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## Sixth Committee

### Summary record of the 15th meeting

Held at Headquarters, New York, on Monday, 22 October 2012, at 10 a.m.

*Chair:* Mr. Huth (Vice-Chair) . . . . . (Germany)

## Contents

Agenda item 80: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Agenda item 81: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

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*In the absence of Mr. Sergeyev (Ukraine),  
Mr. Huth (Germany), Vice-Chair, took the Chair.*

*The meeting was called to order at 10.10 a.m.*

**Agenda item 80: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts**  
(A/67/182 and Add.1)

1. **Mr. Gonzalez** (Chile), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that CELAC took note with satisfaction of the report of the Secretary-General 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) and expressed appreciation to the International Committee of the Red Cross (ICRC) for updating its study on customary international humanitarian law and for launching its customary international humanitarian law database in 2010.

2. All States should provide information to the Secretary-General on progress in their national systems regarding the application and promotion of international humanitarian law. A questionnaire or a template could be developed for the submission of such information by States and the compilation of replies by the Secretariat. The Sixth Committee could contribute towards the promotion of international humanitarian law, for example, by clarifying or complementing codified humanitarian law in the light of the new challenges posed by contemporary armed conflicts.

3. States parties to the Geneva Conventions and their Additional Protocols should collaborate with ICRC to improve existing mechanisms for the implementation of international humanitarian law. In that connection, many States, including several members of CELAC, had established national committees on international humanitarian law and could continue those efforts by making international humanitarian law an integral part of law curriculums and the training of judges, public officials and the armed forces.

4. CELAC encouraged Member States to consider accepting the jurisdiction of the International Humanitarian Fact-Finding Commission, which was entrusted with investigating alleged violations of international humanitarian law. CELAC also welcomed the establishment of the International Criminal Court as another step in the promotion of respect for

international humanitarian law. It called on all parties to the Rome Statute of the International Criminal Court to ratify the amendments adopted at the First Review Conference of the Rome Statute, held in Kampala in 2010, including the addition of new war crimes to the Statute.

5. Despite the commendable efforts made to implement international humanitarian law in many States, much remained to be done to end the impunity of war criminals, beginning with the strengthening of the international humanitarian law regime through its universal acceptance. CELAC called on all States parties to the Geneva Conventions to also become parties to the Additional Protocols as soon as possible.

6. **Ms. Revell** (New Zealand), speaking on behalf of Canada, Australia and New Zealand (CANZ), said that, while the existing international humanitarian law framework for regulating the conduct of parties in armed conflicts was suitable, it should be strengthened and adapted to the context of contemporary armed conflicts. The Additional Protocols to the Geneva Conventions played a crucial role in that regard by extending protection to civilians in a broader range of conflicts and imposing constraints on the conduct of military operations in order to mitigate the humanitarian impact of armed conflicts.

7. CANZ welcomed progress made toward universal acceptance of the Additional Protocols and encouraged all States to become parties thereto, as well as to the Convention on Cluster Munitions of 2008, which prohibited the use, development, production, acquisition, stockpiling, retention or transfer of cluster munitions and committed States parties to the clearance of those munitions and the provision of assistance to victims and their communities. CANZ continued to provide technical and financial assistance to help other States in mitigating the effects of conflict and restoring peace and security, as evidenced by its support of post-conflict justice mechanisms in Cambodia, the former Yugoslavia, Rwanda, Sierra Leone, Solomon Islands and Timor-Leste.

8. Acknowledging the central role played by ICRC in providing humanitarian assistance to victims of conflict and armed violence and promoting understanding of the rules of international humanitarian law, she urged States to collaborate even further with ICRC in order to tackle future challenges in the field of armed conflict law.

9. **Ms. Nilsson** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that many rules in the 1997 Additional Protocols to the Geneva Conventions of 1949 had become part of customary international humanitarian law and were therefore universally applicable to all States and parties to conflicts. The Nordic countries welcomed the invitation addressed to ICRC by the thirty-first International Conference of the Red Cross and Red Crescent, held in November 2011, to pursue further research, consultation and discussion in cooperation with States and other relevant actors, in order to ensure that international humanitarian law remained practical and relevant for the protection of persons deprived of liberty during armed conflicts.

10. The Nordic countries also welcomed the commitment made by Switzerland to explore and identify ways and means of strengthening the application of international humanitarian law and supported ICRC efforts to improve the effectiveness of compliance mechanisms. Regular interactions between ICRC, States and national Red Cross and Red Crescent societies should be encouraged, as highlighted at the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, held on 24 September 2012.

11. Although ICRC played a key role in the dissemination of international humanitarian law and protection of victims of armed conflict, States had a responsibility to protect people within their own borders from violations of humanitarian law and human rights law. That responsibility would, however, shift to the international community, including the United Nations, in situations where States were unable or unwilling to assume it. The responsibility to protect was now a well-established international norm that should be operationalized at all levels in order to prevent atrocities.

