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Chair: Mr. Skoknic Tapia (Chile)

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The meeting was called to order at 3 p.m.

Agenda item 87: The scope and application of the principle of universal jurisdiction (continued)
(A/75/151)

1. **Mr. Phiri** (Zambia) said that, while delegations defined the principle of universal jurisdiction differently depending on the extent to which they believed that States could bring criminal proceedings in respect of the most serious crimes prohibited by international law, there was consensus in the Committee that certain crimes were so harmful to international interests that States were not only entitled, but obliged, to bring proceedings against the perpetrators, regardless of the location of the crime and the nationality of the perpetrator. That obligation was particularly important when countries with links to the crime were either unable or unwilling to extradite or prosecute the perpetrators.

2. To end impunity and preserve global peace and security, as well as to achieve sustainable development, all Member States must domesticate the relevant treaties and expand their laws governing universal jurisdiction. In that regard, Zambia continued to develop a more comprehensive legal framework that incorporated the principle of universal jurisdiction. For instance, its 2018 anti-terrorism law granted jurisdiction to the High Court of Zambia in cases where a person committed an offence outside Zambia which, if wholly done within Zambia, would be an offence under that law.

3. Zambia remained committed to joining or facilitating cooperation agreements with foreign authorities and law enforcement agencies to ensure that perpetrators of the most serious crimes prohibited by international law were brought to justice. That included working closely with regional bodies, such as the Regional Committee of the International Conference on the Great Lakes Region on the Prevention and Punishment of Genocide, War Crimes, Crimes against Humanity and all forms of Discrimination, in accordance with article 4 (h) of the Constitutive Act of the African Union.

4. The inconsistent and sometimes unpredictable manner in which universal jurisdiction had been and was being applied by certain countries was a cause for concern for various delegations. Not only did it create friction among affected Member States, but when it appeared to be politically motivated or unduly targeted at specific entities, it undermined the overall fight against impunity. The Committee should not lose sight of the original purpose of the agenda item, namely, to provide it with an opportunity for meaningful debate

that acknowledged the diversity of views held by States, including the reservations expressed in relation to the abuse or misuse of the principle of universal jurisdiction.

5. Universal jurisdiction should always be regarded as complementary to the national jurisdiction of the countries concerned. It should never be enforced in a way that was inconsistent with the principles of international law or international customary law, including the equally important concepts of sovereignty, non-interference in the internal affairs of States, sovereign immunity and diplomatic immunity.

Agenda item 83: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts
(A/75/263)

6. **Ms. Popan** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Montenegro, North Macedonia and Serbia; the stabilization and association process country Bosnia and Herzegovina; and, in addition, Georgia, the Republic of Moldova and Ukraine, said that, while the Geneva Conventions of 1949 had been universally ratified, the Additional Protocols still lacked a number of ratifications. The European Union therefore called on those States that had not ratified them to do so. There was also a pressing need to improve compliance with the Protocols and strengthen their implementation. The resolution entitled “Bringing IHL home: A road map for better national implementation of international humanitarian law”, which had been adopted at the thirty-third International Conference of the Red Cross and Red Crescent, provided useful guidance in that regard.

7. All those involved in conflicts should comply with the fundamental rules of international humanitarian law, which placed constraints on the conduct of war and reduced the risks to civilians and civilian objects. All parties to conflicts must likewise comply with the fundamental principles of international humanitarian law, notably, humanity, distinction, military necessity, proportionality and precaution. It was regrettable that egregious harm to civilians was a reality in many conflicts, and that those affected were often persons in vulnerable situations, including children and women.

8. International humanitarian law prohibited attacks on the sick, wounded, health-care facilities and medical personnel exclusively engaged in medical duties. Civilians and humanitarian workers not taking part in hostilities, and civilian objects not used for military purposes, should never be the targets of military attacks.

All States should implement Security Council resolution [2286 \(2016\)](#), concerning the protection of civilians in armed conflict, without delay. Many rules contained in the Additional Protocols of 1977 reflected customary international law and were therefore binding even on actors that had not ratified the Protocols, including non-State actors such as the European Union.

9. The international community should make use of the International Humanitarian Fact-Finding Commission established under article 90 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), as it could play an important role in ensuring respect for international humanitarian law. States bore the primary responsibility for prosecuting individuals responsible for grave breaches of international humanitarian law under their jurisdiction. The International Criminal Court could complement the accountability efforts of States, should they be unwilling or unable to prosecute perpetrators. The European Union fully supported the Court's efforts in that regard to combat impunity by investigating and prosecuting grave breaches of the Geneva Conventions. The International Committee of the Red Cross (ICRC) was a driving force behind the promotion and development of international humanitarian law. The European Union commended its humanitarian work on the ground and welcomed its updated 2020 *Guidelines on the Protection of the Natural Environment in Armed Conflict*.

10. As the third report on the implementation of the European Union guidelines on the promotion of compliance with international humanitarian law showed, the European Union continued to engage constructively with parties to conflicts to strengthen and promote compliance with international humanitarian law. In 2019, the mandate of the European Union Special Representative for Human Rights had been extended to include the promotion of the Union's positions in the area of international humanitarian law. The European Union had also taken the initiative to develop a collective platform, called "Protect Medics, Save Lives", to gather and analyse data, cross-check evidence, produce regular analytical reports, undertake public awareness-raising activities and support capacity-building for medical workers in conflict, with a view to achieving a more systematic and coordinated approach to the protection of health care in situations of armed conflict.

11. At the thirty-third International Conference of the Red Cross and Red Crescent, the European Union and its member States had submitted a number of pledges that would help to promote international humanitarian

law. The European Union remained fully committed to the strengthening and implementation of international humanitarian law as part of a wider commitment, laid down in its founding treaties, to advance respect for human dignity and the principles of international law. Those commitments were reaffirmed in the Global Strategy for the European Union's Foreign and Security Policy, which placed respect for international law, including international humanitarian law, at the heart of the Union's global action.

12. **Ms. Fielding** (Sweden), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the coronavirus disease (COVID-19) pandemic had rendered those affected by armed conflict even more vulnerable, making humanitarian assistance and dialogue more important than ever. The Nordic countries appreciated the vital work of humanitarian organizations, including ICRC and the International Federation of Red Cross and Red Crescent Societies and its national societies, to protect persons in armed conflict and promote compliance with international humanitarian law, the rules of which must be upheld in all circumstances.

13. The Nordic countries therefore called on those States that had not yet done so to ratify the Additional Protocols, which further strengthened the protection of the victims of war. 13. The Nordic countries welcomed initiatives such as the reports on the implementation of the European Union guidelines on promoting compliance with international humanitarian law. At the thirty-third International Conference of the Red Cross and Red Crescent, member States had recognized the need to effectively address weaknesses and gaps in the implementation of international humanitarian law, including by non-State parties to armed conflict. In the resolution "Bringing IHL home: A road map for better national implementation of international humanitarian law" adopted at the Conference, States were encouraged to adopt the necessary legislative, administrative and practical measures to implement international humanitarian law at the national level and to ratify relevant treaties to which they were not yet parties.

14. Civilians and civilian objects were too often attacked. In that connection, the Nordic countries drew attention to the Secretary-General's call, endorsed by the Security Council, for a global ceasefire that would allow the world to address the pressing issues caused by the COVID-19 pandemic. The international community had an obligation to protect those who provided health care and assistance to the wounded and sick, and to implement the relevant rules and principles of international law. Security Council resolution [2286 \(2016\)](#) was an important milestone in that regard.

