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ADHERENCE TO GENEVA CONVENTIONS, ADDITIONAL PROTOCOLS CRITICAL TO PROTECTING CIVILIANS IN DIVERSE ARMED CONFLICTS, SAYS LEGAL COMMITTEE

As the nature of armed conflicts continued to transform, international humanitarian law should serve as the bedrock for protecting the victims of conflict and returning to peace, said Sixth Committee (Legal) delegates.

In today's debate on the Geneva Conventions and their Protocols, El Salvador's representative said that international humanitarian law could no longer be an unattainable goal. The Conventions and Protocols' wide ratification and implementation were essential in armed conflict, whether domestic or international. Human rights deserved full protection, in war and in peace.

Israel's delegate said terrorists increasingly engaged in armed conflict, exploiting and abusing core principles of the law and using civilians as human shields behind which they launched attacks against other civilians. The law of armed conflict must therefore meet contemporary challenges posed by the asymmetry of modern warfare and the role of non-State actors.

Speaking for the African Group, Egypt's representative said armed conflicts were what drove child malnutrition and the loss of livestock and livelihoods on that continent. Africa was home to half of the world's displaced persons. Given the diversity of conflicts, all States were obligated to respect international humanitarian law and all State parties were expected to adhere to the Additional Protocols.

Switzerland's delegate, pointing out that his country served as Depositary of the Geneva Conventions and the three Additional Protocols, urged universal ratification of those instruments, as well as the recognition of the International Humanitarian Fact-Finding Commission (IHFFC). An informal meeting, held with the International Committee of the Red Cross (ICRC), had convened earlier this year with States to intensify and strengthen dialogue on international humanitarian law activities.

The representative of the ICRC, which had been lauded by delegations for its role in protecting victims during conflict, described additional projects and efforts, including assistance to national authorities on compliance measures for international humanitarian law. The ICRC had also established the most comprehensive database on customary international humanitarian law, which, through regular updating, was available worldwide.

Niger's delegate, describing his country's efforts to incorporate international humanitarian law violations into its penal codes, said efforts had instilled into its judiciary an understanding of such violations. A training program had also been launched for its army on the application of international humanitarian law.

Likewise, in Argentina, its representative said, courses for the armed forces and the curriculum at several law schools included a focus on international humanitarian law. Her country had also established a national commission to monitor the internal implementation of such law and was one of the 72 States that had accepted the competence of the IHFFC.

A representative of that Fact-Finding Commission called for States and relevant United Nations organs to explain why they had not made use of the Commission's services, and why there appeared to be a preference to appoint ad hoc commissions rather than to engage its services. The Assembly's recent Declaration on the Rule of Law committed States to investigating violations of international humanitarian law through international mechanisms. With its legal expertise, the Commission was such an international mechanism, and could fulfil that mission.

On measures to enhance the protection, security and safety of diplomatic and consular missions and personnel, representatives of Finland and Chile, the latter speaking for the Community of Latin American and Caribbean States (CELAC), said the protection of those entities was a cornerstone of international relations.

Recalling attacks on American diplomatic premises in Benghazi and Cairo, the Minister Counsellor of the Delegation of the European Union called on Libya and Egypt to bring the perpetrators to justice. He said everyone was aware of the eminent role of diplomatic relations in building trust among nations and concord among people.

Turning to organizational matters, delegates spoke on the Sixth Committee's decision to allow the Permanent Observer Mission of Palestine to participate in meetings of the working group on international terrorism.

Also speaking today on the Geneva Conventions and their Additional Protocols were representatives of Chile (for CELAC), New Zealand (also for Canada and Australia), Sweden (for the Nordic countries), Peru, Sudan, Cuba, Belarus, Philippines, Malaysia, United States, South Africa, Benin, Russian Federation and Syria. A representative of the Delegation of the European Union also spoke.

Speaking in exercise of the right of reply were delegates of Israel and Syria.

The Committee will meet again Wednesday, 24 October, to continue its debate on measures to enhance the protection, security and safety of diplomatic and consular missions and personnel, and to take up the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

Background

The Sixth Committee (Legal) met this morning to consider two reports and one addendum of the Secretary-General, the first on the protection of victims of armed conflict, and the second on the protection of diplomatic and consular missions and representatives.

Before the Committee was the report on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts ([A/67/182](#)). The views of 18 Member States and the International Committee of the Red Cross (ICRC) are contained in the report. Those States are Austria, Colombia, Democratic Republic of the Congo, El Salvador, Finland, Greece, Kenya, Lebanon, Lithuania, Madagascar, Nicaragua, Oman, Paraguay, Peru, Poland, Spain, Syria and the United Kingdom.

Within the report, States describe measures taken to strengthen international humanitarian law related to protecting victims of armed conflicts. States' efforts had focused on dissemination and full implementation of relevant international law instruments at the national level, and more specifically, enactment of supportive policies, development of constitutional and legal frameworks, capacity-building, and ratification of relevant international conventions. An annex to the report lists State parties to the Additional Protocols of 1977.

