

INTERNATIONAL HUMANITARIAN LAW - ENHANCING MONITORING, IMPROVING COMPLIANCE

Co-chaired by the European Union, France and Germany

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Ministers,

Your Excellencies,

Ladies and Gentlemen,

I would like first to thank France, Germany and the EU for inviting me to this important event. I feel honoured and I know I am privileged to be able to convey to you, members of the UN General Assembly, what we, experts and scholars, believe could enhance monitoring and improve compliance with IHL.

We all know what is at stake. What is at stake are sick and wounded persons being bombarded in their hospital beds. What is at stake are entire cities and livelihood destroyed in urban warfare, and children dying of hunger because of impediments to humanitarian access.

But I believe we would be wrong to consider that, in armed conflicts, there are only victims. In fact, there are also women, men and children, be they members of the civil society, state armed forces or who belong to armed groups that **act** every day for a better implementation of IHL.

For instance, in the ICRC project called 'IHL in **Action**', we learn that soldiers aborted an airstrike that they had been authorized to carry out because of their own assessment that the civilian casualties would be too high. We also learn that some armed groups have committed to ban the total use of antipersonnel mines or that parties to armed conflict often sign agreements to release detainees.

People **act** when they claim the respect of their rights in Human Rights Courts and mechanisms. The Geneva Academy's research has shown how this could be positively used for IHL implementation.

And we are, after all, gathered here today, within the framework of a '**Call for Humanitarian Action**', in which the states that have supported this call, have pledged and I quote 'to take concrete and substantial steps in order to implement' their obligations under Common Article 1 of the Geneva Conventions.

With this in mind, I would like to propose two means that could help us act in favour of a better respect for IHL.

- **First, to act, we need clear, detailed and solid data.**

We have all witnessed how data was important for policy makers in the context of the COVID pandemic. What age range was most at risk, how the virus was transmitted, if the measures taken were efficient or not were at the source of the course of action decided by governments.

Obviously in an armed conflict, collecting data is much more challenging. Security issues, lack of access to certain zones, or the fear of victims to testify explain in part these difficulties. Despite these challenges, great datasets have been created such as the WHO surveillance system for attacks on health care, the Aid Worker Security Database or the Internal Displacement Monitoring Center established by NRC. Recently, an initiative on collecting data on attacks on education in armed conflict has been launched by Education Above All Foundation. These are essential and useful tools that help guide and shape policies.

That said, we need more.

While it is clear that both states and armed groups are concerned, it still remains rather difficult to know with more precision which acts are committed by which actors. When it comes to monitoring, I believe we would need to be more specific in identifying the acts committed by armed groups and those committed by states. Approaching parties to an armed

conflict, with approximation and factual generalization is indeed a too easy way out for them to claim they are not responsible. Like in the COVID pandemic, the more information we have the better we can assess the situation and adopt efficient responses.

- **And this brings me to my second point.**

Among the measures proposed by some states to improve compliance of IHL is the system of **state voluntary reporting on IHL implementation at the domestic level**. The benefits of such reporting lie notably in the process: collecting information, identifying gaps and problems, and generating discussion between different stakeholders at the national level.

This is a great idea, but something is missing because it addresses only one part of the problem.

Indeed, the majority of contemporary armed conflicts involve armed groups. Obviously, there is no mechanism of self-reporting foreseen for them and usually armed groups are left out of the system when it comes to discussing IHL issues, including on implementation.

For several years now, the UN Secretary General, in the reports on the protection of civilians has repeatedly called for sustained engagement with armed groups in order to enhance compliance. In the Call for Humanitarian Action, France and Germany proposed to, I quote 'support the provision of training to non-state armed groups on how to respect international humanitarian law and facilitate principled humanitarian action'. This is essential as it is not uncommon that armed groups only have a very general knowledge of the obligations they are bound by.

I believe that another necessary measure to support a better implementation of IHL **is to include armed groups in the debates and understand their interpretation of core humanitarian norms**: Who do they consider to be a civilian? How do they understand the notion of impartiality in humanitarian access? What precautions, what concrete measures do they take prior to a military operation taking place in a populated area?

At the Geneva Academy, I am leading a project in collaboration with Geneva Call and NRC, on precisely collecting the views of a selected number of armed groups on core IHL issues, including on conduct of hostilities, the prohibition of forced displacement and the protection of the medical mission. The project is entitled 'From Words to Deeds', because we are convinced that it is essential to listen to what armed groups have to say about IHL, increase their ownership of the norms so as to be able to translate their words **into acts that comply with the law.**

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We have in our hands tools that provide us with data and facts, research that tries to understand the causes of the violations committed by all parties to an armed conflict. Of course, more research and more data should be collected. But if we want to enhance monitoring and compliance with IHL, at some point, we just need to do it, because as the saying goes, action does speak louder than words.

Thank you for your attention.