



New Zealand Permanent Mission to the United Nations

Te Māngai o Aotearoa

United Nations General Assembly: Sixth Committee Debate on Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts – CANZ Statement

Delivered by Luke Roughton

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Chair,

I have the honour to deliver this statement on behalf of Australia, Canada and my own country, New Zealand.

At the outset, we affirm our strong commitment to the implementation of, and compliance with, international humanitarian law (IHL).

We make this statement at a time when armed conflict continues to have a devastating impact across many regions and populations. The onset of the COVID-19 pandemic has amplified the effect of armed conflict on civilians. This current global health crisis compounds the effects of armed conflict on the health and livelihoods of civilian populations, but also underscores the importance of the protection for health and medical efforts that IHL contains.

That many contemporary armed conflicts continue during this pandemic reinforces the importance of respect for, and adherence to IHL. The Additional Protocols to the Geneva Conventions of 1949 remain an essential component of IHL, which aims to protect civilians and other persons in both international and non-international armed conflict. The implementation of the Protocols assists to alleviate human suffering and therefore helps to ensure a more lasting transition to peace and stability.

We believe that States should strive to replicate the universal membership of the Geneva Conventions to ensure that the protections of IHL are applied by all parties in all armed conflicts, at all times. Accordingly, we strongly encourage States that have not yet become parties to the three additional protocols to do so as soon as possible and encourage all States Parties to give full effect to their provisions.

Many of the key provisions contained in the Protocols reflect customary international law and are therefore binding on all parties to armed conflict. For example, the protection of the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict and the protection of civilians. In CANZ's view, many of the articles of the First Additional Protocol on the protection of medical units, personnel and their transports reflect customary international law. The protection of medical units and personnel takes on heightened importance in the current pandemic, and we urge parties to armed conflicts to make all efforts to ensure that such protections are observed to their fullest extent.

We recall United Nations Security Council resolution 2286, adopted by the Security Council on 3 May 2016, which condemned attacks on the sick, wounded and medical personnel and healthcare facilities, and demanded that all parties to armed conflicts comply with their obligations under international humanitarian law, including the Geneva Conventions and the obligations applicable to them under the Additional Protocols. As co-sponsors of this resolution, we take this opportunity to renew our condemnation of such attacks, urge implementation of this resolution, and again, call for compliance with and respect for international humanitarian law.

In the context of the current pandemic, we further remind all States and parties to armed conflict of the UN Secretary General's recommendations to implement UNSCR 2286, dated 18 August 2016, on measures to enhance the practical application of protections afforded under international law to the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, and their means of transport and equipment, as well as hospitals and other medical facilities.

All States must take responsibility for the implementation of these recommendations, and to ensure strengthened compliance of IHL. While we regret that the outcome of successive International Conferences of the Red Cross and Red Crescent have been unable to agree on a Meeting of States on compliance with IHL, we acknowledge and welcome that at the most recent 33rd International Conference, states were in agreement and adopted a resolution urging all parties to armed conflicts to fully comply with their obligations under IHL and calling upon States to adopt necessary legislative, administrative and practical measures at the domestic level.

We stress that increased implementation of international humanitarian law, including the Additional Protocols, will be achieved through taking practical measures to enhance respect for international humanitarian law, such as States incorporating international humanitarian law into their military doctrine, field training and rules of engagement, as well as ensuring that national judicial structures are capable of effectively addressing international humanitarian law violations.

Finally, we would like to acknowledge the crucial role of the International Committee of the Red Cross for disseminating international humanitarian law and working to improve compliance among parties to armed conflicts. The role of the ICRC is indispensable. Together with States, the ICRC strives to ensure that civilians and victims of armed conflict are afforded protection – an obligation at the heart of international humanitarian law. Australia, Canada and New Zealand look forward to working closely with all States and with the ICRC to encourage respect for and compliance with international humanitarian law. We encourage all States to do the same.

Thank you.