12. Respect for international humanitarian law was a prerequisite for improving the situation of victims of armed conflict. It could be achieved through genuine accountability and redress for war crimes and other serious violations of international humanitarian law and human rights and an end to genocide, crimes against humanity and impunity for such crimes.

13. Given the paramount importance of the International Criminal Court in that endeavour, it was important to continue efforts to achieve universal

adherence to the Rome Statute of the International Criminal Court. The Nordic delegations also supported the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone and the Special Tribunal for Lebanon, as important mechanisms in that regard, although they also recognized that solutions to the impunity gap must be found at the domestic level.

14. **Mr. Salem** (Egypt), speaking on behalf of the African Group, said that, while African Member States had shown their respect for international humanitarian law by ratifying the four Geneva Conventions of 1949 and some of the Additional Protocols thereto, armed groups continued to be involved in most of the armed conflicts in Africa. The African Group welcomed the outcome document of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa as an important contribution to international humanitarian law and looked forward to the early completion of its ratification phase.

15. The African Group was a strong supporter of international humanitarian law and of the Additional Protocols to the Geneva Conventions. Given the diverse nature of contemporary conflicts in the world, respect for international humanitarian law and the Additional Protocols was an obligation that should be shared by States and all parties to conflicts alike. The African Group was therefore pleased with the universal adherence to the Geneva Conventions and the increasing number of ratifications of the Additional Protocols.

16. The Group commended ICRC for its role in promoting and disseminating international humanitarian law and welcomed the convening of the thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva in 2011. It also commended ICRC for appealing to all Governments to ensure that nuclear weapons were never used again. ICRC should further integrate sustainable development into its humanitarian work and continue its efforts to ensure implementation of the “sustainable development framework” it had developed in November 2011.

17. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the acceding country Croatia; the candidate countries Iceland, Montenegro, Serbia and the former Yugoslav Republic of

Macedonia; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, welcomed the report of the Secretary-General ((A/67/182) and said that the promotion and respect of international humanitarian law were crucial for the protection of victims of armed conflicts.

18. While the Geneva Conventions enjoyed universal acceptance and many of the provisions contained in the Additional Protocols were recognized as customary international humanitarian law, minimum standards of humanity, including those enshrined in article 3 of the Geneva Conventions, must be respected in all situations of armed conflict. Parties to conflicts must also respect and protect the wounded and sick, health-care personnel and facilities, and medical vehicles, and they must take all reasonable measures to ensure that the wounded and sick had safe and prompt access to health care in times of armed conflict or other emergencies, in accordance with the applicable legal framework.

19. As further evidence of the priority they gave to improved compliance with international humanitarian law, the European Union and its member States had pledged, at the thirty-first International Conference of the Red Cross and Red Crescent, held in November 2011, to promote training in and dissemination of international humanitarian law; to encourage greater participation in the principal international humanitarian law instruments; and to support States in their efforts to adopt laws that would allow them to meet their international humanitarian law obligations.

20. The European Union welcomed the decisions taken at that Conference to strengthen the protection of victims of armed conflict. It commended the Government of Switzerland for its commitment to explore and identify concrete ways of strengthening the application of international humanitarian law and reinforcing dialogue on international humanitarian law issues among States and other interested actors, in cooperation with ICRC. The European Union also welcomed the decision by the Conference to invite ICRC to continue its cooperation with States and other relevant actors in order to ensure that international humanitarian law remained practical and relevant in providing legal protection to all victims of armed conflict and to enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law.

21. Because accountability was crucial for compliance with international humanitarian law, and impunity must be eliminated and remedies found for victims of violations or abuses, the European Union made every effort to preserve the integrity and promote the universality of the Rome Statute of the International Criminal Court; to support the Court; and to assist third States wishing to become parties to the Statute. The International Criminal Court and other international criminal tribunals played an important role in investigating and prosecuting alleged perpetrators of genocide, crimes against humanity and war crimes.

22. The European Union urged all Member States to accede to all three Additional Protocols to the Conventions and to consider accepting the competence of the International Humanitarian Fact-Finding Commission pursuant to article 90 of Additional Protocol I. It commended ICRC for its efforts to promote international humanitarian law and welcomed the various efforts made by States to implement and disseminate international humanitarian law.

23. The European Union would continue to do its utmost to promote an international order based on the rule of law where no State or individual was above the law and no person was denied protection under the law, especially in situations of armed conflict.

24. **Mr. Stuerchler Gozenbach** (Switzerland) said that all States should ratify the three Additional Protocols to the Geneva Conventions and that States parties to Additional Protocol I should recognize the competence of the International Humanitarian Fact-Finding Commission by simply depositing a declaration to that effect with the depositary of the Protocol. His delegation supported the idea of developing a questionnaire or guidelines to assist Member States in fulfilling their reporting requirements to the Secretary-General.

