



# Security Council

Seventy-fourth year

**8596**<sup>th</sup> meeting

Tuesday, 13 August 2019, 10 a.m.

New York

*Provisional*

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*President:* Mr. Czaputowicz . . . . . (Poland)

*Members:*

Belgium . . . . .	Mrs. Van Vlierberge
China . . . . .	Mr. Zhang Jun
Côte d'Ivoire . . . . .	Mr. Adom
Dominican Republic . . . . .	Mr. Singer Weisinger
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Peru . . . . .	Mr. Meza-Cuadra
Russian Federation . . . . .	Mr. Polyanskiy
South Africa . . . . .	Mr. Matjila
United Kingdom of Great Britain and Northern Ireland . . . . .	Ms. Pierce
United States of America . . . . .	Mr. Cohen

## Agenda

The promotion and strengthening of the rule of law in the maintenance of international peace and security

International humanitarian law

Letter dated 5 August 2019 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General (S/2019/629)

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*The meeting was called to order at 10.05 a.m.*

### **Adoption of the agenda**

*The agenda was adopted.*

### **The promotion and strengthening of the rule of law in the maintenance of international peace and security**

#### **International humanitarian law**

#### **Letter dated 5 August 2019 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General (S/2019/629)**

**The President:** In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in the meeting: Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel; Mr. Peter Maurer, President of the International Committee of the Red Cross; and Ms. Annyssa Bellal, of the Geneva Academy of International Humanitarian Law and Human Rights.

Mr. Maurer is joining the meeting via video-conference from Geneva.

The Security Council will now begin its consideration of the item on its agenda.

I wish to draw the attention of Council members to document S/2019/629, which contains a letter dated 5 August 2019 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General, transmitting a concept paper on the item under consideration.

I now give the floor to Mr. De Serpa Soares.

**Mr. De Serpa Soares:** I would like to thank the Security Council for inviting me to this meeting. I also convey a special greeting to my colleagues and friends from the International Committee of the Red Cross.

Just over 70 years ago, on 11 August 1949, a Diplomatic Conference convened in Geneva adopted the four Geneva Conventions, and on the following day its Final Act was signed by the participating States. The four Conventions entered into force around a year later, on 21 October 1950, and have been at the core of international humanitarian law ever since.

The four Geneva Conventions were by no means completely novel at the time. The first three Conventions found their origins in previous treaties and were revised versions of them. These three Conventions are the First Convention, which deals with the wounded and sick in armed forces in the field; the Second Convention, which covers the wounded, sick and shipwrecked members of armed forces at sea; and the Third Convention, which deals with prisoners of war. The Fourth Convention was, however, the first treaty that was specifically dedicated to the protection of civilian persons in time of war.

Most of the provisions in these four Conventions are applicable to international armed conflicts — in other words, armed conflicts between States. However, there is a provision in each of the four Conventions that applies to non-international armed conflicts, which is article 3 common to the Geneva Conventions. This provision contains basic rules on the humane treatment of persons taking no active part in hostilities, including members of the armed forces who have laid down their arms or who have been placed hors de combat by sickness, wounds or detention, as well as civilians.

The inclusion of common article 3 in the Geneva Conventions was a historic moment for humankind. It was the first instance in which non-international armed conflicts were regulated by a multilateral treaty. The significance is augmented by the fact that the Geneva Conventions are now universally adhered to. There is no doubt that common article 3 has become one of the most important provisions of the Geneva Conventions, not only because of its nature, which I have just mentioned, but also because it is perhaps the most frequently applied provision in contemporary armed conflicts, which are mostly non-international in character. Common article 3 was subsequently developed and supplemented by Protocol II Additional to the Geneva Conventions and a number of customary rules have been recognized as being applicable to non-international armed conflicts, but common article 3 still occupies a special place in international humanitarian law.

The relevance of the Geneva Conventions to the work of the United Nations might not have been so obvious in the early years of the Organization, as the Charter does not specifically refer to international humanitarian law. However, the United Nations was established in the aftermath of the Second World War, which saw violations of international humanitarian law on a massive scale. The Charter, in its Preamble,

contains a solemn declaration of a determination “to save succeeding generations from the scourge of war [and] to reaffirm faith in fundamental human rights, in the dignity and worth of the human person”, and in its Article 1 further provides that one of the purposes of the United Nations is

“to achieve international co-operation in solving international problems of ... [a] humanitarian character, and in promoting and encouraging respect for human rights”.

In this regard, it is not surprising that international humanitarian law has become one of the most important areas of international law that guide the work of the Organization today, including the Security Council.

The role of the United Nations in situations of serious violations of international humanitarian law has also been specifically recognized in article 89 of Protocol I Additional to the Geneva Conventions, which requires that the high contracting parties act, jointly or individually, in cooperation with the United Nations in situations of serious violations of the Geneva Conventions and of the Protocol.

In practice, all competent principal organs of the United Nations have dealt with issues related to international humanitarian law in one way or another. As far as the Security Council is concerned, it has on several occasions recalled “its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and in this context, the need to promote respect for the rules and principles of international humanitarian law”, such as in the second preambular paragraph of resolution 2474 (2019) of 11 June 2019.

With respect to the Geneva Conventions specifically, it was only in 1967 that the Council invoked those Conventions for the first time in one of its resolutions, almost 20 years after their adoption. Since then, the Security Council has made express references to the Geneva Conventions or to specific provisions from them in its resolutions, but in a large majority of instances the Council has invoked international humanitarian law generally or its customary rules rather than specific treaties or provisions from them.

With respect to international humanitarian law generally, the Council has played a crucial role in ensuring respect for that law. Apart from the Council’s frequent condemnation of violations of

international humanitarian law and its call on the parties to the conflict to respect the obligations that it lays down, the Council has taken concrete measures, such as establishing international criminal tribunals to prosecute war crimes, as well as the crime of genocide and crimes against humanity; authorizing the establishment of commissions of inquiry to investigate alleged violations of international humanitarian law; mandating peacekeeping operations to protect civilians, particularly in the context of ongoing armed conflicts, including by the use of force; authorizing humanitarian agencies to carry out cross-border humanitarian assistance, pursuant to a binding decision of the Council; requesting the Secretary-General, his special representatives and envoys, peacekeeping operations and special political missions to monitor potential violations of international humanitarian law in ongoing conflicts; requesting the Secretary-General to report on certain thematic areas, such as the protection of civilians in armed conflict, children in armed conflict and the protection of medical and humanitarian personnel exclusively engaged in medical duties; and imposing sanctions on individuals and entities involved in violations of applicable international humanitarian law.

The breadth of actions taken by the Security Council shows that the Council has great potential and flexibility for ensuring respect for international humanitarian law. While the United Nations has a role in ensuring respect by others for international humanitarian law, it is at the same time an entity to which international humanitarian law applies. This is relevant to all United Nations personnel in armed conflict situations, but is particularly relevant to United Nations peacekeeping operations deployed to armed conflict situations, some of which have increasingly been targeted by armed groups.

The Geneva Conventions and other instruments of international humanitarian law do not contain specific provisions concerning the protection of United Nations peacekeepers. However, there is no doubt that they are protected by international humanitarian law in situations of armed conflict. That they are entitled to the humane treatment set out in article 3 common to the Geneva Conventions was specifically recognized most recently by the International Tribunal for the former Yugoslavia in the *Prosecutor v. Radovan Karadžić* case. The Rome Statute of the International Criminal Court further criminalizes intentional attacks against

peacekeepers as a war crime, as long as they are entitled to the protection given to civilians under the international law of armed conflict.

The Convention on the Safety of United Nations and Associated Personnel of 1994 provides further protection to United Nations peacekeepers by prohibiting attacks against United Nations and associated personnel and by requiring States parties to submit relevant cases to the competent authorities for the purpose of prosecution. However, as many host countries are not yet parties to the Convention, in practice the application of the Convention in those countries has been made possible only by ad hoc arrangements, namely, by including a specific provision in the relevant status-of-forces and status-of-mission agreements.

In view of the fact that United Nations peacekeepers continue to be attacked, I appeal to the Council and Member States to further reflect upon ways to ensure that attacks against peacekeepers are properly investigated and, where appropriate, prosecuted.

United Nations peacekeeping operations are not only protected by international humanitarian law but are also bound by it in certain circumstances. That this is the case is recognized in the Organization's status-of-forces agreements and in the Secretary-General's bulletin on the observance by United Nations forces of international humanitarian law. As far as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo is concerned, the Security Council has specifically mandated it to carry out targeted offensive operations "in strict compliance with international law, including international humanitarian law".

A number of measures have to be taken in order to ensure compliance with international humanitarian law, including providing guidance to a mission so that military operations are carried out in accordance with the rules of international humanitarian law concerning the conduct of hostilities; establishing procedures so that any persons captured by a mission are handled in accordance with international law and standards; concluding an agreement with the host country to ensure that persons transferred by a mission to the host country are treated in accordance with its obligations under international law; and providing guidance to a mission so that any act by its personnel that might be contrary to international humanitarian law is properly addressed.

