



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

Main Committee

**60TH ANNIVERSARY OF THE
GENEVA CONVENTIONS**

SPEECH

Wednesday, 19 August 2009

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

SPEECH

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| <p>Date Wednesday, 19 August 2009 Page 8428 Questioner Speaker Robert, Stuart, MP</p> | <p>Source House Proof No Responder Question No.</p> |
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Mr ROBERT (Fadden) (10.02 am)—On behalf of the opposition I am very pleased to rise in support of the Attorney-General's motion on the 60th anniversary of the four Geneva conventions of 1949. History well tells that on 12 August 1949 the international community took an enormous step in the name of humanity in adopting the four Geneva conventions to protect the victims of armed conflict. Fresh from the horrors of World War II—with the displacement of nations, the death of tens and tens of millions of military personnel and civilians and the revulsion of destroyed lives, shattered cities and wrecked nations—the world stood up with a determination to do something concrete and to provide a set of rules on how armed conflict should occur.

Whilst recognising that armed conflict is indeed inevitable, freedom is for those alone who are prepared to fight for it. Whilst recognising the inevitability of conflict—and it continues today and will continue tomorrow—the conventions recognise that conflict should be engaged in within a set of broad parameters. It is a sad indictment that in 1986, the International Year of Peace, there were 46 wars raging around the globe.

The conventions make comprehensive provisions for those who are most vulnerable: the wounded on the battlefield, the shipwrecked, prisoners of war and civilians who find themselves in the hands of the enemy. They also recognise emblems of the Red Cross and the Red Crescent. Of course, protocol 3, adopted in 2005, added the Red Crystal. The conventions require respect and protection of those symbols.

Of the four conventions signed in 1949, now known as the Geneva conventions of 1949 or simply the Geneva conventions, the first relates to the amelioration of the condition of wounded and sick in armed forces in the field and the second to wounded, sick and shipwrecked members of armed forces at sea. The third Geneva convention relates to the treatment of prisoners of war and the fourth to the protection of civilian persons in time of war.

The conventions and indeed three protocols followed in 1977—protocol 1, the protection of victims of international armed conflict; protocol 2, the protection of victims of noninternational armed conflicts; and protocol 3, in 2005, the adoption of an additional distinctive emblem. The conventions and their protocols provide for measures to deter violations. It is the solemn duty of all states to stand up and recognise the conventions and the associated protocols and to adopt them, not just in good faith but in hard standing. It is the duty of all states to investigate, to prosecute and to punish those guilty of breaches, especially grave breaches, regardless of where that offence was committed and regardless of the nationality of the perpetrator.

Sadly, as we all know, recent times have seen a rise of nonstate actors—an asymmetric battlefield that covers not only air, sea and land but online internet communications operating within the civilian community. We have seen agents of warfare across state borders and we have seen battlefields that know no population or territorial limits and have no respect for human life. Whilst conventions are now well recognised by the states of the world, modern warfare, and indeed its laws, must now contend with those groups who do not hold out as states, who do not adhere at all to the conventions and their protocols—groups whose sole purpose is the destruction of states and the implementation of ideologies. These nonstate actors present a present and very real danger to the world as we know it. Nevertheless, regardless of the identity of protagonists, regardless of how they seek to prosecute their arguments, regardless of the violence they enact upon civilians, states and the militaries, it is still the challenge of the civilised world to stand up and continue to recognise the conventions and to engage in conflict according to its precepts and principles, regardless of how other nonstate actors fight their battles and present their cases.

The civilised world should never reduce itself to the lowest common denominator of those who seek other means of conflict. The civilised world must continue to stand up and set an example. In 1949 humanity adopted the four conventions and said that even within conflict there are rules, regardless of what the nonstate actors do today. That sense of humanity held true then and it holds true now: warfare and conflict still has rules. Rules must be followed. The conventions are designed to protect those who cannot protect themselves.

One only needs to look at the great work of the International Committee of the Red Cross and to see where it is most active today to get an understanding of where the trouble spots are and indeed where many of the nonstate

actors continue to work: in Afghanistan, the Lebanon, the Democratic Republic of Congo, Liberia, Columbia, Haiti and in other areas. Conflicts range from traditional warfare, insurrection and widespread terrorism to societal breakdown, much of it precipitated by acute poverty.

Indeed, in Australia the National Red Cross has made an enormous contribution to the implementation of the conventions' humanitarian ideals and principles that are espoused within the protocols and the convention. On the most recent available information, work of the International Committee of the Red Cross included educating over 17,000 people in humanitarian law, handling almost 3,000 international tracing and refugee services and assisting over 1,500 asylum seekers. That is profound and great work by the Red Cross in Australia. We should pay tribute to the work of the chairman, Greg Vickery AM, and the chief executive officer, Robert Tickner.

It is with much pride that the coalition supports the 60th anniversary and, once more, states categorically in this place that the conventions set a standard and an ideal of how armed conflict is to be engaged in. The coalition supports the conventions. It supports the government's work in ensuring those conventions are adhered to and applied, and it supports the work of the government as they seek to engage other players, other countries and non-state actors, in also adopting the conventions and protocols as together we seek to build a better world.