Also before the Committee was the report on consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives ([A/67/126](#)). That report contains 15 submissions from States on serious violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental Organizations. In addition, States that had experienced violations on their territories describe actions taken to bring offenders to justice, to communicate the outcomes of proceedings against offenders, and to report on preventive measures taken to avoid the recurrence of violations.

The report also contains nine States' views on measures that needed to be or were already taken to enhance the protection, security and safety of the aforementioned groups. Five additional States note that they became participants to instruments relevant to protection of those groups since the previous report was issued on the topic in 2010.

A related addendum to the latter report ([A/67/126/Add.1](#)) was also before the Committee and contains 12 additional reports from States on such matters. Most notably, Syria and Chile had submitted comprehensive lists on violations and attacks to their missions abroad.

Statements

JOSÉ ANTONIO GONZALEZ ([Chile](#)), speaking for the Community of Latin American and Caribbean States (CELAC), said the purpose of international humanitarian law was to protect persons who were not or were no longer combatants, and to impose restrictions on the methods of combat. In that regard, States that had not yet done so were urged to provide the Secretary-General with information on their progress in applying and promoting international humanitarian law at the domestic level. Such information would allow the Committee to examine the degree of application of such mechanisms and to exchange views on domestic implementation.

He went on to say that, in light of the new challenges posed by contemporary armed conflicts, the appropriateness of clarifying or complementing already codified humanitarian law could also be examined. The current challenges were not related to a normative problem, but rather in the need of improving its implementation and fulfilment. Enhancing the implementation mechanisms required a dialogue among States parties in the covenants and protocols. Further, the ICRC could assist in identifying the applicability and effectiveness of the existing implementation mechanisms, and if necessary, help create new ways that guaranteed the fulfilment of international humanitarian law.

Stressing the importance of national commissions, he asked Member States to consider establishing one to advise national authorities on the implementation, dissemination and development of international humanitarian law. States could also move forward in that regard by introducing international humanitarian law in law schools and in the training of judges and public officials. Above all, he said, it must be an integral part of the training of armed forces.

ALICE REVELL ([New Zealand](#)), speaking also for Canada and Australia, said that international humanitarian law provided a suitable framework for regulating the conduct of parties in armed conflicts. In that regard, efforts should be made to ensure better compliance. The transformations, since the adoption of the Conventions and their Additional Protocols, in how armed conflicts were being fought demonstrated that today's challenges must be met through a commitment to enhanced international humanitarian law.

The Additional Protocols were crucial to strengthening international humanitarian law, she said. They extended essential protections to civilians in a broader range of conflicts, and imposed constraints on the way in which military operations were conducted to prevent undue suffering. Welcoming universal recognition of the Additional Protocols, she pointed out that other advances in international law also enhanced such protections, particularly the Convention on Cluster Munitions.

Australia, Canada and New Zealand, she went on to say, continued to provide technical and financial assistance to other States to mitigate the effects of conflict and restore peace and security, including post-conflict justice mechanisms in Cambodia, the former Yugoslavia, Rwanda, Sierra Leone, Solomon Islands and Timor-Leste. In closing, she underscored that the ICRC provided invaluable humanitarian assistance to those affected by conflict and armed violence. Thus, States should closely collaborate with that Committee.

PERNILLA NILSSON ([Sweden](#)) speaking for the Nordic countries, said that after World War II it became evident that protection offered by the Conventions was insufficient. The Additional Protocols, now ratified by 120 States, had put stronger mechanisms into place. Despite progress, however, armed conflict victims needed further protections. In that regard, the ICRC should work with States to ensure international humanitarian law remained practical and relevant. Also welcome was Switzerland's initiative to explore and identify concrete ways of enhancing the application of international humanitarian law and to reinforce dialogue among States, the ICRC and others.

She said the responsibility to protect was a well-established international norm. That concept now needed to be operationalized at all levels to ensure the prevention of atrocities. Accountability and redress for war crimes and other serious international humanitarian law violations established respect for victims. Consequently, the International Criminal Court (ICC) and the tribunals were of paramount importance towards ending impunity for those who had committed gross atrocities. Thus, it was vital that all States acceded to the Rome Statute and that States supported and cooperated with the Court. The primary responsibility to investigate and prosecute violations, however, rested with national justice systems.

IBRAHIM SALEM ([Egypt](#)), speaking for the African Group, said African Member States' respect for international humanitarian law was evidenced by their ratification of the four Geneva Conventions and related protocols. However, that did not give a complete picture of reality, since armed groups were involved in most of the conflicts in Africa, which were the driving cause behind displacement. The situation there was characterized by severe child malnutrition, loss of livestock and livelihoods, as well as ongoing displacement owing to continued clashes between opponent parties in affected areas.