25. Convinced that greater respect for international humanitarian law would help to improve the situation of victims of armed conflict, his delegation had joined forces with ICRC, at the thirty-first International Conference of the Red Cross and Red Crescent, to launch an initiative for strengthening compliance with international humanitarian law. The two parties had also convened a first informal meeting on 13 July 2012, where States had demonstrated their willingness to intensify their dialogue on the topic. His

Government hoped to convene a second meeting in 2013 to ensure that the dialogue was conducted on a regular and systematic basis.

26. The 2008 Montreux document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict was now supported by 42 States and the European Union. His Government was working with ICRC to convene a conference entitled “Montreux +5” in 2013, in order to review the first five years of the document and to assess the measures and instruments that could assist States and international organizations in implementing their international obligations.

27. His Government was also actively committed to facilitating access by humanitarian actors to civilian populations in situations of armed conflict. In collaboration with other partners, it had published a handbook on the legal framework of humanitarian access as well as a practical manual on the operational aspects of humanitarian access for use by humanitarian actors in the field.

28. **Mr. Bonifaz** (Peru) said that international humanitarian law involved much more than the Additional Protocols to the Geneva Conventions and stemmed not only from treaty law but also general international law. It was therefore important to consider not just the universal acceptance of the three Additional Protocols, but also the challenges to be overcome in order to ensure that international humanitarian law was able to protect civilian populations in contemporary armed conflicts. The obligation for all parties to a conflict to protect civilians, especially the most vulnerable persons and groups, including children, women and displaced persons, was one of the cardinal principles constituting the fabric of humanitarian law.

29. States must also ensure that perpetrators of war crimes were brought to justice, in order to prevent impunity. In that regard, his Government welcomed the work undertaken by international criminal tribunals, especially the International Criminal Court, and the justice system created through the Rome Statute of the International Criminal Court and the amendments thereto adopted at the First Review Conference of the Rome Statute, held in Kampala in 2010.

30. At the thirty-first International Conference of the Red Cross and Red Crescent, his delegation had made

pledges aimed at promoting international humanitarian law at the national level. In that connection, it had taken measures to raise awareness of the topic and to bring its national legislation into line with international humanitarian law. Peru was a party to Additional Protocols I and II and was depositing an instrument for the ratification of the Convention on Cluster Munitions with the Secretary-General.

31. His delegation commended the International Committee of the Red Cross for its work in the field and in the promotion and dissemination of international humanitarian law.

32. **Mr. Maza Martelli** (El Salvador) said that international humanitarian law should not be considered an unworkable requirement, but rather a minimum standard of action. Since the Geneva Conventions and the Additional Protocols thereto were the main instruments of international humanitarian law that could contribute to that objective, they should be ratified by as many States as possible and fully implemented for all types of armed conflicts, whether national or international. International humanitarian law was complemented by international human rights law, and its ultimate goal was to protect the lives, health and dignity of human beings from various perspectives. While international humanitarian law applied in situations of armed conflict, human rights law protected persons in times of both war and peace.

33. International humanitarian law was intimately linked to the obligation of States to settle their disputes by peaceful means and to avoid the use of force, which had been part of a clear international trend since the adoption of the Charter of the United Nations. In that connection, compliance with the Charter was crucial for avoiding future conflicts at the international level and protecting people's rights. His delegation welcomed the report of the Secretary-General (A/67/182), which highlighted the progress that had been made on that topic.

34. The Government of El Salvador had established the Inter-Agency Committee on International Humanitarian Law to serve as an advisory body to the Government on measures for implementing and promoting the international humanitarian law conventions and protocols and other national and international legal instruments. The Committee had marked 38 cultural properties with the protective “Blue Shield” emblem and had organized training sessions

and review programmes for civil and military authorities, interested institutions and the general public.

35. Carrying out such peacetime actions was symptomatic of his Government's commitment to strengthening and implementing international humanitarian law. He therefore urged the Sixth Committee to continue considering that topic, in order to strengthen initiatives that promoted compliance with international humanitarian law obligations.

36. **Mr. Ali** (Sudan) said that his country had ratified two of the Additional Protocols to the Geneva Conventions and was fully committed to the principles embodied therein. It had also played a major role in the implementation of Operation Lifeline Sudan, one of the largest humanitarian operations in the world, organized by the United Nations. It had also accepted the tripartite initiative of the African Union, the United Nations and the League of Arab States regarding the delivery of humanitarian assistance to civilians in some of the areas affected by its conflict with South Sudan. He called on all States to put pressure on rebel forces to ensure that they did not hinder implementation of the initiative. His country had set up rehabilitation and training centres for victims of land mines, in collaboration with civil society and the United Nations.

