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# ***The law and juridical considerations***

## **International humanitarian law**

### **RESPECT FOR AND APPLICATION AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW**

Together with the amendment of the Statutes of the International Red Cross, respect for international humanitarian law will be the main topic of the next International Conference of the Red Cross (Geneva 1986). With this in mind, the ICRC continued its unremitting efforts to develop a full awareness, both among States and the components of the Red Cross and Red Crescent Movement and among the general public, of the importance of universal respect for this law. In particular, on 10 January, it launched an appeal for a humanitarian mobilization (*see below*). In addition, it continued its deliberations with a view to preparing concrete proposals for the Conference relative to respect for and the development of international humanitarian law, on the basis of the Programme of Action which it adopted in 1983. The four objectives of this programme are:

- faced with a constantly deteriorating international climate and increasing recourse to force, **to obtain the effective application of and respect for existing international humanitarian law**, in particular by improving knowledge of this law, examining the reasons why it is being imperfectly respected and seeking—within the framework of existing legal instruments—appropriate means of promoting respect for it;
- **to persuade the greatest possible number of States to become party to the Protocols additional to the Geneva Conventions**;
- to envisage the further development of international humanitarian law;
- to examine possibilities of ensuring the protection of individuals in **situations of internal disturbances or tension**, which are not covered by international humanitarian law.

The first two objectives have priority. Moreover, they are closely linked, as formal acceptance of the Additional Protocols by the greatest number of States can but strengthen the value and credibility of international humanitarian law in general.

An ICRC internal working group on respect for and the development of international humanitarian law has the specific task of promoting the implementation of this pro-

gramme. As in 1984, The ICRC also benefited from the co-operation of leading political figures who agreed to participate, in a personal capacity, in the ICRC deliberations. These persons, experts in international politics and from different continents, met in Geneva on 4 and 5 March (3rd meeting) and on 18 and 19 November (4th meeting). They discussed various subjects: the collective responsibility of States party to the Conventions with respect to the application of international humanitarian law; the general attitude to be adopted by the ICRC when faced with cases of non-respect for this law, taking into account the institution's policy of discretion; ways of promoting the application by States of this law and of fundamental humanitarian principles; the advisability of devising a legal or other instrument for situations not covered by international humanitarian law; preparations for the International Conference of the Red Cross to be held in 1986. The political experts encouraged the ICRC to continue to work for a humanitarian mobilization, with a view to the Conference, and put forward various useful specific proposals. Pursuant to these Geneva meetings, seminars were planned for the two years ahead, likewise in co-operation with these experts and in some cases organized by them. The first seminar of this kind was held in Jakarta (Indonesia) on 4 and 5 September. It was attended by about 30 civilian and military participants close to government circles and representing the various ASEAN countries (Association of South East Asian Nations); the ICRC delegation was headed by Mr. Jäckli, member of the Committee. The purpose of these meetings is to improve knowledge of international humanitarian law, promote ratification of the Additional Protocols and make States aware of the political importance of respecting humanitarian rules. (*Concerning the ICRC's efforts to make international humanitarian law better known and thereby promote respect for this law, see the following chapter on "Dissemination".*)

### **Respect for international humanitarian law and for humanitarian principles**

The appeal for a humanitarian mobilization, launched by the ICRC on 10 January 1985, marked an important stage in the campaign to increase awareness of the importance of universal respect for the rules of humane conduct and, as a natural consequence, of respect for humanitarian action. The Twenty-fourth International Conference of the Red Cross had already launched a solemn appeal on the same lines (Manila, 1981, Resolution No. VI) but in 1985 the ICRC had to acknowledge that it had little effect, that constant violations of international humanitarian law and humanitarian principles remained current problems, as did the obstacles placed in the

way of humanitarian action. Therefore the appeal of 10 January once again emphasized the ever greater number and duration of conflicts, their radicalization and the failure of overtures for peaceful solutions, as well as a tendency towards increasing tensions in the world, irrespective of international and internal conflicts. Denouncing a general decline in respect for the rule of law and the predominance given to the imperatives of politics and security over humanitarian considerations, the appeal emphasized the *"urgent, pressing need for a great upsurge of humanity and solidarity, which has become indispensable in view of the present and potential insanity of human violence"*. It also stressed that the ICRC could not undertake the struggle on its own. A substantial effort must be made first of all by States (respect for their humanitarian commitments in the event of conflict, ratification of the instruments of international humanitarian law to which they are not yet party, the obligation to take adequate measures to persuade the States party to the conflict to respect the provisions of international humanitarian law). The mobilization effort equally concerns the Red Cross and Red Crescent Movement, which must place the moral strength of its principles and universality at the service of this cause. The ICRC itself must continue to disseminate knowledge of international humanitarian law, to ensure respect for it and to contribute to the development of National Societies. It must find the material and political resources to conduct a truly humanitarian strategy, in conformity with the mandate entrusted to it by States.