The Secretariat will continue to make every effort to ensure that the relevant peacekeeping operations comply with international humanitarian law, and it counts on the support of the Security Council and Member States in that regard.

**The President:** I thank Mr. De Serpa Soares for his briefing.

I now give the floor to Mr. Maurer.

**Mr. Maurer:** I thank you, Mr. President, for convening this meeting and for the opportunity to brief the Security Council today.

This year marks an important milestone — 70 years since States convened to adopt the historic 1949 Geneva Conventions in the aftermath of the Second World War. In doing so they made a critical declaration that even in armed conflict, even between fierce enemies, there must be limits on the suffering that we can inflict upon each other. The Geneva Conventions symbolize our enduring and common humanity. Rooted in ideas that have existed in all civilizations, they limit the devastating effects of warfare. Today the universally ratified Geneva Conventions represent one of the greatest achievements of inter-State cooperation. The Conventions show us what is possible when States take collective and individual action to uphold the law and humanitarian principles.

International humanitarian law does not ask the impossible. States were not carried away by lofty ideals when they negotiated the treaties. They knew the realities of war and set out inherently pragmatic rules to protect and respect human life and dignity. Through the four Geneva Conventions, protections are given for wounded and sick soldiers on land and at sea, prisoners of war and civilians. In addition, a major achievement in 1949 was the inclusion of article 3, common to all four Conventions, which provides protections in conflicts involving non-State armed groups. Today international humanitarian law remains a key tool for States to deal with contemporary challenges of conflict, including counter-terrorism operations in armed conflict. International humanitarian law strikes a balance between military necessity and humanity.

Every single day, international humanitarian law is at work saving lives and protecting women, men and children in conflicts around the world. We rightly hear about the violations because the consequences are tragic and visible, but we must also recognize the

protective power and positive impact of international humanitarian law when it is respected.

The impact of international humanitarian law is visible in the events that take place — when the wounded and sick are evacuated to safety, when people detained are treated with dignity, when the fate of missing people is finally clarified and when humanitarian assistance is delivered across lines. Its impact can also be seen through acts of restraint — when horrors are not inflicted, when civilian areas are spared from direct shelling or when medical workers are able to freely operate without threat or targeting.

When respected, international humanitarian law reduces the risk of physical and social damage to communities over the long term. In this era of protracted conflict, people are living through war and violence for years or even decades, and some semblance of day-to-day life must continue. When international humanitarian law is respected, the entire collapse of towns and cities can be avoided, meaning fewer people are displaced and schools, hospitals and markets remain open.

While the Geneva Conventions are universally ratified, it is clear by the obvious terrible suffering in today's conflicts that they are not universally respected. Too often, the International Committee of the Red Cross (ICRC) sees the impact on people when international humanitarian law is violated — indiscriminate killing, torture, rape, cities destroyed and psychological trauma inflicted.

But continued violations of the law do not mean the law is inadequate, but rather that efforts to ensure respect are inadequate. We can and must do more. The Council can do more. Experience tells us that, when it comes to violations of international humanitarian law, it is not only knowledge of the law that counts but the translation of that knowledge into behaviour. The challenge is to ensure that the law is not only integrated into formal doctrine and military procedures, but that it also becomes an ethical standard of behaviour among forces and individuals — that fighters facing a choice to act in violation of the law know to say, “This is wrong; this is not who I am”.

On this anniversary, we call on States to be vigilant, to keep watch over their legal responsibilities and continue to take practical steps for ambitious interpretation and thorough implementation of the law. States can do more by ratifying all treaties related to

international humanitarian law; strengthening military doctrine, the rules of engagement and practice; ensuring that military training socializes the rules and principles of international humanitarian law; developing national legislation that is compatible with international obligations; and training parliamentarians and legal professionals on international humanitarian law. We must ensure that the words of the Geneva Conventions do not remain dormant in legal texts but instead are known, applied and championed.

As a living document, the way the law is understood must reflect present day realities. There is no doubt that the modern battlefield is a complex arena. Urbanized warfare, an increasing number of armed groups and partnered warfare are posing new and difficult dilemmas. Rapidly developing technologies are creating new front lines in cyberspace, as well as new ways to fight, such as autonomous weapon systems and remote technologies.

With these new challenges ahead, we need to constantly reflect on the meaning and development of international humanitarian law to meet the challenges of warfare today and in the future. The ICRC is working with States on the application of basic international humanitarian law concepts in these emerging fields, and we ask that they engage in constructive and open dialogue with us on these important issues. The world cannot afford to miss the opportunity to preserve humanity on these new frontiers.

The Geneva Conventions are for all of us. They represent the line of our common humanity and shield us from our own barbarity. We cannot forget that. This anniversary serves to encourage us by showing us that respect for the law is both possible and desired by all. It is also a call to do more, to do better and live up to our responsibilities during times of conflict to respect life and dignity.

**The President:** I thank Mr. Maurer for his briefing.

I now give the floor to Ms. Bellal.

**Ms. Bellal:** First of all, on behalf of the Geneva Academy of International Humanitarian Law and Human Rights, I would like to thank the Security Council for having invited me to share with the Council some thoughts on this important anniversary — from the perspective of not only a scholar and practitioner of international humanitarian law but of one who teaches it to future generations.

Younger generations use Twitter intensively. Therefore, before coming here, I tweeted to ask them what they thought was the key message I should convey to the Council today. One message was mentioned repeatedly: the importance of common article 1 to the four Geneva Conventions and the obligations therein to respect, and to ensure respect for, the Conventions in all circumstances. To put it in more prosaic terms — again, speaking to students — I often say that common article 1, which requires respect for international humanitarian law, is an everlasting reminder of the central value underpinning any legal system, that our common humanity must be the measure of all things and that we need to ensure respect for international humanitarian law because, ultimately, we are all in this together.

I will therefore structure my remarks around common article 1 and develop three specific points to illustrate the idea that we are all in this together: first, the protracted nature of contemporary armed conflicts and the value of mainstreaming international humanitarian law; secondly, the prevalence of non-international armed conflicts and the need to increase ownership of humanitarian norms among armed non-State actors; and, thirdly, recognizing the benefits of peer pressure.

Let me start with my first point. One unfortunate feature of contemporary armed conflicts is their protracted nature. As such, they have long-term consequences on civilians, who are unable to live their lives normally, often for decades. It also deeply impacts the mental and physical health of all those facing such traumatizing events, hampering their potential to build a solid future in the aftermath of a conflict. Under such circumstances, no institution can afford to work in isolation. Other bodies of law, such as human rights or refugee law, are obviously relevant, but so too are the norms pertaining to human, economic and social development.

Because international humanitarian law may remain applicable for a long period in a given situation, there is a need to mainstream international humanitarian law in all pertinent legal systems and build bridges between implementing institutions to create efficient, coordinated and more integrated responses to prolonged situations of violence. To a certain extent, that is already being done. For example, on 15 April, the World Health Organization (WHO) denounced the violation of international humanitarian law in the context of the fighting between the different parties to the armed conflict in Libya, in which 147 people

died and more than 600 were injured, among them medical personnel, in a single day. That call to respect international humanitarian law by an institution for which international humanitarian law is not necessarily the primary mandate is interesting, even more so when we know that the words “international humanitarian law” and “armed conflict” are not mentioned once in the WHO Constitution. To me, that is a sign that the global international community feels the need to be more involved in the implementation of humanitarian norms, and I believe that is a good thing.

There is no need to reinvent the wheel. Creating new ways to implement international humanitarian law using existing mechanisms is possible. It is well known that the financial and economic rebuilding of a country coming out of conflict can lead to more sustainable peace and benefit the reconstruction of society. The United Nations Peacebuilding Fund, for example, precisely aims, and I quote from its website, at providing

“for a more sustained engagement in support of countries emerging from conflict and [supporting] peacebuilding activities that directly contribute to post-conflict stabilization”.

The Fund, however, is also available as an immediate response facility, typically for countries that are within five years of conflict or have a significant risk of relapsing into conflict. In those situations, international humanitarian law often remains applicable. Therefore, out of the 33 countries that receive funding from the Peacebuilding Fund, at least 11 are in a situation of armed conflict to which international humanitarian law is applicable. As a way to implement common article 1, one could imagine some kind of conditionality between the behaviour of the parties to the conflict and the financial aid they may receive through the Fund, of course without prejudicing the civilian population.

Let now continue with my second point. According to the latest figures, the majority of armed conflicts have, for several years now, been of a non-international character — that is, they involve armed non-State actors. The existence of such actors is often a symptom of deeper societal issues. But it is not the object and purpose of international humanitarian law to evaluate the legality or legitimacy of the resort to armed violence by any party to an armed conflict, be it a State or a non-State actor. What matters is the protection of civilians and those who have laid down

their arms. The Geneva Conventions, their Protocols Additional and customary international humanitarian law have evolved to address and regulate the behaviour of armed non-State actors. It is today uncontroversial that organized armed groups are bound by international humanitarian law, including on norms pertaining to the conduct of hostilities.

