinued. It was unsustainable to conduct the Regional Courses and keep the Audiovisual Library going on the basis of voluntary contributions; they should be included in the regular budget as soon as possible.

15. China attached great importance to the teaching and study of international law and had actively supported the Programme of Assistance. In recent years, it had made annual donations of US\$ 30,000 to the Programme to be used in support of Regional Courses in International Law for Asia and Africa, and of the Audiovisual Library. A number of Chinese scholars had made contributions to audiovisual teaching materials for the Library. China was ready to work with the international community to continue to support the Programme's successful and sustainable implementation.

16. **Ms. Rodríguez Pineda** (Guatemala) said that her country had benefited from the many activities of the Programme of Assistance, which was usually perceived as being focused on training, but it was also very useful from a political perspective. Her delegation stressed the importance of the Programme in strengthening the rule of law, which could not be consolidated on the basis of a simple knowledge of international law, but also required that States respected and applied it in their policies and in relations with other States. The dissemination of law, which contributed to the universalization of international instruments, was therefore an essential component.

17. Her delegation welcomed the activities carried out under the Programme in 2014 and noted with interest those planned for 2015. All aspects of the Programme should be continued.

18. Bearing in mind the Programme's limited resources, her delegation welcomed the increasing use of modern technologies, which enhanced the

dissemination and reach of the services offered, while lowering their cost. The report noted that the challenges involved in gaining access to those technologies were being taken into account. Year after year, her delegation had been surprised by the wealth of information provided by the Audiovisual Library, where law and technology converged.

19. Her delegation welcomed the Advisory Committee's recommendation regarding Regional Courses. Given the financial problems and the decline in voluntary contributions, ways of improving efficiency should continue to be explored in order to ensure the Programme's sustainability and the predictability of its services. Consideration should be given to alternating the courses offered every year or holding them on a biennial basis. It would also be useful to continue forging alliances with regional and subregional organizations, as demonstrated in the case of the African Union.

20. **Ms. Lennox-Marwick** (New Zealand) said that the Programme was key to United Nations efforts to promote international law and strengthen the rule of law. As such, it made an important contribution to international peace and security. The Regional Courses provided an invaluable opportunity for young lawyers not only to receive high-quality training, but to do so alongside other lawyers from their region. A number of New Zealand academics and practitioners had participated in those courses. Her delegation expressed concern that, despite the willingness on the part of the host countries, it had not been possible to hold the Regional Courses for Asia-Pacific or for Latin America and the Caribbean in 2014.

21. The Programme's overall financial situation remained of great concern. Voluntary contributions had not proved to be adequate, and it was to be hoped that, given the agreement on the Programme's importance, a solution could be found to the funding crisis. Member States should consider making voluntary contributions to the Programme until more reliable funding was found. New Zealand had consistently contributed to the Programme and would make an additional voluntary contribution in 2014 to both the Regional Courses and the Audiovisual Library.

22. **Mr. Al-Khater** (Qatar) said that the Programme of Assistance had laid the foundation for heightening awareness of the importance of international law. The current situation being faced by the international

community showed the growing need for the Programme, which aimed to promote international peace and security and friendly, respectful and cooperative relations among States on the basis of a commitment to international law.

23. Given the importance of international law, which was enshrined in the policies of Qatar, his Government had been eager for its diplomats and legal experts to take part in the Programme's training sessions. It provided financial assistance to the Programme to help overcome financial constraints, thus allowing legal professionals, especially those from developing countries, to participate. His delegation shared the concern about the cancellation of the Regional Courses for Asia-Pacific in 2014 due to budget constraints, and it was troubled that the Regional Courses for Latin America and the Caribbean had continued to be cancelled for many years. It urged international institutions and donor countries to provide support to the Programme so that it could carry out its training activities. Qatar would continue to provide assistance to the Programme in order to raise awareness of international law and strengthen international peace and security.

24. **Ms. Le Fraper du Hellen** (France) said that her delegation joined the delegation of Guatemala in underscoring the political importance of the Programme, which had contributed to the strengthening of the rule of law and the maintenance of international peace and security since its creation. At a time when many General Assembly resolutions called for a fight against radicalization and extremism, it was essential for the Programme to be adequately funded. The Programme was for a good cause, because its work was at the heart of the Organization's activities.

25. **Mr. Waweru** (Kenya), while expressing appreciation for the efforts of Member States that had made voluntary contributions to the Trust Fund, said that voluntary funding was not only unreliable, unsatisfactory and unpredictable, but also disruptive, as could be seen by the last-minute cancellation of a number of Regional Courses and the uncertain future of the Audiovisual Library. Now more than ever, there was an urgent need for a more reliable and predetermined mode of funding. His delegation joined those calling for a solution to the funding crisis, which was only possible through the regular budget of the United Nations, as recommended by the Advisory Committee.

26. He had personally attended the Regional Course for Africa held in April 2014 in Addis Ababa, which had enabled participants to interact with legal scholars and practitioners on a wide range of issues of importance to the region, many of which had been dealt with in the Sixth Committee. Such events testified to the need to resolve the financial crisis and secure regular funding for the next set of courses.

27. **Mr. Charles** (Trinidad and Tobago) said that, as a member of the Advisory Committee, his country remained firmly committed to supporting the activities of the Programme of Assistance and had made voluntary contributions to the Trust Fund to assist the Codification Division in discharging its mandate. A better understanding and appreciation of international law was fundamental to fostering international peace and security, facilitating cooperation among States and promoting the rule of law at national and international level, and his delegation therefore reaffirmed its full support for the activities under the Programme of Assistance aimed at providing training in the area of international law.

28. His delegation appreciated the efforts of the Codification Division in enhancing the technical capacities of lawyers and diplomats through the provision of comprehensive training in several areas of international law that were fundamental to development. It commended the Division for having organized seminars and study visits to the International Court of Justice, the International Criminal Court and the Permanent Court of Arbitration to familiarize lawyers from developing countries with the workings of those bodies.