The appeal of 10 January formed the essence of a more detailed memorandum entitled *"Respect for and Development of International Humanitarian Law. Support for the Activities of the International Committee of the Red Cross. From Manila (1981) to Geneva (1986). Interim Assessment and Future Prospects."* The appeal, sometimes accompanied by this memorandum, was widely distributed. It was addressed to all the Permanent Missions in Geneva and New York, to all the National Societies and to the League, to members of the Standing Commission convened by its Chairman at an extraordinary session on 14 January in Amman (Jordan), to the media and to bodies such as the Independent Commission on International Humanitarian Issues, the Secretary-General of the United Nations, and the participants in certain seminars on international humanitarian law organized by the ICRC.

(The complete text of this appeal was published by the *International Review of the Red Cross*, No. 244 of January-February 1985; the text of the memorandum in the *Review*, No. 248 of September-October 1985.)

The ICRC continued its efforts to develop awareness and mobilize support during the numerous seminars on international humanitarian law which it organizes or attends, and in the course of its many contacts with representatives of States.

The ICRC and the Inter-American Institute of Human Rights jointly organized the Second Inter-American Seminar on State Security, Human Rights and International Humanitarian Law in San José (Costa Rica) from 24 to 26 January. (The first seminar was held in September 1982.)

Intended for high-level government officials, representatives of the legal system and senior officers, this second seminar brought together about 40 participants from Central American countries and member countries of the Contadora Group (Colombia, Costa Rica, El Salvador, Honduras, Nicaragua and Panama) to examine appropriate ways of promoting respect for international humanitarian law and human rights in Central America, taking into account the imperatives of national and international security. It was part of the ICRC's campaign for a humanitarian mobilization and heralded the regional meetings of experts mentioned above.

In addition, representatives of the Permanent Missions to the United Nations in Geneva were invited to meet at the ICRC headquarters on 18 September for information on the next International Conference of the Red Cross. This meeting offered an opportunity to show how the Red Cross and Red Crescent Movement had developed parallel to international humanitarian law, to demonstrate the importance of the 1986 Conference as regards respect for international humanitarian law and to emphasize the need for States to take active part at an appropriate level in this Conference.

#### *Overtures to encourage ratification of the Additional Protocols of 1977.*

Since 1977, the ICRC has continued its efforts to encourage all States to ratify the Protocols additional to the Geneva Conventions or to accede to them, so that these two recent instruments may become as widely accepted as the Geneva Conventions. This also forms part of the campaign for a humanitarian mobilization; indeed, a State's formal acceptance of the Additional Protocols simultaneously bears witness to its firm intention to respect international humanitarian law.

The ICRC's task is to remind States, where necessary, of the existence of the Additional Protocols and stress the latter's humanitarian importance. The ICRC discusses with each State the specific problems it may encounter when examining these legal instruments, so as to facilitate their adoption in the context of the country in question. In addition, it offers its services to States party to the Protocols in discharging their commitments. The ICRC is also preparing commentaries on the Additional Protocols.

The ratification of the Additional Protocols was thus the subject of numerous missions to States not yet party to them: missions by the President of the ICRC, members of the Committee, the Director for General Affairs and his key staff, including the ICRC adviser concerned. This question was also brought up during missions of an essentially operational or financial nature, at meetings within or outside the Red Cross and Red Crescent Movement or during visits by various leading figures to ICRC headquarters. In addition, the ICRC remained in contact with the authorities of the countries in which its delegates are stationed. (See also the chapter on *"Action in the Field"* of this report.)

In 1985, President Hay discussed the importance of the Additional Protocols with the authorities of the Federal Republic of Germany, the United States, Italy, Liechtenstein and Pakistan, during missions to those countries. The Vice-

President of the ICRC brought up the question with the Hungarian authorities. The ratification of the Additional Protocols was also discussed during several missions carried out by the Director for General Affairs to the Federal Republic of Germany, the United States, the Soviet Union and Venezuela. The ICRC's legal adviser for questions concerning the Additional Protocols maintained regular contact with a considerable number of States, participated in certain presidential missions and went to Argentina, Italy, Liberia, Nigeria, Poland and the United Kingdom, as well as to the Holy See, for special talks on the subject.