Further, he said, according to the United Nations Office for the Coordination of Humanitarian Affairs, Africa hosted almost half of those who were displaced by violence in the world. In that respect, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) was an important contribution to international humanitarian law.

Given the diverse nature of conflicts witnessed by the international community, he continued, respect for international humanitarian law during such conflicts and, in particular, for the Additional Protocols was an obligation that should not be confined to States only, but should also be observed by all parties to conflicts. The African Group was pleased to note the universal adherence to the Geneva Conventions and the continued strengthening of international humanitarian law through the increase in ratifications of the Additional Protocols. He commended the ICRC in its promotion and dissemination of international humanitarian law in general and, specifically, for its work to promote a better understanding of and compliance to international humanitarian law.

GILLES MARHIC, Minister Counsellor, Delegation of the European Union, said that international humanitarian law was still disregarded in too many circumstances. Therefore, enhancing the protection of civilians must be a common goal. He underscored the universal acceptance of the Geneva Conventions and stressed that, during armed conflicts, obligations needed to be upheld that ensured respect and protection of the wounded and sick, healthcare personnel and facilities. Likewise, efforts should be made to ensure safe and prompt access for the wounded and sick to health care.

Welcoming important decisions which arose from the thirty-first International Conference of the Red Cross and Red Crescent, he specifically commended the Swiss Government for its commitment to explore and identify concrete ways and means of strengthening the application of international humanitarian law and to reinforce dialogue in that regard. It was essential to end the climate of impunity and to identify remedies for victims of violations and abuse. The European Union had conducted démarches each year to preserve the integrity and to promote the universality of the Rome Statute. In addition, his Delegation supported the ICC and assisted third States wishing to become party to the Rome Statute.

All States, he stated, should accede to the Additional Protocols of the Geneva Conventions and should consider accepting the competence of the International Humanitarian Fact-Finding Commission (IHFFC). Commending steps taken by the ICRC to strengthen and promote the dissemination of international humanitarian law, he also welcomed efforts taken by nations and their Red Cross and Red Crescent societies.

NIKOLAS JOHANNES STUERCHLER GONZENBACH (Switzerland) said his country, as the Depositary of the Geneva Conventions and the three Additional Protocols, attached great importance to achieving universal ratification of those instruments. Noting that the three Additional Protocols had not been ratified by all Member States, he encouraged States to do so. As well, States party to the First Additional Protocol should, if they had not already done so, recognize the competence of the IHFFC. Such recognition could be made by depositing a simple declaration with the Depositary.

His country, he said, supported the idea of assisting reporting activities of Member States to the Secretary-General by the elaboration of a questionnaire or guidelines, as envisaged by the latest version of resolution 65/29. To strengthen the application of international humanitarian law, Switzerland, in cooperation with the ICRC, had convened in July 2012 a first informal meeting with States to intensify and strengthen dialogue on the issue. His country would ensure that such dialogue would be conducted in a more regular and systematic basis, and would organize a second meeting in 2013.

Further, he said, Switzerland would also continue to consult with States and other stakeholders to explore ideas and solutions for the next meeting, in particular with regard to international humanitarian law compliance mechanisms and the absence of an institutional framework. Concerning private military and security companies, the 2008 Montreux document was now supported by 42 States and the European Union. A conference with the ICRC was also being planned to review the document's first five years and to assess measures and instruments that could assist States and international organizations in the implementation of their international obligations.

GONZALO BONIFAZ (Peru) called for the universal adoption of the Additional Protocols and for international humanitarian law to be attuned towards emerging requirements. All parties to a conflict had to protect the civilian population and, particularly, the most vulnerable — children, women and internally displaced persons. That obligation represented one of the most cardinal principles of international humanitarian law. Also obligatory was the assurance of States to bring perpetrators to justice. In that regard, the international criminal tribunals, the ICC and the outcome of the Kampala Conference were important.

He went on to describe international humanitarian law as cross-cutting in nature, involving all bodies of the United Nations system. For that reason, implementation of such laws required a coordinated approach that would enhance consistency and maximize the Organization's relevant endeavours. Peru had expressed a series of pledges to promote international humanitarian law and to disseminate relevant information. To fulfil pledges made at the high-level meeting on the rule of law, he called for full ratification of the Convention on Cluster Munitions.

JOAQUÍN ALEXANDER MAZA MARTELLI (El Salvador) said international law had been humanized into a system to achieve higher goals and values based on individual dignity. Thus, international humanitarian law could no longer be considered an unattainable goal. Rather, it should establish a minimum level of conduct. The wide ratification and full implementation of the Geneva Conventions and their related protocols was essential in all kinds of armed conflict, whether domestic or international. To ensure greater implementation, international humanitarian law was complemented by international human rights law to protect the life, health and dignity of individuals. While international humanitarian law applied to situations of armed conflict, it should not be forgotten that human rights must be protected at all times, whether in time of war or in time of peace.

