



Note No: 157/18

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Office of Legal Affairs of the United Nations and has the honour to present the UK response to UNGA Resolution 71/144 (Status of the Protocols Additional to the Geneva Convention of 1949 and relating to the protection of victims of armed conflicts), adopted on 13 December 2016.

The Government of the United Kingdom of Great Britain and Northern Ireland has attached the UK response to UNGA Resolution 71/144.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations avails itself of this opportunity to renew to the Office of Legal Affairs of the United Nations the assurances of its highest consideration.



United Kingdom Mission  
to the United Nations

18 June 2018

## **UK Response to UNGA Resolution 71/144 (Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts), adopted on 13 December 2016**

### **IHL Instruments:**

1. In February 2017, the United Kingdom enacted the Cultural Property (Armed Conflicts) Act, which provided for the ratification and accession of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols. The UK formally ratified the Convention and acceded to the Protocols on 12th September 2017 and they entered into force for the UK on 12th December 2017. In November 2017, the UK published two guidance documents to support the effective implementation of the Convention, its protocols and the 2017 Act. A Cross-Government Cultural Protection Working Group has also been established. It includes experts from external organisations and, among other objectives, aims to ensure that the UK implements effectively the 2017 Act and related international obligations. As part of the UK's ratification of the 1954 Hague Convention, the UK is in the process of establishing a military cultural property protection unit.
2. The UK has continued to play an active role across the full range of Conventional Arms Control treaties and conventions, which operate within the principles established by IHL. Flowing from these regimes, IHL is at the core of EU and UK National Arms Export Licensing Criteria (the Consolidated Criteria). These include the Arms Trade Treaty (ATT) as an international obligation in Criterion One; IHL and gender-based violence are referenced in Criterion Two.
3. In 2017, the UK used its Chairmanship of the Convention on Certain Conventional Weapons to strengthen the regime further. The UK has continued to be at the forefront of work to strengthen the Arms Trade Treaty, including, in March 2017, contributing £311,000 to the Voluntary Trust Fund, which supports States in implementing the provisions of the treaty. In discussions in the arms control fora, around Lethal Autonomous Weapon Systems and the use of Explosive Weapons in Populated Areas, the UK continued to argue strongly that the use of existing and new weapons systems needs to be in strict conformity with the provisions of IHL

### **Promotion and Dissemination of International Humanitarian Law:**

4. The United Kingdom actively supports the intergovernmental 'Strengthening Respect for International Humanitarian Law' initiative. It participated in the Fourth Formal meeting (May 2018) in Geneva and will continue to work constructively with states to support this initiative.
5. The United Kingdom supports the International Dissemination Activities of the British Red Cross including the joint British Red Cross/ICRC project which keeps

up-dated the practice section of the ICRC Study on Customary IHL and is accessible on a database: <https://www.icrc.org/customary-ihl>.

6. In 2016, the United Kingdom co-sponsored United Nations Security Council resolution 2286, which was aimed at protecting medical personnel and facilities in conflict. In 2017, the UK co-hosted an UN General Assembly side event on the protection of medical personnel, inviting NGOs, medical experts and civil society. UK aid includes supporting the new WHO Surveillance System for Attacks on Health Care (SSA) tool and the UN inter-agency Access Coordination Unit (ACU) in Palestine to monitor access and ensure the free movement of patients and ambulances.
7. Army Legal Services continues to second a Military Lawyer (currently a Colonel) to act as Director of the Military Department at the International Institute of Humanitarian Law, San Remo, Italy.

### **Armed Forces**

8. In the United Kingdom, all Armed Forces receive training on international humanitarian law throughout their careers, which covers the four fundamental principles of Necessity, Humanity, Distinction and Proportionality. International humanitarian law training is also provided as part of the mandatory pre-deployment training for all personnel deploying on military operations in which international humanitarian law may apply.
9. The United Kingdom Ministry of Defence has published a Manual on Law of Armed Conflict which sets out our interpretation of international humanitarian law. Each service will deploy lawyers to operational theatres where there is a requirement to do so; when deployed, the lawyers will advise on all legal issues and provide refresher training where practicable.
10. Under the Armed Forces Act 2006 service personnel are bound by the criminal law of England and Wales wherever in the world they are serving. There is no special treatment or dispensation and if they break the criminal law, they can face the consequences in court just like any other citizen. This enables those who commit war crimes to be punished.
11. The standards of conduct required of United Kingdom Armed forces are, and have always been, in accordance with relevant international law, and the domestic criminal law that applies to United Kingdom forces at all times. Allegations of unlawful conduct by personnel who fail to uphold the high standards expected are taken extremely seriously.

### **Education and training**

12. The United Kingdom National International Humanitarian Law Committee meets at least annually to develop further, and disseminate understanding of, international humanitarian law policy and practice nationally and to discuss ways to encourage international partners to do likewise, particularly within the Commonwealth. The UK National Committee on International Humanitarian Law also encourages the dissemination and training of international humanitarian law to the armed forces, police, civil servants (practitioner level training courses by the FCO), teachers, the judiciary, the medical profession, journalists and others as necessary. The United Kingdom has also promoted the formation of national International Humanitarian Law committees and has offered practical assistance to those wishing to do so.
13. The United Kingdom offers general international humanitarian law training to governmental policy and legal advisers in addition to ad hoc events and training as required. The United Kingdom also provides information on relevant international humanitarian law issues to the media in connection with events current at the time, including armed conflicts.
14. International humanitarian law is also included as a statutory subject in schools in England in the formal Key Stage 4 (ages 14 - 16) curriculum documentation for citizenship.

#### **Preventing Sexual Violence in Conflict Initiative:**

15. In 2017, the United Kingdom launched the Principles for Global Action to tackle the stigma associated with sexual violence at UNGA. Following the launch of the second edition of the International Protocol on Documentation and Investigation of Sexual Violence in Conflict in March 2017, the UK has used it to provide capacity building to practitioners in countries including Syria, Democratic Republic of the Congo and Bangladesh in the context of the Rohingya crisis. In the financial year 2017/18, United Kingdom funding supported over 23 projects aimed at preventing sexual violence in 14 countries.
16. In 2019, the United Kingdom will host an international meeting on tackling sexual violence in conflict, marking five years since the Global Summit to End Sexual Violence in Conflict. The meeting will aim to take stock of progress to date, identify and address the challenges that remain, and galvanise the international community into further action.

#### **Enforcement:**

17. The United Kingdom continues to contribute to activities carried out by the European Union to encourage States to become party to the Rome Statute of the International Criminal Court and to put in place legislation to give the Statute effect.

18. The United Kingdom contributes to the International Criminal Court, international and hybrid tribunals. United Kingdom support helps to strengthen the rules-based international system and tackle impunity for serious violations of international humanitarian law.