He also attended the 73rd Inter-Parliamentary Conference of the Inter-Parliamentary Union in Lomé (Togo) in March. The participants were given information on the Additional Protocols and their support requested in order to speed up the ratification of these texts in their respective countries: the appeal for a humanitarian mobilization was likewise distributed at this conference.

In addition, the ICRC maintained close relations with the members of the Council of Europe, reminding them of Resolution No. 823 of 1984 in which the Parliamentary Assembly of the Council of Europe invited member States to ratify the Additional Protocols.

The Council of Delegates, a statutory body of the Red Cross and Red Crescent Movement which assembles the National Societies, the ICRC and the League, on 25 October adopted a resolution on the Additional Protocols inviting States to ratify the Protocols between them and the Twenty-fifth International Conference of the Red Cross, requesting the support of various intergovernmental bodies and of the National Societies, and encouraging the ICRC to continue its representations.

The efforts of the ICRC and of the Movement as a whole in this specific area were supported by the Independent Commission on International Humanitarian Questions (Memorandum adopted by the Commission on 8 June entitled "Request for Accession to the Protocols additional to the Geneva Conventions" and sent to all States not yet party to the Protocols) as well as by the World Veterans Federation (resolution adopted by the Eighteenth General Assembly in November).

#### *State of ratifications and accessions to the Geneva Conventions of 1949 and the Additional Protocols of 1977*

One State became party to the Geneva Conventions in 1985, the **Islamic Federal Republic of the Comoros**, by depositing its instrument of accession with the authorities of the Swiss Confederation on 21 November. The Geneva Conventions came into force for this State on 21 March 1986.

In 1985, the Swiss Confederation also registered two ratifications of and five accessions to the Additional Protocols. The seven States which thus became party to the two Protocols are: **Kuwait**, accession on 17 January; **Vanuatu**, accession on 28 February; **Senegal**, ratification on 7 May; the **Comoros**, accession on 21 November; the **Holy See**, ratification on 21

November; **Uruguay**, accession on 13 December; **Suriname**, accession on 16 December. The Additional Protocols came into force for these States six months after the above-mentioned dates.

As at 31 December 1985, 162 States were party to the Conventions, 55 to Protocol I and 48 to Protocol II. (See table, pp. 93-96 of this report.)

#### **Development of international humanitarian law**

Although since the adoption of the Additional Protocols of 1977 the ICRC has given priority to seeking means of promoting respect for existing international humanitarian law, it continues to explore possibilities of developing it, mainly by studying areas not dealt with by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (1974-1977), or by tackling problems arising from subsequent technological advances and affecting the application of the existing law. Continuing its internal deliberations, *inter alia* on the law of armed conflict at sea, in 1985 the ICRC took the initiative of inviting the maritime powers to participate in a meeting of governmental naval technical experts, which was held in Geneva in January 1986 to clarify certain technical and practical aspects involved in implementing the Second Convention, namely distinctive markings, signals and identification procedures for the means of transport protected by that Convention. A report on the work of this meeting will be presented to the Twenty-fifth International Conference of the Red Cross. In this connection, the ICRC has remained in contact with the International Maritime Organization and the International Lifeboat Conference.

For situations of internal disturbances and tension, which are not covered by international humanitarian law, the ICRC examined the possibility of defining certain guidelines to guarantee victims of these situations at least respect for basic humanitarian principles. After consulting legal experts from various countries in 1984—in a personal capacity—on the advisability of drawing up a legal or other document, the ICRC continued its work, in line with its appeal for a humanitarian mobilization and in November participated in two seminars on this subject. The first, organized by the University of New York, assembled professors of international public law from various United States universities. The second (Inter-American Seminar on Humanitarian Problems and Human Rights in Situations of Internal Disturbances and Tension) was organized in conjunction with the Inter-American Institute of Human Rights, in Buenos Aires, and was attended by specialists on human rights or international humanitarian law and by leading political figures; most of the participants came from Latin America. The ICRC delegation was headed by the Director for General Affairs. At these two seminars, respect for basic human rights and humanitarian action in situations of internal disturbances and tension were further discussed and the question of a possible ICRC declaration on the subject was examined.