37. The Geneva Conventions and the Additional Protocols thereto were valuable tools in the struggle to achieve peace in his country, even though the rebel forces continued to reject dialogue and peace efforts and to conduct guerrilla warfare, causing significant harm to civilian populations. The international community must condemn those actions, in order to ensure implementation of the Geneva Conventions and the Additional Protocols. The Government of Sudan also welcomed the humanitarian efforts of ICRC in the Sudan and called for their intensification.

38. At the domestic level, his Government had made commendable efforts to harmonize its laws with international humanitarian law and to raise awareness of the topic among civilian and military actors, by such means as ensuring that international humanitarian law was taught in Sudanese universities. His Government called on regional organizations to play a greater role in promoting international humanitarian law and on all States to implement the principles of international humanitarian law, together with the Geneva

Conventions and the Additional Protocols thereto, without politicization.

39. **Mr. Delgado Sánchez** (Cuba) reaffirmed Cuba's unreserved commitment to international humanitarian law and, in particular, the four Geneva Conventions and the Additional Protocols thereto. In that context, he said that Cuba was fundamentally opposed to endeavours by certain countries to reinterpret the rules established by those instruments with the aim of evading strict compliance with them. The ethical principles underpinning international humanitarian law were the same principles that united the international community in its quest for sustainable peace across the world and its efforts to combat international terrorism, transnational crime and other affronts against humanity. Consequently, the recourse by some States to armed conflicts as a pretext to set aside the legal precepts of international humanitarian law was unacceptable.

40. At the current time, it was more important than ever to strengthen the regime governing armed conflicts by promoting its universal acceptance and, to that end, he called on the United Nations to ensure respect for the rules on the protection of civilians in armed conflicts. Political manipulation and double standards on topics such as the protection of civilians and the responsibility to protect only weakened international humanitarian law. The international community must hold accountable any State that violated that law as well as States that promoted internal conflicts in other sovereign States in order to impose their external agendas.

41. Lastly, he reviewed Cuba's efforts to raise awareness of international humanitarian law and to conduct training in that area, in particular among the country's armed forces and other State agencies, and also its contribution to such training activities in other countries of the region.

42. **Mr. Nikolaichik** (Belarus) said that his country was a party to all the basic international humanitarian law instruments, which formed the basis of its participation in peacekeeping and peacebuilding operations. Full compliance with the principles and rules of international humanitarian law by peacekeeping contingents was one of the foundations for successful post-conflict recovery in areas where those contingents were deployed. His Government was providing training on the implementation of existing

instruments and analysing and monitoring new instruments on the topic.

43. The Government had established a Commission on the Implementation of International Humanitarian Law and amended its laws to bring them into line with international humanitarian law. It had also introduced new rules governing the use of the emblems of the Red Cross and Red Crescent Societies, as well as administrative, technical and other measures to implement the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and had marked more than 5,000 cultural properties for protection.

44. Among the efforts undertaken by Belarus to disseminate knowledge about international humanitarian law were the training sessions and seminars it organized to help raise awareness of international humanitarian law, the yearly conferences held on the subject, and the international youth olympiads, "Youth for Peace". In 2012, at a conference of the ministers of justice of the Community of Independent States, Belarus had proposed to convene an international association of national committees for the implementation of international humanitarian law. It hoped that other Governments and international organizations would make greater use of modern technology to disseminate and promote international humanitarian law.

45. **Mr. Bailen** (Philippines) said that his country was strongly committed to promoting and supporting international humanitarian law, and had acceded to and ratified the Geneva Conventions and all three Additional Protocols. On 11 December 2009, his Government had passed a law known as Republic Act No. 9851, or the Philippine Act on Crimes against International Humanitarian Law, Genocide and Other Crimes against Humanity, which had incorporated many of the obligations of international humanitarian law into the domestic law of the Philippines.

46. Every State had a duty to exercise criminal jurisdiction over the perpetrators of international crimes. His Government's ratification of Additional Protocol I as well as the Rome Statute of the International Criminal Court was just its latest contribution to ending impunity for the commission of the most serious crimes, but without undermining the rights of the accused.

47. **Mr. Sing Chu** (Malaysia) said that, while Member States agreed on the growing importance of international humanitarian law as a means of minimizing the effects of armed conflict on civilian populations, some States chose to act otherwise. Israel, as the occupying Power in the Occupied Palestinian Territory, had failed to ensure that the people of Palestine lived a life free of misery, by blatantly disregarding international law, including the Geneva Conventions and many resolutions of the General Assembly and the Security Council. Its list of violations included continued expansion of illegal settlements; mistreatment, torture and prolonged detention of Palestinians in Israeli prisons; indiscriminate attacks; demolition of homes; forced population transfer; and collective punishment through its devastating blockade of Gaza.

48. The international community must do more than merely deplore and condemn those actions; it must take all means available to put pressure on Israel to comply with its obligations under international law, including the Geneva Conventions and the Additional Protocols thereto.

