

Delegation of Belgium

**OPENING REMARKS BY  
AMBASSADOR DIDIER NAGANT DE DEUXCHAISNES,  
CHAIRPERSON OF THE OSCE FORUM FOR SECURITY  
CO-OPERATION, AT THE 86th JOINT MEETING OF THE  
OSCE PERMANENT COUNCIL AND THE OSCE FORUM  
FOR SECURITY CO-OPERATION**

23 November 2022

**On international humanitarian law in the OSCE area**

Excellencies,  
Dear colleagues,

The primary mission of the OSCE as a regional security organization is to foster co-operation among the participating States of a kind that is capable of preventing conflicts. Of course, the prerequisite for this is that there should be political will on the part of each State to maintain peaceful relations and seek political solutions to disputes. Such will is unfortunately sometimes lacking, as the war of aggression launched by Russia against Ukraine has shown with exceptional brutality this year.

When it has not proved possible to avoid an armed conflict, it becomes essential to ensure that all the parties respect international humanitarian law.

According to the International Committee of the Red Cross (ICRC), international humanitarian law comprises the set of rules that, during armed conflict, are aimed at protecting persons who are not participating, or are no longer participating directly, in the hostilities, and to restrict the means and methods of warfare.

As noted by the ICRC, international humanitarian law is aimed at satisfying the fundamental need for humanity in a context marked by military constraints. The principles of proportionality and distinction are two of the key notions to which the parties to a conflict must conform in order to achieve that.

The idea of thus devoting this joint meeting of the Forum for Security Co-operation and the Permanent Council imposed itself on us because, first of all, international humanitarian law transcends the solely politico-military sphere. Further, and above all, the urgency of addressing this topic imposed itself on us in view of the number and gravity of the

violations of international humanitarian law that are occurring in the OSCE's area of responsibility and, in particular, as a result of the Russian war of aggression against Ukraine.

Since this war is an international armed conflict, the Geneva Conventions and the relevant Additional Protocol are fully applicable to it, as are the customary rules of international humanitarian law along with human rights treaties and treaties dealing with refugees.

These pillars of international humanitarian law remind us to pay attention to the following rules:

- The obligation for the parties to observe at all times the distinction between civilians and combatants with a view to sparing the civilian population and civilian objects.
- The prohibition on injuring or killing an enemy who surrenders or is no longer able to take part in the fighting.
- The right of captured combatants and of civilians under the authority of an enemy power to be treated with respect for their life, dignity, personal rights, and political, religious and other beliefs.

When speaking of international humanitarian law, it is necessary to show a certain humility: the law on its own is insufficient to erase the horrors of war. On the other hand, observance of the rules that it lays down allows many lives to be saved and much suffering to be avoided, thereby helping to pave the way for the post-war period and to establish the conditions for a genuine and lasting peace.

That is why the protection and promotion of human rights, the rule of law and international humanitarian law are included in the priorities of Belgian foreign policy. Among these, Belgium pays particular attention to combating the use of sexual and gender-based violence, and to the protection of children in armed conflict. We believe just as firmly in the full, equal and meaningful participation of women in decision-making, implementation and evaluation in the field of international humanitarian law.

The corollary of promoting international humanitarian law is obviously the obligation to tackle the impunity of those who violate what it prescribes. As for the crimes committed in the context of the Russian war of aggression in Ukraine, Belgium deems it essential that these be solidly documented so that the perpetrators can be prosecuted and put on trial. It is for that reason that Belgium has systematically supported the various mechanisms activated since the start of the conflict, including the Moscow Mechanism.

We are looking forward to hearing our panellists' comments in this regard.

But before that, I have the honour of giving the floor to Ambassador Hałaciński.

Ambassador, dear Adam, you have the floor.