



Statement on behalf of the European Union and its Member States

by

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Delegation of the European Union to the United Nations

at the Sixth Committee of the United Nations General Assembly

on the agenda item 83

**“Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to
the protection of victims of armed conflict”**

United Nations

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— CHECK AGAINST DELIVERY —

Mr. Chair,

I have the honor to speak on behalf of the European Union and its Member States.

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

We thank the Secretary General for his report A/73/277 as well as Member States for the information they have provided as contained in the report.

The EU and its Member States reaffirm the obligation of all parties involved in armed conflicts to respect international humanitarian law in all circumstances and ensure respect for it. We find it deeply alarming that reports of war crimes which cause tremendous harm around the globe illustrate grave disregard for international humanitarian law. Civilians regrettably remain to be the main victims of international and non-international armed conflicts. The international community must address this situation promptly and resolutely.

The European Union is strongly committed to promoting respect for IHL as part of its wider commitment, laid down in its founding Treaties, to advancing respect for human dignity and for the principles of international law. This commitment to promote IHL was expressly affirmed in the EU's most recent Global Strategy adopted in 2016.

The EU condemns sexual and gender-based violence in all circumstances, including in armed conflicts, and stresses the need to combat this scourge.

The EU remains concerned about the safety and security of humanitarian personnel, including those providing medical services in conflict. We are fully committed to the continued implementation of resolution 2286, adopted by the Security Council two years ago and urge other States to join us in this effort.

Respect for international humanitarian law needs to be strengthened and enhanced. A more systematic and regular dialogue is crucial for enhancing respect for IHL. Therefore, the EU and its Member States strongly support the idea of establishing a regular, universal and voluntary mechanism, to strengthen respect for IHL and allow for dialogue.

We commend the work of the ICRC and Switzerland in facilitating a State-driven intergovernmental process on how to strengthen respect for international humanitarian law. We will continue to engage closely in that process and invite other States to do so in order to reach the desired result at the 33rd International Conference next year.

We wish to also commend the ICRC for its continuous and manifold efforts to strengthen and to promote dissemination of international humanitarian law as reported by the Secretary General under this agenda item.

* *The former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania continue to be part of the Stabilisation and Association Process.*

The EU Guidelines on promoting compliance with IHL, adopted in 2005 and updated in 2009, serve as a tool to promote respect for IHL by third states and non-state actors. Since their adoption the EU has continued to actively promote respect for IHL through the various means at its disposal. This year, in order to present a more systematic and transparent overview of the implementation of the Guidelines, the EU has issued the first annual report on the action taken by the European Union in this regard.

In line with the EU Guidelines, the EU Member States will work towards further universalization of the principal international humanitarian law instruments and other relevant international legal instruments by considering ratification of those instruments to which they are not yet all party and by encouraging ratification by other States.

In this context, we urge the Member States of the United Nations that have not yet done so, to accede to all the Additional Protocols to the Geneva Conventions.

The EU and its Member States are convinced that national implementation and enforcement of IHL and other relevant legal instruments are essential to ensure respect for IHL. In order to improve implementation of IHL at national level, the EU continues to support States in their efforts to adopt national legislation pertaining to their international humanitarian law obligations. In this context, the EU welcomes the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law. The EU is also funding programs to help build effective and transparent security and justice sectors.

In order to be better observed and adhered to, IHL should be further disseminated and fully implemented so that those who are not or are no longer participating in hostilities can be protected and assisted in a prompt way. In this regard, the EU and its Member States are committed to promoting dissemination and training in IHL both at home and in third countries, to national authorities, armed non-state actors and humanitarian actors. To this end, the EU intends to strengthen its campaign for the ratification of Additional Protocols I and II of 1977 relating to the protection of victims of armed conflicts. The EU is reflecting in particular on how to improve training and dissemination of information through its CSDP missions and operations.

Accountability is crucial to ensure respect for IHL. Impunity must be removed and remedies for victims of violations must be provided. The responsibility to end impunity by prosecuting alleged perpetrators for the crimes of genocide, crimes against humanity and war crimes, lies first and foremost with states, including through improved ways for mutual legal assistance.

The EU has been a strong supporter of the International Criminal Court since its creation and has used the instruments at its disposal to help increase support of the Court. The Rome Statute's preamble states that "the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation",. This is a core principle for the EU. Perpetrators of atrocities need to be brought to justice and held to account. We therefore highlight the importance of complementarity and cooperation between national jurisdictions and the ICC as amongst the most important features of the

Rome Statute and commit to promoting the strengthening of national justice systems. On 17 July 2018 we celebrated the 20th anniversary of the adoption of the Rome Statute of the International Criminal Court. To mark this 20th anniversary, the Council of the European Union adopted conclusions on the International Criminal Court, which reconfirm the European Union's consistent support for the ICC and its commitment to renew its efforts to promote the universality and preserve the integrity of the Rome Statute.

We also welcome the national efforts provided by numerous States and their national Red Cross and Red Crescent societies to implement international humanitarian law and encourage broader reflections on these challenges.