49. At the domestic level, the Government of Malaysia remained committed to maintaining international peace and security and ensuring respect of and adherence to international humanitarian law. It had served as facilitator for the peace process between the Government of the Philippines and the Moro Islamic Liberation Front, leading to the signing of a framework peace agreement in 2012. It had established the Malaysian Peacekeeping Training Centre to prepare potential peacekeepers for deployment, as well as the International Humanitarian Law Committee to help implement international humanitarian law in Malaysia.

50. While it was preferable to see disputes settled peacefully and amicably, it was important to ensure that innocent men, women and children did not suffer unnecessarily if conflict did break out. Respect of and adherence to international humanitarian law could only be achieved if the principles and practices of international humanitarian law were upheld by the international community.

51. **Mr. Simonoff** (United States of America) said that his country was deeply committed to international humanitarian law and made every effort to conduct all aspects of armed conflict in a manner consistent not only with the applicable laws of war but also with the

Constitution and laws of the United States. Where force was necessary, there was a moral and strategic interest in being bound by certain rules of conduct, and his country believed that it must remain a standard-bearer in the conduct of war.

52. Following an inter-agency review, his country had concluded that its military practice was already consistent with the provisions of Protocol II. It was currently seeking Senate advice and consent to ratification of that Protocol. While it continued to have significant concerns about many aspects of Protocol I, article 75 of that Protocol was an important provision as it provided fundamental guarantees for persons in the hands of opposing forces in an international armed conflict. That provision was consistent with current United States policies and practices and had been supported historically by his country. Its adherence to the principles set out in that article was also an important safeguard against the mistreatment of its own captured military personnel. The United States had accordingly chosen, out of a sense of legal obligation, to treat those principles as applicable to anyone it detained in an international armed conflict and expected other nations to do likewise. Such steps reflected his country's commitment to furthering the goals of the 1949 Geneva Conventions, to which end it looked forward to continuing to work with the International Committee of the Red Cross (ICRC), the United Nations and other partners.

53. **Ms. Steenkamp** (South Africa) said that her country had consistently called on States to respect the rules of international humanitarian law and not only was a party to the 1949 Geneva Conventions and Protocols I and II but also had incorporated those instruments into its domestic law. It strongly supported the work of ICRC, as reflected, in particular, in its hosting of the ICRC annual seminar on international humanitarian law for the Southern African Development Community. It chaired the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies and had enacted domestic legislation to address the problem posed by such companies and mercenaries, which undermined compliance with international humanitarian law in armed conflicts. South Africa remained committed to strengthening compliance with such law in all armed conflicts and

would support related initiatives to the fullest possible extent.

54. **Ms. Schonmann** (Israel) said that, in recent decades, the contours of the law of armed conflict had become increasingly blurred, in particular because of the asymmetric nature of modern warfare and the rise in the participation of non-State actors in armed conflicts around the globe. Non-State actors presented a special challenge to the law of armed conflict as they intentionally concealed the fact they were combatants, even though it was a basic rule of such law that, as such, they should clearly distinguish themselves from civilians. They abused the core principles of the law of armed conflict, in particular by blending in with civilians so as to launch attacks against other civilians.

55. Israel had long suffered from such attacks perpetrated by Hamas and Hezbollah, which intentionally jeopardized innocents in order to secure their own immunity, thus creating painful dilemmas for soldiers in the field. Unless such realities were taken into account, any legal discussion of the challenges was likely to be sterile. The law of armed conflict must be developed in such a way as to be capable of meeting the challenges of such asymmetric warfare; Israel firmly believed it to be the primary legal framework for regulating the conduct of hostilities, including with non-State actors. Manipulation of the instruments of the law of armed conflict could harm the very people they were designed to protect and undermine international law itself.

56. While Israel, like some other countries, had concerns about certain aspects of the Protocols, it remained committed to the law of armed conflict, including the 1949 Geneva Conventions and customary international law. That commitment was reflected in Israel's willingness to conduct thorough, credible and independent investigations into allegations of violations of that law. It was also evident in its speedy, independent and internationally respected judicial review system. Over the years, her country's Supreme Court had heard hundreds of petitions relating to the legality of means and methods of warfare, detention and humanitarian obligations at the height of fierce hostilities and had handed down judgements that were internationally renowned for their contribution to the development of the law of armed conflict. Moreover, Israel had greatly increased the legal advisory services provided by lawyers to military personnel, including commanders, at all stages of their operations; such



lawyers were independent and not subordinate to those they advised. Awareness of humanitarian law was a mandatory part of the training of both military and security personnel. Noting, in conclusion, that the United Nations and the international community bore a significant responsibility for promoting compliance with humanitarian norms and principles, she commended ICRC for its important contribution on the ground in many parts of the world.