29. His delegation noted with concern that, owing to inadequate funding and the decline in voluntary contributions, the Regional Courses in International Law for Asia-Pacific and for Latin America and the Caribbean had been cancelled, desktop publishing had not been maintained and the Audiovisual Library might be discontinued. The current system undermined effectiveness of the Programme, which had never been designed to be funded primarily by voluntary contributions. His delegation underlined the need to secure funding from the regular budget for the Programme, which was of great importance for ensuring that the rule of law was implemented uniformly and universally.

30. To that end, his delegation supported the Advisory Committee's recommendation to revisit, as a matter of urgency, the issue of funding for the Programme of Assistance for the 2014-2015 biennium, in particular the Regional Courses and the Audiovisual Library for the year 2015. It also endorsed the Advisory Committee's recommendation to request the Secretary-General to include additional resources under the proposed programme budget for the biennium 2016-2017 for the organization of the Regional Courses in targeted regions and for the continuation and further development of the Audiovisual Library, which in many respects was the only library accessible to international lawyers in certain developing countries.

31. Further, Trinidad and Tobago supported the recommendation that the General Assembly request the Secretary-General to include in the regular budget the necessary funding for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea with effect from the biennium 2016-2017, should voluntary contributions be insufficient for granting at least one fellowship a year. That was particularly important for the sustainable development of countries such as Trinidad and Tobago; many of its hydrocarbon resources came from the maritime zone, and consequently a better knowledge of the law of the sea was vital for experts involved in the negotiation of maritime boundaries and fishery agreements.

32. **Mr. Hitti** (Lebanon) said that the dissemination and teaching of international law was the counterpart to the promotion of the Charter of the United Nations and the rule of law at the national and international levels and served to strengthen peace and security, human rights and development. It was therefore regrettable that funding problems endangered the future of the Programme of Assistance. Given the increased demand for participation in Regional Courses and the growing use of the Audiovisual Library, it was unacceptable that the Regional Courses for Asia-Pacific and for Latin America and the Caribbean had been cancelled, and that the Audiovisual Library faced an uncertain future.

33. In view of the inadequacy of voluntary contributions, a more reliable system for funding the Programme was needed, for example from the regular budget of the United Nations. Consideration should also be given to other alternatives to ensure

continuation of the Programme's activities, which were all of equal importance.

34. **Mr. Gorostegui** (Chile) said that his delegation attached great importance to the Programme. International law was an essential aspect of the rule of law, which Chile promoted at home and which guided it in its relations with other States. It therefore regretted the administrative and financial difficulties that had recently affected the Programme because of the lack of financial contributions by Member States, and in particular the suspension of the Regional Course in Uruguay, initially scheduled for May. Chile had recently made a contribution of US\$ 10,000 so that that programme could be resumed as soon as possible.

35. As a member of the Advisory Committee, Chile had worked towards the inclusion of all the Programme's activities, including the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, in the regular budget of the United Nations. It welcomed the Advisory Committee's recommendation reflecting the commitment of States to the Programme; however, although voluntary contributions could play a role, they could no longer be depended on to the same extent as in the past.

36. His delegation hoped to be able to celebrate the fiftieth anniversary in 2015 with a stronger, revitalized Programme, reflecting its character as a cornerstone of United Nations activities for the promotion of international law, in particular through training courses for professionals in ministries, members of the judiciary and law school academics, with special emphasis on developing countries. That depended on the determination, efforts and commitment of all.

37. **Mr. Madureira** (Portugal) said it had been clear for several years that voluntary contributions were not a sustainable method for funding the Programme's activities, but it had not been possible to change the situation significantly. As a result, Regional Courses had been cancelled, and there was a serious risk that the Programme would come to a halt for lack of funding.

38. The Advisory Committee's recommendations opened the path to including funding in time for the preparation of the programme budget for the biennium 2016-2017, so that the Programme's main activities could be sustained in the future with additional funds from the upcoming budget. The consensus reached in the Advisory Committee was in itself a breakthrough

that would promote a process leading to sustainable funding. His delegation would continue to support the Programme in its invaluable mission of teaching and promoting international law.

39. **Mr. Koroma** (Sierra Leone), speaking as a participant in the Regional Courses in International Law conducted in 2011 in Addis Ababa, said that, given current challenges to international peace and security, the relevance of the Programme of Assistance could not be overemphasized. It had proved to be effective in contributing towards a better knowledge and understanding of international law as a means of strengthening international peace and security and promoting friendly relations and cooperation among States. The increasing demand for international law training and research materials in both developing and developed countries testified to the Programme's efficacy.

40. The Regional Courses and Fellowship Programmes provided a forum for the discussion of critical issues of international law for specialists from different national backgrounds and perspectives. They had also created a space to better understand the concerns and viewpoints of other States. The Audiovisual Library was a major contributor to the study, teaching and dissemination of international law around the world. It had shown itself to be a valuable source of rich legal materials and a reference point for students, academics, diplomats, international civil servants, non-governmental organizations and the private sector.

41. It was regrettable that, as a result of continuing financial difficulties, it had not been possible for some of the Programme's activities to be implemented, such as the Regional Courses in International Law for Asia-Pacific and for Latin America and the Caribbean. His delegation was also troubled that there had been a significant decline in voluntary contributions for the Audiovisual Library, thus threatening the continuation of its activities in 2015. It expressed appreciation to the countries that had made voluntary contributions to the Programme over the years and encouraged them to continue to do so. It was aware that current global financial challenges posed limitations for many countries and that voluntary contributions could no longer be relied on as a sustainable funding source, and it agreed with other delegations that the Programme's activities should be funded from the regular budget of

the United Nations. Efforts should also be made to encourage support from the private sector.

42. His delegation would welcome closer cooperation between the Advisory Committee, the Codification Division and the African Union Commission on International Law; the last-mentioned shared common objectives with the Programme of Assistance, because it encouraged the teaching, study, publication and dissemination of literature on international law, in particular the law of the African Union.

43. **Mr. Albogami** (Saudi Arabia) said that the United Nations had been established on the basis of the conviction that international law should govern relations among States, and that the international system was to be built on the rule of law. His delegation therefore supported the Programme of Assistance. Although the major objective of the Programme was to train generations of attorneys, those of the Arabian Gulf States represented only a small proportion of its participants. His delegation stressed the importance of ensuring them access to Regional Courses and to the Audiovisual Library so that they could receive appropriate legal training and guidance in the use of innovative legal tools.