## Law of The Hague: Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons of 10 October 1980

In conformity with the mandate entrusted to it by the Twenty-fourth International Conference of the Red Cross (Resolution No. IX), the ICRC continued to follow the question of the prohibition or limitation of certain conventional weapons which had been the subject of a Convention adopted on 10 October 1980 (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). In its contacts with States, the ICRC invites them to ratify this Convention and its three Protocols (relative to weapons involving non-detectable fragments, to mines and booby-traps, and to incendiary weapons). On 31 December 1985, two years after the Convention and its Protocols had come into force, 25 States were party to them: Australia, Austria, Bulgaria, Byelorussia, China, Czechoslovakia, Denmark, Ecuador, Finland, German Democratic Republic, Guatemala, Hungary, India, Japan, the Lao People's Democratic Republic, Mexico, Mongolia, Norway, Pakistan, Poland, Sweden, Switzerland, the Ukraine, the USSR and Yugoslavia.

## DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW AND OF THE PRINCIPLES AND IDEALS OF THE RED CROSS

The dissemination of knowledge of international humanitarian law and of the principles and ideals of the Red Cross is an essential part of the ICRC's constant, comprehensive endeavour to obtain the effective application of this law. The purpose of dissemination work is to promote knowledge of international humanitarian law and of the Red Cross and Red Crescent Movement (its history, principles, activities, ideals). It is based on the second "Programme of Action of the Red Cross with respect to Dissemination of International Humanitarian Law and the Principles and Ideals of the Red Cross" adopted by the Council of Delegates in 1981 and covering the period 1982 to 1985. This programme, which also concerns the League and the National Societies, is centred around four main objectives: to encourage the ratification of the Additional Protocols of 1977; to analyse the legal and practical consequences of the provisions of these texts; to disseminate and stimulate dissemination of knowledge of international humanitarian law among various circles (National Societies, governments, armed forces, universities, international organizations, etc.); and to incorporate the dissemination of the principles and ideals of the Red Cross in all the Movement's activities.

In 1985, in co-operation with the League and the Henry Dunant Institute, the ICRC launched a new specialized magazine entitled *Dissemination*, published three times a year in French, English and Spanish. *Dissemination*'s objectives are to promote the dissemination of knowledge of international humanitarian law and the principles and ideals of the

Movement, to support "disseminators" in their work to publicize the production of new dissemination material and to foster the exchange of ideas and experience among the National Societies in the specific field of dissemination. Destined to promote contact, this publication should, in addition, enable the implementation of the 1981 action programme to be observed more closely. *Dissemination* is therefore addressed to all people who, on account of their position or interest in international humanitarian law or the Red Cross, are likely to transmit their knowledge of these areas.

Dissemination is a constant task of the ICRC and therefore devolves upon each ICRC delegation all over the world; at the same time it is the subject of numerous missions from headquarters to maintain relations with National Societies and governments, and to organize and/or participate in seminars on international humanitarian law.

For the dissemination of knowledge and the teaching of international humanitarian law, the ICRC co-operates with the National Societies, the League and the Henry Dunant Institute, and with bodies which are not part of the Red Cross and Red Crescent Movement: the International Institute of Humanitarian Law in San Remo, the International Institute of Human Rights in Strasbourg, the Inter-American Institute of Human Rights (San José, Costa Rica), the International Law Commission of the United Nations, and universities.

We give hereunder an account of general dissemination activities among different target groups; the more specific activities carried out in each country will be found in the chapter "Action in the Field".

### Dissemination in the armed forces

In times of conflict, the armed forces are responsible for the practical application of humanitarian rules; they are therefore one of the main target groups for dissemination. The ICRC endeavours not only to make the law of armed conflict better known in military circles, but also to encourage its teaching in military training schools. A "delegates to the armed forces" service is especially responsible for this task.

Three courses planned and directed by this service were held in 1985: the *seventeenth and eighteenth international courses on the law of war* organized in San Remo (Italy) by the International Institute of Humanitarian Law in San Remo and the *fifth international seminar on the law of war for senior officers of the medical services of the armed forces*, organized in Geneva by the International Committee on Military Medicine and Pharmacy in Liège.

Intended for commanders of land, naval and air forces, experienced general staff officers, officers in charge of teaching the law of war, and military jurists, the two courses in San Remo took place from 19 May to 1 June (in French and Spanish) and from 13 to 26 October (in English); they respectively brought together representatives of nine countries (Belgium, Canada, Central African Republic, Colombia, Italy, Mexico, Nicaragua, Switzerland and Zaire) and of 19 countries (Australia, Bangladesh, Belgium, Canada, Finland,

Federal Republic of Germany, Ireland, Italy, Malawi, the Netherlands, Nigeria, Norway, Sierra Leone, Sri Lanka, Sweden, Switzerland, Thailand, the United States and Zambia). The course for military doctors, given in English in Geneva from 11 to 22 November, was attended by participants from ten countries (Denmark, the Federal Republic of Germany, Haiti, Indonesia, Iraq, Ireland, Nigeria, Qatar, South Africa and the United States). These two-week courses combine theory (lectures on the instruments of international humanitarian law) and practice (rules to observe in the conduct of military operations and the attitude to adopt with regard to civilian and military victims).