57. **Mr. Zinsou** (Benin) said that the 1949 Geneva Conventions and the Protocols thereto were more relevant than ever before, at a time when terrorist and extremist groups were displacing and afflicting great suffering on civilian populations, particularly in the Sahel region. ICRC played a leading role in providing relief to those populations and its courageous efforts were to be commended.

58. As a troop-supplying country for both United Nations and African Union peacekeeping operations, Benin made every effort to ensure that its military and security personnel were familiar with the basic rules and principles of international humanitarian and human rights law. It attached particular importance to common article 3 of the 1949 Geneva Conventions; that article should be regarded as binding as it laid down minimum rules for the treatment of all persons in enemy hands. Benin also promoted the teaching of international humanitarian law in its universities and other centres of learning.

59. His country wished to see a strengthening of the role played by ICRC in ensuring compliance with the Geneva Conventions and the Protocols. ICRC was also to be commended for ensuring that international humanitarian law was duly incorporated into regional and international treaties. His delegation called on Member States and the United Nations system to work closely with ICRC in developing international humanitarian law and promoting the application of its basic principles in all situations of conflict. Lastly, Benin welcomed the sustainable development dimension of the short-term programmes of ICRC, given that the very survival of displaced populations could sometimes harm the environment and jeopardize the lives of future generations.

60. **Mr. Petrosyan** (Russian Federation) said that the Additional Protocols were a most important part of international humanitarian law and that his country welcomed the increasing number of States parties

thereto; it called on all States that had not yet acceded to them to do so. The Russian Federation appreciated particular the roles played respectively by ICRC and the International Humanitarian Fact-Finding Commission established under Protocol I. Considering that the protection of the victims of armed conflicts was more important than ever, it welcomed the work undertaken by the International Conference of the Red Cross and Red Crescent on that subject in 2011 and looked forward to the dissemination of its results.

61. **Ms. Millicay** (Argentina) reiterated the view expressed on behalf of CELAC that a questionnaire or template could facilitate the provision and compilation of information for the report of the Secretary-General. Her delegation encouraged Member States to consider the possibility of being assisted by ICRC in that regard.

62. Implementation of international humanitarian law at the domestic level depended partly on an awareness of the obligations it entailed. In Argentina, international humanitarian law had been incorporated into the syllabus of several law faculties as a salient aspect of international law. In cooperation with ICRC, training courses on the topic were organized for the armed forces, in particular those participating in United Nations peacekeeping operations. A national commission for the application of humanitarian law had been in place within the Ministry of Defence since 1994. Its purpose was to monitor the implementation of international humanitarian law, raise awareness and train civil servants and the armed forces. It had also been involved in the domestic process towards the ratification of the amendments to the Rome Statute, adopted in 2010.

63. Argentina was one of 72 States that had accepted the competence of the International Humanitarian Fact-Finding Commission, which could fulfill its function of investigating violations of international humanitarian law only if such was the case for all the parties concerned. Her country therefore called on Member States that had not yet done so to ratify the Additional Protocols and accept the Commission's competence.

64. **Mr. Souleymane** (Niger) said that his country was committed to respecting and promoting international human rights law, for which humanity owed a debt of gratitude to such great men as Henri Dunant. Niger was a party to the four 1949 Geneva Conventions and had ratified Protocols I and II in 1979. At the domestic level, it had classified violations

of international humanitarian law as criminal offences by adopting a number of laws to that effect, including one that prohibited the use, storage, production and transfer of landmines, and had taken specific measures to protect the population against such devices. It had also taken legislative and awareness-raising measures with regard to the use of the emblem of the red cross in accordance with article 12 of Protocol II. Courses in international humanitarian law were given in Niger to members of the judiciary, defence and security forces and military personnel, supported by ICRC.

65. At the subregional level, the Economic Community of West African States, of which Niger was a member, had launched an appeal for the effective coordination of international humanitarian law in West Africa and had called on its member States to ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; Niger, for its part, had ratified that Convention in April 2012.

66. **Mr. Aldahhak** (Syrian Arab Republic) reaffirmed his country's support for the 1949 Geneva Conventions and the Protocols thereto and referred to measures it had taken to implement and raise awareness of international humanitarian law. He recalled that that body of law had started to take shape before the founding of the United Nations, whose main purpose indeed had been to combat the scourge of war. It must not be undermined through the use of double standards.

67. Israel had continued to violate international humanitarian law since its founding in 1948. It deliberately targeted civilians, including women and children, polluted the environment, replaced the original inhabitants with settlers, desecrated Christian and Muslim places of worship and shrines, uprooted olive trees and built a separation wall. In its wars of aggression, it had tortured soldiers and indeed buried some alive, introduced landmines disguised as toys and all the while had not been held accountable. Various fact-finding commissions had found evidence of war crimes and crimes against humanity committed by Israel. Lack of international action against that country merely encouraged it in its barbaric ways, illustrated by its prevention of humanitarian access to Gaza, its displacement of Syrians from the occupied Syrian Golan to make way for settlements and its pollution of the environment through the burial of nuclear waste.