44. His delegation welcomed efforts to disseminate and codify international law and expressed appreciation to the United Nations Division for Ocean Affairs and the Law of the Sea for funding the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea for 2014. However, it was deeply concerned about the lack of funding from the regular budget, the cancellation of the Thailand Regional Course for Asia-Pacific, the continuing failure to hold the 2014 Regional Course for Latin America and the Caribbean in Uruguay, despite the host country's bearing 25 per cent of the costs, and the threatened discontinuation of the Audiovisual Library. His delegation called for the provision of sufficient funding in 2014 and 2015 from the regular budget for the Regional Courses, the Audiovisual Library, teaching materials and the Amerasinghe Memorial Fellowship. Steps must be taken to implement the recommendations of the Advisory Committee, and all other necessary measures should also be examined.

Agenda item 79: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/69/184 and Add.1)

45. **Mr. Joyini** (South Africa), speaking on behalf of the African Group, expressed concern that, notwithstanding the existence of international humanitarian law, as enshrined in the Geneva Conventions, the Additional Protocols thereto and customary law, violations continued to be committed on a large scale. The question thus arose as to how international humanitarian law could still be used as an adequate legal framework for the protection of victims of armed conflict within a changing environment which had seen new forms of armed violence and in which it was increasingly difficult to distinguish between combatants and non-combatants. International humanitarian law must evolve in response to changes in the forms of armed conflict.

46. The way forward lay in States adopting, ratifying and codifying the Geneva Conventions and the Additional Protocols in national law and ensuring their implementation. Governments had primary responsibility for protecting their nationals in peacetime and in armed conflicts, and national courts had a clear obligation to try persons accused of grave breaches of international humanitarian law and domestic law. However, the law in itself did not afford protection — only effective implementation did, and the United Nations should play an important role in that regard. In peacetime it should assist Member States, at their request, with the dissemination of instruments governing international humanitarian law.

47. The United Nations should also monitor adherence to international humanitarian law during armed conflicts and the prosecution of violations. A proactive approach to dissemination and education should be the primary focus, not a reactive approach in which action was taken only after grave breaches of international humanitarian law had taken place.

48. Given that armed conflicts were destabilizing Africa politically, economically and socially and that Africa was home to half the world's displaced persons, the African Group commended the International Committee of the Red Cross (ICRC) for promoting and monitoring compliance with international humanitarian law, protecting victims of armed conflicts, assisting national authorities in ensuring compliance

international humanitarian law, updating the database of the study on customary international humanitarian law and organizing regional conferences and seminars.

49. The African Group also welcomed the ICRC initiative on strengthening compliance with international humanitarian law in practice, which had two priority areas: the protection of persons deprived of their liberty in relation to non-international armed conflicts, and international mechanisms for monitoring compliance with international humanitarian law. Several African States had also participated in a number of preparatory meetings as well as three meetings of States in Geneva on mechanisms for the strengthening of compliance with international humanitarian law. The African Group looked forward to the fourth meeting of States in 2015, after which a report would be presented to the thirty-second International Conference of the Red Cross and Red Crescent in 2015.

50. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the candidate countries Montenegro and Serbia and the stabilization and association process country Bosnia and Herzegovina, said that international humanitarian law was still too often disregarded. Upholding international humanitarian law and protecting human dignity in situations of armed conflict remained a major challenge. Enhancing the protection of civilians must be a common goal. Given that the Geneva Conventions enjoyed universal acceptance, and many of the provisions contained in their Additional Protocols were recognized as customary international humanitarian law, certain minimum standards of humanity, including those enshrined in common article 3 of the Geneva Conventions, must be respected in all situations of armed conflict.

51. He also stressed the obligation to respect and protect the wounded and sick, as well as health-care personnel and facilities and medical vehicles, and to take all reasonable measures to ensure safe and prompt access for the wounded and sick to health care in times of armed conflict or other emergencies, in accordance with the applicable legal framework, as stressed by the thirty-first International Conference of the Red Cross and Red Crescent in November 2011.

52. Accountability was crucial to securing compliance. The climate of impunity must be eliminated, and remedies for victims of violations or

abuses must be provided in accordance with international humanitarian law. The responsibility to end impunity by prosecuting alleged perpetrators for the crime of genocide, crimes against humanity and war crimes lay first and foremost with States, which would benefit from improved mutual legal assistance. In that context, the European Union stressed the important role of the International Criminal Court, which complemented national jurisdictions in promoting respect for international humanitarian law globally. It supported the Court and assisted States wishing to become party to the Rome Statute. Every year, it took measures to preserve the integrity and promote the universality of the Statute. It also drew attention to the important role played by international criminal tribunals in promoting respect for international humanitarian law by investigating and prosecuting alleged perpetrators for the crime of genocide, crimes against humanity and war crimes.

53. Better compliance with international humanitarian law remained a priority for the European Union and its member States. The European Union's Strategic Framework and Action Plan on Human Rights and Democracy contained initiatives to that end. During the reporting period, the European Union had continued to implement pledges announced at the thirty-first International Conference of the Red Cross and Red Crescent in November 2011, and it had worked to promote dissemination and training in international humanitarian law. The 2014 Annual Meeting of Human Rights and Gender Advisers and Focal Points in the European Union's Common Security and Defence Policy missions and operations had a special focus on the protection of civilians and the relevance of international humanitarian law for that policy.

54. The European Union had conducted outreach activities in the context of its campaign for ratification of Additional Protocols I and II. In line with the European Union guidelines on the promotion of compliance with international humanitarian law, the European Union member States had also pledged to work towards further participation in the principal international humanitarian law instruments and to support States in their efforts to adopt national legislation of relevance to their international humanitarian law obligations.

55. The European Union welcomed the progress made towards the implementation of international

humanitarian law as reflected in the contributions of United Nations Member States to the Secretary-General's report, and it urged those Member States which had not yet done so to accede to the Additional Protocols and to consider accepting the competence of the International Humanitarian Fact-Finding Commission pursuant to article 90 of Additional Protocol I. It was pleased that 53 States had ratified the Arms Trade Treaty, thereby enabling it to enter into force on 24 December 2014.