It was the obligation of States, he said, to resolve conflict through peaceful means. Compliance with the Charter was decisive in avoiding future international conflict and held serious implications for human rights. His

country had established an inter-agency committee to act as an advisory body to the Government concerning measures for the promotion and implementation of the Geneva Conventions and their protocols in order to comply with his country's commitments. As a result of that committee's work, the Government had taken steps to protect 38 cultural entities and increased training and testing programmes for civilian and military authorities and the public in general. Such action taken during time of peace reflected his country's commitment to strengthen international humanitarian law, he said in conclusion.

HASSAN ALI HASSAN ALI ([Sudan](#)) said Sudan had demonstrated its commitment to the principles of international humanitarian law by ending the long period of conflict through a peace process with South Sudan. Sudan had played a great role in the lifeline operation, one of the United Nations' largest humanitarian operations. After South Sudan's separation, Sudan had also agreed to provide humanitarian aid to civilians in areas affected by the conflict, specifically the border areas and in Darfur, where the displaced were returning home. For further progress, he recommended that greater pressure be placed on rebel movements.

He said grave violations committed by those rebel movements, which lived in isolated pockets and adopted policies of guerrilla warfare, had led to many civilian victims. Those movements continued to refuse a solution to conflict and peaceful integration in society. The peace agreement signed in Addis Ababa represented great hope to bringing an end to support for those rebels.

To further implement international humanitarian law, he said that Sudan welcomed cooperation between States and the ICRC. International humanitarian law was taught in Sudanese universities and had been harmonized into Sudanese laws governing armed forces. In closing, he called for the enhanced role of regional organizations, such as the African Union, in the implementation of international humanitarian law, and stressed its implementation without politicization.

LESTER DELGADO SÁNCHEZ ([Cuba](#)), reiterating his country's support of international humanitarian law and in particular the Geneva Conventions and the Additional Protocols, said nothing could justify the violation of norms of international law. He opposed attempts by particular countries to reinterpret such norms in order to elude compliance. There was an urgent need to consolidate the legal system application to armed conflict by means of universal acceptance. Political manipulation and double standards regarding such issues only weakened international humanitarian law.

Further, he said, the international community must demand responsibility from all States. His country honoured its role as State party to the Geneva Conventions. It had national legislation to guarantee the protection of its civilians. It also had a centre for the study of international humanitarian law, sponsored by the ICRC and the Cuban Red Cross. It had also worked to disseminate information on and promote the teaching of international humanitarian law to its armed revolutionary forces, and other State and societal entities in Cuba.

YURY NIKOLAICHIK ([Belarus](#)) pointed out his country's various efforts to ensure the implementation of international humanitarian law, including the improvement of national laws, the dissemination of relevant information, and the coordination with relevant bodies. International humanitarian law was the foundation for his country's participation in peacekeeping and peacebuilding operations. The full compliance of peacekeeping contingents with international humanitarian law was essential for post-conflict recovery in areas where they were deployed. Belarus had, in this regard, provided trainings on adherence to international instruments. In 2011, Belarus had also established a law on the use of the Red Cross and Red Crescent emblem.

He went on to say that Belarus had, this year, carried out measures towards implementation of the provisions of the Hague Convention on protecting cultured property during armed conflict. The country also continued to provide international humanitarian law trainings at the university level, and to hold conferences and seminars on the topic. In 2011, with the ICRC, a seminar had been held on how the military could learn more fully about international humanitarian law. He also underscored that a lot of work had been done in Belarus to publicize and make better use of international humanitarian law. In closing, he said that international humanitarian law had become one of the most dynamically evolving branches of international law. Thus, technology should be used to disseminate it.

IGOR GARLIT BAILEN ([Philippines](#)), noting that his country had acceded to the Geneva Conventions 60 years ago, and had since ratified both Additional Protocols I and II, said that many of the resultant obligations were incorporated into domestic law through the 2009 Philippine Act on Crimes against International Humanitarian Law, Genocide and other Crimes against Humanity.

It was the duty of every State, he said, to exercise criminal jurisdiction over those responsible for international crimes. At the same time, he reiterated the Philippines' commitment to ensure that the rights of the accused were respected, as well. He assured the international community of his country's unwavering commitment to promoting and supporting international humanitarian law.

PAUL KONG SING CHU ([Malaysia](#)) said the Secretary-General's report was a testimony to the growing importance of international humanitarian law to Member States. However, it was unfortunate that there were those who chose to "go against the tide". Israel, as the occupying power of the Occupied Palestine Territory, had

failed time and again to ensure that the people of Palestine lived a life free of misery. It had blatantly disregarded international law, including the Geneva Conventions, as well as many General Assembly and Security Council resolutions. The international community must do more than merely deplore and condemn Israel for its actions. It had an obligation to use all means available to put pressure on Israel to comply with its obligations under international law, including the Conventions and their protocols.

