European External Action Service (EEAS)

Opening remarks for the UN Side Event on Humanitarian Diplomacy that Safeguards International Humanitarian Law

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In 1952, Hersch Lauterpacht wrote that if international law sits at the vanishing point of law, then the law of war sits at the vanishing point of international law.

Today, that observation has never been truer.

In Ukraine, Sudan, Ethiopia, Haiti, Myanmar, Gaza, Yemen, and elsewhere, the principles of International Humanitarian Law are being violated in front of our eyes. Civilians are murdered. Hospitals and schools are targeted. Humanitarian access is blocked.

There is also no sign that warring parties want to limit barbarity. On the contrary. In Ukraine, Russia is now deliberately targeting civilians and destroying the infrastructure that helps feed people around the globe. Ninety percent of Ukraine's food storage capacity is gone.

Tom (Fletcher) you said it yourself after the fall of El Fasher: there are limits today not only on what humanitarians can do, but on the UN's authority to save lives at all.

We are where we are for a simple reason: the law is not being enforced.

Our first task is to strengthen the respect for the law:

Through diplomacy, awareness, and outreach — which is what brings us here.

By sharing best practices;

And by adapting our approach as conflicts evolve. Hadja will speak shortly on lessons from the DRC and Lebanon.

In the European Union, we have just published a report examining how well we apply our own guidelines on compliance with International Humanitarian Law. There is room to do better, and we intend to do so.

Our second task is to work on accountability.

International law has never been more developed or more accessible. The law is not the problem, impunity is. And impunity breeds impunity.

The law and power politics have always danced a tense tango. At best, they align. At worst, power bends the law by force. That is what is happening today.

But law is not physics. It is a human construct that is ours to build and also to enforce.

We do this in three ways.

First, we defend the mechanisms we already have to uphold International Humanitarian Law — domestic courts as well as international courts, the International Court of Justice and the International Criminal Court, the ICC.

Contrary to what should be happening, the ICC is now under immense pressure.

Pressure against the ICC and its judges are not about one institution. They raise the question of commitment to the international legal order built in the wake of the Second World War.

And let us not forget, the ICC is the world's promise that victims of the gravest international crimes will not be forgotten because accountability has become politically inconvenient. We must protect it.

Second, where existing mechanisms fall short, we build new ones.

Nuremberg. Tokyo. The tribunals for the former Yugoslavia and for Rwanda. The Special Tribunal for the Crime of Aggression against Ukraine. Where there is a will to deliver justice, there is always a way.

Third, we ensure legal cases can be properly built.

In Syria, long before Assad fell, the European Union backed those documenting war crimes, including torture committed in the infamous Sednaya prison.

Recently, we helped establish the UN-led investigation in Afghanistan, although its future depends on funding. We all need to put our money where our mouths are.

And in Gaza, as discussions begin on clearing the rubble, it is essential to ensure that any evidence of potential war crimes is not destroyed.

Be it in Syria, Afghanistan, Gaza, or anywhere in conflict, accountability cannot be selective or else the entire system is called into question. We cannot afford to let this happen.

Lauterpacht, for all his warnings about the law of war, also put the individual at the centre of international law. He was the architect of International Humanitarian Law. And no one understood its ultimate power better than he: the law always is a chance for progress.

That belief is why we are here — why we keep strengthening humanitarian diplomacy, defending the law, and fighting not only to ensure it exists on paper, but is also applied in practice.

Thank you.

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