68. **Ms. Elyahou** (Observer for the International Committee of the Red Cross) welcomed the recent ratifications of Protocols I, II and III by a number of States and encouraged all those that had not yet done so to ratify them, as universal acceptance of those instruments would help to strengthen the international human rights framework and more effectively protect the vulnerable during armed conflicts. She reported on two important resolutions adopted by the thirty-first International Conference of the Red Cross and Red Crescent, held in 2011. The first, entitled "Strengthening legal protection for the victims of armed conflicts", recognized the relevance of international humanitarian law to efforts to protect such persons and the particular challenges posed by the protection of persons deprived of their liberty in relation to armed conflict. It invited ICRC to submit to the thirty-second Conference in 2015 a report on recommendations for strengthening the law in those two areas. The second resolution set out a four-year plan of action and urged specific action to ensure civilian populations access to humanitarian assistance in armed conflicts, protect children, women, persons with disabilities and journalists, incorporate into the domestic law of States obligations concerning the repression of serious violations of international human rights law and, lastly, ensure the control of arms transfers. ICRC encouraged all States to implement and follow up the plan of action.

69. In the past two years, ICRC had undertaken various activities to promote knowledge and understanding of international humanitarian law, in particular by regularly updating its comprehensive database on related customary law. It provided national authorities with technical assistance for the adoption of measures to ensure compliance with international humanitarian law, including guiding principles aimed at clarifying the obligations of States with regard to the recruitment of children into armed groups. She concluded by expressing the International Committee's appreciation of the national reports submitted in accordance with General Assembly resolution 65/29; in order to increase the number of States submitting reports and assist them in that respect, ICRC invited Member States to consider the convenience of drawing up guidelines or a questionnaire.

70. **Mr. Corujo** (Observer for the International Humanitarian Fact-Finding Commission) said that the International Humanitarian Fact-Finding Commission,

established under article 90 of Protocol I, was a tool whereby States and the international community could ensure that international humanitarian law was applied in all types of armed conflict. It was a specialized mechanism composed of 15 members elected by States that had recognized its competence; however, members did not represent their States and served in their personal capacity; they came from all over the world and from a wide variety of professional backgrounds. The Commission's procedure was designed to facilitate cooperation with the parties to a conflict, who could appoint ad hoc members. It could not operate without a specific mandate from the parties to the conflict and could not publish its report on its findings unless they so requested. He expressed the hope that both the General Assembly and the Security Council would encourage Member States to make use of the Commission's services whenever appropriate. He reminded the Committee that ratification of Protocol I did not automatically ensure the binding competence of the Commission but that, under article 90 (2) (a), an additional declaration was required to that effect. He called on all States that had not yet recognized the competence of the Commission to join the 72 States that had already done so.

71. The Commission also offered its good offices to promote respect for the Conventions and their Protocols, in addition to fulfilling its task of investigating allegations of violations of international humanitarian law. It had offered its services and good offices in a number of previous situations and conducted delicate negotiations with several parties; none of those initiatives had been successful. It could complement fact-finding missions by being tasked to investigate specific facts or events where parties to the conflict could not agree and could offer expertise based on its own specific knowledge and experience of international humanitarian law.

72. As an international mechanism of the kind envisaged by the General Assembly in its declaration of 19 September 2012 on the rule of law at the national and international levels (A/67/L.1), which States had undertaken to use for the investigation of violations of international humanitarian law, the Commission would welcome comments from all those concerned on why they had not yet made use of the services it offered, apparently preferring instead to appoint ad hoc bodies. It continued to stand ready to serve as an instrument of

the international community to enhance respect for international humanitarian law.

73. **Ms. Schonmann** (Israel), speaking in exercise of the right of reply, expressed surprise that a State distant from Israel and with little knowledge of realities on the ground should choose for the sake of polemics to politicize a professional debate regarding the laws of armed conflict. The country in question should look into its own internal affairs before setting itself up as a moral authority. As for the Syrian Arab Republic, it was extraordinary that a representative of a State sponsor of terrorism which harboured the headquarters of terrorist organizations and was continuing to slaughter and brutally repress its own citizens should dare to lecture Israel on respect for the laws of armed conflict. The Syrian representative's words said nothing about Israel but spoke volumes about the regime he represented. Israel welcomed criticism of its Government; it enjoyed a free press; it allowed citizens to have access to its Supreme Court. It would continue to pay no heed to countries that abusively used the forum offered by the present Committee to throw stones at others when their own glass houses were about to collapse.

