

**Security Council**

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Letter dated 5 August 2019 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of the Republic of Poland, the Security Council is scheduled to hold a ministerial briefing on Tuesday, 13 August 2019, on the subject “International humanitarian law”. To help guide the discussion during the event, Poland has prepared the attached concept note (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”.

(Signed) Joanna **Wronecka**
Ambassador



Annex to the letter dated 5 August 2019 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

Concept note for the Security Council briefing on the theme “International humanitarian law”, to be held on 13 August 2019

Seventieth anniversary of the Geneva Conventions: upholding humanity in modern conflict

Introduction

1. Seventy years after their adoption, the Geneva Conventions of 1949 remain the most widely accepted and universally applicable treaties in international relations. That codification crowned the long-lasting process of development and evolution of international humanitarian law. The spirit of the Conventions reflects the same common objectives and shared values as those enshrined in the Charter of the United Nations. Their main objective, expressed in four treaties and their Additional Protocols,¹ is clear – to limit the barbarity of war by way of regulating the conduct of armed conflicts.

2. Despite the comprehensive nature of the 1949 Conventions, in the twenty-first century their effective implementation has encountered several obstacles, resulting from both the actions (or inactions) of States and the increasing complexity of armed conflicts. For these reasons, notwithstanding the existing robust legal framework, violations of international humanitarian law are still the source of everyday suffering of civilians in armed conflicts.

3. The map of contemporary crises is no longer dotted mainly with international conflicts between States. All over the world we observe emerging and protracted non-international conflicts involving non-State actors. The complexity of the situation leads to increasing interrelations between international humanitarian law and human rights law in various conflictual cases. The state of affairs is further complicated by new threats related to today’s conflicts, including both new technologies (e.g., high-tech weapons, artificial intelligence, use of cyberspace), the footprint of mankind (e.g., climate change, urban warfare) and, as already mentioned, activities of non-State armed groups and terrorist organizations. These new conditions pose legal and practical challenges in terms of compliance with international humanitarian law. Despite that, its basic norms and principles remain as relevant as ever. They are universally, legally binding obligations which do not rely on reciprocity and are not up for negotiation. Their implementation is in the best interest of humankind and makes a meaningful difference in the protection of war victims.

4. In discharging their duties, the past and present members of the Security Council and the Council as a whole have repeatedly declared commitment to international law,

¹ Conventions for the protection of victims of armed conflicts, signed at Geneva on 12 August 1949: Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Geneva Convention), Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Geneva Convention), Convention relative to the Treatment of Prisoners of War (Third Geneva Convention), Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I), Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), Protocol additional to the Geneva Conventions of 12 August 1949, relating to the adoption of an additional distinctive emblem (Protocol III).

including international humanitarian law. The Council has adopted numerous thematic and country-specific resolutions and presidential statements urging respect for international humanitarian law. Its members have pursued a range of individual or joint initiatives to that aim and have called a number of meetings, including, more recently, the debate on upholding international law on 17 May 2018, the briefing on safeguarding humanitarian space on 1 April 2019 and the debates on protection of civilians on 22 May 2018 and 23 May 2019, besides others, dedicated to specific situations on the Council's agenda. They have thereby recognized that the violations of international humanitarian law not only have tragic humanitarian consequences but also reinforce the cycle of violence, exacerbate conflicts and negatively impact the maintenance of international peace and security. Despite these numerous efforts, however, we still all too often observe violations of international humanitarian law – regarding rules of combat as well as rules of protection – that result in immense suffering, inhumane treatment of people, including women, children and other vulnerable groups, the injured and sick, persons with disabilities, forcibly displaced people and detainees. As the third decade of twenty-first century nears, much remains to be done to uphold international humanitarian law.

General objectives of the briefing

5. This year marks not only the seventieth anniversary of the Geneva Conventions but also the twentieth anniversary of the Security Council having seized the item entitled “Protection of civilians in armed conflict”.² It is an opportune moment to reflect on the applicability of the Geneva Conventions to contemporary conflicts and potential measures at the Security Council's disposal to strengthen their force. As a consequence, the aim of the meeting is to consider practical steps to be taken to uphold international humanitarian law, in particular the Geneva Conventions of 1949, with a focus on:

- Respecting and ensuring respect for international law, in particular international humanitarian law and international human rights law, in order to protect civilians, especially vulnerable groups such as people with disabilities, children and women, representatives of religious minorities, and medical and humanitarian personnel.
- Importance of the international humanitarian law in the age of the new technologies that dramatically change the nature of conflicts, offering more often new forms of weaponry than assuring innovative methods of building resilience and empowerment of affected people.
- Necessity to address new developments in today's wars (e.g., urban warfare; high tech weapons, artificial intelligence and cyberspace; impact of climate change, growing role of non-State actors) through appropriate practices and policy consistent with international law, in particular with international humanitarian law and international human rights law.
- Urgency of complex and robust humanitarian response required currently to deal with harm caused by violence and emergent crises to ease the suffering of vulnerable people in the light of new trends in humanitarian crises.
- Upholding accountability for violations of international humanitarian law, including by strengthening legal frameworks, capacities and cooperation, also

² By holding its first open debate on the topic, issuing a Presidential Statement (S/PRST/1999/6) and adopting resolution 1265 (1999).

at the international level, to investigate the violations and prosecute the perpetrators.

Briefers

- Under-Secretary-General for Legal Affairs and United Nations Legal Counsel
- President of the International Committee of the Red Cross, Peter Maurer
- Senior Research Fellow and Strategic Adviser on International Humanitarian Law, Geneva Academy of International Humanitarian Law and Human Rights, Annyssa Bellal

Indicative questions for consideration

- How to make use of existing measures and mechanisms to ensure respect for international humanitarian law?
 - Do they address the challenges of modern conflict in a sufficient manner? If not, what changes should be introduced to ensure effectiveness in implementing international humanitarian law? In particular, how to uphold the principle of humanity?
 - How to engage the Security Council in finding practical solutions to the challenges related to international humanitarian law?
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