He said his country was committed to the maintenance of international peace and security and had placed great importance on the need to adhere to the Conventions as customary law, evidenced by its various peacekeeping operations. In Mindanao, for instance, the Malaysian-led International Monitoring Team had sought to ensure that the effect of armed conflict on the people was minimized. Malaysia had also acted since 2001 as the facilitator for the peace process between the Philippine Government and the Moro Islamic Liberation Front. As well, his country had established a peacekeeping training centre in 1996 to enhance the level of professionalism within peacekeeping forces and a committee for the effective implementation of international humanitarian law into the national framework.

MARK A. SIMONOFF (United States) said that his country worked hard to ensure that, in all aspects of armed conflict, it conducted itself in a manner consistent with both international law and with the United States Constitution and laws. It was committed to remain, in President Obama's words, a "standard bearer" in the conduct of war. Following an extensive inter-agency review, the Government had concluded that United States military practice was already consistent with the provisions of Additional Protocol II. The current administration intended to seek Senate advice and consent to ratify Additional Protocol II, which was currently pending on the Senate's calendar.

Although the United States continued to have significant concerns with many aspects of Protocol I, he said, Article 75 of that Protocol set forth fundamental guarantees for persons in the hands of opposing forces in an international armed conflict and was an important provision in the international legal framework. The article was consistent with current United States policies and practice, and was a provision that the United States had historically supported. "Our adherence to the principles stated in that article is also an important safeguard against the mistreatment of captured [United States] military personnel," he said. In that regard, the Government had chosen to treat the principles set forth in Article 75 as applicable to any individual it detained in an international armed conflict, and that it expected all other nations to adhere to those principles as well.

TANIA STEENKAMP (South Africa) said the need for States to respect international humanitarian law, whether in international or non-international armed conflict, had clearly been demonstrated throughout the previous century and in current times, as well. South Africa, this year, had incorporated the four Geneva Conventions and its two protocols into domestic legislation.

She went on to say that her country strongly supported the efforts of the ICRC to strengthen compliance with international humanitarian law. Such support was exemplified by South Africa's hosting the annual ICRC international humanitarian law seminar for the Southern African Development Community and co-hosting the upcoming regional conference for Africa, aimed to protect persons deprived of their liberty during non-armed conflicts.

Through its mission in Geneva, she said, South Africa was also chairing the Open-ended Intergovernmental Working Group, with a mandate to consider the possibility of elaborating an international regulatory framework on the activities of private military and security companies. However, her country was concerned about the role mercenaries, private military and security companies had in undermining compliance with international humanitarian law during armed conflicts. To that end, South Africa had adopted domestic legislation to address the problem.

ADY SCHONMANN (Israel) said that among the contemporary challenges to the law of armed conflict, one that stood out related to the asymmetric nature of modern warfare and the challenges posed by non-State actors. Participation of terrorists in armed conflicts around the globe had risen dramatically in recent years. The reality was that non-State actors exploited and abused core principles of the law of armed conflict that States were required to abide by. They blended in and hid among civilians, using them as human shields as they launched attacks against other civilians. They booby-trapped civilian areas and abused medical facilities and ambulances, abused protected sites and public institutions and interfered with humanitarian relief efforts. They carried out suicide attacks, and exploited children, indoctrinating them in martyrdom and a culture of death. That was the reality her country had had to endure for decades.

There was a need, she said, to ensure that the law of armed conflict was capable of meeting the challenges of asymmetric warfare and, where appropriate, addressing those circumstances effectively. Such law was the primary legal framework for regulating the conduct of hostilities, including those with non-State actors. Her country had not been alone in expressing its concerns regarding certain aspects of the Additional Protocols. However, it demonstrated its commitment to the law of armed conflict through its ability and willingness to conduct credible and independent investigations of allegations of violations of the laws of war. Its commitment was also evident in its independent judicial system's close and speedy review of hundreds of petitions filed on

issues related to the legality of means and methods of warfare, detention and humanitarian obligations. Further, her country had intensified legal training on the application of the law of armed conflict.

JEAN-FRANCIS RÉGIS ZINSOU ([Benin](#)) called the Geneva Conventions and their Additional Protocols the very foundation of international humanitarian law. The work of the ICRC to protect civilians during armed conflicts had been courageous, particularly in domestic armed conflicts, which were particularly dangerous because of the intensity of the fighting and the deliberate violations of international humanitarian law. In the Sahel, extremist groups and terrorists had subjected people to horrors, including mass displacement and complete deprivation. As the international community had been more focused on dislodging terrorists and other traffickers from their havens, the Geneva Conventions and their protocols had become more relevant than ever before.