15. The Nordic countries looked forward to seeing the outcome of the ICRC study on the protection of health care by State armed forces, which they expected to result in guidance on practical ways for armed forces to better protect medical workers and equipment. They urged all States to incorporate such guidance into their military operations. The underrepresentation of women in processes and bodies related to humanitarian work was a matter of deep concern, as was the lack of support for women who assumed leadership roles in those settings. An integrated gender perspective in the implementation of international humanitarian law was a precondition for relevant and effective interventions.

16. The international community should make use of the International Humanitarian Fact-Finding Commission, which was competent to enquire into facts alleged to be a grave breach or other serious violation of international humanitarian law and to report and make recommendations to the States involved. The Nordic countries welcomed the update to the ICRC *Guidelines on the Protection of the Natural Environment in Armed Conflict*, which reflected developments in treaty law and customary international law. It was essential to limit the environmental damage caused by armed conflict, as such damage might also have serious consequences for the affected populations.

17. The Nordic countries commended the efforts of the International Criminal Court to investigate and prosecute persons suspected of the most serious international crimes. Nevertheless, it was primarily at the domestic level that persons must be held accountable for their actions. The Nordic countries fully supported the Court and its staff in the context of the challenges it was currently facing. A proactive approach should be taken to ensuring both compliance with international humanitarian law and accountability for non-compliance. The Nordic countries therefore encouraged the consideration of alternative perspectives to ensure accountability, including the role of universal jurisdiction and the means of strengthening cooperation in bringing national prosecutions where possible.

18. **Mr. Roughton** (New Zealand), speaking also on behalf of Australia and Canada, said that the three delegations were strongly committed to the implementation of, and compliance with, international humanitarian law. The COVID-19 pandemic was compounding the effects of armed conflict on the health and livelihoods of civilian populations, while at the same time underscoring the importance of protecting health and medical efforts, as provided for under international humanitarian law. Furthermore, the fact that many armed conflicts were continuing during the pandemic highlighted the importance of respect for

international humanitarian law. The three Protocols Additional to the Geneva Conventions of 1949 remained an essential component of international humanitarian law; their implementation helped to alleviate suffering, thereby supporting a more lasting transition to peace and stability. States that had not yet ratified the Additional Protocols should do so as soon as possible and all States parties should give full effect to their provisions, in order to ensure that the protections afforded under international humanitarian law were applied by all parties in all armed conflicts at all times.

19. Many of the key provisions of the Additional Protocols reflected customary international law and, as such, were binding on all parties to armed conflict. In the view of Australia, Canada and New Zealand, many of the articles contained in Protocol I on the protection of medical units, personnel and their transports fell into that category. Bearing in mind that such protection was of heightened importance in the current circumstances, the three delegations urged parties to armed conflicts to make every effort to ensure that they were fully observed. Recalling the provisions of Security Council resolution [2286 \(2016\)](#), which they had sponsored, Australia, Canada and New Zealand reiterated their condemnation of attacks on the sick, wounded, medical personnel and health-care facilities, and again called for compliance with and respect for international humanitarian law. In the light of the pandemic, they also reminded all States and other parties to armed conflict of the Secretary-General's recommendations of 18 August 2016 on measures to enhance the practical application of protections afforded under international law to the wounded and sick, medical personnel and humanitarian personnel exclusively engaged in medical duties, and their means of transport and equipment, as well as hospitals and other medical facilities. All States must take responsibility for the implementation of those recommendations.

20. While it was regrettable that, at successive International Conferences of the Red Cross and Red Crescent, States had been unable to agree to establish a meeting of States parties to the Geneva Conventions to strengthen compliance with international humanitarian law, Australia, Canada and New Zealand welcomed the resolution adopted at the thirty-third International Conference, in which participants had urged all parties to fully comply with their obligations under international humanitarian law and called upon States to adopt the necessary legislative, administrative and practical measures at the domestic level. Practical measures were needed to strengthen the implementation of international humanitarian law: for instance, States should incorporate it into their military doctrine, field

training and rules of engagement, and should ensure that national judicial systems were able to effectively address violations of international humanitarian law.

21. Lastly, Australia, Canada and New Zealand acknowledged the crucial role of ICRC in disseminating international humanitarian law and working to improve compliance among parties to armed conflicts. The obligation to protect civilians and victims of armed conflict, which ICRC, together with States, strove to fulfil, was at the heart of international humanitarian law.

22. **Mr. Altarsha** (Syrian Arab Republic) said that it had become clearer with every passing day that the Syrian Arab Republic was confronting armed terrorist groups that had been designated as such by the Security Council. Those groups espoused the same jihadist, takfirist ideologies as Al-Qaida, the Nusrah Front and Islamic State in Iraq and the Levant. Over the previous nine tragic years, those groups had repeatedly changed their names, alliances and affiliations overnight. Indeed, the political, legal and judicial authorities in a number of Member States had come to the conclusion that their own Governments had provided financial, military and political support to groups that appeared to be part of the so-called moderate opposition, but turned out to consist of extremist jihadist Salafists who had either committed war crimes and crimes against humanity, or acted at the behest of terrorist entities.

23. His delegation was not prepared to listen to the politicized assessments of a party that blithely ignored infringements of the counter-terrorism resolutions of the Security Council while propagating politicized allegations against given countries in order to further their own domestic political agendas. Nor was it prepared to listen to a biased party that sought to use the Sixth Committee as a platform to promote the so-called International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The latter was the stillborn offspring of a General Assembly resolution that had been adopted without consensus, violated the Charter of the United Nations, and flagrantly encroached on the prerogatives of the Security Council.

24. He invited members of the Committee to examine the letter from the Permanent Mission of the Syrian Arab Republic addressed to the Secretary-General (A/71/799) and the letter from the Permanent Mission addressed to the President of the General Assembly (A/72/106), not to mention letters from the Permanent Missions of several other Member States. Those documents exposed

the serious legal flaws in that resolution and the shabby, self-interested political motives behind its adoption.

25. His Government was working closely and successfully with ICRC to provide humanitarian assistance, rebuild infrastructure and instil a culture of international humanitarian law across the public sector, including the armed forces. The Syrian National Committee on International Humanitarian Law had met several times to plan its forthcoming activities in consultation with ICRC, including a range of workshops and seminars for State institutions. Its executive plan for 2021 included numerous activities to raise awareness of international humanitarian law and train staff. His Government remained committed to upholding international humanitarian law in its counter-terrorism efforts.

26. While his delegation had no wish to depart from the legal scope of the Committee's work, it could not remain silent while certain parties took advantage of the situation in his country to politicize the agenda item, promote double standards and biased political agendas, and misuse the prerogatives of the General Assembly to establish dubious mechanisms aimed at impeding the return of security and stability in Syria. His delegation had long been urging those States that had exported terrorists to his country to bring them home. Its stance had been proved correct, as the tragic events in France and Austria had shown.

27. **Ms. Ponce** (Philippines) said that her Government was strongly committed to the promotion of international humanitarian law. As a party to all three Additional Protocols, the Philippines called on all States that had not yet ratified the Additional Protocols to consider doing so.

28. Her Government had enacted a number of laws to implement the Additional Protocols. Its 2019 Act on the special protection of children in situations of armed conflict and its 2016 Act on emergency relief for and protection of children both served to implement the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Through a 2009 Act on crimes against international humanitarian law, genocide and other crimes against humanity, the Philippines had incorporated into domestic law many of its international obligations under Protocol I and the 2005 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), and in 2013 the Government had enacted the Red Cross and Other Emblems Act, also to implement Protocol III. In line with its commitment to

the international treaty framework on humanitarian law, the Philippines had ratified the Convention on Cluster Munitions in 2019. It had been a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict since 2003.