In addition to these three central courses, the "delegates to the armed forces" gave lectures on international humanitarian law to officers of the Dominican Republic, Honduras and Sierra Leone, as a part of national courses (*see chapter "Action in the Field" of this report*). Furthermore, the ICRC continued to take an active part in the introductory course on public law in times of war, organized by the Swiss Army.

Finally, relations were maintained with the International Society of Penal Military Law and Law of War (participation in the Tenth Congress of this Society held at Garmisch-Partenkirchen in the Federal Republic of Germany, from 2 to 7 October).

### Dissemination to National Societies

National Societies constitute a particularly important audience as they must in their turn become disseminators of knowledge of international humanitarian law and actively support the efforts of the ICRC in this area. Thus the ICRC helps them to establish and implement action programmes and participates in the training of their senior staff so that they in turn are able to teach the fundamental principles of international humanitarian law and of the Red Cross to other sections of the population.

The ICRC organized jointly with the Jamaica Red Cross Society and the League a first disseminators' training course for the English-speaking National Societies of the Caribbean, together with the National Societies of Belize and Guyana. The course was held in Kingston (Jamaica) from 30 June to 6 July, bringing together thirteen National Societies. From 14 to 20 July, the second training course was held in Mexico for senior information and dissemination personnel of the National Societies of Central America and the Spanish-speaking National Societies of the Caribbean. Organized by the Mexican Red Cross, the ICRC and the League, this course brought together eight National Societies. These regional courses (the previous ones were held in Turrialba in Costa Rica in 1982 and in La Paz in Bolivia in 1984) were intended to improve the participants' legal and historical knowledge of international humanitarian law and the Red Cross Movement, to emphasize the National Societies' responsibility as regard dissemination and to discuss methodology; the role of the National Societies in time of conflict was particularly stressed.

In addition to these courses, the ICRC continued to participate in several local seminars organized by National Societies in order to train suitable staff of their own to disseminate international humanitarian law. When taking part in various meetings or training courses organized by the Red Cross and Red Crescent Movement, the ICRC made every effort to improve knowledge of international humanitarian law. (*See also below the chapter on "Co-operation".*) Lastly, two National Society representatives active in the dissemination of knowledge of international humanitarian law attended a training course at the ICRC; these persons were from the Red Cross Societies of Costa Rica and Mexico.

### Dissemination to 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 of these texts is a formal obligation of each State party to the Geneva Conventions.

Continuing its efforts to disseminate knowledge of international humanitarian law in diplomatic circles, the ICRC participated in a second seminar on international humanitarian law organized by the University of New York for diplomats accredited to the United Nations (New York, 17-19 January): some 50 participants attended. A similar seminar was subsequently organized in Washington by the Washington College of Law (American University) and the American Red Cross on 20 and 21 June for some 30 diplomats accredited to the United Nations and the Organization of American States.

For the first time, the ICRC organized an introductory course on international humanitarian law in Arabic for representatives of the government of the Yemen Arab Republic. This course was held in Geneva from 19 to 26 August and assembled about fifteen participants, mainly high level officials of the Ministry of the Interior.

In addition, as in previous years, the ICRC gave lectures at:

— the Twenty-first Seminar on International Law of the International Law Commission of the United Nations held in Geneva in June, and attended by diplomats, legal experts from Ministries of Foreign Affairs, and university staff from 24 countries (the course was on international humanitarian law as a branch of international public law);

— the Third Interdisciplinary Course on Human Rights, organized by the Inter-American Institute of Human Rights, and held from 28 August to 7 September in San José (Costa Rica). It was attended by about one hundred government representatives (senior officials, diplomats) and university lecturers from 27 countries of the American continent;

— the Fifth Seminar on the Red Cross and International Humanitarian Law organized by the Henry Dunant Institute for members of the Permanent Missions to the United

Nations in Geneva. The seminar was held in English from 9 to 11 January.

Lastly, the ICRC was invited to take part in the training programme for diplomats organized in May by the Graduate Institute of International Studies in Geneva and thus addressed diplomats from Gabon, Madagascar, Mali and Tunisia.

