



EUROPEAN UNION

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EU Statement on International Humanitarian Law

The European Union and its Member States commend the Armenian FSC Chairmanship for including this important topic on today's agenda. We thank the key-note speakers for their presentations.

Mr. Chairperson, unfortunately, conflicts still constitute a sad reality in parts of the OSCE area. This is despite the OSCE's efforts to strengthen security in Europe by preventing and settling conflicts as well as strengthening democratic institutions and promoting human rights, both of which are indispensable prerequisites for peace and security.

International Humanitarian Law is the strongest legal tool at the disposal of the international community and a key element of our policies to protect human lives and limit destruction during armed conflict. In light of continuing and widespread violations of IHL, including within the OSCE area, it is in the common interest of all OSCE participating States to promote the respect for and compliance with IHL.

This is even more so in the current circumstances due to the ongoing Covid crisis which has amplified the impact of conflicts, putting additional pressure on the protection of civilians in conflict areas. The direct and indirect effects of the pandemic are felt most by populations already affected by humanitarian crises and conflicts, such

as migrants, refugees, internally displaced persons and children.

The EU and its Member States support continued discussions on respect and implementation and, where appropriate, further strengthening of IHL and the humanitarian principles. We particularly acknowledge the important role of the International Committee of the Red Cross as a guardian and promoter of international humanitarian law and as one of our most trusted humanitarian partners. We express our appreciation for the ICRC's strong commitment and dedication in providing assistance to those most in need, often in very challenging operational contexts, including in the OSCE area, be it in and around Nagorno-Karabakh, eastern Ukraine or in Georgia. To fulfil its role, the ICRC must be able to act with complete independence, impartiality and neutrality and gain direct access to those who need its help. We call on all participating States to facilitate the work of the ICRC to the maximum. On our side we are determined to continue to support the ICRC, politically as well as financially.

The EU and its Member States will continue to implement a broad range of actions to ensure better compliance with International Humanitarian Law. Our annual reports on the implementation of the 2009 EU Guidelines on Promoting Compliance with International Humanitarian Law, which are public, are meant to survey and summarize action taken across the European Union to promote compliance with IHL as well as to provide recommendations on the improvement and reinforcement of further efforts in this area. Moreover, the EU and its Member States submitted eight common pledges during the 33rd session of the International Conference of the Red Cross and the Red Crescent in 2019, on important IHL topics such as protecting humanitarian and medical personnel, protecting cultural property, support for the International Criminal Court and the humanitarian impact of climate change. We, including the EU Special Representative for Human Rights, who has a strong political mandate related to the IHL, are committed to promoting the ratification and implementation of instruments reinforcing the IHL such as the Anti-Personnel Mines Ban Treaty, the Arms Trade

Treaty, and the Convention on Certain Conventional Weapons. Our capacity-building missions, deployed within the EU Common Security and Defence Policy in different areas of the globe, have a strong focus on specific IHL training as well.

In two weeks, we will hold another Security Dialogue on the challenges of new generation warfare. We look forward to this important discussion. We recall that new technologies should be developed and used in full compliance with IHL, with a view to the protection of civilians.

In relevant OSCE meetings, we continue to urge the States to respect the IHL in conflict situations. Following the agreement on the cessation of hostilities in and around Nagorno-Karabakh we call on the parties to exchange prisoners of war and detainees, to repatriate human remains as well as to guarantee humanitarian access and the best possible conditions for the voluntary, safe, dignified and sustainable return of the displaced populations in and around Nagorno-Karabakh. The issue of the return of IDPs and refugees to their homes in conflict affected regions of Georgia is also high on our agenda, and in this context we again call on Russia to ensure proper follow-up of the ruling of the European Court of Human Rights of 21 January 2021, and to constructively engage in related GID discussions. We have also raised our concerns about the lack of progress on the exchange of detainees in implementing the N4 Summit decisions, the persistent refusal by the Russia-backed armed formations to grant the ICRC access to the conflict-related detainees. Furthermore, we are concerned about violations of the Geneva Convention by the Russian Federation through its intimidation measures against civilians, specifically from the Crimean Tatar community and continuous conscription campaigns in the illegally-annexed Crimean peninsula. We also continue to highlight the importance of mine action for the benefit of civilian population in conflict areas.

Mr. Chairperson, in mid-June, under your Chairmanship, we will have an opportunity for an in-depth discussion on the implementation of the Code of Conduct on Politico-

Military Aspects of Security. Essential elements of the Code of Conduct include references to the legally binding provisions of International Humanitarian Law and international criminal law. We recall that one of the principles of the implementation of democratic control of the armed forces is the development of educational measures, with a focus on military but also civilian instruction. This involves training on such issues as human rights and international humanitarian law, in particular the Geneva Conventions and their Protocols.

Mr. Chairperson, we thank you for the opportunity to exchange perspectives on this important topic.

The Candidate Countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO* and ALBANIA*, the EFTA countries ICELAND, LIECHTENSTEIN and NORWAY, members of the European Economic Area, as well as GEORGIA, ANDORRA and SAN MARINO align themselves with this statement.

* The Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.