29. The Government had also taken practical measures, such as incorporating international humanitarian law into the doctrine, field training and rules of engagement of the Philippine armed forces and law enforcement agencies, in coordination with ICRC. In July 2019, the armed forces of the Philippines and ICRC had signed terms of reference for the promotion and monitoring of the implementation of international humanitarian law in the country through high-level dialogues. Lastly, on 12 August 2020, the Philippines had commemorated International Humanitarian Law Day with multi-stakeholder activities under the theme “Preserving human dignity in times of armed conflict: a shared responsibility”.

30. **Ms. Grosso** (United States of America) said that the United States had long been a strong proponent of the appropriate development and effective implementation of international humanitarian law, also referred to as the law of war. The United States was a party to Protocol III Additional to the Geneva Conventions, relating to the adoption of an additional distinctive emblem, but it was not a party to the Additional Protocols of 1977. Under successive Administrations, Senate advice and consent to ratification of Protocol II had been sought. While the United States continued to have significant concerns about many aspects of Protocol I, relating to the protection of victims of international armed conflicts, her Government continued, out of a sense of legal obligation, to treat the principles set forth in article 75 thereof as applicable to anyone it detained in an international armed conflict, and expected all other nations to do likewise.

31. At the thirty-third International Conference of the Red Cross and Red Crescent, the United States had submitted a pledge on strengthening domestic implementation of international humanitarian law in military operations, containing an outline of the elements of effective programmes within the armed forces for compliance with international humanitarian law. Those elements were reflected in the United States Department of Defense law of war programme, which had been reissued in July 2020 after a multi-year revision process that had included consideration of lessons learned from military operations since the previous reissue in 2006. In the pledge, the United States had also undertaken to share legal interpretations

and good practices with other States, non-governmental organizations (NGOs) and the public. In that regard, the annual *Digest of United States Practice in International Law* of the Department of State, and the website of the Office of General Counsel of the Department of Defense, contained materials that reflected her Government’s interpretations of the law of war and illustrated related United States military practice.

32. While it was prepared to accept a technical rollover of the resolution on the agenda item, her Government did not support the references therein to the International Criminal Court and the Rome Statute. It reiterated its long-standing principled objection to any assertion of that Court’s jurisdiction over nationals of States not parties to the Rome Statute, without a Security Council referral or the consent of such a State.

33. **Ms. Flores Soto** (El Salvador) said that compliance with the Protocols Additional to the Geneva Conventions and all other norms of international humanitarian law was essential to limiting the grave consequences of war and ensuring protection and assistance for victims, as well as for all those who were not directly engaged, or had ceased to engage, in hostilities.

34. States had obligations under international humanitarian law in peacetime as well as in times of war. Accordingly, 28 years after the end of the internal armed conflict in her country, El Salvador was still making every effort to strengthen its institutional legal framework to ensure the full dissemination and application of all the relevant normative instruments. In that regard, its inter-institutional committee on international humanitarian law had carried out various activities, including holding training courses for the armed forces, other State institutions and university students, and preparing a manual on international humanitarian law for the armed forces. The committee had also developed a draft law on war crimes and crimes against humanity, which referred to the Geneva Conventions of 1949 and their Additional Protocols. One of its main achievements had been the approval of a national action plan concerning women, peace and security, designed to further advance her country’s compliance with Security Council resolution [1325 \(2000\)](#) and subsequent resolutions.

35. The broad dissemination at national level of international humanitarian law instruments required the involvement of various sectors of society. Accordingly, the Ministry of Defence of El Salvador had signed a cooperation agreement with ICRC to deepen the academic training of members of the armed forces on law enforcement operations and in the fields of

international humanitarian law and international human rights law.

36. It was imperative that the Geneva Conventions and their Additional Protocols continue to be respected during the COVID-19 pandemic to facilitate an appropriate response to the needs of communities, health-care professionals and individuals living in countries devastated by war. In that connection, her delegation echoed the Secretary-General's call for an immediate global ceasefire to enable the establishment of humanitarian aid corridors.

37. **Mr. Ammann** (Switzerland) said that, as the depositary of the Geneva Conventions and their three Additional Protocols, his country attached great importance to their universal ratification and strongly urged States that had not yet done so to ratify the Additional Protocols as soon as possible. It also encouraged all States parties to Protocol I to recognize the competence of the International Humanitarian Fact-Finding Commission, which had successfully conducted its first operational mission in 2017. To do so, States only needed to deposit a simple declaration with the depositary. His Government also invited States to sign the pledge submitted by an interregional group of States at the thirty-third International Conference of the Red Cross and Red Crescent, with the aim of increasing the use of the Commission's enquiry and good offices services. His delegation welcomed the launch of the Group of Friends of the International Humanitarian Fact-Finding Commission, and encouraged those States that had not yet joined it to do so.

38. The intergovernmental process aimed at strengthening respect for international humanitarian law, led jointly by Switzerland and ICRC, had concluded with the submission of a report at the thirty-third International Conference of the Red Cross and Red Crescent. At the Conference, Switzerland had pledged to draft a voluntary report on its national implementation of international humanitarian law, and it had, accordingly, adopted its first such report on 12 August 2020. Other States were urged to publish their own reports as a way to identify good practices and challenges in the implementation of international humanitarian law at the national level, thereby supporting inter-State dialogue and ultimately fostering greater respect for international humanitarian law.

39. Lastly, Switzerland was organizing a meeting of governmental experts in November 2020 to discuss the protection of medical activities in armed conflicts. The aim was to enable States to exchange good practices, which would help to advance the implementation of international humanitarian law at the national level.

States that had not yet done so were encouraged to register for the meeting.

40. **Mr. Elsadig Ali Sayed Ahmed** (Sudan) said that the nature of contemporary armed conflicts continued to provide challenges for the application and respect of international humanitarian law in a number of areas, ranging from the classification of armed conflicts to the use of new technologies. The increasing complexity of armed conflicts had given rise to discussions over the notion and typology of armed conflicts, including whether the classification of conflicts into international and non-international was sufficient to encompass the types of armed conflicts currently taking place. His delegation believed that it was, while recognizing that there were an increasing number of different factual scenarios that might be classified as non-international armed conflicts. It would be useful to examine those scenarios in a transparent manner.

41. The interplay between international humanitarian law and human rights law continued to have practical consequences for the conduct of military operations. In contemporary armed conflicts, the protective scope of international humanitarian law remained a matter of the utmost concern.

42. His Government remained committed to international humanitarian law, and in particular the Geneva Conventions and their Additional Protocols. In 2020, it had continued to work closely with ICRC. Challenges posed by contemporary armed conflicts were not a question of norms, but of improving implementation of the Geneva Conventions and their Additional Protocols. One key challenge was to ensure that combatants respected those instruments in situations where persons in need must have access to humanitarian assistance. It was therefore essential to comply with the provisions of international humanitarian law that guaranteed such assistance, an obligation which extended to medical facilities and transport, food and other supplies, and humanitarian personnel in general.

43. **Ms. Weiss Ma'udi** (Israel) said that despite the security threats, including acts of war and terrorism, that Israel had had to contend with since its establishment, her Government had remained committed to the law of armed conflict. Contemporary armed conflicts entailed numerous challenges, including asymmetric warfare, which had become a concern for many States. Non-State adversaries did not consider themselves bound by the law of armed conflict and systematically violated its rules, while at the same time abusing the adherence of democratic, law-abiding States to international law. Israel faced such challenges in its northern and southern

regions, where terrorist organizations regularly operated from within civilian areas and targeted Israeli citizens. Parties to armed conflict contending with such challenges must meticulously comply with the applicable rules. For the identification and interpretation of those rules, in the context of both treaty law and customary international law, the practice of States involved in asymmetric warfare was indispensable.