Violations of international humanitarian law, he continued, was one of the major causes of the internal displacement of peoples during armed conflicts. Understanding and acceptance of international humanitarian law must therefore be promoted through the teaching of the Geneva Conventions and their protocols. Benin provided military, civilian and police personnel who received trainings on international humanitarian and human rights law to the African Union and United Nations' peacekeeping operations. Such training was paramount in those endeavours.

International humanitarian law should be taught in university, he stated, and the ICRC should guarantee implementation of the Geneva Conventions and protocols. Pleased that the ICRC had included sustainable development in its short-term programmes, he pointed out that in conflict situations where the ICRC had to act in urgency, it was difficult to ensure that, in addition to helping those displaced, it could protect the environment.

MIKHAIL PETROSYAN ([Russian Federation](#)) said his country attached special importance to the protocols to the Geneva Conventions, calling them the most important component of contemporary international humanitarian law. He called for universal accession to the Additional Protocols and asked States who had not yet acceded to consider doing so as soon as possible.

He expressed appreciation for the role of the ICRC in protecting victims of armed conflict and disseminating information on international humanitarian law, especially given the current situations in the Middle East and Northern Africa. His country, for its part, continued to take all necessary steps to implement the Additional Protocols and disseminate information on international humanitarian law.

FERNANDA MILLICAY ([Argentina](#)) said the debate today was actually on international humanitarian law in general, and that the protocols were part of a fundamental branch of international law. The purpose of international humanitarian law was the protection of victims of armed conflicts of an international and non-international character.

In her country, international humanitarian law had been incorporated into the curriculum at several law schools. With the ICRC, Argentina had also organized courses for the armed forces, in particular for those participating in peacekeeping operations, as well as seminars for the wider dissemination of international humanitarian law. In 1994, Argentina had established a national commission on international humanitarian law to monitor the internal implementation of such law, to foster dissemination of its norms, and to train public officials and the armed forces. The Commission had produced a Manual on Armed Conflicts.

Highlighting the competence of the IHFFC, she said that her country was one of the 72 States that had accepted its competence. She also underscored the considerable progress made by the ICC in establishing accountability for violations of international humanitarian law.

PARAISO MOUSSA SOULEYMANE ([Niger](#)), stressing the importance of bringing humanity to inter-State and other kinds of conflict, said his peace-loving country had acceded to four Geneva Conventions, had ratified Protocols I and II, and had participated in meetings for the adoption of Protocol III. It had always worked to reform its laws to incorporate into its penal codes violations of international humanitarian law. It also strived to develop the competence of its judiciary to understand such violations. In addition to several criminal and penal procedure codes, it had, in 2004, enacted a law banning the use, stockpiling, production and transfer of anti-personnel mines.

He said his country had also adopted a law on the use of the emblem and name of the Red Cross and the Red Crescent. In that regard, a national campaign had been launched to promote awareness of and respect for them. It was also working with the ICRC to disseminate information on international humanitarian law, which was now taught at the national university, and the national schools of administration, justice and defence. As well, his country had launched a training program for its army on the application of international humanitarian law.

Niger's defence and interior ministers, he continued, had agreed on integrating teaching of international humanitarian law in the curriculum for defence and security forces. Several officers from its army and National Guard had also attended a special seminar at the International Centre in San Remo, Italy. Further, he said in

conclusion, the Economic Community of West African States (ECOWAS), of which Niger was a member, had called for coordination and application of international humanitarian law in West Africa.

KOUSSAY ABDULJABBAR ALDAHAK (Syria) recalled that the rise of international humanitarian law preceded the founding of the United Nations. The United Nations had made saving future generations from the scourge of war its main purpose. It was the lives lost and the suffering over past centuries that had led to the international community arriving at the current system. That system of international humanitarian law must not be belittled or sacrificed through the use of double standards in its implementation.

He said it was regrettable that, despite progress, Israel had not stopped all kinds of violations of international humanitarian law. Since its formation, Israel had practiced a policy of killing women, children and the elderly, and destroying infrastructures and the environment. Israel had displaced people and destroyed Muslim and Christian houses of worship, and had built a racist separation wall in the Occupied Palestinian Territories. It had used banned weapons, including landmines made to look like toys, to target children. The IHFFC had shown evidence that Israel's grave violations of law were tantamount to war crimes and crimes against humanity.

He continued by saying that Israel's impunity was evident of the country's barbaric nature and of the recklessness of the international community in dealing with it. A continued lack of action provided immunity to Israel, which continued to prevent humanitarian assistance access to people in the Gaza strip, displaced tens of thousands of people, destroyed villages, set up illegal settlements, stole water and buried nuclear waste in the Syrian Golan. All of those violations were crimes against humanity and war crimes, according to international law.

JOY ELYAHOU, International Committee of the Red Cross, said the thirty-first International Conference of the Red Cross and Red Crescent, which took place in Geneva in 2011, had adopted two resolutions that were particularly important to international humanitarian law. The first, entitled "strengthening legal protection for victims of armed conflicts", was based on a report prepared by the ICRC. It reiterated the relevance of international humanitarian law in ensuring the protection of people affected by armed conflict, and stressed greater compliance with those laws' provisions.