56. The European Union commended ICRC and Switzerland for their coordination of work to explore and identify ways and means of strengthening the application of international humanitarian law and reinforcing dialogue on such issues among States and, where appropriate, other interested actors, including international and regional organizations, as a follow-up to resolution 1 of the thirty-first International Conference of the Red Cross and Red Crescent, on strengthening legal protection for victims of armed conflicts. A more regular dialogue was crucial to enhancing compliance with international humanitarian law. The European Union would continue to engage closely in that process.

57. The European Union also commended ICRC for its continuous and manifold efforts to promote the dissemination of international humanitarian law, and it 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.

58. The European Union and its member States had provided the largest financial contribution to ICRC in 2013, including support for international humanitarian law training and dissemination for military and security forces and armed non-State actors in key conflict-affected countries, namely Iraq, Colombia and the Democratic Republic of the Congo. The European Union would continue to do its utmost to promote an international order based on the rule of law, in which no State and no perpetrator were above the law and no person was outside the protection of the law, in particular in situations of armed conflict.

59. **Ms. Nilsson** (Sweden), speaking on behalf of the Nordic countries of Denmark, Finland, Iceland, Norway and Sweden, said that the situation in the world today clearly showed that the protection of

victims of armed conflict must improve. The legal framework existed, but lack of respect for the agreed rules and principles remained a challenge that must be addressed. The Nordic countries welcomed the ongoing discussions on ways of improving the situation of the victims of armed conflict. They commended the initiative by Switzerland in cooperation with ICRC on enhancing and ensuring the effectiveness of compliance mechanisms.

60. The Nordic countries highlighted the Health Care in Danger project initiated by the Red Cross and Red Crescent Movement, which aimed to improve the conditions of persons who provided health care in the field to the wounded and sick during armed conflict. Security Council resolution 2175 (2014), on the protection of humanitarian personnel, had been an important development in that regard.

61. The Arms Trade Treaty would make a considerable contribution to the fight against irresponsible and uncontrolled international trade in conventional weapons. It created an obligation for States to introduce and maintain control over regulated arms trade and, through explicit references to human rights and international humanitarian law, it would strengthen global respect for and compliance with those important norms. The Treaty's positive effects could be achieved only if a majority of States acceded to it and effectively implemented its provisions. All five Nordic countries had ratified or approved the Arms Trade Treaty, and they encouraged States which had not yet done so to follow suit as soon as possible.

62. It was important to continue to work to prevent impunity for serious violations of international humanitarian law and human rights. Persons suspected of war crimes, genocide or crimes against humanity must be held accountable. Each State had a duty and a responsibility to investigate and prosecute such crimes. It was primarily at the domestic level that solutions to the problem of impunity must be found. In addition, as a court of last resort, the International Criminal Court was of great importance in upholding international humanitarian law and human rights law and ending impunity for atrocity crimes.

63. The Nordic countries highlighted the role of ICRC and expressed appreciation for its valuable work and its efforts to protect persons in armed conflicts, to disseminate international humanitarian law and to provide training on the subject. It welcomed the ICRC

initiative regarding legal protection for persons deprived of their liberty in relation to non-international armed conflict.

64. The thirty-second International Red Cross and Red Crescent Conference, to be convened in 2015, would be an opportunity for States and the International Red Cross and Red Crescent Movement to identify and propose action to ensure that international humanitarian law remained practical and relevant in providing protection to all persons in armed conflict. The Nordic countries called on all States to engage constructively in the process of strengthening compliance with international humanitarian law in order for the Conference to produce strong results.

65. All States had a duty to respect and ensure respect for international humanitarian law. Joint efforts to promote and improve compliance with the Geneva Conventions and their Additional Protocols were still needed and must remain a priority.

66. **Ms. Guillén-Grillo** (Costa Rica), 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/69/184 and Add.1), as well as the activities they had implemented 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.

67. Today's world posed additional challenges with regard to efforts to protect 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 Sixth Committee's work could contribute in that regard.

68. 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.

69. 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 national 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.

70. 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.

71. 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 the national societies of the Red Cross and the Red Crescent 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.

72. CELAC urged Member States to consider accepting the jurisdiction of the International Humanitarian Fact-Finding Commission. International humanitarian law imposed obligations on States and individuals, and any breach of a rule of international humanitarian law might entail the international responsibility of a State, its international criminal responsibility, or both.

73. The establishment of the International Criminal Court had been a breakthrough in the promotion of respect for international humanitarian law. The full and effective implementation of the Rome Statute was essential to achieving its universality. CELAC called on parties to the Rome Statute to ratify the amendments elaborated at the Kampala Review Conference.

74. The Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels (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 context, 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.

75. 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 the strengthening of 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.

76. **Mr. Leonidchenko** (Russian Federation) said that his country attached great importance to the implementation of the Geneva Conventions and their Additional Protocols. To make the Protocols universal, his delegation called on all States that had not accepted to be bound by the principles and norms set out therein to consider such a possibility as soon as possible. In

that connection, the Secretary-General's report (A/69/184 and Add.1), containing information received from Member States on national experience in implementing international humanitarian law and on initiatives to disseminate knowledge about that important area of international law was of genuine interest.

77. The Russian Federation greatly appreciated the role of ICRC in providing protection to victims of armed conflicts and disseminating information on and raising awareness of international humanitarian law. In that regard, it referred to the possibility of making use, in connection with armed conflicts, of the International Humanitarian Fact-Finding Commission established pursuant to article 90 of Protocol I.

78. The obligation to comply with the norms of international humanitarian law lay first and foremost with States. For its part, the Russian Federation continued to do its utmost to implement the provisions of the Additional Protocols and to disseminate knowledge about international humanitarian law.

79. **Ms. Dieguez La O** (Cuba) said that civilian populations were increasingly the victims and even the targets of abuse by armed forces in conflicts. The constant imperialist aggressions and interference in the internal affairs of third world countries, the plundering of their wealth, the fomenting of regional conflicts for economic and political gain, the systematic destruction of the infrastructure of those countries and the indiscriminate killing of innocent civilians currently constituted the main violations of international humanitarian law.