It has long been long recognized by humanitarian actors and international organizations, including the United Nations, that engaging armed non-State actors on compliance with international norms is a critical element in any effort to strengthen the protection of civilians. According to a recent study, at least five different United Nations organs and agencies have drafted policies or guidelines on engagement with armed non-State actors: the Office for the Coordination of Humanitarian Affairs, the Department of Peace Operations, the Secretary-General, UNICEF and the Office of the United Nations High Commissioner for Refugees.

However, how armed non-State actors understand international humanitarian norms, how they value them and to what extent they have the necessary capacity actually to implement those norms are issues that have been neglected by the international community. Academic and policy research has shown that, if one strives for better implementation of international humanitarian law, humanitarian norms must be reflected in the local norms and values of armed groups. In other words, it is important to increase their ownership of international law.

The Council held a briefing in May on the impact of counter-terrorism legislation on international humanitarian law and humanitarian action (see S/PV.8534). I will not repeat the content of that debate here, except to say that labelling any kind of non-State actors as “terrorist” groups obviously limits the possibility of humanitarian engagement with those actors. But, more generally, experts tend to agree that it is also important to consider armed non-State actors not only as perpetrators of violations of international law, but also as actors who can at times play a positive role in the implementation of international humanitarian law, if only because they are often very close to their constituencies.

I now turn to my third and final point, on recognizing the benefits of peer pressure. Evaluation among peers is a well-known process in the scientific community. Any

article will always be peer-reviewed before publication in a scientific journal. Even fiercer are the evaluations by one’s own students on any possible aspect of one’s teaching skills. It is by no means agreeable to read about one’s limitations or one’s weaknesses in the elaboration of an argument and capacity to convince. But the beauty of peer reviews is that they always lead to a better final product, one that is more pertinent and meaningfully contributes to the general debate.

Since the 32nd International Conference of the Red Cross and Red Crescent Movement, States have tried to find ways to strengthen respect for international humanitarian law. While consensus has not yet been reached, all States reaffirmed that international humanitarian law remains the appropriate international legal framework for regulating the conduct of parties to armed conflict and reiterated their willingness to work towards improving its implementation. At the international level, mechanisms such as the Universal Periodic Review have proved to be feasible for matters as sensitive politically as respect for human rights norms. Recognizing the benefits of peer pressure remains an interesting way forward to better the overall system of international humanitarian law protection.

Allow me to conclude my remarks by quoting a novelist whose words were also of universal reach and who just left us last week. In her acceptance speech for the Nobel Prize in Literature, Toni Morrison emphasized the importance of language

“partly as a system, partly as a living thing, over which one has control, but mostly as an agency, as an act with consequences”.

In 1949, the language of the Geneva Conventions laid the foundation for an innovative and courageous legal system. As a lawyer, I of course believe in the power of the law. But so do humanitarians, who take immense risks to alleviate the suffering of others. So do students and scholars who discuss for hours the significance of a particular treaty provision. And so do States and the Security Council when debating and adopting resolutions on the protection of health care and the rights of children, women and persons with disabilities in armed conflict. However, as States and as members of the Security Council, in a State-centric system like ours, members are the ones with control. Members are the ones to be the agents of change. They have the immense privilege of being able to act with consequences for ensuring better respect for the

Geneva Conventions and guaranteeing their respect for the sake of our common humanity. We scholars, students, humanitarians and, of course, victims count on the Council because we are all in this together.

**The President:** I thank Ms. Bellal for her briefing.

I shall now make a statement in my capacity as Minister for Foreign Affairs of Poland.

First, let me thank Mr. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Peter Maurer, President of the International Committee of the Red Cross, and Ms. Annyssa Bellal of the Geneva Academy of International Humanitarian Law and Human Rights for their informative briefings.

Yesterday we celebrated the seventieth anniversary of the Geneva Conventions. As they are ratified and acceded to by almost every State of the world, the principles and legal norms enshrined in the Conventions are also recognized as customary international humanitarian law and are universally applicable. That is a rare quality for any multilateral treaty. The four Conventions have been supplemented by three Protocols Additional. Together they constitute a significant body of law that has played a vital role in limiting the brutality of armed conflicts.

From the first few days of Poland's membership of the Security Council, we have pursued the priority of strengthening international law. It has always been an issue of particular importance for Poland because of our difficult history, which was painfully affected by consequences of the failure of other States to comply with international agreements and by reason of our sense of responsibility for the maintenance of international peace and security. If we want to protect the victims of wars, we must ensure respect for the principles and rules of humanitarian law, which have been codified in the Geneva Conventions since 1949. Consequently, we have been confronted with difficult questions. How is it possible that so many people suffer from the brutality of warfare? What is even worse, how is it possible if its conduct is regulated by the most widely accepted and universally applicable treaties in international relations? An eagerness to find the answers led us to the following observations.

First, the greatest challenge to protecting human life in modern conflict is the observance of and respect for the existing rules by armed forces and non-State

armed groups. Violations of humanitarian law occur in a number of circumstances — the brutal conduct of warfare, the willingness to intimidate opponents and the perpetrators' feeling of impunity. If existing rules were followed, much of the human suffering in contemporary armed conflicts would not occur.

Secondly, we face new developments in present armed conflict that demand appropriate practices and policies consistent with international humanitarian law. Non-State actors play a major role in modern armed conflicts. The actual fighting is conducted in densely populated urban areas, with frequently appalling consequences for civilians. Actors often still try to find soft targets, first and foremost civilians. Artificial intelligence and autonomous weapons systems, such as military robots and cyberweapons, reduce the role and control of human factors during wartime. Many existing weapon systems are likely to cause indiscriminate harm to civilians. Two principles of international humanitarian law in particular deserve our attention: first, the obligation to protect civilians, prisoners of war, the wounded and shipwrecked, and, secondly, limitations to the rights of parties to an armed conflict on how they conduct operations and on their choice of weapons.

This new reality of modern conflict, the increasing role of non-State actors and the legal loopholes of international humanitarian law hinder the application of international humanitarian law in many ways. The complexity of new challenges impedes the process of classifying conflict situations and makes it difficult to determine the exact rules that may be applied. For example, only a small part of international humanitarian law may be applied to non-State actors. It also raises the question of whether the emergence of non-State actors and new means of combat require a revision of international humanitarian law, or whether the existing rules are sufficiently adaptable to frame those new challenges. Poland takes the view that international humanitarian law needs to be protected by way of its implementation. However, its further development and adjustment to the new challenges need to be pursued.

Finally, there is a problem of insufficient, or even lack of, accountability for violations of international humanitarian law. It is a systemic weakness that is not new. A great Polish lawyer and creator of the legal term "genocide", who made significant input to international humanitarian law, Raphael Lemkin, put it very bluntly: why is the killing of 1 million a lesser crime than



the killing of an individual? It is the international community's role to ensure that impunity be removed and remedies for the victims of violations be provided.

Impunity can be eradicated only by prosecuting alleged perpetrators. This is a responsibility that lies first and foremost with States, but it is helped by mutual legal assistance through judicial cooperation and collaboration with the International Criminal Court. It should be our goal to create the reality where no State and no perpetrator can be above the law and no person is outside the protection of the law in situations of armed conflict.

In today's discussion we will address many questions with regard to the applicability and future of international humanitarian law. I believe that the present and future members of the Security Council will continue the effort to find solutions to challenges to international humanitarian law.

I now resume my functions as President of the Council.

I call on the Federal Minister for Foreign affairs of Germany.

**Mr. Maas** (Germany): I thank the Polish presidency for convening this meeting today. I remember that, only two weeks ago, Mr. President, we commemorated together the seventy-fifth anniversary of the Warsaw uprising. In the final months of the Second World War, 200,000 innocent men and women — most of them civilians — were murdered by German soldiers, and the city of Warsaw was left in ruins. It was crimes like those that led the international community to proclaim "never again". The Geneva Conventions were adopted and to this day they remain one of humankind's proudest achievements. The alternative — war without limits — is simply not acceptable.

The Geneva Conventions are the cornerstone of international humanitarian law. Their spirit is upheld by the brave men and women in humanitarian operations worldwide who dedicate their lives to saving the lives of others. And while they are doing their job, we have to ask ourselves, "Are we really doing our job?" Of course, humanitarian issues have become regular items on the agenda of the Security Council. The Council is increasingly frequently being briefed by experts whose credibility is unassailable, and that is the case for our briefers today. They make sure that attacks on humanitarian actors and violations of humanitarian law

are clearly addressed. But can we talk about progress when humanitarian crises are multiplying, especially in the context of armed conflict? What does it say about the Security Council when we meet time and time again and people are still dying?

Respect for humanitarian law is declining, and the complexity of modern warfare, with extremist groups and conflicts without borders, adds new deadly challenges. Day after day, civilians, humanitarian workers and medical personnel are attacked. Hospitals and schools are targeted. Just recently, a hospital supported by the German Government and its humanitarian partners in the Syrian town Kafr Nabl was attacked twice — just one example of many. We are failing the most vulnerable. We are not living up to our legal and ethical obligations.

