

# The law and juridical considerations

Objekttyp: **Group**

Zeitschrift: **Annual report / International Committee of the Red Cross**

Band (Jahr): **- (1988)**

PDF erstellt am: **29.04.2024**

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# The law and juridical considerations

Since its foundation 125 years ago and the adoption of the first Geneva Convention just one year later, the ICRC has consistently taken the lead in adapting and developing international humanitarian law. One of the permanent tasks entrusted to the ICRC by the community of nations is to consider, prepare and propose such legislative advances, and negotiate accordingly with States. In 1988, its work in this area was concerned primarily with the law applicable to armed conflict at sea, the identification of protected means of transport and the use of certain weapons (see *Development of international humanitarian law* below).

Though adaptation and development continue to be necessary, humanitarian law is clearly already one of the most highly developed branches of international law. The main need in 1988 — and thus one of the ICRC's priorities — was to ensure that States and other entities concerned accept and respect existing treaties.

Therefore, besides giving direct and practical assistance in the event of conflict (see chapter entitled *Field operations*), the ICRC took action in three respects:

- to promote universal accession to existing treaties, in particular ratification of the 1977 Additional Protocols;
- to advocate the adoption by States in peacetime of domestic legislation and other measures required by international humanitarian treaties;
- to foster a better knowledge and understanding of international humanitarian law.

## Promotion of the Conventions and Protocols

### 1949 Geneva Conventions and 1977 Additional Protocols: ratifications and accessions

As at 31 December 1988, almost all the countries of the world (165) were party to the Geneva Conventions; 78 were party to Protocol I and 69 to Protocol II (see *tables, pages 108-111*).

During the year, seven States became party to one or both of the Protocols:

- The **Republic of Guyana** acceded to the two Protocols on 18 January 1988.
- **New Zealand** ratified both Protocols on 8 February 1988; it made several interpretative declarations and a declaration accepting the competence of the International Fact-Finding Commission (Protocol I, Article 90).
- The **Democratic People's Republic of Korea** acceded to Protocol I on 9 March 1988.
- The **State of Qatar** acceded to Protocol I on 5 April 1988 and made a declaration.
- The **Republic of Liberia** acceded to both Protocols on 30 June 1988.
- The **Solomon Islands** acceded to both Protocols on 19 September 1988.
- The **Federal Republic of Nigeria** acceded to both Protocols on 10 October 1988.

The Protocols enter into force for each of the above-mentioned States six months after the dates indicated (date on which the instrument of ratification or accession was deposited).

### 1949 Geneva Conventions and 1977 Additional Protocols: measures to promote ratification

#### *Geneva Conventions*

The ICRC continued to approach those few States which are not yet party to the 1949 Conventions. The regional delegate based in New Delhi regularly raised the question of accession to the Conventions in his contacts with the government authorities of **Burma**, which is still bound by the 1929 Geneva Conventions. The Jakarta delegation followed up the mission made in 1987 to the **Sultanate of Brunei Darussalam** by strengthening contacts with the authorities of the Sultanate and encouraging them to accede to the Conventions.

During the debate on ratification of the Protocols in the 43rd session of the United Nations General Assembly, the ICRC legal adviser responsible for promoting the Additional Protocols had talks with the permanent represen-

tatives to the United Nations (New York) of the **Kingdom of Bhutan**, the **Sultanate of Brunei Darussalam** and the **Republic of Maldives**, urging them to do everything possible to persuade their respective governments to mark the 125th Anniversary, in 1989, by becoming party to the Geneva Conventions.

### *Additional Protocols*

In 1987, the tenth anniversary of adoption of the Protocols, the ICRC made a big effort to increase awareness among States and encourage them to accede to or ratify the Protocols as soon as possible. In 1988, the ICRC's aim was to maintain the momentum created the year before. It therefore contacted a large number of States to remind them of the Protocols' existence and help pave the way for their acceptance. As usual, the President of the ICRC regularly raised the subject in his talks with heads of State and senior government representatives, in Geneva or their respective capitals. He thus discussed the Protocols in Canada, Cuba, Hungary, Malawi, Spain, Zambia and Zimbabwe, whilst other members of the Committee did likewise during their missions to various regions of the world. ICRC delegates, in particular the regional delegates, did important work following up their discussions. The fact that they are present in the various countries and can maintain contact with the relevant officials plays an important part in ensuring a successful outcome to the long process of ratification.

The ICRC legal adviser continued his dialogue with the authorities of the Federal Republic of Germany, Poland, the United Kingdom, the United States and the English-speaking countries of the Caribbean. During the United Nations General Assembly debate on the Protocols, he had talks with the representatives of many States to familiarize them with these instruments and encourage them to work for progress with their governments towards ratification or accession.

The ICRC noted with satisfaction the adoption by the General Assembly on 9 December 1988, without vote, of resolution 43/161. In the resolution, the General Assembly:

- "1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two Additional Protocols of 1977;
2. *Notes*, however, the fact that, in comparison with the Geneva Conventions, the number of States parties to the two Additional Protocols is still limited;
3. *Appeals* to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider

becoming parties also to the Additional Protocols at the earliest possible date;

4. *Calls upon* all States becoming parties to Protocol I to consider making the declaration provided for under article 90\* of that Protocol."

This appeal by the United Nations to all its member States will no doubt increase awareness among the governments and help persuade them to ratify the Protocols.