80. Cuba 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 Cuba was opposed to attempts by certain countries to reinterpret those norms 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.

81. Political manipulation and the use of double standards for topics such as the protection of civilians

and the responsibility to protect undermined international humanitarian law. The international community must hold any State accountable that violated international humanitarian law, but also States which stirred up domestic conflicts in other sovereign States in order to impose their agendas.

82. Cuba greatly valued its status as a State party to the Geneva Conventions and their Additional Protocols, and it reaffirmed its position with regard to the defence of international humanitarian law. Cuban legislation had incorporated all necessary guarantees to ensure strict compliance with those norms, in particular those relating to the protection of civilians.

83. Cuba had gathered experience in the dissemination and teaching of international humanitarian law. It had a centre for the study of international human rights sponsored by ICRC, which had made a major contribution to the dissemination and teaching of international humanitarian law in the Cuban armed forces. Cuba had also helped with the dissemination and teaching of international humanitarian law in Central American and Caribbean countries. Cuba would continue to work towards a universal implementation of the norms of international humanitarian law and cooperate with ICRC and its various associations on teaching respect for it.

84. **Ms. Carnal** (Switzerland) drew attention to the joint initiative, based on resolution 1 of the thirty-first International Conference of the Red Cross and Red Crescent, calling for consultations with States and other relevant actors to identify means of strengthening compliance with international humanitarian law. At the Third Meeting of States on the subject, held in June 2014, States had expressed broad support for the establishment of an institutional forum to serve as a framework for regular thematic discussions on current international humanitarian law issues and the consideration of reports on compliance with international humanitarian law at the domestic level.

85. A final meeting of consultations would take place in spring 2015, after which ICRC and Switzerland would present a concluding report containing the options and recommendations arising from the consultations. It would rest with the thirty-second International Conference, to be held at the end of 2015, to decide on how to take them forward. Switzerland encouraged all States to participate actively in the consultations in the months ahead.

86. On 28 October, Switzerland and ICRC would hold a panel discussion within the framework of the Meeting of Legal Advisers of the Ministries of Foreign Affairs to discuss ways in which a future forum of States could contribute to better compliance with international humanitarian law. A second initiative was the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict, adopted in 2008, and which was currently supported by 50 States and three international organizations. In December 2013, Switzerland, ICRC and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) had organized the Montreux+5 Conference, which had been an occasion to share experiences in regulating the activities of private military and security companies.

87. The States and international organizations supporting the Montreux Document had expressed a wish to establish a Montreux Document participants' forum to enable them to have a regular dialogue on challenges to national implementation. The first meeting of the forum was planned for December 2014. Her delegation encouraged States that had not yet communicated their support for the Montreux Document to do so in order to allow them to take an active part in the participants' forum and share their experiences regarding the implementation of the Montreux Document's good practices.

88. Switzerland also encouraged States which had not yet done so to ratify Additional Protocols I, II and III as soon as possible, and it urged States parties to Additional Protocol I that had not yet recognized the competence of the International Humanitarian Fact-Finding Commission to make a declaration of recognition under article 90 of Protocol I; by doing so, they could make a significant contribution to the implementation of international humanitarian law and the protection of victims of armed conflicts.

89. **Mr. Elhamamy** (Egypt) reaffirmed the importance of the universal observance of instruments of international humanitarian law, including the Additional Protocols, and urged States that had not yet done so to ratify them as soon as possible. Egypt attached particular importance to Additional Protocol I, which had established the bases for relations between the civilian population and the occupying Power. In that connection, it condemned the breaches of international humanitarian law perpetrated by Israel

during its military operations in the Gaza Strip, including the destruction of United Nations facilities. The international community should ensure that such grave breaches did not recur and should demand that Israel abide by its obligations under international law and international humanitarian law.

90. Egypt supported the request submitted by the State of Palestine to Switzerland, in its capacity as depositary of the Geneva Conventions, to convene a conference of high contracting parties to the Fourth Geneva Convention as soon as possible to examine measures, in accordance with common article 1, to ensure respect for and enforce the Convention in the occupied Palestinian territories, including East Jerusalem, and to protect the Palestinian civilian population under occupation.

91. His delegation commended the role of ICRC in the promotion and dissemination of international humanitarian law and its work for a better understanding of and compliance with international humanitarian law. However, the role of Member States remained crucial in promoting and complying with international humanitarian law. In that context, Member States should intensify their awareness-raising and training efforts with a view to promoting a wide dissemination of international humanitarian law, and the Additional Protocols in particular.

92. **Ms. Babio** (Argentina) said that the dissemination of knowledge was crucial to ensuring compliance with the obligations imposed by international humanitarian law. In Argentina, the teaching of international humanitarian law had been incorporated into the syllabuses of several law schools. With the cooperation of ICRC, Argentina organized courses on international humanitarian law for the armed forces, in particular military personnel participating in Argentine components of United Nations peacekeeping operations, as well as seminars on the subject.

93. A National Commission for the implementation of international humanitarian law, in existence since 1994, monitored the implementation of international humanitarian law at domestic level, fostered the dissemination of its norms and trained public officials and armed forces personnel. It had produced a manual on armed conflicts, which compiled international humanitarian law governing the conduct of Argentina's armed forces. It also monitored Argentina's compliance with pledges made at the International Conferences of

the Red Cross and Red Crescent, and it had been in charge of the internal process for the ratification of the amendments to the Rome Statute adopted in Kampala in 2010.

94. In its current capacity as a non-permanent member of the Security Council, Argentina had firmly supported the Security Council's engagement in the protection of civilians in armed conflicts. As President of the Security Council for August 2013, it had held an open debate on the protection of civilians. Given that the report of the Secretary-General ([S/2013/689](#)) reaffirmed that civilians continued to be the majority of the victims in conflicts and that protection had not improved, the Security Council must continue its efforts to protect civilians in armed conflict and continue to include the protection of civilians in the mandates of United Nations missions in the field. Her delegation underscored the need for peacekeeping operations to comply with international humanitarian law and referred in that regard to the Secretary-General's bulletin on observance by United Nations forces of international humanitarian law ([ST/SGB/1999/13](#)).