44. The law of armed conflict remained the relevant legal framework to regulate the conduct of hostilities in emerging realms of warfare, such as cyberspace and outer space. In those areas too, the law must be applied through the meticulous interpretation and identification of treaty law and customary international law. Although accepted methodologies of international law did not permit the use of analogies or deductions from the existing rules of the law of armed conflict to establish rules applicable to new domains of law without sufficient substantiation, proper interpretation and identification of *lex lata* revealed sufficiently substantial and robust rules to address emerging challenges.

45. Israel was not a party to the Additional Protocols but was nevertheless fully committed to the customary law rules that were reflected in some of their provisions. However, certain provisions of the Additional Protocols did not reflect customary law, including, in Protocol I, those contained in article 1, paragraph 4; article 35, paragraph 3; article 37, paragraph 1; articles 43 to 45; and article 55, as well as those concerning belligerent reprisals, and a number of other provisions of Protocols I and II. Assertions to the contrary lacked substantiation in sufficient State practice and *opinio juris*.

46. Israel acknowledged the important contribution of ICRC and its humanitarian work throughout the world, and appreciated the initiative of ICRC to update its commentaries on the Geneva Conventions and their Additional Protocols, in consideration of the changes that had transpired in armed conflict over the previous half century. It remained concerned, however, by certain methodologies used throughout the project and a number of conclusions included in the three commentaries published to date, which did not always accurately reflect the current state of the law. Given the primary role of States in creating, interpreting and applying international law, it was important to consult with them, receive their input and provide greater weight to their positions, interpretations and views. While her delegation appreciated certain adaptations introduced by the ICRC in that regard, much more could and should be done. A substantial understanding of the law of armed conflict, both theoretical and practical,

should be a requirement for those involved in applying and interpreting the rules of that body of law in international bodies, in order to ensure that the right balance was achieved between military necessity and humanitarian concerns, and to prevent fragmentation and competing interpretations.

47. Israel continued to ensure that all aspects of its military operations complied with the law of armed conflict. The Israel Defense Forces provided educational programmes to military personnel and operated training simulators designed to prepare fighting forces for combat in urban areas. Their operations were accompanied by independent legal advice on the law of armed conflict, complemented by robust and multilayered investigative mechanisms and civilian oversight. The Supreme Court of Israel regularly heard petitions relating to the law of armed conflict. The extent of judicial review over the activity of the Israel Defense Forces was internationally recognized and unique in its scope. Israel would continue to implement and enforce the law of armed conflict as a matter of the highest priority.

48. **Ms. Guardia González** (Cuba) said that nothing justified the violation of international humanitarian law, and efforts to combat international terrorism, transnational crime and other scourges of humanity must not be allowed to serve as a pretext to violate those legal precepts. Cuba was opposed to attempts by certain countries to reinterpret those norms in order to avoid their unconditional implementation.

49. Civilians were increasingly the victims and direct targets of abuse by armed forces in conflicts, in violation of the principle of distinction between combatants and civilians. Civilian buildings, such as hospitals and schools, were also being attacked indiscriminately. The increasing use of highly sophisticated weapons, in particular unmanned aerial vehicles, was of serious concern, since it did not guarantee compliance with international humanitarian law.

50. Her Government valued its status as a State party to the Geneva Conventions and the two Additional Protocols of 1977, and had enacted the Military Offences Act to address actions or omissions that could constitute crimes under international humanitarian law. All the necessary guarantees relating to the protection of civilians had been incorporated into national law.

51. A centre for international humanitarian law studies had been established in 1994, following the signing of a cooperation agreement between ICRC and the Cuban Red Cross to disseminate international humanitarian law and promote the fundamental principles of the International Red Cross and Red Crescent Movement.

The centre provided training for the Cuban armed forces, the Ministry of the Interior and professionals in the fields of health care, law, education and the media. The Cuban Society of International Law also organized international workshops on international humanitarian law in Havana, to provide a forum for the discussion of contemporary challenges in that field.

52. The need to achieve universal support for a legal framework applicable to armed conflicts was more pressing than ever; in that regard, the Committee should discuss the issues comprehensively, transparently and without double standards. The international community must hold accountable any State that violated international humanitarian law as well as States that promoted internal conflicts in other sovereign States in order to impose their external agendas.

53. Cuba would continue to work towards the universal implementation of the norms of international humanitarian law and to cooperate with ICRC and its various associations in order to disseminate respect for such norms.

54. **Mr. Amaral Alves De Carvalho** (Portugal), noting that the report of the Secretary-General ([A/75/263](#)) contained information on several accessions to and ratifications of the Additional Protocols and other pertinent instruments in the period from June 2018 to June 2020, said that it was encouraging to know that, in addition to being bound by customary international humanitarian law, States were consenting to become bound by treaties on various subjects relating to armed conflict, such as the protection of victims of armed conflict, the protection of cultural heritage, international criminal justice, disarmament, non-proliferation and arms control. However, the main concern in relation to international humanitarian law remained its implementation, which was hampered by challenges both old and new, ranging from States' capacity to train and supervise their armed forces on related matters, to new methods of warfare and new actors in armed conflicts.

55. In that connection, Portugal was committed to implementing the resolution recently adopted at the thirty-third International Conference of the Red Cross and Red Crescent, entitled "Bringing IHL home: A road map for better national implementation of international humanitarian law", and urged all States to do so likewise. Portugal had ratified all three Protocols Additional to the Geneva Conventions, and had accepted the competence of the International Humanitarian Fact-Finding Commission in 1994. To fulfil its international humanitarian law obligations, and those under international human rights law that were

applicable to armed conflict, Portugal had taken several measures relating to the protection of victims of armed conflict and the dissemination and strengthening of international humanitarian law at the national level. As part of its close collaboration with the Portuguese Red Cross, his Government had established a permanent consultation mechanism that had met to review matters such as the follow-up to resolutions adopted and pledges made at the International Conferences of the Red Cross and Red Crescent. At the thirty-third Conference, Portugal and the Portuguese Red Cross had submitted various pledges, including one to establish a national committee on international humanitarian law in Portugal.

56. His delegation paid tribute to all the humanitarians, both professionals and volunteers, whose work embodied the fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality; and called on all parties to armed conflict to respect and ensure respect for international humanitarian law.

57. **Mr. Skachkov** (Russian Federation) said that his Government was a party to the Geneva Conventions of 1949 and their Additional Protocols, which were key components of international humanitarian law. The lessons learned from the horrors of the Second World War had been distilled in the Geneva Conventions, which placed the protection of civilians and civilian objects at the centre of international humanitarian law. His Government called on all States that had not yet consented to be bound by those instruments to consider doing so as soon as possible. The Russian Federation continued to call for the humanization, and above all the prevention, of armed conflicts.

58. In 2018, his Government had hosted, together with the Interparliamentary Assembly of the States members of the Commonwealth of Independent States and ICRC, an international conference on international humanitarian law to mark the 150th anniversary of the adoption of the Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight. That declaration, which was the first multilateral instrument in history to prohibit the use of certain weapons on humanitarian grounds, had revolutionized military thinking and had placed the principle of humanity at the core of international humanitarian law.

59. ICRC played a clear role in promoting strict compliance with the norms of international humanitarian law in situations of armed conflict and explaining and disseminating information about them. At the same time, States bore the primary responsibility

for interpreting such norms and for disseminating knowledge in that area of law. He called on all States to diligently fulfil their obligations under international law and, in particular, under the Geneva Conventions of 1949 and their Additional Protocols. Any difficulties with the implementation of such obligations had less to do with weaknesses in international humanitarian law and more to do with an unwillingness or reluctance to implement its principles and norms in practice. That said, assessments of compliance with norms of international humanitarian law should not be used as an instrument for political manipulation.