The second resolution, she continued, contained a Four-Year Plan of Action which urged all members of the International Conference to enhance implementation of international humanitarian law by improving civilian access to humanitarian assistance in armed conflicts and protecting children, women, persons with disabilities and journalists, among others. She encouraged all States to implement the Action Plan and ensure follow-up to any related pledges they had made.

She said the ICRC had undertaken several activities to contribute to a better understanding and dissemination of international humanitarian law. In particular, regular updating of its online database on customary international humanitarian law continued, ensuring its availability to all. That database was the most comprehensive database on the topic and was widely used as a legal reference tool. The ICRC was also working to provide national authorities with technical assistance for adopting legislative, regulatory and administrative measures needed to ensure compliance with international humanitarian law at the national level and its implementation in domestic law.

HUGO CORUJO, Member of the International Humanitarian Fact-Finding Commission, affirmed that the Commission would, by investigating violations of the Geneva Conventions, their protocols and other instruments, act as an instrument of the international community to enhance respect for international humanitarian law during all types of armed conflicts. The General Assembly had called several times upon States to make use of the Commission's services, and he hoped that the Assembly and the Security Council would promote such use and called for those countries that had not yet joined the 72 that recognize the Commission's competence to do so. He suggested that, with its legal expertise, the Commission could be complementary to the fact-finding missions established by United Nations human rights bodies and other United Nations organs.

He said it would be helpful for the Commission to receive comments from States and relevant United Nations organs on why they had not yet made use of the Commission's services and why there appeared to be a preference to appoint ad hoc commissions rather than to engage the established one. In that respect, he noted that the Assembly's recent Declaration on the Rule of Law committed States to investigating violations of international humanitarian law through international mechanisms. The IHFFC, he stated, was such an international mechanism, which could fulfil that mission.

Right of Reply

In exercise of the right of reply, the representative of Israel said that in her earlier general statement, she had cautioned against the manipulation and politicization of the rule of law of armed conflict. Such politicization weakened the laws' statures and risked harming the people they were designed to protect. Some interventions had reflected that danger, and certain delegates had abused the forum in order to promote a political agenda that had nothing to do with the promotion of international law.

She said that the State, which had no deep knowledge of the situation in the region and was interested only in polemics, should look at its country's internal affairs before climbing on the platform of moral authority. As well, it was extraordinary that the Syrian delegate had the audacity to lecture her country about the laws of armed conflict while his regime had continued to repress and torture its own people, defying the core principles of international humanitarian law.

Damascus, she continued, harboured the headquarters of some of the most notorious terrorist organizations. That Government's involvement in terrorism beyond its borders mirrored the al-Assad regime and had only distracted attention from its crimes. The desperate words of Syria's representative told nothing about Israel, but everything about the regime he represented.

Her country, she said, welcomed criticism internally from its citizens, its free press, its friends and those who meant to be constructive. However, its ears were deaf to those who thought they could simply use rhetoric to cast stones when their glass houses were all but ready to collapse.

Responding to his counterpart from Israel, a delegate of Syria said that Israel represented a State of terror, as relayed in his earlier statement. Since its inception, Israel had violated international law and international humanitarian law instruments. Israel had committed every possible crime in the Occupied Territories, the Syrian Golan and Lebanon. In addition to previous statements, he called attention to additional events.

He said Israel had consistently been aggressive to the people of the Syrian Golan, kidnapping young children who were then taken prisoner. It had killed advocates of peace and international humanitarian law. He recalled that Rachel Corrie of the United States had been run down by an Israeli tractor while asking Israel not to demolish Palestinian houses. As the representative of Israel tried to give a lecture on international law, Israel continued its inhuman siege against the Occupied Territories, preventing materials for rehabilitation and rebuilding from arriving in Gaza.

Israel, he continued, had made every possible attempt to foil humanitarian assistance to Gaza, leading to the killing of nine Turkish brothers on the ship Freedom. Israel had also attacked the ship Estelle, which had been carrying advocates for ending the siege against Gaza. Israeli crimes were well known to all those who wished to hear and see.

Statements on Protection of Diplomatic Facilities

OCTAVIO ERRÁZURIZ (Chile), speaking for CELAC, said protection of diplomats, and diplomatic and consular missions was one of the pillars of international relations. He condemned acts of violence against diplomatic and consular missions and representatives, as well as against intergovernmental organizations and their officials. Such acts could never be justified. The dramatic events that had taken place in recent years served as a reminder that the official role of representing a State implied a risk to those who performed it. The unfortunate tragedies resulting in the loss of human life should prompt increased efforts to ensure the protection and safety of diplomatic and consular representatives and missions.

