



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 1 December 2009

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**COJUR 24
CONUN 134
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"I/A ITEM NOTE

from: Political and Security Committee
to: Coreper/Council
Subject : **Draft Council Conclusions on Promoting Compliance with International Humanitarian Law**

1. The Working party on International Public Law (COJUR) decided to draft Council conclusions on IHL and finalised the text using a written procedure.
2. The Political and Security Committee discussed the draft conclusions at its meeting on 1 December and agreed on the text in the annex.
3. Coreper is therefore invited to examine the above text at its meeting on 3 December and to invite the Council to adopt it at its meeting on 8 December as it appears in the Annex.

ANNEX

Council Conclusions on Promoting Compliance with International Humanitarian Law

1. In the year of the 60th anniversary of the Geneva Conventions, the Council reaffirms its strong support for the promotion and protection of international humanitarian law (IHL). To this end, the Council has adopted an updated version of the EU guidelines on IHL. It reaffirms its commitment to ensuring their implementation and the importance of continuing to improve the mainstreaming of IHL throughout the external action of the European Union. The Council will continue to give priority to efforts to improve compliance with international humanitarian law by third states and non-state actors in armed conflicts, and to ensure the protection of civilians, who are the most frequent victims of serious violations of IHL.
2. The Council affirms its strong opposition to impunity for serious violations of international humanitarian law and human rights law. The Council confirms that the primary responsibility to investigate and prosecute such violations rests with the parties to an armed conflict or the state party concerned. The Council underlines the important role the International Criminal Court can play in cases where the State or States in question are unable or unwilling to exercise their jurisdiction. The Council emphasizes the importance of dealing effectively with the legacy of serious violations of international humanitarian and human rights law by supporting appropriate accountability mechanisms.

3. The Council underlines the close link between European Union action under the Guidelines on IHL and the EU Guidelines on human rights, including those on children and armed conflict, on violence against women and on torture. In order to strengthen the impact of the European Union's action in support of IHL and human rights, further efforts will be made to ensure coordinated action in selected countries on the basis of all relevant guidelines.
4. The Council reaffirms its intention to improve coherence, complementarity and coordination between the various policies and actions targeting the respect for IHL and the situation of civilians and others affected by armed conflict in the various policy areas, including CFSP/CSDP (Common Foreign and Security Policy / Common Security and Defence Policy), development cooperation and humanitarian aid. The need for respect for international humanitarian law should be raised in all relevant political dialogues with third countries.
5. The Council reiterates the importance of integrating respect for IHL in the full range of EU crisis management efforts, from decision-making to the training of personnel.
6. The Council expresses its intention to redouble the efforts to implement the IHL guidelines in all relevant decision-making instances, in civilian and military missions, in other relevant offices and agencies, and by the special and personal representatives of the High Representative, as appropriate. It invites other EU institutions to do the same.
7. The Council recognizes the importance of strengthening the mandates of the European Union Special Representatives by the inclusion of IHL references, where relevant.

8. The Council recognizes the key role of the Commission in promoting compliance with IHL, *inter alia* under the various financial instruments for external assistance.
9. The Council reaffirms that EU action should support and complement the work of the United Nations, including the implementation of UN Security Council resolutions 1325, 1612, 1820, 1882 and 1888 on children affected by armed conflict and women, peace and security and welcomes Security Council Resolution 1894 on protection of civilians in situations of armed conflict. The Council undertakes to further integrate the protection of civilians in its CSDP missions.
10. The Council calls on states to consider accepting the competence of the International Humanitarian Fact-Finding Commission under Article 90 of Protocol I Additional to the Geneva Conventions of 1949. The Council recalls the role of the International Committee of the Red Cross as guardian of international humanitarian law.
11. The Council underlines that international law, including international humanitarian law, is one of the strongest tools the international community has to ensure the protection and dignity of all persons. The European Union recalls the commitment to respect and ensure respect of the Geneva Conventions in all circumstances. The European Union will continue to do its utmost to promote an international order where no state or individual is above the law and no person is outside the protection of the law.