### **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects**

The ICRC continued to back efforts to promote ratification of and respect for the aforesaid convention adopted by the United Nations on 10 October 1980. It is accompanied by three Protocols: on non-detectable fragments; mines and booby-traps; and incendiary weapons. At 31 December 1988, the following 28 States were bound by these instruments: Australia, Austria, Bulgaria, Byelorussia, China, Czechoslovakia, Denmark, Ecuador, Finland, France, German Democratic Republic, Guatemala, Hungary, India, Japan, Laos, Mexico, Mongolia, Netherlands, Norway, Pakistan, Poland, Sweden, Switzerland, Tunisia, Ukraine, the USSR and Yugoslavia.

It should be noted that France, which is the most recent country to ratify these instruments, is also the only one to date which has not agreed to be bound by all three Protocols but only by those on non-detectable fragments and on mines and booby-traps.

## ***Respect for international humanitarian law***

### **Implementation measures at national level**

The ICRC is aware that even when humanitarian law treaties have been duly accepted by States, there is a risk that they will remain dead letters if they are not accompanied, at national level, by legal and practical measures to guarantee their implementation.

\* Article 90 of Protocol I relates to the International Fact-Finding Commission.

The ICRC has in the past taken a number of steps to promote "national measures to implement international humanitarian law"; these have also been included several times in the agenda of International Conferences of the Red Cross. One document and a draft resolution on the subject were submitted to the Twenty-fifth International Conference (Geneva, October 1986) which adopted by consensus a resolution (V) basically recalling the fundamental importance of adopting implementation measures at national level and the respective responsibility in this connection of governments, National Societies and the ICRC.

To follow up that resolution, the ICRC on 28 April 1988 contacted both the governments of States party to the Geneva Conventions, and where applicable to their Additional Protocols, and the National Red Cross and Red Crescent Societies to find out what measures had been taken or were planned to meet their obligations under the Conventions and/or the Protocols.

The information requested by the ICRC is both general and specific. In general terms, the ICRC is interested in the relationship between international law and the domestic law of the State concerned. It also wishes to know which rules for the implementation of international treaties exist in domestic law which would apply to the Geneva Conventions and their Additional Protocols. More specific questions involved penal sanctions for grave breaches of the Conventions and Protocol I; protection and designation of the red cross and red crescent emblem; and rules regarding medical personnel, units and transports. Finally, in Resolution XIV, the same International Conference stressed the importance of setting up "National Information Bureaux" in peacetime. The ICRC hopes that its enquiry will bring from governments all the necessary information to decide what further action should be taken. A report is to be submitted to the next International Conference of the Red Cross and Red Crescent.

The ICRC allowed a period of six months for States to notify it of implementation measures taken, contemplated or under consideration at national level. By 31 December 1988, the ICRC had received 14 replies from National Societies and 19 from governments.

In view of this small number of replies, some of which were merely acknowledgements of receipt, and as several replies were incomplete, the ICRC plans to relaunch its enquiry. This time both a reminder and an interim report will be sent out in the hope of eliciting a large and representative number of new replies and obtaining additional information from governments which have already responded.

## Consultation of experts

The ICRC once again benefited, as it has since 1984, from the counsel of outside experts of various nationalities who have agreed to take part in the institution's deliberations in a personal capacity and who meet twice a year in Geneva to form a working group. Their discussions enable the ICRC to use informed outside opinion in its work to develop international humanitarian law and ensure that it is better applied. In 1988, the working group met on 25, 26 and 27 April and on 28, 29 and 30 November. Among the topics discussed were operational problems, international humanitarian law, harmonization of the work of the ICRC and other UN and regional systems for the eradication of torture and preparations for the Twenty-sixth International Conference of the Red Cross and Red Crescent.

## *Development of international humanitarian law*

In its Resolutions III (*identification of medical transports*) and VII (*work on international humanitarian law in armed conflicts at sea and on land*), the Twenty-fifth International Conference of the Red Cross gave the ICRC a mandate to follow developments in these areas and keep it informed.

□ Pursuant to Resolution III (point 4), the ICRC drew up a draft technical manual to facilitate implementation of the Second Geneva Convention and Annex I to Protocol I additional to the Conventions. The manual was submitted informally to several international experts for their opinion on its form and content. Their comments and technical recommendations will help to supplement and improve the manual when the final version is published.

□ In accordance with Article 98 of Protocol I, the ICRC consulted the States party to ascertain whether it was necessary to revise Annex I to the Protocol. When the consultation is completed in February 1989, the ICRC will inform the High Contracting Parties of the results and, unless at least a third of them are opposed, will convene a meeting of technical experts to review Annex I and propose amendments.

During the period under review, the ICRC maintained contact with specialized international organizations such as ITU (International Telecommunication Union), IMO (International Maritime Organization) and ICAO (Interna-



tional Civil Aviation Organization), all three of which have always shown great understanding for the problems involved in the marking and identification of medical transports in armed conflicts.

□ The ICRC took part in the *second round table of experts on international humanitarian law applicable to armed conflicts at sea*. This meeting, which was held from 26 to 29 September in Madrid, was organized by the International Institute of Humanitarian Law and the Spanish Red Cross. The ICRC presented a document in which it described its concerns about present legislation and practices in this field.

The participants adopted a plan of action setting out the subjects to be addressed by future meetings, each one of which will be devoted to a specific problem. Its purpose is to compile a sort of updated situation report on the law governing modern conflict at sea and possibly make proposals as regards controversial aspects. The document which will eventually result from those meetings will not in itself have any force in law, but it will nonetheless represent the position of experts and as such will have a certain influence, whilst also serving dissemination purposes.

□ In accordance with Resolution VII B of the Twenty-fifth International Conference, the ICRC continued to keep itself informed about the development of new weapons technologies. It also took action within its mandate to ensure scrupulous implementation of international humanitarian law and to promote the extension of that law.