### Dissemination in universities

The ICRC works not only to make international humanitarian law more widely known in universities, but also to promote its inclusion in university courses of study. Universities are an important target group, too, because they train students who may in future be called to fill responsible posts in governments.

To this effect the ICRC and the Polish Red Cross organized the third summer course on international humanitarian law for advanced law students from Europe and North America, held in Warsaw from 20 to 31 August. Like the previous courses, held in 1981 and 1984, this third course was designed to familiarize participants with the instruments of international humanitarian law and the principles of the Red Cross, thus training them as specialists on the subject, and to examine with them ways of disseminating this law in their respective universities, National Red Cross Societies or government circles. It was attended by 44 students representing 19 countries (Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Federal Republic of Germany, Great Britain, Greece, Hungary, Norway, the Netherlands, Poland, Spain, Sweden, Switzerland, the United States and the USSR). The lecturers included professors from universities in Poland, the Federal Republic of Germany, Finland, Great Britain and Hungary, as well as representatives of the ICRC and the League; the ICRC was represented in particular by its Vice-President, Mr. Aubert.

The ICRC remained associated with the teaching of international humanitarian law at Geneva University and the International Institute of Human Rights in Strasbourg (sixteenth teaching session, from 1 to 26 July, intended for law students wishing to further their knowledge). About 350 participants from 67 countries attended.

On 2 September, an agreement was signed between the Inter-American Institute of Human Rights and the ICRC concerning the establishment of a chair of international humanitarian law (Jean Pictet Chair) at the Institute, in San José (Costa Rica). The ICRC will provide a number of hours of lectures there every year.

The ICRC also gave lectures on international humanitarian law to law students and teaching staff at several educational events: a seminar organized by the Institute of the Law of Peace and Development (Nice, 21 February); a course organized by the University of Toulon (Toulon, 22 February); the dissemination week organized by the Belgian Red Cross (University of Liège, University of Louvain, Free University

of Brussels, 25 February to 5 March); the symposium on international humanitarian law organized by the Lumumba University and the Alliance of Red Cross and Red Crescent Societies of the USSR (Moscow, 2-4 December), with about 60 participants from 21 countries; and a colloquium held by the French Institute of Humanitarian Law and Human Rights (Clermont-Ferrand, France, 13-14 December). A lecture on the ICRC's activities on behalf of refugees was given at the National School of Administration in Paris on 20 December.

The task of the ICRC delegations is to maintain close contact with university circles with a view to promoting the teaching of international humanitarian law. (*See chapter on "Action in the Field".*)

The ICRC continued to receive university lecturers at its headquarters for training courses of a few weeks' duration. These persons, wishing to specialize in international humanitarian law and likely to teach it later, came, in 1985, from the Universities of Mainz (FRG), Rheims (France), Casablanca (Morocco) and Gdansk and Cracow (Poland).

In 1985, for the first time, the ICRC awarded the Paul Reuter Prize which, every two years, will reward particularly meritorious work in the field of international humanitarian law. The winner was Mr. Mohamed El Kouhene, Doctor of Laws, of Moroccan nationality, for his thesis on the fundamental guarantees of the person in international humanitarian law and human rights instruments. Established in 1983, the purpose of the Paul Reuter Fund is to promote knowledge and dissemination of international humanitarian law and, in this connection, to award the above-mentioned prize. (*See also the financial table on page 129 of this report.*)

### Dissemination to the mass media

Following the mission to Cairo in 1984 by the Head of the ICRC Information Department to visit the Union of African Journalists (UAJ), a seminar on "The Journalist and International Humanitarian Law" was held in Nairobi from 16 to 18 September, organized jointly by the UAJ and ICRC. This seminar brought together about 40 journalists from 28 African countries. Its objectives were to introduce international humanitarian law, to examine the role of the media in the promotion of humanitarian rules, and the protection of journalists in their work (*on the protection of journalists, see also chapter on "Information".*)

### Dissemination to prison staff

The ICRC delegates constantly endeavour to make known to prison administrations the fundamental principles of international humanitarian law and the Red Cross, as well as the ICRC's protection activities. In addition, the ICRC, the Henry Dunant Institute and the International Centre for Sociological, Penitentiary and Criminal Studies of the University of Messina (Italy) organized a seminar in that city, from 17 to 22 June, for 50 senior prison administration officials from about 30 African countries.

