

Commemorating 70 years of the Geneva Conventions: The role of parliamentarians in strengthening respect for IHL

141th Assembly meeting of the IPU, Belgrade, 14 September 2019

Dr Gilles Carbonnier, Vice President, International Committee of the Red Cross (ICRC)

Excellencies, esteemed parliamentarians, ladies and gentlemen,

It is a pleasure to address the Inter-Parliamentary Union (IPU). I thank you for inviting the International Committee of the Red Cross (ICRC) to join you in Belgrade. The IPU is a longstanding and important partner, and we very much value and support the work of your IHL Committee. We are keen to strengthen this collaboration.

This year marks the 70th anniversary of the Geneva Conventions, adopted shortly after the end of the Second World War. Back then, it took States less than 4 months to negotiate and adopt over 400 articles granting protection to civilians and others not taking part in hostilities. This anniversary is an opportunity to reflect on what has been achieved. More importantly, it is an opportunity to address the challenges ahead; to look at what needs to be done differently, or better. In my brief address, I'd like to focus mainly on the role that you, parliamentarians, can play in addressing the key humanitarian challenge of our time – that is, to ensure that international humanitarian law (IHL) is respected by parties to conflict.

The Geneva Conventions continue to embody the strong resolve of States never to allow the horrors of World War II to happen again. Universally ratified, they represent one of the greatest achievements of inter-State cooperation.

Over time, IHL has adapted to the changing nature of warfare. As an example, States adopted the Additional Protocols to the Geneva Conventions in 1977, strengthening rules on the conduct of hostilities and on protecting people in non-international armed conflict. Specific rules prohibiting or constraining the use of weapons such as anti-personnel mines, incendiary weapons and cluster munitions are another example.

Striking a pragmatic balance between military necessity and the fundamental principle of humanity, IHL remains an essential tool for States to deal with contemporary warfare. This includes counter-terrorism operations in armed conflict, protecting civilians in urban warfare, or addressing the use of new technologies for military purposes, such as artificial intelligence in autonomous weapon systems and cyber warfare.

Not surprisingly, we hear more about numerous violations of the laws of war than about instances where IHL is respected. Cities and hospitals bombed, civilians attacked, vital services impaired, people forced to flee: these naturally make the headlines.

Yet, in our daily work in the field, ICRC delegates witness many positive examples of respect of the law: ambulances allowed across a frontline, humanitarian assistance delivered where it is needed,

combatants seeking to protect civilians from incidental harm. When respected, IHL not only prevents unnecessary suffering, it also paves the way for long-term recovery, reconciliation and peace.

The narrative pretending that IHL does not work, that violations are inevitable – the new ‘normal’ in today’s war – is not only wrong; it can have a dreadful impact on people affected by armed conflict. Conversely, we believe that documenting when and why IHL works in practice can help strengthen compliance.

That said, we must of course raise our voices when violations occur – which is sadly much too often the case – and urge better compliance with the law. For example, witnessing the terrible toll of urban warfare on civilian lives and infrastructure in cities like Mosul, Aleppo, Tripoli, Aden, Donetsk and many more, we consistently urge parties to avoid using heavy explosives with wide-area effects in such environments.

Ladies and gentlemen, you, as parliamentarians, have a key role to play. You are in a unique position to help ensure that IHL is properly implemented. You play a critical role in helping to mitigate the suffering of people affected by armed conflict, and to prevent such suffering from happening in the future.

Let me highlight four action points:

- 1 – through your legislative powers, you can push through the ratification of IHL instruments and pass implementing legislation.
- 2 – through your oversight responsibilities, you can ensure that military and security forces are properly trained in IHL and held accountable.
- 3 – through your political leadership, you can raise greater awareness of IHL among the public.
- And 4 – through your budgetary powers, you can provide the necessary resources for meaningful humanitarian action.

To assist you in this, together with the IPU, we published a manual for parliamentarians three years ago. This offers practical guidance and useful tools aimed at strengthening respect for IHL. For example, it provides a number of model legal instruments and reference materials to help States accede to IHL treaties. It also refers to the legislative work required to ensure proper implementation and enforcement of these treaties domestically.

We invite you to make good use of this manual. Our offices around the world are ready to support you in this endeavour.

Your actions will be invaluable not only for millions of people currently affected by armed conflicts. If the right legal, regulatory and policy frameworks are put into place in peace time, they are more likely to be applied in war time, thus contributing to regional and international peace and security.

Excellencies, ladies and gentlemen, let me conclude by reiterating our deep appreciation and support of the IPU and its IHL committee. Your engagement as parliamentarians is critical in preserving our common humanity, even in the worst of times: in the midst of armed conflict. Thank you.