The ICRC took part in the *Sixth International Symposium on Wound Ballistics* which was held in Chongqing in the People's Republic of China. It expressed its concern about the effects of small-calibre high-velocity bullets and about research methods in this area and urged a rapid solution to the problems caused by the use of such bullets in order to prevent the excessive and unnecessary suffering they cause.

□ The ICRC continued to follow developments in other areas of international law which would be applicable in periods of armed conflict. For the past three years, the institution has been endeavouring to improve the content of the draft *United Nations Convention on the Rights of the Child*, particularly Article 38 on children in armed conflict.

Other organizations such as Rädde Barnen International and the Quakers have supported the ICRC in this. In summer 1988 the youth section of the Swedish Red Cross sent an appeal to the United Nations which was backed by over 650 youth organizations around the world, including the

youth sections of 70 National Red Cross and Red Crescent Societies.

It cannot be stressed too much that children are particularly vulnerable and therefore must have priority in receiving protection and assistance. And their need is even greater in times of armed conflict.

Article 38, as drafted by the UN Working Group, does not meet that need. On the contrary, it represents a regression compared with the international humanitarian law currently in force, which contains no less than 25 provisions specifically protecting children in such situations. The Twenty-fifth International Conference of the Red Cross accordingly stressed in its Resolution IX (*Protection of children in armed conflicts*) adopted by consensus "that the protection accorded by the new Convention should be at least the same as that accorded by the Geneva Conventions and the two Additional Protocols".

Before it can be submitted for signature by States, this Convention must be approved by the UN Commission on Human Rights, the Economic and Social Council and the General Assembly. It is the ICRC's earnest hope that in the meantime a compromise solution will be found to provide better protection for children, whose extreme vulnerability in armed conflict is all too evident, and to prevent any weakening of the provisions of international humanitarian law.

□ Torture has probably never been the object of greater concern than it is today. Never before has it been so widely condemned both in specific terms and as a violation of human rights in general.

The ICRC welcomes all efforts to strengthen protection against torture for people deprived of their freedom. In 1988, it followed with interest the work on various draft *conventions against torture* destined to set up a system of visits to places of detention, hoping that such draft treaties will indeed result in an effective monitoring system to prevent and repress this inhuman practice.

The ICRC was very pleased at the adoption of the *European Convention for the prevention of torture and inhuman or degrading treatment or punishment* which will enable an effective monitoring system to be established in those member States of the Council of Europe that ratify it. The ICRC will follow its implementation with great interest and will take up contact with the European Committee to be set up under the Convention in order to find out about its intended working methods and conditions. The Committee and the ICRC together will seek solutions ensuring that their respective activities are mutually complementary.

## Co-operation with other institutions on international humanitarian law

The ICRC keeps in close touch with the International Institute of Humanitarian Law in San Remo, Italy, and for many years has taken part in the courses and seminars organized by it. In 1988, the ICRC attended the following meetings:

- *International courses on the law of war* (see section below on *Dissemination in the armed forces*);
- *13th Round table on current problems of international humanitarian law* (San Remo, 6-10 September) attended by over 150 people (government authorities, academic circles, international organizations and the International Red Cross and Red Crescent Movement. The first day was devoted to the subject of refugees, the second to a symposium on the Red Cross and Red Crescent and the final three days to family reunification. The participants recommended that as regards the latter problem, governments should adapt their legislation to take a more humanitarian approach.
- *Round table on international humanitarian law applicable to armed conflict at sea* (see section above on *Development of international humanitarian law*).

The ICRC also kept in touch with, and took part in the courses, meetings and seminars organized by the following institutions:

- *11th Congress of the International Society for Military Law and the Law of War* (Edinburgh, 19-23 September). An ICRC representative spoke on the implementation of international humanitarian law. He stressed the importance of adopting measures at the national level to ensure its implementation and described the ICRC's role in this area under its mandate as the guardian of international humanitarian law;
- *82nd meeting of the American Society of International Law* (Washington, 20-23 April). An ICRC representative took part in a discussion between experts on the law of maritime warfare in general and the Persian Gulf in particular and gave a talk on the principle of humanity, the protection of civilians and the concept of *hors*

*de combat* in the treatment of enemy personnel in armed conflicts at sea. His talk was meant to demonstrate the applicability of humanitarian law and principles to all naval conflict;

- *International Law Association*;
- *meeting of legal advisers of the German Red Cross in the Federal Republic of Germany* (32. *Justitiartagung*) (Bremen, 8-10 September). This annual meeting brings together lawyers responsible for disseminating knowledge of international humanitarian law and dealing with other legal questions related to Red Cross activity;
- *International Institute of Human Rights* in Strasbourg (courses on international humanitarian law; see section on *Dissemination in universities*);
- *Inter-American Institute of Human Rights* in San José, Costa Rica (*idem*);
- *Inter-University Centre of Postgraduate Studies*, Dubrovnik, Yugoslavia (*idem*);
- *United Nations Institute for Training and Research - UNITAR* (The Hague, 25-29 July). This was the first time that international humanitarian law has been taught in the international law seminar organized by UNITAR.

## Relations with other international or regional organizations

The ICRC keeps in touch with various international and non-international organizations, both governmental and non-governmental, on humanitarian issues and questions of international humanitarian law. It thus participates in many meetings organized outside the Movement but dealing with subjects of humanitarian concern or related to international humanitarian law, public international law or human rights. These meetings also provide opportunities for useful contacts with the representatives of the various countries taking part.

Activities in this context are arranged by the ICRC's International Organizations Division, by its New York delegation and by other ICRC staff members, in particular lawyers.