## **Co-operation with other international and non-international organizations on legal and humanitarian issues**

### **PARTICIPATION IN INTERNATIONAL AND REGIONAL MEETINGS**

The ICRC keeps in touch with various international or regional governmental and non-governmental organizations about humanitarian issues and questions of international law. It takes part in numerous meetings (conferences, round-table meetings, seminars) organized outside the Red Cross Movement but concerning topics which are of humanitarian interest or deal with the different branches of law (international humanitarian law, human rights, international public law, etc.). Besides, these meetings provide many opportunities for contacts with the representatives of countries taking part.

This task is entrusted more particularly to the ICRC's International Organizations Division and to the New York delegation attached to it, but also to other ICRC staff, particularly legal experts.

#### **Contacts with the United Nations**

As observer, the ICRC followed the work of the annual sessions of United Nations bodies and specialized agencies within the United Nations System, namely:

- the fortieth session of the United Nations General Assembly (New York, September-December), especially the work of the Third and Sixth Committees of the Assembly which deal respectively with humanitarian and legal questions;
- the first and second regular annual sessions of ECOSOC (held respectively in New York in May and in Geneva in July);
- the Thirty-eighth World Health Assembly (Geneva, May) and the seventy-fifth and seventy-sixth sessions of the Executive Board of the World Health Organization;
- the seventy-first annual International Labour Conference of the International Labour Organization (Geneva, June);
- the thirty-sixth session of the Executive Committee of the Office of the United Nations High Commissioner for Refugees (Geneva, October);
- the forty-first session of the Commission on Human Rights of the United Nations (Geneva, February-March);

The ICRC also followed the work of the Human Rights Committee (twenty-fifth and twenty-sixth sessions (Geneva, July and November), the Sub-Commission on Prevention of Discrimination and Protection of Minorities (thirty-eighth session, Geneva, August), the Committee on the Elimination of Racial Discrimination (thirty-second session, Geneva, August), the Sub-Committee on Radio Communications at Sea of the International Maritime Organization (London, 14-17 April), the IMO Sub-Committee on Safety of Navigation (London, 8 July) and the Consultative Meeting of Representatives of Human Rights Agencies (Strasbourg, 12-13 September). The ICRC attended various private meetings of experts, organized by the United Nations Children's Fund, on the subject of children in situations of armed conflict, in New York, in March, July and November; the meetings included work on the draft Convention on the Rights of the Child.

Likewise, as an observer, the ICRC attended the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was held in Milan from 26 August to 6 September. The ICRC was also represented at the International Symposium on Peace organized by the Neuman Foundation and the University for Peace of the United Nations (Caracas, 2-7 June). Finally, the ICRC was invited to participate in the symposium organized in Geneva on 17 June by the United Nations Institute for Disarmament Research to commemorate the sixtieth anniversary of the Geneva Protocol of 1925 (this Protocol prohibits the use in war of chemical and bacteriological weapons). The ICRC delegation was headed by the ICRC Vice-President.

The ICRC President also had discussions in Geneva with the Secretary-General of the United Nations on issues of mutual interest.

#### **Other governmental, regional or international organizations**

The ICRC took part, as an observer, in the following meetings:

- the thirty-seventh session of the Parliamentary Assembly of the Council of Europe, held in Strasbourg in April and September and the meeting of the Permanent Commission of the Council of Europe held in Strasbourg in November;
- the fifteenth regular session of the General Assembly of the Organization of American States, which took place in Cartagena (Colombia) in December;
- the ministerial meetings of the non-aligned countries held in New Delhi in April and in Luanda in September;

#### **International or regional non-governmental organizations**

The ICRC is in contact with a great number of non-governmental organizations (NGOs). In 1985, it participated

in various meetings held by these organizations: the sessions of the Special Committee of International Non-Governmental Organizations on Human Rights, in Geneva; the fifty-first and fifty-second meetings of non-governmental organizations accredited to the Council of Europe in Strasbourg; an NGO seminar on the protection of medical personnel (Geneva, 7 March); and a colloquium dealing with the contribution of non-governmental organizations to the formulation and application of international norms, organized by the International Research Centre, Paris University of and by the International Institute of Diplomatic Studies, and held in Paris on 6 and 7 June.