Mr. Peter Maurer once said that peace remains the ultimate goal of neutral and impartial humanitarian work, and that goal is highly political. I agree. It is a threat to peace and security when thousands of people die, when tens of thousands fear for their lives. And when the most basic principles of humanity are at risk, the Security Council must take action. It is our duty to do so. We might not agree on specific political solutions for many of the world's conflicts. That is the sad reality, but we must bridge our differences when our only task is to protect human lives. Let us live up to the principles we all agreed upon 70 years ago. Let us bring those who attack humanitarian workers and violate the Geneva Conventions to justice. This is why Germany supports organizations that document war crimes in Syria. The perpetrators must know that they will not go unpunished. And let us use our influence to ensure that all parties to conflict fully respect humanitarian law and principles.

The goal of humanitarian diplomacy must be to spread knowledge on international humanitarian law just as the German Armed Forces already do whenever they carry out training missions abroad, such as in Mali. Let us back those who negotiate every day for humanitarian access. Their success saves human lives. Institutions such as the Geneva-based Centre of Competence on Humanitarian Negotiation deserve our full support.

Those are concrete steps we can take today, not tomorrow. They are part of the humanitarian call for action that Germany and France initiated during our joint presidency of the Security Council in March and

April. Our meeting today is an important step forward. We invite all Member States, starting with members of the Security Council, to join us.

We must not forget the lessons that humankind learned 70 years ago. For those who saw the horrors of the Second World War, the Geneva Conventions became a sign of hope, and they would remain so today if we finally implemented them. Any progress we make will save the lives of many, and it is our duty to try.

**Mr. Zhang Jun** (China) (*spoke in Chinese*): The Chinese delegation would like to welcome and thank you, Sir, for presiding over a meeting of the Security Council once again. I would like to welcome the Federal Minister for Foreign Affairs of Germany, Mr. Maas, and thank him for attending this meeting. I thank Mr. Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, and Mr. Maurer, President of the International Committee of the Red Cross (ICRC), for their briefings. We listened attentively to Ms. Bellal's briefing.

Seventy years ago, in the aftermath of two world wars and after painful reflection, the international community came together, revised and made improvements to the Geneva Conventions and further developed and supplemented them by adopting the Protocols Additional. The principles of humanity, differentiation, military necessity, proportionality and prohibition of reprisals were established, with protection at the centre. These shining principles of humanity received universal support from all countries in the world in a strong and important manifestation of multilateralism. Two decades ago, the protection of civilians in armed conflict was added to the agenda of the Security Council, paving the way for the further development and consolidation of the principles of international humanitarian law.

At present, the international security situation remains grave and fraught with new dynamics. Traditional and non-traditional security threats are intertwined. Armed conflicts in some regions have become protracted or have even escalated, causing serious concern to the international community. Promoting the peaceful settlement of disputes through dialogue, upholding international humanitarian law and carrying forward the international humanitarian spirit are of great significance. China would like to emphasize the following points.

First, the Governments concerned and the parties to a conflict must earnestly fulfil their obligations under international humanitarian law. Governments in all circumstances bear the primary responsibility for complying with international humanitarian law, and this role is irreplaceable. The conduct of the parties to a conflict in disputed areas should be governed by international humanitarian law. In situations where conflicts are inevitable, the principles of international humanitarian law should be upheld to prevent the indiscriminate use of force or acts that disregard humanitarian consequences. Any violation of international humanitarian law should be investigated and punished according to the law.

Secondly, the international community should play a constructive role in helping the relevant parties to strengthen capacity-building in implementing their obligations under international humanitarian law. China appreciates the efforts of the ICRC in adhering to the principles of neutrality, impartiality and independence and its long-standing contribution to the wide dissemination and effective implementation of the Geneva Conventions and their Protocols Additional. Humanitarian agencies, on the basis of full respect for the sovereignty of the countries concerned, should promote humanity, compassion and dedication and engage in training, legal consultancy, technical support and experience-sharing to ensure the effective implementation of the principles of international humanitarian law.

Thirdly, the implementation of international humanitarian law should be strengthened with a focus on enhancing the effectiveness of the existing mechanisms of international humanitarian law. At present, the continuous development of cybertechnologies, artificial intelligence and high-tech weapons and the frequent occurrence of non-international armed conflicts and terrorist attacks pose challenges to the implementation of international humanitarian law. The international community should proceed from the practical needs of applying and complying with international humanitarian law and build on the consensus among countries to reach a broad agreement on addressing current challenges and strengthening the implementation of international humanitarian law.

Fourthly, the Security Council should attach great importance to tackling the underlying causes of conflicts by addressing both the symptoms and root causes. Conflict prevention, reduction and

resolution and the peaceful settlement of disputes are the fundamental approaches to upholding the spirit of international humanitarian law, focusing on protection. At the heart of the collective security mechanism, the Security Council should earnestly fulfil its primary responsibility for maintaining international peace and security and encourage parties to a dispute to fulfil their obligations to implement Council resolutions and resolve conflicts through dialogue, consultation and political negotiations.

The international community should establish a common, comprehensive, cooperative and sustainable security concept, build partnerships by way of choosing dialogue over confrontation and partnerships over alliances and create a world of lasting peace and universal security. We should build a community of a shared future for humankind, advocate for a global governance concept of extensive consultations, joint contributions and shared benefits and strive to create a peaceful and stable international environment.

China was among the first countries to accede to the Geneva Conventions and their Protocols Additional. Over the years, the Chinese Government has been taking proactive and useful measures to implement, study and disseminate international humanitarian law, including strengthening relevant domestic legislation, conducting training and advising in the army and carrying out international humanitarian law education and awareness-raising activities throughout society. The National Committee on International Humanitarian Law of the People's Republic of China was established in 2007 to promote the dissemination and implementation of international humanitarian law in China. China stands ready to continue to work with all parties to make greater contributions to the development and implementation of international humanitarian law.

**Ms. Pierce** (United Kingdom): I thank you, Mr. President, for convening this important event on an important anniversary and for being with us today. I also thank His Excellency the German Federal Minister for Foreign Affairs for being here. It was very good to hear from our briefers the Under-Secretary-General, Ms. Bellal and the President of the International Committee of the Red Cross (ICRC), Mr. Mauer. The ICRC is one of the oldest international organizations. They gave us a very good context for why we are meeting today and why international humanitarian law remains so important. It provides a robust legal framework for the protection of all civilians and combatants, and it is

a vital tool in ensuring that humanity remains, even in the worst of conflict situations.

For the United Kingdom, support for international criminal justice and international humanitarian law is a fundamental element of our foreign policy. We hold an annual meeting with the British Red Cross to review compliance. The United Kingdom has a strong history of upholding and promoting international humanitarian law. We consistently call on State and non-State actors engaged in armed conflict to respect international humanitarian law and to act in accordance with their obligations under it. The United Kingdom believes that justice and accountability for the most serious international crimes is not only right in itself, but it is also crucial to building lasting peace and security.

In March, we published our first voluntary report on the implementation of international humanitarian law at the domestic level. We invite other States to join us and publish the steps that they are taking to improve compliance. My Government also believes that the International Criminal Court has an important role in pursuing accountability when national authorities are either unable or unwilling to do so. We contribute to the International Criminal Court and international and hybrid tribunals, and we provide training and other support to Member States that want to enhance their own justice systems. We believe that our support helps strengthen the rules-based international system, and it helps tackle impunity for serious violations of international humanitarian law.

The adoption this year of resolutions 2462 (2019) and 2474 (2019) and their increased focus on the protection of impartial humanitarian activity in the counter-terrorism context helps to address an increasingly complex nexus around modern warfare. The thirty-third quadrennial International Conference of the Red Cross and Red Crescent on international humanitarian law will take place in December. We look forward to participating and will host a session as part of the International Conference on the voluntary report that I mentioned earlier to share our experience and hopefully come up with a corpus of best practices.

We will also host an international conference in November on preventing sexual violence in conflict on the theme "Time for justice: putting survivors first". The event will mark five years since the Global Summit to End Sexual Violence in Conflict. Our Special Representative on Preventing Sexual Violence

in Conflict, Lord Ahmad, will lead the event, where we hope to pursue deliverables against three key objectives: securing justice and accountability, tackling stigma and preventing sexual violence in conflict.

As we all note, and as you enumerated, Mr. President, there are ongoing violations of international humanitarian law in multiple conflict zones. We need to work together using all the tools available as members of the Security Council to achieve that, as the Chinese representative said a moment ago. Working with States to implement training on international humanitarian law, calling for greater accountability and information when attacks happen and sharing expertise between Governments are some of the things that we can do. I would like to use this debate to shine a spotlight on a few specific situations where the international humanitarian law situation is dire.

In Ukraine, citizens in Crimea have been denied access to basic services because they would not change their citizenship, contrary to international humanitarian law. In South Sudan, it is clear that justice, truth and reconciliation are fundamental to rebuilding that society, and all parties must ensure that transitional justice, under chapter V of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, is implemented in full. In Mali and the Sahel, the deteriorating security situation has brought reports of violent international humanitarian law violations and abuses by armed militias, armed terrorist groups and regional security forces.