## United Nations Organization

The ICRC followed the annual meetings of various United Nations bodies and specialized agencies as an observer:

- the 43rd session of the United Nations General Assembly (New York, September-December)
- the first and second sessions of ECOSOC (New York, May; Geneva, July)
- the 41st World Health Assembly (Geneva, May) and the 81st and 82nd sessions of the WHO Executive Board (Geneva, January and May) and the World Summit of Ministers of Health on Programmes for AIDS Prevention (London, January)
- the 74th International Labour Conference (ILO, Geneva, June)
- the 39th session of the UNHCR Executive Committee (Geneva, October), and two consultative meetings on international protection of refugees (Geneva, January and August)
- the 44th session of the Commission on Human Rights (Geneva, February-March)
- the 40th session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Geneva, August-September)
- the first session of the Committee Against Torture (Geneva, April)
- the third special session of the United Nations General Assembly on disarmament (SSD III), (New York, May-June)
- the 32nd, 33rd and 34th sessions of the Human Rights Committee (New York, March-April; Geneva, July and October-November).

The ICRC kept in touch with the ITU's International Radio Consultative Committee (CCIR) and International Telegraph and Telephone Consultative Committee (CCITT), in particular with regard to identification of medical transports by means of standardized radar transponders.

In addition to regular contacts in Geneva and New York, Mr. Xavier Perez de Cuellar, United Nations Secretary-General, visited ICRC headquarters on 6 July where he was received by President Sommaruga and several members of the Committee.

As it has done for several years past, the ICRC invited the members of the United Nations International Law Commission to its headquarters on 9 June, as well as giving a lecture at a seminar on international law held during the Commission's annual session.

Finally, the ICRC took part in several information meetings organized by UNDRO.

## Non-Aligned Movement

The ICRC attended the following meetings of the Non-Aligned Movement as an observer:

- the meeting of Non-Aligned Movement Foreign Ministers (Nicosia, September);
- the special ministerial meeting on disarmament of the Co-ordinating Bureau of the Non-Aligned Countries (Havana, May).

## Regional organizations and the Inter-Parliamentary Union

- *Council of Europe*: The ICRC took part in meetings of the Parliamentary Assembly, the Permanent Commission and the Committee on Migration, Refugees and Demography.  
An ICRC delegation led by Mr. André Ghelfi, a member of the International Committee, took part in the Conference of Parliamentarians and Non-governmental Organizations held from 1 to 3 June in Madrid. The Conference marked the culmination of the public campaign in Europe to foster a heightened awareness of interdependence and promote North-South solidarity.  
The ICRC also took part in the work which resulted in the Parliamentary Assembly adopting, in Athens on 30 June, a resolution on the protection of humanitarian medical missions.
- *Organization of African Unity (OAU)*: President Sommaruga represented the ICRC at the meeting in Addis Ababa to mark the OAU's 25th anniversary and at the opening ceremony of the 24th Assembly of Heads of State and Government. The ICRC was also represented at the 48th Council of Ministers which preceded the summit. It likewise took part in the International Conference on the Plight of Refugees, Returnees and Displaced Persons in Southern Africa (SARRED, Oslo, August).
- *Organization of American States*: the ICRC attended, *inter alia*, the 18th General Assembly (San Salvador, November).

- *Inter-Parliamentary Union (IPU)*: the ICRC attended, as an observer, the 79th and 80th Inter-Parliamentary Conferences (Guatemala City, April, and Sofia, September). In Sofia, where the ICRC was represented by Mr. Odilo Guntern, a member of the Committee, a resolution dealing with humanitarian co-operation and making specific reference to the ICRC and the Geneva Conventions was adopted.
- *The European Communities*: the ICRC attended the deliberations of the plenary sessions of the European Parliament in Strasbourg, in particular where they concerned a draft resolution and a report on respect for international humanitarian law and support for the ICRC.
- *Latin American Parliament*: an ICRC delegation, led by Mr. Athos Gallino, a member of the Committee, attended the 12th ordinary session of the Latin American Parliament which adopted a resolution encouraging States to ratify the Protocols additional to the Geneva Conventions and financially support the ICRC.
- *Intergovernmental Committee for Migration (ICM)*: the ICRC attended the 57th special session (Geneva, May) and the 59th session (Geneva, November) of the ICM Council.

## *Dissemination of international humanitarian law and the principles of the International Red Cross and Red Crescent Movement*

Dissemination of knowledge of international humanitarian law and the principles of the Movement is always one of the ICRC's main objectives. The institution makes a constant effort to promote knowledge of the law and thereby foster respect for it, and to publicize the history, principles, ideals and work of the Movement. The ICRC's activities in this respect are based in particular on the Third Programme of Action, adopted by the Twenty-fifth International Conference and covering the period 1986 to 1990.

Like those preceding it, this third programme, which also concerns the League and the National Societies, has the following four objectives:

- to encourage ratification of the 1977 Additional Protocols;
- to analyse the legal implications and assess the implementation of these texts;
- to disseminate and stimulate dissemination of knowledge of international humanitarian law in various circles (National Societies, governments, the armed forces, universities etc.);
- to integrate dissemination of the principles in all the Movement's activities.

Most ICRC operations include a dissemination programme. This is principally the task of the various delegations, but is carried out in close conjunction with the National Societies. In addition, many missions are sent out from ICRC headquarters to organize or take part in seminars aimed at strengthening relations with the National Societies and governments. The ICRC also regularly organizes traineeships in Geneva for people in a position to promote knowledge of international humanitarian law. In 1988, 17 National Society representatives and university staff actively engaged in dissemination took part in this programme at ICRC headquarters.

In dissemination, the ICRC works together not only with the League, the National Societies and the Henry Dunant Institute but also with institutions not part of the Movement. The main target groups for dissemination are the armed forces, National Societies, government authorities and academic circles. General dissemination activities are set out below according to target group. Activities specific to individual countries are covered in the section *Field operations*.

