



# AUSTRALIA



AUSTRALIAN MISSION TO THE UNITED NATIONS

E-mail [australia@un.int](mailto:australia@un.int)

150 East 42<sup>nd</sup> Street, New York NY 10017-5612 Ph 212 - 351 6600 Fax 212 - 351 6610 [www.australia-unsc.gov.au](http://www.australia-unsc.gov.au)

20 October 2014

## **General Assembly, Sixth Committee Agenda Item 79**

### **Additional Protocols to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**

**Statement by Anastasia Carayanides  
Minister-Counsellor  
Permanent Mission of Australia to the United Nations**

(Check against delivery)

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Mr Chair

Australia is deeply committed to the advancement of, and adherence to, International Humanitarian Law (IHL). The Additional Protocols to the Geneva Conventions of 1949 strengthen IHL and play a central role in the protection of civilians and relevant persons in both international and non-international armed conflict.

Ensuring the protection of the victims is a responsibility that is borne by all parties to armed conflict. Australia welcomes progress towards the universalisation of the Additional Protocols. We strongly encourage all States that have not yet become parties to all three additional protocols to do so as soon as possible.

Many of the key rules contained in the protocols reflect customary international law and are binding on all parties to armed conflict. The protection of civilian populations under

Article 13 of the Second Protocol and the requirement to protect civilian medical personnel under Article 15 of the First Protocol are two such rules.

Mr Chair

One of the key objectives of IHL is to keep civilians safe – and therefore compliance with IHL by *all* parties is critical to ensuring civilians are protected in situations of armed conflict. However, despite broad acceptance of the Additional Protocols, adherence to the rules of war has diminished.

Over the past two years, Australia has had the privilege and responsibility of serving on the Security Council. In that time, the Council has been repeatedly confronted by major violations of IHL – including in the Central African Republic, South Sudan, Syria and Iraq. In some cases, direct and flagrant violations of core tenets of IHL – such as starvation, sieges, and sexual violence for example – have become tactics of warring parties. This is completely unacceptable. The frequency with which humanitarian workers and peacekeepers are attacked is also completely unacceptable.

We have sought to use our time on the Council to work alongside other members to promote the importance of compliance with IHL – including by urging the parties to conflict to comply with their obligations - particularly in respect of the protection of medical facilities, educational facilities, peacekeepers, humanitarian workers and journalists, and to ensure rapid and unimpeded access and delivery of humanitarian services.

We have also been a voice within the Council calling for greater accountability for violations of IHL, including through the International Criminal Court, commissions of inquiry, Security Council visits and the inclusion of listing criteria in UN sanctions regimes for those who violate IHL. Australia encourages all States to recognise the competence and role of the International Humanitarian Fact-Finding Commission in international armed conflicts, as set out in the First Additional Protocol.

The fact that serious breaches of IHL continue to occur is why Australia has worked to strengthen compliance with IHL following the 31st International Conference of the Red

Cross and Red Crescent. Resolution One invited the ICRC to work with States to enhance the effectiveness of mechanisms of compliance with IHL; and ensure that IHL remains practical and relevant in protecting all persons deprived of their liberty in relation to non-international armed conflict.

We were pleased to see broad State support for enhancing compliance with IHL at the Third Meeting of States in June this year. We look forward to further discussions with States on the work on compliance leading up to the Fourth Meeting of States in April next year.

We hope the Fourth Meeting of States progresses efforts to enhance compliance with IHL further including identifying a possible compliance mechanism to be presented for close consideration by States at the 32nd International Conference of the Red Cross and Red Crescent in 2015.

Australia has welcomed the opportunity to participate in the regional and thematic consultations on strengthening legal protections for persons deprived of their liberty in non-international armed conflict. Australia strongly supports the ICRC's efforts to develop best practice principles on implementation of existing obligations. Such principles should build on existing agreed principles, particularly those already articulated in the Copenhagen Principles and Guidelines. We look forward to continuing to work with States and the ICRC to ensure that recommendations presented at the 32nd International Conference accommodate the operational realities on the ground.

Mr Chair

Finally, Australia would like to acknowledge the critical role of the ICRC in promoting IHL, particularly among parties to armed conflict. The ICRC's efforts are *invaluable* and *indispensable*. Together with States, the ICRC strives to ensure that victims of armed conflict are afforded protection – a key aim of IHL. Australia looks forward to working closely with States and the ICRC to address the challenges in the field of IHL. We encourage all Member States to do the same.