60. **Mr. Botto** (Monaco) said that, as a party to the four Geneva Conventions and their three Additional Protocols, Monaco urged all States that had not yet done so to ratify the Additional Protocols without delay and without reservations. The nature of conflict had changed fundamentally since the adoption of those texts, and Member States had the collective duty to further strengthen efforts to protect civilian populations, uphold human rights and international humanitarian law, and combat impunity. A global, holistic response was needed to address the combined effects of conflict, climate change and natural disasters, as well as their impacts on physical and mental health, socioeconomic factors, peace and stability. The COVID-19 pandemic had further shaken a world already afflicted by serious conflicts and humanitarian crises in too many regions; Monaco therefore unreservedly supported the Secretary-General's call for a global ceasefire. His delegation had also signed the call to action in support of the humanitarian response in fighting the COVID-19 pandemic, launched at the end of the Economic and Social Council humanitarian affairs segment in June 2020.

61. His Government's humanitarian work consisted in development cooperation and the activities of the Monegasque Red Cross. The Government had established partnerships with various front-line humanitarian funds and entities, including the Central Emergency Response Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, the United Nations Children's Fund and the World Food Programme.

62. At the thirty-third International Conference of the Red Cross and Red Crescent, the Monegasque delegation had chaired the commission on "international humanitarian law: protecting people in armed conflict", which had served to advance dialogue on adapting the Geneva Conventions to address the challenges of contemporary conflicts. His delegation had also endorsed the call for action to bolster respect for

international humanitarian law that had been launched by France and Germany at the seventy-fourth session of the General Assembly. His Government had recently signed a finance agreement with the International Institute of Humanitarian Law, which would serve to enhance dissemination, knowledge of and discussion on international humanitarian law. Lastly, in 2018 his Government had signed a framework agreement with ICRC, under which the voluntary contributions of Monaco were allocated to both ICRC headquarters and field operations; the agreement would be renewed in 2021.

63. **Ms. Lito** (United Kingdom) said that, in accordance with General Assembly resolution [73/204](#), her Government was preparing a detailed statement outlining its activities related to the implementation and promotion of international humanitarian law domestically and internationally. In March 2019, the United Kingdom had published a voluntary report on its domestic implementation of international humanitarian law, and, in collaboration with the British Red Cross, it had developed a toolkit to assist other States to produce similar reports. The toolkit was currently available in English, French and Arabic, and contained guidance on how to research and draft reports, as well as templates and publishing guidance.

64. In June 2020, the United Kingdom had launched a draft global code of conduct for investigating and documenting conflict-related sexual violence (the draft Murad Code), created alongside Nobel Laureate Nadia Murad and the Institute for International Criminal Investigations, to uphold international standards for recording crimes with sensitivity to survivors, reinforce evidence collection and strengthen justice and accountability while preventing the further traumatization of survivors. In October 2019, her Government had appointed two "Preventing Sexual Violence in Conflict Survivor Champions", who advocated for support for all survivors and children born of conflict-related sexual violence. In August 2020, it had published a paper on its approach to the protection of civilians, which built on its previously published strategy and highlighted its work over the last 10 years in that area. In recent years, the United Kingdom had been at the forefront of initiatives aimed at promoting the protection of civilians, including by strengthening State capacity and encouraging all States to respect international humanitarian law.

65. The United Kingdom continued to support the international dissemination activities of the British Red Cross, including the joint British Red Cross-ICRC project to ensure that the practice section of the ICRC database on customary international humanitarian law

was kept up to date and accessible. A national committee on international humanitarian law met biannually to further develop, and disseminate understanding of, international humanitarian law policy and practice at the national level, and to discuss ways to encourage international partners, especially within the Commonwealth, to do likewise. The committee also encouraged training in international humanitarian law for the armed forces, police, civil servants, teachers, the judiciary, medical professionals, journalists and others.

66. The United Kingdom had recently participated in the fifth Commonwealth Red Cross and Red Crescent Conference on International Humanitarian Law, and in the thirty-third International Conference of the Red Cross and Red Crescent. At the latter Conference, the United Kingdom had co-sponsored a side event on the protection of media professionals in armed conflicts, as well as making pledges on voluntary reporting, the prevention of sexual violence in conflict and cash assistance.

67. Lastly, support for international criminal justice and accountability was a fundamental element of her Government's foreign policy. The United Kingdom continued to support the role of the International Criminal Court, the International Residual Mechanism for Criminal Tribunals and other tribunals established to address serious violations of international humanitarian law. It had also supported the establishment of evidence-gathering mechanisms and fact-finding missions, including the International, Impartial and Independent Mechanism.

68. **Mr. Ilnytskyi** (Ukraine) said that his country paid particular attention to compliance with international humanitarian law and respect for human rights in armed conflicts. It also focused on preventing and responding to forced displacement and protecting women and children affected by armed conflict, including conflict-related sexual violence. As a party to the core international instruments on the protection of civilians, Ukraine supported all efforts aimed at their full implementation and advocated for respect for human rights and international humanitarian law in both bilateral and multilateral forums.

69. Ukraine had unfortunately become a victim of violations of the norms and principles of international law, including international humanitarian law, perpetrated by one of the members of the Security Council. For more than six years, the ongoing Russian aggression had been claiming Ukrainian lives, and the international armed conflict taking place in the temporarily occupied areas of the Donetsk and Lugansk regions, the Autonomous Republic of Crimea and the

city of Sevastopol made the protection of civilians a very real issue. In the General Assembly resolutions on the Russian armed aggression against Ukraine, special emphasis was placed on the need to ensure respect for international humanitarian law. Referring to the Geneva Conventions and Protocols I and II thereto, the General Assembly had categorized Russia as an occupying Power and urged it to uphold all of its obligations under applicable international law. However, Russia persisted in disregarding its duty as an occupying Power under international humanitarian law to ensure and maintain public health in occupied territory. Instead, it was using the COVID-19 pandemic as a smokescreen for further attacks on the rights and freedoms of Crimean residents. The spread of the pandemic had not stopped the Russian Government from announcing another conscription into the occupying army, which constituted a war crime. In March 2020, a decree by the Russian President depriving Ukrainian citizens of the right to own land in Crimea had become yet another illustration of Russian disregard for its responsibilities under international humanitarian law. In 2019, the Russian Federation had withdrawn the declaration it had made upon its ratification of Protocol I, in which it had recognized the competence of the International Humanitarian Fact-Finding Commission. The move exposed that country's disregard for international humanitarian law and its aversion to the Fact-Finding Commission's mandate of enquiring into any facts alleged to be a grave breach or other serious violation of international humanitarian law.

70. Time and again, his Government had urged Russia to uphold all of its obligations under applicable international law as an occupying Power, and in particular, to ensure the proper and unimpeded access of international human rights monitoring missions to Crimea, pursuant to the relevant General Assembly resolutions; to immediately release, without preconditions, Ukrainian citizens who had been unlawfully detained; and to end the practice of transferring its own population to the occupied territories. His delegation's full statement would be made available in the eStatements section of the *Journal of the United Nations*.

71. **Mr. Ghorbanpour Najafabadi** (Islamic Republic of Iran) said that the Islamic Republic of Iran fully recognized the essential role of international humanitarian law, in particular the four Geneva Conventions, in minimizing the negative effects of armed conflict. It had accordingly sought constantly to disseminate and promote knowledge of the related norms, including among the armed forces. The establishment in 1999 of the Iranian Committee on

Humanitarian Law within the Iranian Red Crescent Society had been a significant step towards incorporating the rules of international humanitarian law into Iranian domestic law and raising public awareness of humanitarian rules. With regard to national legislative measures, in 2003 an existing Act on crimes by members of the armed forces had been updated to ensure that the treatment of prisoners of war, the wounded and civilians by the Iranian military was in accordance with the Geneva Conventions. In addition, a working group within the judiciary had prepared a draft law criminalizing the most serious international crimes, including war crimes, which was currently under consideration prior to being submitted to the national parliament for ratification.