But it is in Syria that the adherence by the parties to the conflict to international humanitarian law has reached a nadir. The Syrian people have faced forced starvation. They have been subjected to arbitrary detention, with no access by the ICRC. They have been driven from their homes in Aleppo and elsewhere. They have had weapons of mass destruction used against them in Aleppo and eastern Ghouta, as verified by independent bodies. Now, as those displaced from Aleppo join the terrified residents of Idlib, they find their schools and hospitals being bombed. As we have said in the Council several times, that is in defiance of international humanitarian law and it defies humanity. It undermines any claim by the Syrian authorities to want to rebuild their country.

We still have not had answers as to how a return to compliance with international humanitarian law will be achieved. We have not had answers as to how Russian

and Syrian forces are implementing deconfliction and protecting hospitals. We still have not had answers as to why the Syrian authorities are bombing hospitals, as admitted in their letter to the Security Council, without following the Geneva Conventions and giving the due warnings that the Conventions demand.

The Secretary-General has established a Board of Inquiry to examine those questions, and that is welcome. I take this opportunity to recall that commanders on the ground have an individual personal responsibility to uphold international humanitarian law. They will be held individually and personally accountable for violations that might amount to crimes against humanity or war crimes. Justice might not come tomorrow, but it will come.

With regard to the contribution of the United Kingdom, it has given more than £2.8 billion, or more than \$3 billion, in response to the Syria crisis, which is our largest-ever response to a single humanitarian crisis. But with more than 400,000 people who have died, more than half the population displaced, 6.2 million people fleeing their homes, more than 5.6 million people taking refuge in neighbouring countries and 11.7 million people in dire need of humanitarian assistance, it is clear that the end to the conflict cannot come too soon.

As President Maurer reminded us, there are increasingly complex aspects to warfare at the moment, especially concerning urban conflict. We have more non-State actors involved in conflict than before, conflicts are lasting longer and they lead to complex and protracted crises. Of the 20 largest humanitarian aid countries, 17 have been receiving international support for eight consecutive years or more. The Council must continue to draw attention to those points. In several, non-international armed conflicts, State agencies are involved overtly or covertly. Those are very complex areas, and they require our further attention and study. Only collectively can we address the increasingly difficult and intertwined nature of modern conflict.

Finally, it is clear that we need more action. As President Maurer said, the laws of conflict were designed to be inherent and pragmatic. They were designed not to be an aspiration difficult to attain, but to be followed so that they could reduce suffering. We need to continue to spotlight violations by any and all actors. Only by doing so can we have a stake in upholding and strengthening our common humanity.

**Mr. Matjila** (South Africa): I deliver this statement on behalf of the African members of the Security Council — Côte d'Ivoire, Equatorial Guinea and South Africa. We would like to thank the briefers this morning for their comprehensive briefings and for particularly re-emphasizing the importance of respecting international humanitarian law. We would also like to welcome the Federal Minister for Foreign Affairs of Germany, Mr. Heiko Maas.

Allow us to also thank Poland for organizing this briefing on international humanitarian law on the seventieth anniversary of the Geneva Conventions. The four Geneva Conventions of 1949 form the cornerstone of international humanitarian law. They have been complemented by the two Protocols Additional of 1977 and Protocol III Additional of 2005. Their adoption in the aftermath of the Second World War firmly established that those who are not, or no longer, taking direct part in hostilities — the sick and prisoners of war, including civilians living under occupation — must be protected and their dignity upheld without adverse distinction.

We wish underscore that all parties involved in armed conflict are obligated to respect international humanitarian law in all circumstances. We are disturbed by reports of war crimes in some parts of the world and the tremendous harm inflicted on civilian populations and vulnerable persons, which illustrate blatant violations of international humanitarian law. Thousands of people continue to bear the brunt of armed conflict, particularly women and children, and have been forced to leave their homes, sometimes taking extreme and dangerous routes to seek refuge in safer countries far away. In addition, victims and their communities must be given access to resources in order to limit the negative effects that such crimes have on societies.

In some armed conflicts, parties to conflict have often resorted to the recruitment of children and have used sexual exploitation and abuse as a method of war. Ensuring respect for international humanitarian law has been extremely challenging in such conflicts, and there is a clear serious compliance deficit. The international community has the obligation to address the situation urgently.

We remain grateful to the International Committee of the Red Cross (ICRC) and Mr. Peter Maurer for their continued commitment to preserve human lives, dignity and well-being. We commend the ICRC's outstanding

work in its quest to reach people who urgently seek humanitarian assistance and relief. The ICRC continues to contribute to the development and implementation of international mechanisms and frameworks for providing effective humanitarian assistance to people who are negatively affected by war and armed conflict, particularly women and children.

Conflicts have evolved in recent years. The new emerging nature of conflicts and the resurgence in violations of international human rights law and international humanitarian law, which compels people to seek refuge elsewhere, is a matter of concern. We have witnessed an upsurge in violent extremism and terror attacks in which thousands of innocent civilians are targeted by armed terrorist groups.

In this new era of extremism, the respect that has existed historically for aid workers, medical personnel, schools, hospitals and other essential civilian facilities is no longer abided. Our historical heritage and cultural property continue to be indiscriminately decimated. At the same time, communities that have traditionally lived in peace are now turning against one another violently as they compete for access to resources.

Some armed conflicts are playing out in Africa and delaying the achievement of peace and security as key prerequisites for Africa's prosperity. This challenge is becoming more alarming with the changing face of contemporary armed conflicts. Modern technology has brought about many positive developments but, on the grim side, it is increasingly characterized by the use of an array of new and lethal methods of warfare, including remote-controlled weapons and automated systems that contribute decisively to the dehumanization of war. Their use and the destruction that they can cause have serious legal, ethical, moral and practical implications for international humanitarian law.

We underscore the need to respect international humanitarian law and international human rights law by all parties to armed conflict. Access to people in distress in conflict areas by humanitarian workers remains a serious challenge and cause for concern. As members of the Security Council, we need to ensure unfettered access to and the prioritization of security for humanitarian workers in key areas. Otherwise, such insecurity will persistently hinder efforts to provide humanitarian assistance to people in need of relief.

The root causes of war crimes, including abject poverty, the violation of women's rights and political

corruption, must be addressed. The best way to ensure respect for international humanitarian law and to end the suffering of civilians and vulnerable persons is to prevent armed conflict. Conflict prevention and inclusive dialogue remain critical mechanisms that have proven to be effective in averting possible deadly conflicts when combined with strong political will and support from regional and international partners.

The Council has the responsibility to redouble its efforts to prevent and resolve conflicts in its quest to maintain international peace and stability.

We cannot overemphasize the fact that accountability is critical to ensuring respect for international humanitarian law. Likewise, impunity must be eliminated. The responsibility to end impunity by prosecuting alleged perpetrators for crimes against humanity and war crimes lies first with States, including through improved ways of carrying out mutual legal assistance.

In conclusion, the Geneva Conventions and the relevant Protocols are strongly supported. Our aim should be for respect for international humanitarian law to be strengthened and enhanced. We believe that the relevance of the Geneva Conventions remains intact in their seventieth year of existence and that their implementation should be encouraged in order to ensure the continued protection of civilians.

**Mr. Alotaibi** (Kuwait) (*spoke in Arabic*): We welcome you, Mr. President, as you preside over this meeting, and we thank you for having convened it. We welcome also the Minister for Foreign Affairs of Germany, who is here with us today. In addition, we would like to thank Mr. De Serpa Soares, Mr. Maurer and Ms. Bellal for their thorough and valuable briefings.

With the passage of time and as we move from one generation to another, it is important to recall the reasons behind the adoption of the Geneva Conventions and to consider the obstacles that hinder the implementation of their objectives. We therefore welcome the convening of meetings and events aimed at focusing on the importance of this legal system, which constitutes a basic guarantee for protecting human rights during conflict.

We are commemorating the seventieth anniversary of the 1949 Geneva Conventions this year, which were signed following the most devastating war the world has ever seen — the Second World War. This very

Organization, the United Nations, was created following that war as a result of the terrible loss of human life and to prevent the outbreak of another equally devastating war. But the violence and suffering that we have seen in various conflict-affected areas during the past decades are nearly equal to the violence and suffering that the world witnessed during the Second World War, 74 years ago.

Consolidating the rule of law, in particular international humanitarian law, has become more important than ever. The four Geneva Conventions and their Additional Protocols form a vitally important legal framework for protecting people during war and armed conflict. However, it is important to note that although those Conventions were globally ratified, they do not enjoy the necessary respect and compliance. The world can see that the texts of those conventions have been largely ignored and neglected recently; an example is what is happening in the occupied Palestinian territories, in Syria, and in Myanmar concerning the Rohingya minority.

The question, therefore, is, how do we put an end to such violations and alleviate the terrible and tragic suffering of human beings in conflict zones? The response thereto is very much the point of today's debate, that is, through consolidating the rule of law and respecting humanitarian principles during armed conflict. However, the most important question is, how do we achieve that?

