

Statement by Ambassador Gerard Corr
Permanent Representative of Ireland to the United Nations Office at Geneva
at the 31st International Conference of the Red Cross and Red Crescent
on Strengthening International Humanitarian Law
28 November 2011

Madam Chairman,

I would firstly like to commend the International Committee of the Red Cross for its very clear report on 'Strengthening legal protection for victims of armed conflicts.' Ireland shares many of the conclusions reached in the report.

We agree that by and large the existing rules of International Humanitarian Law remain sufficient to protect the victims of armed conflict. Where in the past they have not been sufficient, such as in cases of weapon systems that cause indiscriminate harm to civilians, we have been among those who have promoted the development of new instruments to prohibit or regulate the use of these weapons. In this respect the Irish Government was honoured to have hosted and chaired the diplomatic conference in Dublin in 2008 that adopted the Convention on Cluster Munitions.

We agree with the ICRC that in a number of areas the present rules require clarification or development. In our view this is clearly the case with regard to procedural safeguards regulating detention in non-international armed conflict. Of the four areas identified in the report as possibly requiring a stronger legal framework or new normative action, Ireland agrees that the main initial focus should be given to areas of protection of persons deprived of liberty, especially in situations of non-international armed conflict – for example, in overcrowding – and also mechanisms for ensuring compliance with international humanitarian law. But focus on these areas should not be at the expense of other gaps that need to be addressed. Ireland agrees, for example, that the laws protecting IDPs may need to be strengthened: the ability of people to return to their homes under satisfactory conditions, for example.

However, in our view the greatest current obstacle to the protection of victims of armed conflict is the frequent failure by both the armed forces of states and non-state armed groups to respect the existing rules. This failure may occur for a number of reasons – lack of knowledge of the law, absence of political will to ensure respect for the law or, indeed, tolerance or promotion of a culture of impunity.

It goes without saying that if the existing rules were followed much of the human suffering in contemporary armed conflicts would not occur. Where they are not followed there must be accountability. Successive Irish Governments have consistently advocated the effective investigation and prosecution of violations of international humanitarian law. For this reason Ireland has been a consistent and strong supporter of the International Criminal Court, recognising it as an essential means of ending a culture of impunity and of ensuring respect for international humanitarian law at the highest levels.

In addition, however, we agree with the conclusions of the ICRC Report that serious consideration must now be given to developing effective, independent and neutral means of monitoring

compliance with IHL during a conflict and ensuring that violations can be prevented or stopped. For various reasons the existing mechanisms established within the framework of IHL have not been able to do this and as a consequence it has been left to other bodies to attempt do so on an ad hoc basis, such as the Human Rights Council has done in the past.

Ireland looks forward to working with the ICRC and others to develop ideas that would strengthen the effectiveness of IHL in its central task of protecting the defenceless in time of war.