74. **Mr. Aldahhak** (Syrian Arab Republic), speaking in exercise of the right of reply, said that the representative of Israel continued to spread lies about the Syrian Arab Republic. The State of Israel had, since its inception, consistently violated international humanitarian law and had committed every possible crime against the people of the Arab occupied territories in the Golan and Palestine and in Lebanon. Among other acts, it had consistently attacked the people of the occupied Syrian Golan; it had destroyed houses and kidnapped children; it had killed peace activists, including a United States citizen, Rachel Corrie, crushed by an Israeli bulldozer; it had prevented humanitarian aid, as well as materials for rebuilding, from being brought into Gaza; and it continued to target the Palestinian infrastructure, put in place with European and Arab assistance. In addition, it was responsible for the death of nine Turkish activists on board the Freedom Flotilla that had sought to end the blockade of Gaza. The current situation in his own country did not alter the facts that he had presented with regard to Israel: Israel was an aggressor and its crimes remained clear for all to see.

**Agenda item 81: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (A/67/126 and Add.1)**

75. **Mr. Errázuriz** (Chile), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that measures to protect diplomatic and consular missions and representatives were essential for the development of peaceful and constructive relations among Member States. Crimes against internationally protected persons created a threat to the maintenance of the normal international relations required for cooperation among States and must therefore not go unpunished; States had an obligation under international law to cooperate in order to prevent such crimes.

76. CELAC strongly condemned acts of violence against diplomatic and consular missions and representatives and against the missions and officials of international intergovernmental organizations; such acts could never be justified. The recent loss of human lives among State representatives should lead to redoubled efforts to protect the safety of diplomatic and consular representatives and all of the representatives and officials of intergovernmental organizations and their respective premises. The CELAC countries supported initiatives to that end and expressed their solidarity with the victims of all acts of violence affecting premises protected by international law. They considered it essential for States to observe, implement and strictly enforce the principles and norms of public international law as well as United Nations resolutions on the subject and to ensure the same protection through their national legislation. They also urged all States to prevent abuses of diplomatic or consular privileges and immunities, especially those involving the use of violence, and to cooperate with the receiving State in cases where such abuses had been committed. It was imperative that any disputes in that regard should be resolved by peaceful means, without the use or threat of use of force or any other violation of the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations. CELAC called on it States that had not yet done so to consider becoming parties to those Conventions.

77. **Mr. Marhic** (Observer for the European Union), speaking also on behalf of the acceding country Croatia; the candidate countries Iceland, Montenegro,

Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that violent incidents involving diplomatic and consular personnel and premises continued to occur and were a matter of great concern to all. The European Union urged States to strictly observe, implement and enforce the relevant provisions of international law and strongly supported the statement made by the Security Council following the attacks on the United States diplomatic premises in Benghazi and Cairo; such acts could never be justified. It called on Libya and Egypt to bring the perpetrators to justice.

78. Under the Vienna Conventions on Diplomatic Relations and on Consular Relations, respectively, receiving States had a special duty to protect diplomatic missions and consular premises and to guarantee, in particular, the physical safety of staff. Any violation of obligations must be met with a demand on the part of the international community for measures of redress and restitution by the receiving State concerned. Moreover, in view of the number of breaches of international law in that regard, efforts to protect such staff and premises should continue or indeed be stepped up. Diplomatic relations were of eminent importance in establishing trust among nations and must be protected. The European Union reiterated the call to States that had not yet done so to consider becoming parties to the aforesaid Vienna Conventions.

79. **Ms. Mäkelä** (Finland), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that it was of great concern that diplomatic and consular agents and premises should continue to be victims of attacks in receiving States despite general recognition of the special duty to protect them. The Nordic countries appreciated the information contained in the report of the Secretary-General (A/67/126 and Add.1), particularly with regard to the protection, security and safety failures encountered by sending States and the follow-up measures taken by receiving States. They welcomed the new States parties to international legal instruments relating to the protection, security and safety of diplomatic and consular missions and representatives and called on States not yet parties to join them. It was equally important that all States parties should fully implement those instruments.

80. Receiving States were required by international law, in particular in the Vienna Conventions on Diplomatic Relations and on Consular Relations, respectively, to protect diplomatic and consular premises and prevent any attacks on diplomatic and consular representatives. Where they failed to do so, the injured State was entitled to claim prompt compensation for any resulting loss or injury. That duty of protection also extended to foreign missions and representatives to international intergovernmental organizations and their officials. Effective measures to enhance such protection and the security and safety of those missions and officials were crucial in enabling them to fulfill their mandates.

81. Notwithstanding the efforts made, serious violations had occurred, including the attack on the United States mission and personnel in Libya. The Nordic countries condemned all such acts and took note of the statements by the Libyan authorities that they would bring the perpetrators to justice. Such acts could never be justified and must not go unpunished. He stressed the need in that regard for close cooperation and information-sharing on security matters not only at the international level but also at the national level, between missions and the competent local authorities.

*The meeting rose at 1.05 p.m.*