First, and above all, the United Nations in general and the Security Council in particular play a crucial and pivotal role in upholding international humanitarian law and consolidating the rule of law by ensuring the full implementation of the relevant Security Council resolutions, notably those concerning the protection of civilians, and the compliance of parties to the conflict and international organizations on the ground with international humanitarian law. United Nations peacekeepers are also responsible for protecting civilians by taking the necessary measures, within their mandates, to ensure the security of displaced persons' camps, the medical evacuation of the injured and the strengthening of the capacities of the national police forces.

Secondly, there must be accountability for war crimes, genocide and crimes against humanity. All violations of human rights must be condemned by all parties to a conflict. It is also necessary to ensure

that those responsible for attacks against civilians are held accountable. Sanctions, if used effectively and transparently, can also play an important role when it comes to accountability for those who violate international humanitarian law and international human rights law.

Thirdly, and lastly, we as Member States have a responsibility to ensure that international law is respected more comprehensively through the adoption of precise and practical measures. We cannot deny that our priorities and national policies may differ, and that it is frequently difficult to unite around a position every time. However, this should not undermine our obligations or responsibilities under international law, notably concerning the humanitarian aspect and humanitarian assistance, as well as providing access, without obstacles and conditions, to such humanitarian aid for those who need it. In that regard, we call once again on States not to use the right of veto and not to hinder international humanitarian convoys for those who are in need of them. Efforts could also be redoubled bilaterally through the sharing of experience and best practices between countries and by coordinating our efforts in order to comply with international humanitarian law, as well as by urging parties to a conflict to respect their obligations under international law.

**Mr. Singer Weisinger** (Dominican Republic) (*spoke in Spanish*): I would like to thank the presidency for having convened today's meeting today and the briefers for their exhaustive comments. In particular, I would like to thank Mr. Peter Maurer and convey to him our country's deepest gratitude for his work and that of the International Committee of the Red Cross as guarantors of the Conventions.

This meeting provides us with a unique opportunity to commemorate the adoption of one of the most important instruments in safeguarding human security and dignity in contexts of armed conflict and to address the role of the Security Council in this area. We wish also to acknowledge the presence among us of the Minister from Poland as well as the Minister from Germany, who have placed this issue at the heart of their agendas.

Seventy years after their universal adoption, the norms and principles contained in the Geneva Conventions and their Additional Protocols remain relevant today. In the light of these conventions, we must

reflect on the principal challenges that we collectively face in the area of the maintenance of international peace and security.

Non-compliance with the norms of international humanitarian law continues to have unacceptable consequences for civilian populations caught up in conflict. In this context, we would stress the particular vulnerability of women, children, older persons and persons with disabilities. Failure to focus on their specific needs can lead to ongoing feelings of resentment and exclusion, which can lead to situations of violence. Be it intentionally or by omission, many States are unable to comply with international humanitarian law when facing conflict situations. Moreover, very frequently it is those States that undertake offensive actions by which they shirk their responsibility to protect and guarantee the human rights of all living within their jurisdiction.

The growing proliferation and complexity of non-State actors that do not respect any principle other than that of using defenceless populations to realize their heinous aspiration is perhaps one of the most complex challenges that we face. This requires urgent action on the part of the States affected and by regional and international organizations aimed at increasing the capacity for prevention and conflict resolution by peaceful means. There is a general lack of political will, both to prevent abuses of human rights and violations of international humanitarian law and to ensure that those who commit such atrocities pay the price for their actions.

I would like to make some recommendations from our own perspective. Increasing our knowledge of international humanitarian law and training at all levels of the State armed forces in international humanitarian law and human rights is critical, particularly those of female military personnel and members of civil society, so as to transform them into agents of change and champions of the principles enshrined in the Geneva Conventions. It is essential to educate actors about the rules contained in these documents, using accessible and comprehensive language adapted to national cultural realities and taking into account the minority languages of affected populations.

As the guarantor for ensuring the implementation of the mandates of United Nations peacekeeping missions, the Council must undertake actions that reflect the realities on the ground, while respecting the social,

economic and geopolitical characteristics that affect the configuration and duration of conflicts. We reiterate that our responsibility in that regard is not limited to protecting civilians, but includes the renewal of hope and confidence in ourselves, our countries, legal and political processes and the international community.

Let us unite as humankind through a renewed commitment that translates into greater respect for human dignity, more justice and less impunity. It is our hope that, in 2089, when future generations commemorate the 140th anniversary of the signing of the Geneva Conventions, we will live in a world free of human suffering.

**Mrs. Gueguen** (France) (*spoke in French*): Seventy years ago, the adoption of the Geneva Conventions was a milestone in the evolution of our universal conscience following the horrors of the Second World War. I therefore welcome your commitment to this topic, Mr. President, and thank Poland for having taken the initiative of convening this commemorative meeting some months after the 1 April meeting (see S/PV.8499), on international humanitarian law during the joint French and German presidency of the Security Council, led by Mr. Heiko Maas, German Federal Minister for Foreign Affairs, whose presence I welcome today, and Mr. Jean-Yves Le Drian, Minister of Europe and Foreign Affairs. For us, respect for international humanitarian law is a high diplomatic priority.

I would also like to thank the three briefers and pay special tribute to the International Committee of the Red Cross, which, as guarantor of the Geneva Conventions, plays an essential role in the fight for the dissemination and implementation of international humanitarian law.

Today, the Conventions and their Protocols Additional, for which we call for universal ratification, are too often violated, whether in Syria, Libya, Yemen, Palestine, Afghanistan, the Central African Republic, the Democratic Republic of the Congo or South Sudan. Certain parties to conflict even go so far as to knowingly incorporate violations of those rules into their military strategy in order to deprive people of all assistance and obtain their surrender. Others violate international humanitarian law in the name of fighting terrorism. That is unacceptable and it is up to the Council to reaffirm that very clearly and regularly.

Today, our efforts must focus on three priorities.

The first is to ensure access of humanitarian aid to civilian populations. If humanitarian and medical personnel are to have access to civilians, they must be protected from all violence and threats and must not be targeted. No one should target an ambulance. The Security Council marked a critical point in addressing this challenge when it adopted resolution 2286 (2016). In 2017, in order to move from words to action, France initiated a political statement to promote the implementation of that resolution, which is now endorsed by 44 States.

The second priority is to prevent the violation of international humanitarian law. That is what we do when we place the protection of civilians, particularly women and children, at the heart of peacekeeping mandates, as is the case for the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic. As Miguel de Serpa Soares reminded us, those operations, like non-United Nations forces supported by the Council, should carry out their operations in strict compliance with international humanitarian law. That is what the human rights compliance framework does for the Joint Force of the Group of Five for the Sahel.

The prevention of violations of international humanitarian law depends above all on the behaviour of each State, and the members of the Security Council must be exemplary in that regard. In France's military action, international humanitarian law is integrated from the planning stage and is an integral part of our security and defence cooperation, particularly in the training provided to our partners and the strategy for modernizing our armed forces. As Ms. Florence Parly, Minister of the Armed Forces, pointed out on 5 April, in her speech on intelligence and defence, the rise of artificial intelligence must not move any of the red lines drawn by international humanitarian law in terms of either discrimination between combatants and non-combatants, respect for the principle of proportionality or the minimization of damage. On the contrary, artificial intelligence should enable us to continue to improve our compliance with these rules in future conflicts.

The third priority is the fight against impunity, the importance of which you have just noted, Mr. President. We must strengthen national capacities to conduct



impartial and independent investigations and, where national mechanisms are insufficient or inappropriate, support the use of international mechanisms. In that regard, France reiterates its call for the universalization of the Rome Statute of the International Criminal Court.

There is also a need to improve data collection. The establishment of the World Health Organization database, which lists attacks on health personnel and infrastructure, is a significant step forward in that regard. We also welcome the establishment by the Secretary-General of an office of investigation into attacks on schools and hospitals in north-west Syria, using the United Nations de-confliction mechanism.

Finally, sanctions are a deterrence tool that the Council must use more frequently, particularly against those responsible for sexual violence and attacks on humanitarian personnel and facilities.

The task ahead is significant and we must collectively mobilize more than ever around those priorities. That is why, as Minister Heiko Maas has just noted, France and Germany have launched a humanitarian appeal for action, which we will introduce in September during high-level week at the General Assembly. The appeal will identify concrete actions that States can take to strengthen respect for international humanitarian law. We call on all of our partners to endorse it.

**Mrs. Van Vlierberge** (Belgium) (*spoke in French*): I would like to thank you, Mr. President, for organizing this meeting, as well as the three briefers for their extremely relevant presentations.

The 1949 Geneva Conventions, whose seventieth anniversary we celebrated yesterday, have been universally ratified. Together with their Protocols Additional, they constitute the key elements of the international legal framework for the protection of civilians in armed conflict. As such, international humanitarian law plays a central role in the maintenance of international peace and security. It helps to limit atrocities in the event of armed conflict and thereby also facilitates post-conflict peace and reconciliation processes.