95. The General Assembly must continue to promote full compliance with international humanitarian law, as well as with human rights law and refugee law. The International Humanitarian Fact-Finding Commission could not investigate alleged serious violations of international humanitarian law unless all parties concerned had accepted its competence, and her delegation called on Member States that had not yet done so to consider taking that step. Her delegation also drew attention to the ad hoc fact-finding commissions established by the Human Rights Council.

96. The General Assembly should continue to enhance the importance of accountability for violations of international humanitarian law. The fight against impunity for heinous crimes had been strengthened by the jurisprudence of the International Criminal Tribunals for Rwanda and the former Yugoslavia; likewise, the International Criminal Court represented a significant step towards ensuring accountability for violations of the norms of international humanitarian law embodied in the Rome Statute.

97. Any attacks against civilians and other protected persons, the recruitment of children and the introduction of impediments to humanitarian access

were violations of international humanitarian law, and her delegation called for full compliance with the obligations arising from the 1899 and 1907 Hague Conventions, the Geneva Conventions and their Additional Protocols, human rights law and refugee law.

98. Argentina was firmly committed to working towards full implementation and dissemination of international humanitarian law at the national level and the training of public officials and members of the armed forces with a view to ensuring full respect for that law. Universal acceptance of the Protocols would contribute to that objective, and Argentina called on Member States that had not yet done so to accede to them.

99. **Mr. Horna** (Peru) said that his country had adopted a number of national measures on international humanitarian law in order to comply with the international obligations it had assumed upon ratification of instruments in that regard. The Ministry of Justice, the leading body with responsibility in the area of human rights, promoted the implementation of international humanitarian law through its offices and through training of the persons concerned.

100. Peru's National Commission for the Study and Application of International Humanitarian Law was a consultative body of the executive branch, tasked with steering the process for the adoption and implementation of national measures to ensure compliance with international humanitarian law; to limit the adverse consequences of armed conflicts, whether international or non-international; to protect persons who were not or were no longer participating in hostilities; and to restrict the means and methods employed in armed conflicts. It played a key role in furthering the process of implementing international humanitarian law in Peru, with the assistance of ICRC.

101. Peru was a party to most instruments on international humanitarian law, including the Geneva Conventions, the Additional Protocols thereto and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. It had recently ratified the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on Cluster Munitions. As a member of the Human Rights Council, Peru was in strict compliance

with the procedures established by that body, including the universal periodic review.

102. At the domestic level, Peru had adopted a number of initiatives in favour of women and vulnerable groups, such as the national plan of action for children and adolescents, which aimed to ensure that children and adolescents did not participate in internal conflicts; norms relating to cooperation with the International Criminal Court in conformity with the principle of complementarity; and educational campaigns to heighten awareness of the danger of anti-personnel mines.

103. Peru had introduced mandatory, systematic dissemination and training in human rights and international humanitarian law at all levels of the civilian and military educational system. International humanitarian law was disseminated at the national level through courses for civil servants and members of the armed forces and the national police, as well as representatives of civil society.

104. He drew attention to the support received from ICRC in organizing dissemination and training initiatives on international humanitarian law in many cities with the assistance of national and local educational authorities. Thus, Peru fulfilled its international obligations in the area of international humanitarian law, while working to ensure that its national and local authorities respected provisions in that regard and carrying out capacity-building measures in all the relevant areas.

105. **Ms. Carayanides** (Australia) said that her country was deeply committed to the advancement of international humanitarian law. Ensuring the protection of the victims of armed conflict was a responsibility that was borne by all parties to armed conflicts. Australia welcomed the progress made towards the universalization of the Additional Protocols and encouraged all States that had not yet done so to become parties to all three Protocols as soon as possible.

106. Many of the key rules contained in the Protocols reflected customary international law and were binding on all parties to armed conflict, for example the protection of civilian populations under article 13 of Protocol II and the protection of civilian medical personnel under article 15 of Protocol I. Despite broad acceptance of the Additional Protocols, adherence to the rules of war had diminished. During the past two

years in which Australia had served on it, the Security Council had been repeatedly confronted by major violations of international humanitarian law, including in the Central African Republic, Iraq, South Sudan and Syria. In some cases, direct and flagrant violations — for example starvation, sieges and sexual violence — of core tenets of international humanitarian law had become tactics of war. That was completely unacceptable, as was the frequency with which humanitarian workers and peacekeepers had been attacked.

107. Australia had used its time on the Security Council to promote international humanitarian law, including by reminding parties to armed conflicts of their obligations, in particular with regard to ensuring the protection of medical and educational facilities, peacekeepers, humanitarian workers and journalists, as well as rapid delivery of humanitarian assistance. It had also been a voice within the Security Council calling for greater accountability for violations of international humanitarian law, including through the International Criminal Court, commissions of inquiry, Security Council visits and the inclusion of listing criteria in United Nations sanctions regimes for violators. Her delegation encouraged all States to recognize the competence and role of the International Humanitarian Fact-Finding Commission in international armed conflicts, as set out in Protocol I.

108. Australia had worked to strengthen compliance with international humanitarian law following the thirty-first International Conference of the Red Cross and Red Crescent. It was pleased that there had been broad State support for that goal at the Third Meeting of States on Strengthening Compliance with International Humanitarian Law, held in June 2014. It looked forward to further discussions with States on compliance efforts prior to the Fourth Meeting of States in April 2015, which it hoped would make progress in that area, including through the identification of a possible compliance mechanism to be presented for consideration by States at the thirty-second International Conference in 2015.

109. Australia had welcomed the opportunity to participate in regional and thematic consultations on strengthening legal protection for persons deprived of their liberty in relation to non-international armed conflict. It strongly supported the efforts by ICRC to develop best practice principles on implementation of existing obligations, which should build on existing

ones, including those articulated in the Copenhagen Process: Principles and Guidelines. It looked forward to continuing to work with States and ICRC to ensure that recommendations submitted at the thirty-second International Conference accommodated operational realities on the ground.

