

I. International Law in General

United Nations Decade of International Law — Australian Statement

On 16 November 1995, Mr James Baxter made the following statement for the Australian delegation to the United Nations Sixth Committee of the General Assembly concerning the United Nations Decade of International Law:

Mr Chairman

From the point of view of my delegation, this middle year of the Decade has been an important year for the international humanitarian law agenda. Australia has participated in 1995 in the Intergovernmental Group of Experts Meeting for the Protection of War Victims, and the beginnings of the review of the 1980 Inhumane Weapons Convention. We now look forward to contributing to the successful outcomes of the 26th International Conference of the Red Cross and Red Crescent, which is to take place in December of this year.

The changing nature of armed conflict in recent years—more often occurring at a non-international level, with civilian populations deliberately targeted and terrorised—presents increasing challenges to the traditional rules and principles of international humanitarian law. I should accordingly like to direct this statement to the importance of developing the laws of armed conflict during the Decade of International Law.

The Decade's objectives of promoting acceptance of and respect for international law, and of encouraging its dissemination, are crucial for the continued relevance of international humanitarian law in today's dynamic environment, which has posed so many new questions for the international community about the rules we are used to working with. The sheer volume of armed conflict during the 1990s is another, if tragic, reason for us all to be focusing our efforts on maximising the utility of the laws of armed conflict during the Decade of International Law.

Australia is strongly committed to developing and strengthening international humanitarian law in light of current trends. To this end, Australia hosted the Second Regional Conference in International Humanitarian Law in December 1994. The Conference brought together over 160 regional Red Cross, Red Crescent, government, military, academic and other non-governmental representatives, sharing a breadth of experience and knowledge in international humanitarian law.

Using the Final Declaration of the War Victims Conference as its reference, the Regional Conference sought to identify and explore fundamental issues in the field of international humanitarian law, such as enforcement, peacekeeping and peacemaking in armed conflict, the problems of sexual violence and crimes against women and children in armed conflict, the protection of cultural property and the use of landmines in armed conflict.

First and foremost, the Conference produced a forum for dialogue on these most pressing issues of international humanitarian law. It promoted discussion of domestic difficulties regarding the implementation and dissemination of

international humanitarian law from common perspectives and also sought to develop solutions to such problems in the regional context. Furthermore, the Conference agenda raised awareness of the inter-relationship between international humanitarian law and general international law issues. Lastly, it encouraged a strong regional base for contributions to the global effort to revitalise international humanitarian law. My delegation notes that the official proceedings from the conference have been compiled in the text entitled "Shelters from the Storm—Developments in International Humanitarian Law"; this is intended to provide a valuable teaching and dissemination resource, and has been distributed widely to that end.

My delegation looks forward to participating in future regional conferences on a regular basis, and to developing a consensus of regional ideas aimed at strengthening the existing rules and principles of international humanitarian law.

Continuing the momentum on international humanitarian law at this time, the Australian Red Cross Society recently sponsored the establishment of an International Humanitarian Law Chair at the University of Melbourne which, as only the third of its kind in the world of which we are aware (the others being located in Germany and The Netherlands), will contribute to a wider understanding of international humanitarian law on the national, regional and international levels.

Mr Chairman

The recent level of activity in the field of international humanitarian law has demonstrated that many States believe that more needs to be done to ensure proper observance of the existing laws of armed conflict. In addition, there are areas where existing rules need to be updated or supplemented by new ones. My delegation notes with satisfaction the work that has been done by the International Committee of the Red Cross and others on the protection of the environment in times of armed conflict, and encourages the continuation of this work with a view to further consideration by Member States during the Decade.