He said his Group supported initiatives to enhance the protection and safety of those individuals and entities, as well as representatives and officials of intergovernmental organizations. It was essential for States to observe, implement and strictly enforce the principles and rules of public international law, especially the Vienna Convention on Diplomatic Relations of 1961 and on Consular Relations of 1963. Further, relevant United Nations resolutions on the subject should be observed. He urged States to take all appropriate measures at the national level to prevent any acts of violence against those individuals and entities, prevent abuses of diplomatic or consular privileges and immunities, and to cooperate with host States in cases where such abuses had been committed.

GILLES MARHIC, Minister Counsellor, Delegation of the European Union, said failure to respect the inviolability of diplomatic and consular missions and their representatives was a matter of great concern. All States should respect and strictly observe, implement and enforce provisions of the Vienna Conventions on Diplomatic and Consular Relations. Expressing support for the Security Council's statement following the attacks on the American diplomatic premises in Benghazi and Cairo, he called on Libya and Egypt to bring the perpetrators to justice.

Receiving States, he said, were under the obligation to take all appropriate steps to protect diplomatic missions and consular premises. As such, the obligation to guarantee the physical safety of staff remained the most important duty. Any violations of such obligations must be met with a demand on the part of the international community for measures of redress and restitution by States. The number of breaches of international law relating to diplomatic and consular relations, as illustrated in the Secretary-General's report, showed that efforts should continue, if not intensify. Everyone was aware of the eminent contribution of diplomatic relations towards establishing trust among nations and concord among people.

SARI MÄKELÄ ([Finland](#)) said the obligation to protect foreign emissaries was one of the cornerstones of international relations. Universally accepted principles and rules of international law, as reflected in the Vienna Conventions on Diplomatic and Consular Relations, had placed upon receiving States the duty to take all appropriate steps to protect the diplomatic and consular premises and to prevent any attacks on the diplomatic and consular representatives. In a situation where a receiving State failed to offer the required protection, the injured State was entitled to claim prompt compensation for loss or injury suffered as a result of such failure.

Further, she said, the duty of the receiving State to protect and to prevent attacks also extended to foreign missions and representatives to intergovernmental organizations and officials of such organizations. Effective measures to enhance the protection, security and safety of those missions, representatives and officials were crucial to enable the fulfilment of their mandates.

She expressed sincere condolences on the loss of life and injuries in the attack on the United States mission in Libya and other attacks. Such violations and attacks could never be justified and must not go unpunished. Therefore, close cooperation and information sharing on security matters were essential, not only at the international level, but also at the national level between the missions and the competent local authorities, in order to prevent violations of the protection, security and safety of diplomatic and consular missions and representatives.

Organizational Matters

Regarding the working group on measures to eliminate international terrorism, [Israel](#)'s representative spoke of the manner under which the Palestinian observer delegation would be participating. The Vienna formula enabled participation in United Nations meetings when the status of a participant was uncertain or contested. As such, participation under that formula could not, in and of itself, be determinative of status other than the entitlement to participate in the working group. It was neither determinative nor indicative of any status or privilege more broadly. Accordingly, the current arrangement had no bearing on Palestinian observer status at the United Nations, nor did it constitute any precedent for any future United Nations fora. Israel maintained its position that Palestine was not a State.

On that same matter, a delegate of the [United States](#) said that participation of the Palestinian observer delegation in the working group did not have an effect on the status of that delegation at the United Nations. He called on parties to redouble their focus on negotiations towards a two-state solution.

It was not appropriate, said [Canada](#)'s representative, that the Palestinian delegate be seated in a manner which would cause confusion during discussions, nor should such involvement set a precedent for other Committees. Everyone needed to get back to work on issues relevant to the forum. However, she expressed full support for the efforts of the United States and the Quartet to resume peaceful negotiations without delay or conditions. Canada, in that regard, would oppose any unilateral acts that prejudged the outcome of those negotiations. Any two-state solution had to be agreed on by both the Israeli and Palestinian parties.

A representative of the [Permanent Observer Mission of Palestine](#) said that his delegation was participating in the working group in accordance with the decision made by the Sixth Committee on 8 October 2012, which without objection, opened this working group to Member States, and State members of specialized agencies or the International Atomic Energy Agency. The State of Palestine, he said, would continue to participate in multilateral meetings and conferences, and its rightful participation would not be subject to the concessions of any State or group of States. The State of Palestine was a State member of a specialized agency and bilaterally recognized by 132 States. He urged for an end to petty bickering about Palestine's full participation in the international community.

[Egypt](#)'s representative, speaking for the Organization of Islamic Cooperation (OIC) recalled that Palestine had been a member of the United Nations Educational Scientific and Cultural Organization (UNESCO) since 2011 and had the right to be seated with other States. That right was not a unilateral action; it upheld the spirit of the Sixth Committee's decisions. Pointing out that there had been several calls from delegations to address the issues at hand and not to politicize discussions, he said those calls should be respected.

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