110. Australia acknowledged the indispensable role of ICRC in promoting international humanitarian law, in particular among parties to armed conflicts. Together with States, ICRC worked to ensure that victims of armed conflict were afforded protection — a key aim of international humanitarian law. Australia looked forward to working closely with States and ICRC to address challenges in the field, and it encouraged all Member States to do the same.

111. **Mr. Laram** (Qatar) expressed appreciation to ICRC for working to ensure compliance with international humanitarian law, and to Switzerland for serving as the depositary State of the Geneva Conventions. The widespread ratification of the Fourth Geneva Convention and the Additional Protocols underscored the importance attached by the international community to international humanitarian law. In that regard, his delegation welcomed the decision by the State of Palestine to accede to the Geneva Conventions.

112. The situation of victims of current armed conflicts in a number of States showed that ratification of the Geneva Conventions was not enough: they must be applied. The gross violations of international humanitarian law in a number of areas around the world had had disastrous results. Women and children had been killed or displaced, their homes had been destroyed, and they had been subjected to intimidation and sieges. Thus, mechanisms adopted to ensure respect for international humanitarian law must also be implemented. The United Nations must use the International Humanitarian Fact-Finding Commission, whose role his delegation welcomed, to investigate violations which had occurred during armed conflicts with a view to documenting and putting a stop to them.

113. Qatar welcomed the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, which committed States to ensuring that violations of international humanitarian law were properly investigated through, among other means, international mechanisms. The Fact-Finding Commission could help

in reaching that objective. Similarly, common article 1 of the Geneva Conventions, dealing with the protection of civilians, could contribute to stemming the increasing number of violations of international humanitarian law. If they thought that the international community would not take action to stop or punish them, perpetrators would be encouraged to continue to commit such acts. Hence there was a need to respect the work plan adopted by the thirty-first International Conference of the Red Cross and Red Crescent in order to ensure compliance with article 90 of Additional Protocol I, regarding the universalization of the Commission.

114. **Mr. Clarke** (United Kingdom) said, although the Geneva Conventions were universally accepted and international humanitarian law continued to regulate the conduct of armed conflict, grievous violations and abuses were regularly committed against civilians and other persons protected by international humanitarian law.

115. His delegation was grateful to ICRC and the International Red Cross and Red Crescent Movement for their crucial work in providing assistance to vulnerable people in the most dangerous environments. The Red Cross, Red Crescent and Red Crystal emblems had been established under international humanitarian law as symbols of neutrality and protection, but in recent years a number of humanitarian workers and medical personnel, including those entitled to display the protective emblems, had apparently been targeted and killed. His delegation urged all parties to armed conflicts to abide by international humanitarian law and protect people, vehicles and buildings bearing one of the protective emblems. For its part, in recent years the United Kingdom had extended the application of its domestic legislation establishing and protecting the Red Crystal emblem to its Crown Dependencies and Overseas Territories.

116. The United Kingdom continued to take steps to strengthen the existing body of international humanitarian law. On 2 April 2014, it had ratified the Arms Trade Treaty, which had required it to introduce certain changes to its domestic legislation and regulations governing arms exports. The Arms Trade Treaty would be the stronger for every State which ratified it.

117. As a State party to the Convention on Cluster Munitions, the United Kingdom had completed the destruction of its stockpile of cluster munitions in December 2013, five years ahead of the schedule set by the Convention.

118. The United Kingdom had continued to disseminate information on international humanitarian law for its armed forces and its civilian population. In January 2013, the Ministry of Defence had updated the “Green Book”, which set out working arrangements with the media across the spectrum of armed conflict. Following updates to military doctrine on the treatment of captured personnel, United Kingdom policy and practice in that area remained subject to continued consideration and training. On World Red Cross and Red Crescent Day in May 2014, the United Kingdom had published an update of the policy document *United Kingdom and International Humanitarian Law*, which explained how the law was implemented. On 29 October, the Foreign Office and the British Red Cross would hold an event in London to raise the profile of international humanitarian law and the United Kingdom’s role in promoting, implementing and developing it.

119. The United Kingdom also continued to encourage greater awareness of and adherence to international humanitarian law in the Commonwealth. In that connection, it had participated in the third meeting of Commonwealth national committees on international humanitarian law, held in Trinidad and Tobago in 2013. It was pleased that a growing number of States were establishing their own national international humanitarian law committees.

120. The United Kingdom took seriously its obligations under common article 1 to respect and ensure respect for the Geneva Conventions and Additional Protocol I. When allegations of serious violations of international humanitarian law arose, investigations were initiated at the national level. When required, follow-up measures were implemented, including prosecution.

121. His delegation strongly supported the initiative to strengthen mechanisms of compliance with international humanitarian law and thanked ICRC and Switzerland for coordinating that effort. The initiative was essential to ensuring that international humanitarian law remained relevant and that issues of compliance were dealt with in appropriate international

forums. To that end, the United Kingdom supported the establishment of a new meeting of States to address such issues. It encouraged all States to participate in the initiative and contribute to ongoing discussions on how such a meeting might work.

122. Regrettably, the International Humanitarian Fact-Finding Commission, which had the potential to help provide clarity about what had taken place in conflicts, had not once been deployed since its formation. The United Kingdom urged all States parties to Additional Protocol I to recognize the Commission's competence and to join in the discussions on how it might be best used in the future.

123. The United Kingdom strongly supported and was fully engaged in the process of strengthening legal protection for persons deprived of their liberty in relation to armed conflict. In late 2012, it had participated in the ICRC regional conference on that issue and had been involved in several follow-up meetings since then. Prior to that initiative, it had participated in the Copenhagen Process to develop principles and guidelines for the treatment of detainees.

124. The United Kingdom had been at the forefront of international efforts to increase recognition of serious sexual violence as a major crime under international humanitarian law. On 24 September 2013, during the sixty-eighth session of the General Assembly, William Hague and Zainab Hawa Bangura, the Special Representative of the Secretary-General on Sexual Violence in Conflict, had jointly launched the Declaration of Commitment to End Sexual Violence in Conflict. By endorsing the Declaration, States reaffirmed that rape and other forms of serious sexual violence in armed conflict were war crimes and constituted grave breaches of the Geneva Conventions. To date, the Declaration had been endorsed by 155 United Nations Member States, and his delegation encouraged all others to do so. In June 2014, the United Kingdom had organized the Global Summit to End Sexual Violence in Conflict during which it had launched the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. The Protocol would help ensure that more prosecutions were successful and in doing so tackle impunity for those crimes.