Ideally, dissemination should be carried out before a conflict situation arises. This is where the ICRC's regional delegations can play a key part.

### **Dissemination in the armed forces**

In time of war, it is the armed forces which are responsible for the actual implementation of humanitarian rules. They are therefore one of the main target groups for the ICRC, which endeavours not only to familiarize them with the international humanitarian law applicable during armed conflict but also and above all to encourage its teaching in military training schools. Specialized delegates based at ICRC headquarters carry out this work in conjunction with the delegations throughout the world.



In 1988, these delegates devised and directed three “central” international courses: the *24th, 25th and 26th International Course on the Law of War* held by the International Institute of Humanitarian Law in San Remo, Italy. In addition, the International Committee of Military Medicine and Pharmacy organized the *eighth Course on the Law of Armed Conflicts for Senior Officers in Military Medical Services*. The San Remo courses, for army, navy and air force commanders, officers holding staff college certificates, officers responsible for teaching the law of war and military jurists, took place from 23 May to 3 June in French and Spanish and from 1 to 14 October and 15 to 28 October in English. They brought together 113 participants from Angola, Australia, Austria, Belgium, Cameroon, Canada, Cuba, Denmark, Egypt, Finland, the Federal Republic of Germany, Great Britain, Guatemala, Indonesia, Israel, Italy, Liberia, Mexico, Mozambique, the Netherlands, New Zealand, Norway, Poland, Portugal, Saudi Arabia, Somalia, South Africa, Spain, Suriname, Sweden, Switzerland, Uganda, the United States, Uruguay, Venezuela and Viet Nam.

The course for military doctors, held from 27 November to 10 December in Geneva, had eight participants from Cuba, France, the Federal Republic of Germany, Greece, Morocco, Taiwan and Turkey. These courses linked theory (legal instruments were presented) and practice (rules to be observed in the conduct of military operations, attitude to be adopted *vis-à-vis* civilian and military victims).

In addition to the above-mentioned “central” courses, the ICRC delegates to the armed forces gave several courses at national level on the law of war for officers in Bangladesh, Congo, Côte d’Ivoire, Fiji, Guatemala, India, Lebanon, Malaysia, Malawi, the Philippines, Singapore, South Africa, Uganda and Zambia. In Switzerland too, the ICRC helped with lessons on the law of war in a number of military schools and during courses organized by the Swiss *Office fédéral de l’Adjudance*.

### Dissemination in National Societies

The National Societies are a particularly important target group since they must in their turn disseminate knowledge of international humanitarian law to other groups, acting as a driving force in this respect in their country. As well as many local training seminars, the ICRC organized regional courses:

- in conjunction with the Sao Tome and Principe Red Cross and the League, the first training seminar for in-

formation and dissemination officials from the seven Portuguese-language National Societies, from 2 to 10 August;

- in conjunction with the Uruguayan Red Cross and the League, the third training seminar for information and dissemination officials from the South American National Societies, held in Spanish from 15 to 25 August;
- in conjunction with the Hungarian Red Cross and the League, the first advanced course, entitled “International Humanitarian Law nowadays”, for leading members of the National Society’s Executive Committee, heads of department and media representatives, on 3 and 4 May in Budapest.

The ICRC helped several National Societies to organize seminars on international humanitarian law for various target groups in their own countries and at regional level:

- Niamey, Niger: The Red Cross Society of Niger and the ICRC held a training seminar for members of the Society from 18 to 21 January;
- Phnom-Penh, Kampuchea: Working in close collaboration with the ICRC, the Phnom-Penh Red Cross and the Ministry of Health organized a dissemination course which was held at the Phnom-Penh Faculty of Medicine during a training seminar for young volunteers.
- Mehdia, Morocco: The final two seminars in a series of eight, which began in 1987, were organized by the Moroccan Red Crescent at its training centre in Mehdia, with active participation by the League and the ICRC and thanks to financial support from the AMIDEAST foundation.
- to mark the Pan-African Conference, a “train of humanity” left Dakar, where the conference was held, on 23 November and arrived in Bamako on 28 November. Leading members of the Movement travelled with it. The train contained an exhibition on the Red Cross and educational presentations were organized at every stop along the way. In Bamako, a message of peace and fraternity was delivered to General Moussa Traoré, President of Mali and current Chairman of the OAU.

### Dissemination in government and diplomatic circles

The ICRC maintains a constant dialogue with governments in order to make the instruments of international humanitarian law more widely known among them and to remind them that the dissemination and implementa-



tion of these texts is an obligation of each State party to the Geneva Conventions.

In Costa Rica, as in the past, the ICRC gave lectures at the sixth interdisciplinary course on human rights from 18 to 26 August. This course, for teachers and advanced students of law and political science, senior government officials and judges in Latin America, is organized by the Inter-American Institute of Human Rights.

The ICRC also gave lectures in The Hague, Netherlands, as part of the UNITAR international law programme. They were attended by more than 20 people — officials from the Ministry of Foreign Affairs, legal experts and teaching staff. As part of its dissemination work in government circles, the ICRC organized the following events:

- in conjunction with the Faculty of Law of the University of Tunis, a dissemination workshop from 10 to 12 June which brought together leading regional officials of the Tunisian Red Crescent and officials from the Ministries of Foreign Affairs, the Interior, Information and National Education;
- in conjunction with the Indian government, armed forces and Red Cross Society, a seminar for senior officers and lawyers of the Indian army and officials from the Ministry of External Affairs. The seminar, which lasted from 13 to 15 June, was held in New Delhi;
- in Southern Africa, the ICRC continued to take part in training programmes and the following seminars: on 21 July in Mbabane, Swaziland, a seminar for officials from the Ministries of Foreign Affairs, Health, Defence, Interior, Justice, Education, Agriculture and Commerce, members of the House of Assembly and representatives of the police and the press; from 25 to 30 July in Gaborone, Botswana, a seminar for senior government and National Society officials.