Unfortunately, we all know that the rules of international humanitarian law rules are being increasingly violated. However, we must not draw the wrong conclusions from that. International humanitarian law remains more relevant today than ever before. Its principles remain simple, practical and

adapted to the major changes in warfare. It is therefore a matter not of rewriting the Geneva Conventions, but of redoubling our efforts to ensure that they are better respected and implemented.

This meeting of the Council provides me with an opportunity to point out four simple and specific ways that Belgium believes to be particularly appropriate for strengthening respect for international humanitarian law.

First, we must promote the dissemination of the rules of international humanitarian law among all actors concerned, as President Maurer also recalled. First of all, the core principles of international humanitarian law must be included in school curricula for the earliest possible ages onwards to anchor a culture of humanity in society. Next, armed forces must be adequately trained, for example, by integrating international humanitarian law into the teaching of military personnel. Finally, public powers must leverage international humanitarian law even in times of peace. Here, we stress the key role played by national humanitarian law commissions not only in advising and assisting in the dissemination and implementation of international humanitarian law, but also in holding to account those who violate the rules.

Secondly, States, be they parties or non-parties to an armed conflict, and the international community as a whole must take every possible measure in order to implement their obligation to respect and ensure respect for international humanitarian law. It is up to them to set an example by using their influence when they participate in a military coalition or when they support an armed non-State group in the context of an armed conflict. As the guarantor of international peace and security, the Security Council must also remind States Members of the United Nations and parties to a conflict of their obligations. Belgium will therefore continue, among other things, to work in favour of safe, sustained and unhindered humanitarian access in Syria, in our capacity as co-penholder for that dossier, and specifically for the protection of children in the context of our work as Chair of the Working Group on Children and Armed Conflict.

Thirdly, we must ensure that no measures taken in the fight against terrorism hinder the work of humanitarian organizations in their neutral and impartial activities. Respect for international humanitarian law remains essential everywhere and in all circumstances, and the policies we may adopt towards terrorist groups do

not give us the right to depart from these rules. This is why Belgium, together with the European Union, will organize, next September on the sidelines of the ministerial week of the General Assembly, a high-level event on the impact of counter-terrorism measures on the humanitarian sphere.

Fourthly and finally, States must not limit their actions to prevention. It is imperative that we fight impunity for the most serious crimes in order to deter future atrocities. While this is primarily the responsibility of each State, there is also a role for the Security Council to strengthen its support for national judicial procedures, hybrid mechanisms and the International Criminal Court, especially in situations that the Council has referred to it.

Seventy years ago, the adoption of the Geneva Conventions was a historic moment reflecting our shared humanity and our common values. The anniversary we celebrate today should spur us to renew our commitment to the respect of international humanitarian law by taking specific measures aimed at reducing as far as possible the too-numerous victims of armed conflict.

**Mr. Cohen** (United States of America): I thank you, Mr. President, and welcome you back to the Council. It is excellent to have you with us today. I also thank Under-Secretary-General Serpa Soares, Peter Maurer and Professor Bellal for their briefings today. The United States would like to recognize and commend the vital role of the International Committee of the Red Cross in promoting the protection of civilians.

Seven decades ago, with the horrors of the Second World War still fresh, representatives from around the world gathered in Geneva to try and change the way wars were waged. Building on an existing framework of law and war treaties, the resulting Geneva Conventions enshrined formal legal rules to govern the conduct of war. The Conventions have played a significant role in shaping parties' behaviour on the battlefield and improving protections for combatants and civilians alike.

Today's briefing is an important opportunity to reflect on the successes of the Geneva Conventions, and to deepen and strengthen international compliance with and enforcement of those obligations. Much has changed in the past 70 years. New technologies have emerged that allow for greater precision in many cases, but also more deadly force. The rise of terrorist groups

like Al-Qaida and the Islamic State in Iraq and the Sham has created new challenges as States work to defeat enemies who abide by no rules whatsoever. Today, the Geneva Conventions remain some of the very few universally ratified international treaties. They are a powerful articulation of international humanitarian law and have become synonymous with ethical behaviour in war.

As States Members of the United Nations, we have several tools at our disposal to address violations of international humanitarian law. In certain instances of grave and systematic violations, war crimes tribunals have been important tools to hold offenders accountable. The United States is proud to have supported the establishment of the tribunals for Cambodia, Rwanda, Sierra Leone and the former Yugoslavia, as well as their subsequent work to punish some of the worst offenders of international humanitarian law.

In other cases, however, obstacles to accountability remain. For the relevance of these Conventions to endure into the future, compliance and accountability are key. While Member States and parties to armed conflict are ultimately responsible for adhering to their international humanitarian law obligations, each of us has an important role to play in calling out violations and holding those responsible to account.

We continue to push for greater compliance with the Geneva Conventions by other actors, and we are also firmly committed to respecting our own obligations. To this end, we support efforts to disseminate accurate information about international humanitarian law among all parties to conflicts. For example, the training of United States military personnel includes thorough coverage of international humanitarian law in principle and practice. We also incorporate adherence to international humanitarian law into United States training for international military partners. This includes peacekeeping predeployment training that we offer for troop- and police-contributors supporting the United Nations and regional peace operations.

We have made the protection of civilians and civilian infrastructure, as well as humanitarian personnel, locations and missions, a high priority in conflict areas, and we know that effective protection requires full adherence to international humanitarian law by all parties to conflict.

The United States will continue our efforts to respect and ensure respect for the Geneva Conventions.

We call on all Member States and the actors they support to comply fully with their obligations and to hold violators accountable.

**Mr. Polyanskiy** (Russian Federation) (*spoke in Russian*): I welcome you to New York, Sir. We are pleased to see you once again in the Security Council President's Chair.

I would also like to thank the Under-Secretary-General for Legal Affairs, Mr. Miguel de Serpa Soares; the President of the International Committee of the Red Cross and Red Crescent Societies, Mr. Peter Maurer; and Ms. Bellal for their briefings.

History has seen various different approaches to the problems of the law of armed conflict. It is no secret that war was once thought to be contrary to law and therefore not subject to any regulation. This was expressed in the well-known Roman maxim: "In times of war, the law falls silent". Unfortunately, humankind required several centuries and two of the most terrible armed conflicts in its history, which took place in the twentieth century, to realize the need to humanize wars and form a set of rules for its conduct so as to ensure, among other things, that those not directly participating in armed conflict are kept as safe as possible.

Today we gather to mark the seventieth anniversary of the Geneva Conventions. These documents form the foundation of the contemporary law of armed conflict. Our country made a substantial contribution to the development of these Conventions, which substantially expanded the legal regulation of States' conduct in armed conflicts and, above all, with respect to the protection of civilians.

I take this opportunity to recall another anniversary related to international humanitarian law. In November last year, in Saint Petersburg, the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States and the International Committee of the Red Cross organized a conference devoted to the 150th anniversary of the adoption, upon Russia's initiative, of the 1868 Saint Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. That document established the idea not only of banning inhumane forms of weaponry, but also of excluding civilians and civilian objects from what are considered to be legitimate targets of war.

When we speak of the relevance of the Geneva Conventions, we also need to recall the history that led to their creation. I believe that it would be no exaggeration to say that the Geneva Conventions embody the lessons that humankind learned from the bitter experience of the Second World War. That war, which was unprecedented in its scale and brutality, was an immense tragedy for the peoples of Europe, Asia and the entire world. A threat to the fundamental principles of civilization was prevented through colossal joint efforts and heavy losses.

As we know, Germany essentially refused to comply with the norms of international law that existed at that time. Peaceful cities and civilians were bombed. Hitler's air and ground forces were guided by a scorched-earth policy. Mass deportations of civilians and the alleged collective punishment of civilians for supporting partisans were widespread. Moreover, collective punishment, as modern research shows, has served, among other things, to reduce the total number of people living in occupied territories, thereby freeing up resources that were useful to the occupying Power. Starvation was also widely used as a weapon of war.

The abuse of prisoners of war was particularly cynical. It took place in spite of the fact that the parties to the conflict had international obligations that were applicable at the time. Germany's mass and gross violations of its international obligations were the subject of the sentencing at the Nuremberg Tribunal. At the same time, the judicial protection of war criminals actively advanced the idea that The Hague rules for the waging of war, which were based on the experience of nineteenth-century wars, were outdated. Moreover, defendants actively referred to the absence of specific prohibitions with regard to the treatment of civilians. Although those justifications did not allow them to evade responsibility, they raised the issue of strengthening the international legal protection of victims of armed conflicts. It was in that context that the Diplomatic Conference was convened, culminating in the adoption of the 1949 Geneva Conventions.

At the same time, following the adoption of the Geneva Conventions, it became clear that the evolution of the means and methods of warfare, the emergence of new types of conflicts, such as national liberation wars, and the heightened attention of the international community to upholding human rights in any situation dictated the need for the further codification, confirmation and development of humanitarian law.