125. His delegation strongly supported the International Criminal Court, the ad hoc international

criminal tribunals and other courts established to deal with serious violations of international humanitarian law. Addressing impunity ensured justice for victims and served as a credible deterrent for would-be violators.

126. **Ms. Nir-Tal** (Israel) said that, from the outset, the law of armed conflict had faced a wide range of challenges arising from the nature of contemporary warfare. Asymmetric warfare stood out as particularly problematic, as it involved a situation in which a State that adhered to the laws of armed conflict was confronted with a non-State entity which did not see itself as bound by the law of armed conflict and abused the principles of international humanitarian law to gain an advantage over its adversary.

127. The law of armed conflict was premised on the distinction between civilians and combatants. From that principle naturally derived the obligation of combatants to clearly distinguish themselves from the civilian population. Unfortunately, time and time again terrorists intentionally placed themselves and their weaponry among civilian populations and used innocent people — women, children, the sick and the elderly — as human shields. They booby-trapped civilian areas, abused medical facilities, ambulances, protected sites, public institutions, places of worship and United Nations schools and facilities, and interfered with humanitarian relief efforts. The deliberate targeting of the civilian population constituted a grave violation of international humanitarian law.

128. Those unlawful and abhorrent practices had been part of Israel's reality for decades in armed conflicts with Hezbollah, Hamas and other terrorist groups in the area. Such practices created difficulties and dilemmas for Israeli commanders and soldiers as they sought to uphold international law in the face of an enemy that abused the protections afforded by the laws of armed conflict in order to gain an advantage on the battlefield and in world opinion. It was a sad reality that innocent citizens suffered during armed conflicts, especially when a non-State entity intentionally put its civilian population at risk. Israel firmly believed that the law of armed conflict remained the primary legal framework for regulating the conduct of hostilities, including with non-State actors. At the same time, the existing body of law relating to the law of armed conflict, by which Israel and all States were bound, must be interpreted in such a way that it met the

emerging challenges and changing face of contemporary armed conflicts, including asymmetric warfare.

129. Israel was not the only State with concerns about the Additional Protocols, but its commitment to the law of armed conflict, including the Geneva Conventions and customary international law, was clear. Israel was a party to many conventions that dealt with the law of armed conflict, including the four Geneva Conventions, the Convention for the Protection of Cultural Property in the Event of Armed Conflict, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and 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.

130. Israel's commitment to the law of armed conflict was further reflected in the careful legal scrutiny of military operations, both before and during hostilities, in its willingness to conduct thorough, credible and independent investigations into alleged violations of the laws of armed conflict, and in recent efforts to review and reform its investigation mechanisms. The decisions and constant judicial review by its independent judiciary further highlighted Israel's commitment to international law. The Israeli Supreme Court offered some of the broadest rules of standing of any court worldwide and opened its doors to any affected party, citizens and non-citizens alike, including Palestinians, human rights groups and private persons. Throughout its history, Israel's High Court of Justice had heard hundreds of petitions on issues relating to the law of armed conflict and at times had even halted military operations and security measures taken by the authorities in real time. Indeed, its decisions on matters relating to the law of armed conflict and the delicate balance between effectively fighting terrorism on the one hand and the need to protect civil and human rights on the other had gained international recognition and had contributed to the development of the law of armed conflict.

131. Israel's challenging encounters with asymmetric warfare had led it to greatly intensify the legal training of its soldiers and to increase the involvement of legal advisers both in the planning phase and during actual combat on the battlefield. Those legal advisers were institutionally independent and were not subordinate to the commanders they advised.

132. The dissemination of the laws of armed conflict and the promotion of compliance with those norms was of the highest importance. In that context, Israel noted the important contribution of ICRC and its humanitarian work on the ground in so many parts of the world.

133. **Ms. Picco** (Monaco) said that the nature of conflicts had evolved since the adoption of the Geneva Conventions and the Additional Protocols. Force was used not solely between States: internal unrest and conflicts had become commonplace. Thus, the law of war and the law of armed conflict faced circumstances, spirals of violence and linkages that were increasingly difficult to comprehend.

134. In addition to classical inter-State conflicts, there were now the challenges of terrorism, the recruitment of child soldiers and many forms of violence committed against civilians, women and children as weapons of war. The greatest challenge of all was that most of today's conflicts, which undermined the rule of law, denied human rights and destroyed development efforts, took place within ethnic communities. In many cases, the combatants were nationals of other countries or were fighting on behalf of an entity other than the State on whose territory the conflict was being fought.

135. Her delegation paid tribute to ICRC for the invaluable humanitarian assistance that it provided for victims of conflicts. Monaco had deposited its instruments of ratification for the four Geneva Conventions on 5 July 1950, for Additional Protocols I and II on 7 January 2000 and for Additional Protocol III on 12 March 2007.

136. Priority attention should be given to the broadest possible dissemination — in peacetime but even more so during conflicts — of international humanitarian law and its full implementation at the international, national and local levels. In that connection, her delegation welcomed the work of the International Institute of Humanitarian Law in Sanremo, Italy, and the courses it offered. The Institute had long-standing, solid ties to the Monegasque Red Cross, and the two bodies had been cooperating for many years to promote international humanitarian law. His Serene Highness Albert II, President of the Monegasque Red Cross, had attended the celebration of the fortieth anniversary of the Institute in September 2010 and would receive, on 21 October 2014, a visit from Peter Maurer, President of ICRC, which would provide an opportunity to

consolidate relations between the two bodies and to examine new paths of cooperation.

137. Access to humanitarian assistance and coordinated and effective humanitarian efforts during armed conflicts must be facilitated and sustained in all circumstances in order to help the civilian population and protect their rights and dignity. In that regard, the first World Humanitarian Summit, to be held in 2016 in Istanbul, should share best practices and find new means of making humanitarian assistance more effective, inclusive and global.

The meeting rose at 1 p.m.