72. Iran had hosted the eighth South Asian Regional Conference on International Humanitarian Law, held under the theme “New technologies and international humanitarian law”, in November 2018. The Conference, organized jointly by his Government and ICRC, had provided States in the region and other stakeholders with a platform to discuss various aspects of international humanitarian law, enhance interaction between States, partner organizations and ICRC and strengthen institutional dialogue and collaboration on related matters. At the ninth South Asian Regional Conference on International Humanitarian Law, held in Sri Lanka, an Iranian delegation had shared national implementation experiences and the dissemination activities of the Iranian Committee on Humanitarian Law. On 27 February 2019, that Committee had organized a national seminar on contemporary issues and challenges relating to international humanitarian law.

73. Although universally ratified, the Geneva Conventions were not universally respected, and contemporary conflicts were challenging not just the validity but the applicability of international humanitarian law. However, while the nature of warfare had changed, the rules of international humanitarian law remained as pertinent as ever, and it was incumbent on States parties to the Geneva Conventions to ensure that they were applied and respected.

74. **Ms. Margaryan** (Armenia) said that it was essential to strengthen compliance with international humanitarian law; in that connection, her Government encouraged the universal ratification of the Protocols Additional to the Geneva Conventions relating to the protection of victims of armed conflicts. In recent years Armenia had integrated international humanitarian law into its academic curricula, with a strong focus on human rights and education for the prevention of genocide. Earlier in 2020, the United Nations

Educational, Scientific and Cultural Organization had established a chair on education and prevention of genocide and other atrocity crimes in Armenia, in support of national efforts to combat impunity for genocide, crimes against humanity, war crimes and violations of international humanitarian law.

75. Her Government attached particular importance to protecting the rights of women and girls, and had adopted a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#), covering the period from 2019 to 2021, which placed particular emphasis on the rights of women in areas affected by conflict.

76. The unprecedented crisis caused by the COVID-19 pandemic posed an immediate and major challenge for humanitarian systems. Among the hardest hit were people trapped in conflict, since the lack of humanitarian access to conflict zones endangered people’s rights to life and health and compounded their suffering. Armenia had joined the 170 signatories of the Secretary-General’s call for a global ceasefire and agreed that uniting against the pandemic was not only a moral imperative but also a matter of enlightened self-interest.

77. The ongoing Azerbaijani hostilities against Nagorno-Karabakh, with the military involvement of Turkey and foreign terrorist fighters from the Middle East, had led to the most destructive escalation in the region since the 1990s. In flagrant breach of three consecutive ceasefire agreements intended to allow for the exchange of prisoners of war and the bodies of the dead, the armed forces of Azerbaijan continued to attack civilian settlements in Nagorno-Karabakh, targeting essential infrastructure such as schools, hospitals and churches. Azerbaijan was seeking to deny access to essential services and erase decades of progress in the areas of education, health and human security, with the ultimate aim of making life in the region impossible.

78. In a statement on 2 November 2020, the United Nations High Commissioner for Human Rights had expressed her alarm at the continuing war crimes in the region, including the execution of two Armenian prisoners of war by Azerbaijani troops in grave breach of the Geneva Conventions establishing standards for humanitarian treatment during wartime. It was incomprehensible that, as the pandemic continued to ravage the world, the leadership of Azerbaijan and its supporters chose war and destruction over peace and recovery, in disregard of the Secretary-General’s call for a global ceasefire. The Government of Azerbaijan, which had publicly boasted of the accuracy of its high-tech, precision-guided weapons, was directly

responsible for numerous violations of international humanitarian law throughout its offensive, including deliberate attacks on civilian objects and journalists, use of mercenaries, mutilations, public executions, inhumane treatment of prisoners of war, use of prohibited weapons and ceasefire breaches. Those violations, many of which amounted to war crimes, had been extensively documented and reported to the relevant international bodies and mechanisms.

79. It was important to recall that many of the rules in the Additional Protocols reflected customary international law, and as such, were binding on all parties to armed conflict, without exception.

80. **Mr. Harland** (Observer for the International Committee of the Red Cross) said that the COVID-19 pandemic had increased the humanitarian needs of the men, women and children affected by armed conflicts around the world. Respect for international humanitarian law remained vital for their protection. The 1949 Geneva Conventions and their Additional Protocols contained provisions that were extremely relevant to the current situation, including in relation to access to essential services, the protection of medical missions and humanitarian relief. As such, adherence to and adequate implementation of those instruments was essential.

81. Since its last submission to the Committee, ICRC had continued to promote the universalization and implementation of the Additional Protocols of 1977. There were currently 174, 169 and 78 States parties to Protocols I, II and III respectively. In the last two years, Angola had adhered to Protocol II and Ecuador, Kyrgyzstan, Lesotho and Peru had adhered to Protocol III. In the recently adopted resolution entitled “Bringing IHL home: A road map for better national implementation of international humanitarian law”, States were encouraged to ratify or accede to international humanitarian law treaties to which they were not yet party, including the Additional Protocols, and were also reminded of the possibility of recognizing the competence of the International Humanitarian Fact-Finding Commission. Although one State had regrettably withdrawn its recognition of the Commission since the last submission by ICRC, 16 States had submitted a pledge, at the thirty-third International Conference of the Red Cross and Red Crescent, to increase awareness of the Commission.

82. Cyprus and Bulgaria had recently established national committees on international humanitarian law, the Netherlands had created an international humanitarian law platform, and the Philippines and Portugal had pledged to establish national committees.

There were now some 114 national committees, or similar entities, on international humanitarian law, and 13 States had already joined a new online community for such committees, which enabled them to share practices and discuss common challenges.

83. Fifty States had ratified the Treaty on the Prohibition of Nuclear Weapons, meaning that it would enter into force on 22 January 2021. ICRC would continue to work to secure the broadest possible adherence by States to that Treaty. It had continued to update its commentaries to the Geneva Conventions of 1949 and, in June 2020, had published its commentary to the Third Geneva Convention on prisoners of war. Through its advisory service on international humanitarian law, ICRC had also continued to provide national authorities with assistance in adopting the legislative, regulatory and practical measures needed to ensure full implementation of international humanitarian law in domestic law and practice. Specialized tools and technical documents related to the implementation of international humanitarian law had been developed and updated; notably, ICRC had recently published its updated *Guidelines on the Protection of the Natural Environment in Armed Conflict*. Those *Guidelines* contained measures that parties to armed conflict might adopt in order to reduce the environmental impact of their military operations, and States were invited to incorporate them into their military manuals, national policies and legal frameworks. ICRC remained fully committed to working with States and supporting them in their efforts to implement international humanitarian law.

84. **Mr. Musayev** (Azerbaijan), speaking in exercise of the right of reply, said that Armenia had once again demonstrated its leading position in hypocrisy and falsification. That country bore the responsibility for unleashing war against Azerbaijan, carrying out ethnic cleansing on a massive scale, committing other heinous crimes during the conflict, advocating undisguised racist ideologies and disregarding the resolutions of the Security Council – and yet it lectured others on international humanitarian law.