#### Dissemination in universities

The ICRC endeavours to make international humanitarian law more widely known in universities, where many of those who will ultimately fill posts of responsibility in government and politics are trained. It also strives to promote the inclusion of international humanitarian law in university curricula.

In this connection, the ICRC and the Polish Red Cross organized summer courses for advanced law students from Europe and North America in order to train specialists in international humanitarian law and consider with them ways in which they could promote dissemination of this law in their universities or in government circles. In 1988, the sixth such course was held in Warsaw from 16 to 27 August. It was attended by some 50 students from Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, the Federal Republic of Germany, Hungary, the Netherlands, Norway, Poland, Spain, Sweden, Switzerland, the United Kingdom, the USSR and Yugoslavia. The teaching staff consisted of professors from universities in Poland, Italy, the Federal Republic of Germany, Finland, the USSR, the United States and Sweden, as well as representatives of the ICRC (including Vice-President Maurice Aubert), the League, the Yugoslav and Danish National Societies and the Henry Dunant Institute.

The first seminar on international humanitarian law for French-speaking law students took place in Avignon, France, from 12 to 17 September. The seminar was organized by the French Institute of Humanitarian Law and Human Rights, the French Red Cross and the ICRC. A member of the Committee, Mr. Alexandre Hay, took part in the opening ceremony.

The ICRC also continued to take part in the teaching of international humanitarian law in Geneva at the sixth introductory seminar on that body of law for students from American universities, in Strasbourg at the 18th session of the International Institute of Human Rights, at the University of New York, in Sofia and at the International Research Institute in Brasilia.

For the third time, the ICRC, WHO and the Faculty of Medicine of the University of Geneva organized a training course, *Help 88 (Health Emergencies in Large Populations)*, for doctors, nurses, nutritionists and sanitary engineers who already have some experience in health emergencies and third world medicine. The course took place in Geneva from 12 June to 7 July and was attended by 24 people, 11 of them from the Movement. These courses are intended to train highly qualified people for emergency action and to ensure optimum co-operation between the various humanitarian organizations in the field.

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

Situation as at 31 December 1988

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date
Afghanistan . . . . .	R		26.09.56								
Albania . . . . .	R	X	27.05.57								
Algeria . . . . .	A		20.06.60								
Angola . . . . .	A	X	20.09.84		A	X	20.09.84				
Antigua and Barbuda . . . . .	S		06.10.86		A		06.10.86		A		06.10.86
Argentina . . . . .	R		18.09.56		A	X	26.11.86		A	X	26.11.86
Australia . . . . .	R		14.10.58	X				X			
Austria . . . . .	R		27.08.53	X	R <sup>2</sup>	X	13.08.82	X	R	X	13.08.82
Bahamas . . . . .	S		11.07.75		A		10.04.80		A		10.04.80
Bahrain . . . . .	A		30.11.71		A		30.10.86		A		30.10.86
Bangladesh . . . . .	S		04.04.72		A		08.09.80		A		08.09.80
Barbados . . . . .	S		10.09.68								
Belgium . . . . .	R		03.09.52	X	R <sup>2</sup>	X	20.05.86	X	R		20.05.86
Belize . . . . .	A		29.06.84		A		29.06.84		A		29.06.84
Benin . . . . .	S		14.12.61		A		28.05.86		A		28.05.86
Bhutan . . . . .											
Bolivia . . . . .	R		10.12.76		A		08.12.83		A		08.12.83
Botswana . . . . .	A		29.03.68		A		23.05.79		A		23.05.79
Brazil . . . . .	R		29.06.57								
Brunei . . . . .											
Bulgaria . . . . .	R	X	22.07.54	X				X			
Burkina Faso . . . . .	S		07.11.61	X	R		20.10.87	X	R		20.10.87
Burma . . . . .											
Burundi . . . . .	S		27.12.71								
Byelorussia (SSR) . . . . .	R	X	03.08.54	X				X			
Cameroon . . . . .	S		16.09.63		A		16.03.84		A		16.03.84
Canada . . . . .	R		14.05.65	X				X			
Cape Verde . . . . .	A		11.05.84								
Central African Republic . . . . .	S		01.08.66		A		17.07.84		A		17.07.84
Chad . . . . .	A		05.08.70								
Chile . . . . .	R		12.10.50	X				X			
China . . . . .	R	X	28.12.56		A	X	14.09.83		A		14.09.83
Colombia . . . . .	R		08.11.61								
Comoros . . . . .	A		21.11.85		A		21.11.85		A		21.11.85
Congo . . . . .	S		30.01.67		A		10.11.83		A		10.11.83
Costa Rica . . . . .	A		15.10.69		A		15.12.83		A		15.12.83
Côte d'Ivoire . . . . .	S		28.12.61	X				X			
Cuba . . . . .	R		15.04.54		A		25.11.82				
Cyprus . . . . .	A		23.05.62	X	R		01.06.79				
Czechoslovakia . . . . .	R	X	19.12.50	X				X			
Denmark . . . . .	R		27.06.51	X	R <sup>2</sup>	X	17.06.82	X	R		17.06.82
Djibouti . . . . .	S		06.03.78 <sup>3</sup>								
Dominica . . . . .	S		28.09.81								
Dominican Republic . . . . .	A		22.01.58								

<sup>1</sup> A = accession; R = ratification; S = declaration of succession.

