



INTERVENTION BY THE HEAD OF THE COLOMBIAN DELEGATION, H.E. AMBASSADOR JUAN JOSÉ QUINTANA, AT THE THIRD MEETING OF STATES ON STRENGTHENING COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW

Geneva, 30 June and 1 July 2014

Mr. Chairman,

Distinguished Delegates,

My delegation attends this meeting in a constructive spirit and with a desire to contribute to the ongoing debate on the need to strengthen compliance with the rules and principles of international humanitarian law, which is vitally important in order to protect civilians and other victims of armed conflict.

The Colombian State is a party to the Geneva Conventions and their Additional Protocols, as well as to numerous international instruments which complement them. It has also a very advanced legislation in this area, including a Criminal Code that contains an entire chapter focused on breaches of IHL.

We have also internalized IHL at all levels in the State machinery and have incorporated its rules and principles in many administrative and regulatory documents, as well as in the operational doctrine of the Armed Forces. This includes a system of extended protection, legal advisors on permissible uses of force and an overhaul of training and instruction of the Forces in full conformity with IHL.

We have implemented these actions with the assistance and active cooperation of the ICRC Delegation in Colombia, which has been active in the country for many years and has become the largest delegation of the organization in the Western Hemisphere.

For these reasons, Colombia takes very seriously its obligation not only to respect, but also to ensure respect for humanitarian rules in all circumstances.

This is even more important if you consider that for decades my country has suffered from the effects of a non-international armed conflict, which has claimed, and continues to claim, countless victims.



For this reason, we know firsthand how necessary it is to ensure that all parties to an armed conflict respect and obey the rules of IHL and therefore we welcome discussions like this, which seek to increase the commitment of the international community with the compliance of these standards.

This is also why when Colombians speak about IHL we are not referring to a theoretical academic discipline: we refer to a very specific set of rules of behavior, on whose application in specific situations depends at a given time the survival of men, women and children in various regions of the country's territory.

I am referring to those who are exposed to attacks and acts of violence perpetrated by illegal armed groups active in Colombia, that is, journalists, religious personnel, medical and sanitary personnel, members of the armed forces who become protected persons by the fact of being injured or out of combat or even combatants who fall victim of means and methods of combat prohibited by IHL.

But I am also referring to people who have no participation in the hostilities whatsoever, and despite this become victims of atrocities clearly proscribed by IHL: peasants who get killed or maimed by landmines and other improvised explosive devices; children who are recruited by armed groups; victims of sexual violence related to the conflict; businessmen and landowners who are "retained" in order to get a millionaire ransom.

Therefore, there cannot be the slightest doubt about the level and degree of commitment of the Colombian State and population with the strengthening of compliance with IHL. Reflecting this, we support initiatives that lead to improve such implementation and we support those who, like the ICRC and the Swiss Government, have taken the lead in this process.

However, in the context of this discussion it is my duty to warn you that we do not consider it pertinent to create new instances or to establish for States additional burdens than those that they already possess.



Colombia does not consider it necessary or desirable to create new mechanisms for the compliance with IHL, as we are convinced that what is required now is to strengthen the commitment of States to ensure the proper functioning of the existing mechanisms, in an articulate and voluntary manner.

In our case, there is also the very special circumstance that at this very moment, while we are gathered here, the government is conducting peace talks with the guerrillas of the FARC to end the armed conflict. Recently, it was also announced the imminent opening of a similar dialogue process with the ELN, which is the other illegal armed group involved in the Colombian armed conflict.

With regard to these negotiations, all I can say at this point is that they are going well and that much progress has been made with the generous support and facilitation of friendly countries, particularly the governments of Cuba, Norway, Chile and Venezuela.

For the first time in many years, Colombians have the hope that the leaders of the illegal armed groups have come to the conclusion that this opportunity for peace cannot be missed and that social and other claims and vindications can be sought by means other than armed struggle and violence.

But while this process is underway you will understand, surely, that for the Colombian State it would be particularly difficult to commit itself in advance with new enforcement mechanisms of IHL.

In the area of fact-finding, for example, Colombia is convinced of the usefulness of the International Humanitarian Fact-Finding Commission and therefore we invite States to give a boost to its effective application, rather than creating new procedures or establishing new entities. We all know that this Commission has been unable to accomplish the task for which it was created, but this should lead us to reflect on the reasons why no situation has ever been submitted to it, rather than creating new bodies.

We also note that at the Second Meeting of States, multiple initiatives developed by the UN, the OAS and the ICRC itself to strengthen humanitarian norms were largely omitted, and from them it is possible to take lessons learned and best practices.



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In general, the compliance system of International Humanitarian Law should tend towards the harmonization of the various initiatives in regional systems and at the universal level.

Colombia would also support the presentation of general reports on the implementation of IHL, but thinks that they should be focused on the exchange of experiences and good practices, on a voluntary basis.

We are unable to support a reporting system that leads to the evaluation of particular situations since, as pointed out by my colleague from Indonesia, such mechanism would lead to a naming-and-shaming scenario, likely to interfere with the sovereignty of States.

We consider that naming and shaming exercises, such as those used in other international fora are not positive or conducive to solving the problems that arise in specific, highly-sensitive situations.

In the field of IHL, in particular, we want to be emphatic that such practices are specially reprehensible because they have the potential to hinder, rather than facilitate, the effective implementation of IHL by parties to conflict. We believe this is a lesson that humanitarian actors, and in particular the ICRC, have learned from the very beginnings of the humanitarian movement.

Thank you very much Mr. Chair.