85. Regarding the offences committed between 1992 and 2019, the comprehensive report on war crimes in the Armenian-occupied territories of Azerbaijan contained in document [A/74/676-S/2020/90](#) provided convincing evidence as to the range and variety of the war crimes consistently committed by Armenia, including crimes relating to civilian deaths and injuries, damage to civilian property, mistreatment of detainees and prisoners of war, taking of hostages, ethnic cleansing, forced displacement, changing of the character of occupied territory, destruction of cultural heritage and

damage to the natural environment. Some of the offences examined in the report amounted to genocide, as ethnic Azerbaijanis had been targeted because of their nationality or ethnicity, with the relevant intent of destroying the group in part. As it had done in the early 1990s, Armenia was deliberately employing atrocity methods of warfare in the course of the ongoing hostilities, as was evidenced by its systematic targeting of densely populated parts of Azerbaijan.

86. Despite the humanitarian ceasefire, the Armenian armed forces continued to carry out missile and artillery attacks on Azerbaijani cities, towns and villages. The aim of the attacks was to murder civilians and cause disproportionate harm to civilian infrastructure, in blatant violation of international humanitarian law. Barbaric and covert strikes on the cities of Ganja and Barda, both located far from the active hostilities, stood out in particular. Ganja had been hit three times, and the attacks on 11 and 17 October, carried out using Scud ballistic missiles, had killed 25 civilians and injured more than 84 civilians. On 28 October, an attack on the centre of Barda with Smerch multiple launch rocket systems had claimed the lives of 21 civilians and injured more than 70 civilians. In total, since 27 September 2020, as result of direct and indiscriminate attacks by the armed forces of Armenia, 91 civilians, including 11 children, had been killed; more than 450 civilians had been wounded; and thousands of private residences and other civilian objects, including schools, hospitals, religious sites and cultural monuments, had been destroyed or damaged. The use of prohibited cluster munitions by Armenia had been verified by the United Nations and reputable international NGOs. Armenia had also used prohibited white phosphorus projectiles against populated areas of Azerbaijan and in the Shusha Forest.

87. In response to the new aggression, Azerbaijan had taken and continued to successfully take counteroffensive measures in exercise of its inherent right to self-defence. It acted exclusively on its sovereign soil to defend its civilian population, liberate the occupied territory from terrorists and aggressors and allow the more than 700,000 internally displaced persons to return to their homes. The so-called evidence of Azerbaijani violations of international humanitarian law was simply fabricated. The United Nations High Commissioner for Human Rights had even admitted, in her statement of 2 November 2020, that many faked images had been circulating on social media. The armed forces of Azerbaijan strictly adhered to the principle of distinction and did not target civilian objects, unless those objects were used for military purposes. Appeals had been issued to civilians living in the area of active

military hostilities on multiple occasions, calling on them not to take arms, and to stay away from military action and the military facilities and infrastructure of the armed forces of Armenia.

88. In contrast, information recently published and widely disseminated on social media showed that Armenia employed child soldiers and used kindergartens and schools for military purposes, in grave violation of the rights of children and international humanitarian law. The purpose of Armenian fabrications and disinformation was clearly to divert attention from the aggression and crimes of Armenia itself, justify the heavy losses inflicted on its armed forces on the battlefield and mislead the international community. Armenia must be held to account for the heinous crimes it had committed in the course of the war and forced to comply with its international obligations.

Agenda item 85: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(continued) ([A/75/33](#) and [A/75/145](#))

89. **Mr. Arrocha Olabuenaga** (Mexico) said that while international law was constantly evolving, the founding purposes and principles of the United Nations must not be forgotten. Article 2, paragraph 4, and Article 51 of the Charter of the United Nations were a cornerstone of harmonious relations between States, and it was therefore important to regularly discuss how they could best be made effective. In recent years, there had been a considerable increase in the number of communications to the Security Council in which States invoked Article 51 as the legal basis for the use of force, particularly in the context of counter-terrorism operations. Self-defence was certainly a fundamental right in relations between States. However, it was necessary to consider new ways of ensuring that it was not exercised disproportionately, or abused to justify the use of force, which would be counter to the very principles and purposes that the Charter was intended to protect.

90. For that reason, his delegation had proposed that the Special Committee study and discuss a number of substantive and procedural issues relating to communications submitted to the Security Council under Article 51 of the Charter (a summary of the Mexican proposal was contained in [A/75/33](#), annex I). On the substantive side, it had proposed that the Special Committee conduct an assessment of compliance with the requirements for the exercise of the right to self-defence under international law, specifically in terms of Article 51 of the Charter. For instance, States sending

such communications to the Security Council should provide sufficient information on how their actions complied with the legal scope for the use of force provided for in the Charter and customary international law. With regard to procedural aspects, Mexico had emphasized the need for the Security Council to improve the transparency of communications under Article 51, which were public, and specifically to circulate them to all Member States as official documents. In fulfilment of the Charter, the Security Council must also ensure the temporary nature of the exercise of the right to self-defence by immediately addressing situations upon receipt of communications in which it was informed of the use of force.

91. The interest with which many delegations had received the Mexican initiative indicated that the proposal warranted consideration. His delegation therefore hoped that it would be included in the substantive agenda of the Special Committee at its next session. Countering terrorism, and the threat that terrorism posed to international peace and security, were priorities that deserved the full attention of the international community. As such, greater transparency and better analytical tools in connection with the response to terrorism and other phenomena that jeopardized peaceful relations between States were in the interests of all Member States. Discussions on how to strengthen the United Nations and its role in maintaining international peace and security were an essential component in combating such threats, and the Special Committee could play a critical role in that regard.

92. **Mr. Guerra Sansonetti** (Bolivarian Republic of Venezuela) said that his country had steadfastly defended the purposes and principles enshrined in the Charter of the United Nations and appreciated the work of the Special Committee. The reform of the United Nations was a priority in order to achieve a better balance between the Organization's main bodies and to strengthen its leadership in the areas of international cooperation, sustainable economic development and social progress; peace and security; human rights; and the rule of law.

93. The sanctions established by the Security Council under Chapter VII of the Charter should be imposed only when the peaceful conflict-resolution mechanisms recognized under international law, including in the Charter, had been exhausted, as such sanctions could have collateral effects on the general population of the affected States and other actors. Any other punitive measure applied by any State without the consent of the Security Council was illegal and should be considered a unilateral coercive measure.

94. In that regard, his Government condemned the cruel and criminal policy under which the Government of the United States was intensifying its illegal and inhumane coercive measures against the Bolivarian Republic of Venezuela and other Member States in order to advance its national political agenda, in violation of the principles of the Charter and international law. In the context of the great suffering caused by the current pandemic, the arbitrary imposition of such systematic and far-reaching collective punishments amounted to a crime against humanity.

95. The Government of the United States, waging a propaganda campaign built on fabricated evidence, was using a group of States of the American continent to promote the use of armed force against the Bolivarian Republic of Venezuela through the illegal invocation of the Inter-American Treaty of Reciprocal Assistance, to which his country was not a party. That group of States was violating the right to peace and security of the Venezuelan people; disregarding the authority of the Security Council to determine what constituted a threat to international peace and security and to authorize the legitimate use of force; and ignoring the primacy of the obligations of signatories of the Charter over obligations under other international agreements, as provided for in Article 103 of the Charter.

96. In addition to manipulating a regional treaty, the United States Government sought to justify its military aggression against Venezuela through the improper application of Article 51 of the Charter, refusing to recognize the Security Council's authority to investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, as provided for in Article 34 thereof. Through its manoeuvres, the United States Government was straying ever further away from what was permissible under international law; it was therefore time for the Security Council to determine that, without its authorization, States did not have the legal capacity to grant themselves licence to use military aggression against a State Member of the Organization.