<sup>2</sup> States which made the declaration regarding preliminary acceptance of the competence of the International Fact-Finding Commission, as provided for in Article 90 of Protocol I. Belgium's declaration of acceptance was made on 27.03.87.

<sup>3</sup> Djibouti's declaration of succession to the First Convention was dated 26.01.78 and not 06.03.78 as for the other three Conventions.

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

Situation as at 31 December 1988

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date
Ecuador . . . . .	R		11.08.54	X	R		10.04.79	X	R		10.04.79
Egypt . . . . .	R		10.11.52	X				X			
El Salvador . . . . .	R		17.06.53	X	R		23.11.78	X	R		23.11.78
Equatorial Guinea . . . . .	A		24.07.86		A		24.07.86		A		24.07.86
Ethiopia . . . . .	R		02.10.69								
Fiji . . . . .	S		09.08.71								
Finland . . . . .	R		22.02.55	X	R <sup>2</sup>	X	07.08.80	X	R		07.08.80
France . . . . .	R		28.06.51						A	X <sup>3</sup>	24.02.84
Gabon . . . . .	S		26.02.65		A		08.04.80		A		08.04.80
Gambia . . . . .	S		20.10.66								
German Dem. Rep. . . . .	A	X	30.11.56	X				X			
Germany (Fed. Rep.) . . . .	A		03.09.54	X				X			
Ghana . . . . .	A		02.08.58	X	R		28.02.78	X	R		28.02.78
Greece . . . . .	R		05.06.56	X							
Grenada . . . . .	S		13.04.81								
Guatemala . . . . .	R		14.05.52	X	R		19.10.87	X	R		19.10.87
Guinea . . . . .	A		11.07.84		A		11.07.84		A		11.07.84
Guinea-Bissau . . . . .	A	X	21.02.74		A		21.10.86		A		21.10.86
Guyana . . . . .	S		22.07.68		A		18.01.88		A		18.01.88
Haiti . . . . .	A		11.04.57								
Holy See . . . . .	R		22.02.51	X	R	X	21.11.85	X	R	X	21.11.85
Honduras . . . . .	A		31.12.65	X				X			
Hungary . . . . .	R	X	03.08.54	X				X			
Iceland . . . . .	A		10.08.65	X	R <sup>2</sup>	X	10.04.87	X	R		10.04.87
India . . . . .	R		09.11.50								
Indonesia . . . . .	A		30.09.58								
Iran . . . . .	R		20.02.57	X				X			
Iraq . . . . .	A		14.02.56								
Ireland . . . . .	R		27.09.62	X				X			
Israel . . . . .	R	X	06.07.51								
Italy . . . . .	R		17.12.51	X	R <sup>2</sup>	X	27.02.86	X	R		27.02.86
Jamaica . . . . .	S		17.07.64		A		29.07.86		A		29.07.86
Japan . . . . .	A		21.04.53								
Jordan . . . . .	A		29.05.51	X	R		01.05.79	X	R		01.05.79
Kampuchea . . . . .	A		08.12.58								
Kenya . . . . .	A		20.09.66								
Kiribati . . . . .											
Korea (Rep.) . . . . .	A	X	16.08.66 <sup>4</sup>	X	R	X	15.01.82	X	R		15.01.82
Korea (Dem. People's Rep.) .	A	X	27.08.57		A		09.03.88				
Kuwait . . . . .	A		02.09.67		A		17.01.85		A		17.01.85
Laos . . . . .	A		29.10.56	X	R		18.11.80	X	R		18.11.80
Lebanon . . . . .	R		10.04.51								

<sup>1</sup> A = accession; R = ratification; S = declaration of succession.

<sup>2</sup> States which made the declaration regarding preliminary acceptance of the competence of the International Fact-Finding Commission, as provided for in Article 90 of Protocol I.

<sup>3</sup> On accession to Protocol II, France made a declaration concerning Protocol I.

<sup>4</sup> Entry into force on 23 September 1966, Korea having invoked Arts. 62/61/141/157 (immediate effect).

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

Situation as at 31 December 1988

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date
Lesotho . . . . .	S		20.05.68								
Liberia . . . . .	A		29.03.54		A		30.06.88		A		30.06.88
Libya . . . . .	A		22.05.56		A		07.06.78		A		07.06.78
Liechtenstein . . . . .	R		21.09.50	X				X			
Luxembourg . . . . .	R		01.07.53	X				X			
Madagascar . . . . .	S		13.07.63	X				X			
Malawi . . . . .	A		05.01.68								
Malaysia . . . . .	A		24.08.62								
Maldives . . . . .											
Mali . . . . .	A		24.05.65								
Malta . . . . .	S		22.08.68								
Mauritania . . . . .	S		27.10.62		A		14.03.80		A		14.03.80
Mauritius . . . . .	S		18.08.70		A		22.03.82		A		22.03.82
Mexico . . . . .	R		29.10.52		A		10.03.83				
Monaco . . . . .	R		05.07.50								
Mongolia . . . . .	A		20.12.58	X				X			
Morocco . . . . .	A		26.07.56	X				X			
Mozambique . . . . .	A		14.03.83		A		14.03.83				
Namibia <sup>3</sup> . . . . .	A		18.10.83		A		18.10.83		A		18.10.83
Nauru . . . . .											
Nepal . . . . .	A		07.02.64								
Netherlands . . . . .	R		03.08.54	X	R <sup>2</sup>	X	26.06.87	X	R		26.06.87
New Zealand . . . . .	R		02.05.59	X	R <sup>2</sup>	X	08.02.88	X	R		08.02.88
Nicaragua . . . . .	R		17.12.53	X				X			
Niger . . . . .	S		16.04.64	X	R		08.06.79	X	R		08.06.79
Nigeria . . . . .	S		09.06.61		A		10.10.88		A		10.10.88
Norway . . . . .	R		03.08.51	X	R <sup>2</sup>		14.12.81	X	R		14.12.81
Oman . . . . .	A		31.01.74		A	X	29.03.84		A	X	29.03.84
Pakistan . . . . .	R	X	12.06.51	X				X			
Panama . . . . .	A		10.02.56	X				X			
Papua New Guinea . . . . .	S		26.05.76								
Paraguay . . . . .	R		23.10.61								
Peru . . . . .	R		15.02.56	X				X			
Philippines . . . . .	R		06.10.52 <sup>4</sup>	X					A		11.12.86
Poland . . . . .	R	X	26.11.54	X				X			
Portugal . . . . .	R	X	14.03.61	X				X			
Qatar . . . . .	A	X	15.10.75		A	X	05.04.88				
Romania . . . . .	R	X	01.06.54	X				X			
Rwanda . . . . .	S		21.03.64		A		19.11.84		A		19.11.84
Saint Kitts and Nevis . .	S		14.02.86		A		14.02.86		A		14.02.86
Saint Lucia . . . . .	S		18.09.81		A		07.10.82		A		07.10.82
Saint Vincent & Grenadines .	A		01.04.81		A		08.04.83		A		08.04.83