That led to the adoption in 1977 of Protocols I and II Additional to the Geneva Conventions.

Allow me to quote resolution 8 of the 1949 Diplomatic Conference and remind the States that participated in the drafting of the Geneva Conventions of the following:

“The Conference wishes to affirm before all nations: that, its work having been inspired solely by humanitarian aims, its earnest hope is that, in the future, Governments may never have to apply the Geneva Conventions for the Protection of War Victims; that its strongest desire is that the Powers, great and small, may always reach a friendly settlement of their differences through cooperation and understanding between nations, so that peace shall reign on earth for ever”.

Those words remain relevant today. However, armed conflicts in various parts of the world remain a reality and the Security Council is forced time and again to focus its attention on the institutions of international humanitarian law.

The nature of wars has changed. Internal armed conflicts now predominate and their main cause is usually the undermining of statehood, including through the ousting of legitimate Governments as a result of outside interference. The authority of international humanitarian law is now often affected by selective approaches and double standards. That, in turn, gives grounds for discussions about the need to uphold that branch of international law — as a rule, by means of a declaration or an additional monitoring mechanism. Furthermore, in such conditions, many, depending on their political predilections, are tempted to reveal the violations of some parties while concealing the crimes of others.

We believe that the norms of international humanitarian law should not be used for political manipulation. Regrettably, we have already heard one example of such manipulation today in the statement made by our British colleague. As our country was addressed directly, I would just like to say that our colleague either has outdated information or is poorly prepared. There is no armed conflict in the territory of the Russian Federation, which includes Crimea. Therefore, referring to international humanitarian law as it applies to our country is not appropriate. With regard to remarks made about Syria, that too is not an appropriate subject for today’s meeting. I recall the

many questions we pose to our British and American colleagues with regard to what is taking place with regard to the observation of international humanitarian law beyond the Euphrates. We continue to ask those questions but receive no response. Perhaps the time has come to have them.

We call on all States to comply strictly with their obligations under international law — first and foremost, the existing norms of international humanitarian law that form the firm legal basis for protecting civilians from the dangers arising from military operations.

As we have said repeatedly in the Chamber, we are convinced that implementation problems lie not in the weakness of international humanitarian law, but in the disinclination or reluctance to implement its principles and norms in practice. In addition, along with vital measures to strengthen and maintain peace and security, of equal relevance are the means to reduce the intensity of armed conflicts, limit violence and create conditions for reconciliation and political settlement. Our country, in turn, continues to call for the humanization of armed conflicts and, above all, their prevention.

**Mr. Djani** (Indonesia): As others have done, let me begin by thanking you, Mr. President, for convening today’s meeting and, of course, welcoming you to preside over it as we debate a very important topic. I also welcome His Excellency Mr. Heiko Maas, Federal Minister for Foreign Affairs of Germany, to the Chamber.

I would also like to thank our briefers today — Mr Miguel de Serpa Soares, Mr. Peter Maurer and Ms. Annyssa Bellal — who provided us with insights into what is happening with regard to international humanitarian law and its implementation.

Our meeting coincides with the seventieth anniversary of the four Geneva Conventions. This year also marks the twentieth anniversary of the Council’s adoption of resolution 1265 (1999), on the protection of civilians in armed conflict. All are very important milestones in what the Council has achieved thus far. In that regard, allow me to re-emphasize that our concerted efforts in the Council and in the United Nations framework are and should always be based on respect for international law, in particular the Charter of the United Nations. Respect for the Fourth Geneva Convention is not an exception in that regard. We must stress that parties to any conflict must honour their obligations under international humanitarian law and

respect human rights. Civilians, civilian facilities, schools and hospitals, humanitarian workers and peacekeepers are not targets. Attacks on them must stop. Indonesia offers its deepest condolences to the innocent victims, including United Nations personnel all over the world, including recently in Libya.

I will make three pertinent points today.

First, as the first step towards peace, we need to address the root causes of conflict, as Indonesia has always advocated, and we must continue to build trust. The Geneva Conventions are the *jus in bello*, the laws of war, which must be respected; war is inhuman, but there are codes of conduct. Addressing the root causes of conflict will enable States to achieve greater security. Confidence-building measures should be put in place to enhance the trust among parties and communities.

My second point is that we must work to save lives. We need to ensure effective implementation of and compliance with international humanitarian law. Not only should countries respect international humanitarian law but they should also ensure that it is respected and implemented, as stipulated in various resolutions related to the Geneva Conventions. I would like to underline the words “ensure respect”, which means that countries should be proactive in ensuring compliance, through awareness programmes, training, rules of engagement, inter alia, as Mr. Maurer mentioned.

Engagement with all parties is key to addressing conflict. The Council can become a true partner and build trust among all sides to a conflict, including through regional organizations, which have local knowledge of what is truly needed to resolve such crises. Existing international rules, including the resolutions of the Security Council, and United Nations-sanctioned arms embargoes must be obeyed and respected. We call on external actors in conflicts to restrain themselves and silence the guns by stopping their flow. The message should be clear to non-State actors and armed groups that they are not beyond the law, including international humanitarian law.

Thirdly, we need to strengthen the capacities of concerned States, which includes international partnerships to support States in conflict that are unable to provide such protections themselves. Indonesia is continuing its support for conflict and post-conflict States through South-South and triangular cooperation. Just last week, in Jakarta, Indonesia held a regional conference on humanitarian assistance, which provided

a platform to share best practices in conducting humanitarian actions in the South-East Asia and neighbouring countries. We have also worked with the Red Cross in this regard. The conference highlighted once again the need for partnership.

International humanitarian law is a living doctrine. It is still and will always be relevant, today and in future. But noting that the world has changed dramatically, we should adapt to present-day realities. Our approach in bringing the message of compliance and the need to abide by international humanitarian law by all parties should also be adapted.

In conclusion, allow me to quote the Indonesian Foreign Minister, who, at the open debate on the protection of civilians in armed conflict held during the Indonesian presidency of the Council in May, said that the Security Council should be reminded

“not only of our political commitments, but also [of] our duty to implement those commitments to ensure the primacy of human safety and security. After all, the United Nations was established upon the mandate ‘we the peoples of the United Nations’. We cannot afford to let our people down” (*S/PV.8534, p. 9*).

**Mr. Meza-Cuadra** (Peru) (*spoke in Spanish*): We too would like to begin by thanking the Polish presidency for having convened this meeting on a priority issue for the international community and also to welcome Foreign Minister Czaputowicz’s, presence among us once again. We would also like to acknowledge the important briefings made by the Assistant Secretary-General for Legal Affairs and United Nations Legal Counsel, Mr. Miguel de Serpa Soares; the President of the International Committee of the Red Cross, Peter Maurer, whose organization plays a central role in this issue; and Ms. Annyssa Bellal, of the Geneva Academy of International Humanitarian Law and Human Rights.

We believe that in a world of growing interdependence, the maintenance, development and defence of a rules-based international order is essential and the only way for the international community to effectively address the serious underlying global challenges and threats, on the basis of the purposes and principles enshrined in the Charter of the United Nations. Peru is therefore a country committed to the rule of law, multilateralism and the principle of the peaceful settlement of disputes. Within that framework, it prioritizes full respect for and compliance with

international humanitarian law, which represents the minimum standard of dignity in the context of an armed conflict, which must be strictly observed by the parties for the protection of both civilians and those who can no longer continue in the conflict because they are wounded or detained.

The Geneva Conventions of 1949 and their Protocols Additional, the seventieth anniversary of whose adoption we celebrate and recall today, constitute the cornerstones of such protection. The importance and relevance of the Conventions have been emphasized by the International Court of Justice, recognizing them as part of *jus cogens*. The Conventions, in particular, and international humanitarian law, in general, represent a fundamental tool in the work of the Security Council, having been highlighted in many resolutions and presidential statements as key elements for the promotion and building of international peace and security. However, it is a matter of concern that the discourse often contrasts with reality, as has been the case in the conflicts in Syria, Yemen and Libya, among others. Particular attention should also be paid to the need to guarantee the delivery of humanitarian aid on the basis of free and unrestricted access to the field for humanitarian agencies and aid and relief organizations, while at the same time ensuring due protection.

We also believe that the proper implementation of international humanitarian law transcends the application of its protection measures to counter the need to strengthen justice and the rule of law and the fight against impunity. That means promoting greater trust in jurisdictional institutions and effective deterrence, particularly against atrocious crimes, while ensuring full compliance with their decisions.

From our perspective as a troop-contributing country, we attach central importance to the knowledge and application of these norms in the training of our officers. Peru has therefore established a National Commission for the Study and Application of International Humanitarian Law, with a view to training Peruvian officials in this branch of law and highlighting its importance.

We conclude by stressing the urgent need for the Security Council to remain united on the need to defend and promote international humanitarian law and the protection of civilians in conflict, particularly in the various cases that are part of our agenda and where, at present, joint and decisive action is needed. This is the only way to meet the indispensable requirement of humanizing conflict, which is also part of its primary responsibility to maintain international peace and security.

*The meeting rose at 12.10 p.m.*