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## **70 Years Geneva Conventions – relevant as ever**

Speech by Ambassador Andreas Baum at the occasion of the ICRC/AALCO event on the 70 years anniversary of the Geneva Conventions, New Delhi, 15.11.2019

Excellencies, honoured guests, ladies and gentlemen,

Let me start by thanking the ICRC and AALCO for organizing this day, and for the invitation. It is a real pleasure to be here with you today to celebrate the 70th anniversary of the Geneva Conventions.

I would like to start with a short historical perspective. The roots of modern international humanitarian law or IHL lie in the 19th century and much of it traces back to Henry Dunant, a Swiss businessman who initiated the Red Cross movement. Appalled by the suffering of the soldiers who were left unattended after the Battle of Solferino in 1859, Dunant returned to Geneva with the ambition to elaborate an international convention that would shield wounded soldiers from attacks and guarantee them appropriate medical treatment.

In 1864, only five years later, the first Geneva Convention was adopted. This short text of 10 articles advocated the protection and respect of wounded soldiers and the neutrality of medical personnel and chaplains. It thereby laid the basis for IHL. Since 1864, several IHL instruments were adopted. Nevertheless, it is only in 1949 that a real quantum leap in the development of IHL occurred with the adoption of the four Geneva Conventions. In

1977, Additional Protocols I and II, and in 2005, Additional Protocol III to the Geneva Conventions were adopted to further develop and supplement the Geneva Conventions. The Additional Protocols significantly improved the legal protection of victims of both international and non-international armed conflicts.

As the depositary state of the Geneva Conventions and their Additional Protocols, Switzerland is very much committed to IHL. This is due to our humanitarian tradition and to the fact that Geneva, the birthplace of the Geneva Conventions, is the cradle of IHL. The respect, promotion and reinforcement of IHL are key to Switzerland's foreign policy. Switzerland is of course also a State party to the Geneva Conventions. In fact, Switzerland was the first State to ratify the Geneva Conventions on 31 March 1950. Since, a total of 196 states have ratified them, which makes them the international treaty ratified by the largest number of states. This is an extraordinary success of multilateralism and represents a unique and universal commitment by States to our common humanity.

This universal commitment – and this is the main message I intend to offer to you - works, and it is as relevant today as ever. Over time, the Geneva Conventions and their Additional Protocols have proven to be successful. Every day, they save lives and contribute to preventing or reducing human suffering in war. Every time a commanding officer calls off an attack against a military target because the number of collateral civilian casualties would be unacceptably high, international humanitarian law has scored a victory. Every time an ICRC delegate provides essential humanitarian assistance to a

detainee, international humanitarian law has scored a victory. Every time a front-line hospital continues to provide care for its patients, international humanitarian law has scored a victory. These victories may not make headlines, but they are important, they are relevant, and most of all they help humans in need.

The strength of the Geneva Conventions lies in the simplicity of their core aim: to reduce human suffering in war, by simply stating that parties to a conflict have an obligation to protect all persons who do not participate, or do not participate any longer, in the hostilities, which includes civilians, wounded soldiers and prisoners of war.

The application of these rules are, of course, challenging. They strike a balance between the requirements of military necessity and considerations of humanity. Although belligerents are permitted to conduct military operations, they must as far as possible avoid causing civilian casualties. Certain red lines must not be crossed: killing a soldier who has surrendered, shelling a hospital, subjecting anyone to torture and denying medical care to the wounded or ill – all those are unacceptable.

It is true, violations of IHL persist, causing devastating and unacceptable humanitarian consequences. Indeed, in 2018 alone, there were 221 attacks on humanitarian workers – and the number of civilians killed is beyond counting. As terrible and unacceptable as those violations are, the existence of such violations does not imply that IHL is no longer relevant or has become inadequate. Rather the opposite, it suggests that our efforts to assure the respect for IHL are too often insufficient. A sustained effort is required to assure that IHL continue to

guarantee the protection of victims of armed violence. I hence applaud the choice of today's organisers who decided to focus in the first panel on the implementation of IHL. We can have the best texts on paper, but it is only through implementation that the words become action.

The nature of conflicts has evolved in the last 70 years, and they will continue to evolve. To be clear, this does not alter the applicability nor the relevance of the Geneva Conventions and their fundamental humanitarian message. However, it is important to discuss the evolving nature of conflicts, and how the Geneva Conventions can apply. Today's second panel will precisely look at one such contemporary challenge, the applicability of IHL in the fight against terrorism. I have no doubt that it will be an interesting discussion.

The evolving nature of the world generally, and of conflicts, might occasionally also call for further clarification. Indeed, the Geneva Conventions have repeatedly been specified to include new developments arising from a constantly changing world. I am, of course, referring to the three Additional Protocols. While the Geneva Conventions are universally ratified, the same is not yet true for their Additional Protocols, despite a trend towards wide acceptance. Today, there are 174 States party to AP I, 168 States party to AP II and 76 States Parties to APIII. Therefore, approximately 85 percent of States party to the Geneva Conventions (196) are today parties to Additional Protocols I and II, setting them among the most widely ratified international instruments. However, as we have seen, they are sadly not yet universally ratified. The 70th anniversary of the Geneva Conventions is a real opportunity to renew efforts to ensure that

the Additional Protocols attain the same degree of universality as that enjoyed by the Geneva Conventions.

Indeed, I believe that the 70 years anniversary would be an opportune moment to increase the ratification of all three additional protocols. And it is a moment to reiterate the fundamental importance of the Geneva Conventions. They have saved innumerable lives over the last 70 years, and with our continued commitment they will continue to do so for years to come.