97. It was unacceptable that the right to self-defence was being deliberately misconstrued to justify aggression against other States. Force must not be allowed to prevail over the rule of law under any circumstances. His Government reiterated its condemnation of the United States Government for its systematic threats to use military force against the Bolivarian Republic of Venezuela. Such threats demonstrated both the willingness of the United States Government to endanger the peace of the Venezuelan nation and the entire region, and that Government's

failure to comply with its international obligations under the Charter.

98. Lastly, his Government reaffirmed its commitment to the principles of the Charter and of international law. At a time when some States were opting for unilateralism – with the aim of undermining the independence, sovereignty, territorial integrity, self-determination and right to peaceful coexistence of Member States – those principles were more important than ever.

99. **Ms. Ighil** (Algeria) said that her delegation continued to support the work of the Special Committee, which made an important contribution to the maintenance of international peace and security, the promotion of the principles of international law and the peaceful settlement of international disputes. Her delegation also supported the efforts undertaken by Member States to consider ways and means to enhance the efficiency of the Special Committee and its working methods and to ensure greater interaction and substantive discussions on proposals before the Special Committee, all of which merited due consideration.

100. Her delegation encouraged the Special Committee to continue its in-depth consideration of all proposals pertaining to the maintenance of international peace and security. It had concerns about the impact of sanctions, in particular in relation to the implementation of the provisions of the Charter concerning assistance to third States affected by the application of sanctions. Sanctions must be applied in strict accordance with the Charter and the relevant principles of international law, and only as a last resort, in order to minimize any adverse consequences for vulnerable groups, civilian populations and other States. Thus, the objectives of and legal basis for sanctions, and the time frame for their implementation, must always be clearly defined.

101. As the United Nations marked its seventy-fifth anniversary, her delegation reiterated the importance of full respect for the provisions of the Charter, including those related to the functions and powers of the principal organs of the United Nations and the maintenance of an appropriate balance among those organs. Algeria continued to support the revised working paper submitted by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes, and looked forward to positive consideration of the revised guidelines at the 2021 session of the Special Committee. Her delegation noted with appreciation the fruitful exchange held under the thematic debate at the 2020 session, which had provided

an opportunity for States to exchange information on best practices regarding the use of conciliation.

102. Her delegation commended the progress made in compiling the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and welcomed the efforts made to address the backlog in preparing those publications, including in all official languages. That issue should be given priority and adequate resources should be allocated to it.

103. **Mr. Park** Young-hyo (Republic of Korea) said that his delegation reaffirmed its commitment to upholding the Charter in letter and spirit. It appreciated the ongoing efforts to ensure transparency and due process in respect of United Nations sanctions, which were important tools under the Charter for maintaining and restoring international peace and security. The Secretariat should increase its engagement with the private sector concerning the implementation of sanctions.

104. It was a matter of continued concern to his delegation that many proposals and working papers of the Special Committee were duplicative of items under consideration by other United Nations forums or provided little added value. Serious consideration should be given to rationalizing the work of the Special Committee, including by retiring stagnant topics and biennializing its sessions.

105. His delegation commended the Secretariat for its efforts to update the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and noted the progress made towards eliminating the backlog in their preparation. It hoped that best practices, such as the introduction of new technologies, would be shared between the bodies responsible for the two publications. It had sponsored an associate expert to work on the *Repertoire* and would continue its efforts to identify competent academic institutions for possible cooperation on the *Repertory*.

106. His delegation reiterated that the United Nations Command had been legitimately established and that the Special Committee was not the appropriate forum to discuss its status.

107. **Mr. Liu** Yang (China) said that the current COVID-19 pandemic highlighted the need to reform and improve the global governance system, a process in which his delegation would actively participate. In the face of mounting global challenges, the international community should remain committed to multilateralism and uphold the role of the United Nations in international affairs. The purposes and principles of the Charter were not only fundamental in governing

international relations but were also the cornerstone that ensured the stability of the international order.

108. His delegation supported the continued work of the Special Committee, as mandated by the General Assembly, and appreciated the discussions held over recent years on such issues as United Nations sanctions and the prohibition of the use of force. In order to fulfil the solemn commitment they had assumed under the Charter to maintain international peace and security, and in view of the principle of sovereign equality, all Member States must oppose unilateralism and hegemony.

109. Sanctions were a means rather than an end and should further political solutions to problems. The Security Council should take a prudent and responsible approach to the application of sanctions, which should be consistent with the Charter and the relevant principles of international law. Sanctions should not be imposed until all other peaceful means had been exhausted and their impact on the general population and third States should be minimized. Member States should enforce sanctions in strict compliance with the relevant Security Council resolutions and oppose the imposition of additional unilateral sanctions in contravention of the Charter, since such sanctions would undermine the effectiveness and authority of United Nations sanctions.

110. China supported further discussion by the Special Committee of the proposal that an advisory opinion be requested from the International Court of Justice on the legal consequences of the resort to the use of force by States without prior authorization by the Security Council; such an advisory opinion could help clarify the rules of international law on the prohibition of the use of force, as contained in the Charter.

111. As a founding member of the United Nations and a permanent member of the Security Council, China had always been committed to promoting the peaceful settlement of international disputes and had played a positive role in resolving international and regional issues. Disputes should be settled by the concerned countries through peaceful means such as negotiation and consultation. The choice of dispute resolution methods and their application should be based on the principle of national consent, with full respect for the right of each State to choose independently its own means of dispute settlement.

112. **Mr. Al Reesi** (Oman) said that Oman remained committed to the Charter of the United Nations, from which were derived such peremptory norms as respect for the sovereignty of States, non-interference in the internal affairs of States, neighbourly relations among

States, the prohibition on the threat or use of force, the peaceful settlement of disputes, the maintenance of international peace and security, and mutually beneficial cooperation. His delegation welcomed the proposals made in the report of the Special Committee and supported all genuine endeavours to develop the United Nations, its working mechanisms and its subsidiary bodies with a view to making them more responsive to the needs of States, provided that such endeavours did not conflict with the Charter. In particular, it welcomed proposals to strengthen the pivotal role of the General Assembly and the Security Council in maintaining regional and international peace and security. It believed that preventive diplomacy should be attempted before the imposition of coercive measures. The latter should be legally founded and should be imposed only by the Security Council, as a last resort and for a limited duration.

113. **Ms. Lahmiri** (Morocco) said that all efforts to prevent, mediate and resolve disputes must be guided by the primacy of the Charter, the strength of which lay in its contemporary relevance and universal nature. The peaceful settlement of disputes also required respect for international law, including international humanitarian and human rights law.

114. The General Assembly and the Security Council must respect the provisions of the Charter with regard to their respective functions and powers. The preservation of the balance between them was a *sine qua non* for the achievement of their mandates and for the effectiveness of the entire Organization. As stated in Article 12, paragraph 1, of the Charter, while the Security Council was exercising in respect of any dispute or situation the functions assigned to it in the Charter, the General Assembly should not make any recommendation with regard to that dispute or situation unless the Security Council so requested.

115. Respect for the Charter would strengthen international peace and security. The actions of States and the international community must be guided by the purposes and principles of the United Nations, as enshrined in the Charter. In particular, the international community must ensure respect for the cardinal principles of the sovereign equality, territorial integrity and national unity of States. The principle of territorial integrity had governed relations between States long before the advent of international organizations or the development of *jus cogens*.

116. Her delegation reaffirmed its full support for continued efforts to revitalize the work of the Special Committee and improve its working methods, efficiency and use of resources. The strength of multilateral action

lay in the capacity of the international community to adapt to changes and develop appropriate partnerships to accelerate a common response to global emerging challenges.

The meeting rose at 5.35 p.m.