<sup>1</sup> A = accession; R = ratification; S = declaration of succession.

<sup>2</sup> States which made the declaration regarding preliminary acceptance of the competence of the International Fact-Finding Commission, as provided for in Article 90 of Protocol I.

<sup>3</sup> Instruments of accession deposited by the United Nations Council for Namibia.

<sup>4</sup> With the exception of Convention I, ratified on 07.03.51.

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949  
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Situation as at 31 December 1988

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date	Signature	A, R, S <sup>1</sup>	Reservations/ Declarations	Date
Samoa . . . . .	S		23.08.84		A		23.08.84		A		23.08.84
San Marino . . . . .	A		29.08.53	X				X			
Sao Tome & Principe . . . . .	A		21.05.76								
Saudi Arabia . . . . .	A		18.05.63		A	X	21.08.87				
Senegal . . . . .	S		23.04.63	X	R		07.05.85	X	R		07.05.85
Seychelles . . . . .	A		08.11.84		A		08.11.84		A		08.11.84
Sierra Leone . . . . .	S		31.05.65		A		21.10.86		A		21.10.86
Singapore . . . . .	A		27.04.73								
Solomon Is. . . . .	S		06.07.81		A		19.09.88		A		19.09.88
Somalia . . . . .	A		12.07.62								
South Africa . . . . .	A		31.03.52								
Spain . . . . .	R		04.08.52	X				X			
Sri Lanka . . . . .	R		28.02.59 <sup>3</sup>								
Sudan . . . . .	A		23.09.57								
Suriname . . . . .	S	X	13.10.76		A		16.12.85		A		16.12.85
Swaziland . . . . .	A		28.06.73								
Sweden . . . . .	R		28.12.53	X	R <sup>2</sup>	X	31.08.79	X	R		31.08.79
Switzerland . . . . .	R		31.03.50	X	R <sup>2</sup>	X	17.02.82	X	R		17.02.82
Syria . . . . .	R		02.11.53		A	X	14.11.83				
Tanzania . . . . .	S		12.12.62		A		15.02.83		A		15.02.83
Thailand . . . . .	A		29.12.54								
Togo . . . . .	S		06.01.62	X	R		21.06.84	X	R		21.06.84
Tonga . . . . .	S		13.04.78								
Trinidad & Tobago . . . . .	A		24.09.63 <sup>4</sup>								
Tunisia . . . . .	A		04.05.57	X	R		09.08.79	X	R		09.08.79
Turkey . . . . .	R		10.02.54								
Tuvalu . . . . .	S		19.02.81								
Uganda . . . . .	A		18.05.64								
Ukraine (SSR) . . . . .	R	X	03.08.54	X				X			
USSR . . . . .	R	X	10.05.54	X				X			
United Arab Emirates . . . . .	A		10.05.72		A	X	09.03.83		A	X	09.03.83
United Kingdom . . . . .	R		23.09.57	X				X			
United States . . . . .	R	X	02.08.55	X				X			
Uruguay . . . . .	R	X	05.03.69		A		13.12.85		A		13.12.85
Vanuatu . . . . .	A		27.10.82		A		28.02.85		A		28.02.85
Venezuela . . . . .	R		13.02.56								
Viet Nam . . . . .	A	X	28.06.57	X	R		19.10.81				
Yemen (Arab Rep.) . . . . .	A		16.07.70	X				X			
Yemen (People's Dem. Rep.) . . . . .	A		25.05.77								
Yugoslavia . . . . .	R	X	21.04.50	X	R	X	11.06.79	X	R		11.06.79
Zaire . . . . .	S		20.02.61		A		03.06.82				
Zambia . . . . .	A		19.10.66								
Zimbabwe . . . . .	A		07.03.83								

<sup>1</sup> A = accession; R = ratification; S = declaration of succession.

<sup>2</sup> States which made the declaration regarding preliminary acceptance of the competence of the International Fact-Finding Commission, as provided for in Article 90 of Protocol I.

<sup>3</sup> With the exception of the Fourth Convention, to which Sri Lanka acceded on 23.02.59. (Sri Lanka signed only the First, Second and Third Conventions.)

<sup>4</sup> Trinidad and Tobago's accession to the First Convention was on 17.05.63 and not on 24.09.63 as for the other three Conventions.