For several years, the ICRC has maintained close contact with the *International Institute of Humanitarian Law* in San Remo. In addition to its participation in the international courses on the law of war (cf. *Chapter on "Dissemination of International Humanitarian Law"*) the ICRC took an active part in other meetings organized by the Institute, as follows:

- the eleventh round table on current problems of international humanitarian law and the Red Cross and Red Crescent Societies Symposium which were held in San Remo (Italy) from 9 to 14 September and attended by over 160 participants representing governmental, military, university and Red Cross circles. The ICRC delegation was headed by the Vice-President. The round table analysed the issue of movements of refugees and the legal aspects related thereto, and the relation between guerrilla warfare, terrorism and international humanitarian law; the symposium dealt with the protection of children in peace and war;
- the seminar on international humanitarian law in the contemporary world, which was held in Budapest from 19 to 21 September and brought together jurists from East European countries;
- the colloquium on the promotion and dissemination of knowledge of human rights, international humanitarian law, refugee law, migrant law and disaster relief law, which took place in Monaco from 6 to 9 November (this colloquium was organized jointly by the Institute in San Remo, the Medico-Legal Commission of Monaco and the Red Cross Society).

Having acquired observer status in 1984, the ICRC sent representatives to the seventy-third and seventy-fourth ses-

sions of the *Inter-Parliamentary Conference of the Inter-Parliamentary Union* held in Lomé (Togo) from 25 to 30 March and in Ottawa (Canada) from 2 to 7 September.

The Vice-President of the ICRC headed the ICRC delegation to the Eighteenth General Assembly of the *World Veterans Federation*, which took place in Rotterdam (the Netherlands) from 17 to 22 November. The Secretary-General of the Federation, Mr. Serge Wougaft, was received at the ICRC on 14 February

Contact was also maintained with the *International Institute of Human Rights* in Strasbourg (teaching of international humanitarian law), the *Independent Commission on International Humanitarian Issues* (including participation in a meeting held on 2 September on the subject of vagrant children), the *International Relations Institute of Cameroon* (Fifth African Seminar on the Protection of the Human Person in the Event of Armed Conflict, Yaoundé, 27 November-5 December), the *Inter-American Bar Association* (Fifth Inter-American Seminar on International Humanitarian Law and Pacific Settlement of Differences, Mexico, 9-15 November).

Finally, the ICRC took part in the following meetings:

- International Conference on Peace, organized by the African Institute of Private Law, with the co-operation of the government of Togo, held in Lomé from 14 to 18 January;
- the Colloquium on Isolation and Torture, organized by the Amnesty International Medical Group in Paris on 18 and 19 January;
- the sessions on the law of asylum in Europe, organized by the Swiss League of Human Rights, in Lausanne (Switzerland) from 15 to 17 February;
- the Seminar on the Care and Protection of Unaccompanied Children in Emergencies, organized by Redd Barna and the International Council of Voluntary Agencies at Halvorsbole (Norway) from 24 to 26 June;
- the Colloquium entitled "Nuclear War, Nuclear Proliferation and their Consequences", organized by the Bellerive Group chaired by Prince Saddrudin Aga Khan (Geneva, 27-29 June).

**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 1985

*(The names of a number of countries in this list may differ from those countries' official names)*

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/declaration	Date	Signature	A, R, S <sup>1</sup>	Reservations/declaration	Date	Signature	A, R, S <sup>1</sup>	Reservations/declaration	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 . . . . .											
Argentina . . . . .	R		18.09.56								
Australia . . . . .	R		14.10.58	X	R <sup>2</sup>	X	13.08.82	X	R	X	13.08.82
Austria . . . . .	R		27.08.53								
Bahamas . . . . .	S		11.07.75		A		10.04.80		A		10.04.80
Bahrain . . . . .	A		30.11.71		A		08.09.80		A		08.09.80
Bangladesh . . . . .	S		04.04.72								
Barbados . . . . .	S		10.09.68								
Belgium . . . . .	R		03.09.52	X				X			
Belize . . . . .	A		29.06.84		A		29.06.84		A		29.06.84
Benin . . . . .	S		14.12.61								
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				X			
Burma . . . . .											
Burundi . . . . .	S		27.12.71					X			
Byelorussia . . . . .	R	X	03.08.54	X				X			
Cameroon . . . . .	S		16.09.63		A		16.03.84	X	A		16.03.84
Canada . . . . .	R		14.05.65	X				X			
Cape Verde . . . . .	A		11.05.84								
Central African Rep. . . . .	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		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>								
Dominican Republic . . . . .	A		22.01.58								
Dominica . . . . .	S		28.09.81								

<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> 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 1985

*(The names of a number of countries in this list may differ from those countries' official names)*

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ declaration	Date	Signa- ture	A, R, S <sup>1</sup>	Reservations/ declaration	Date	Signa- ture	A, R, S <sup>1</sup>	Reservations/ declaration	Date
Ecuador . . . . .	R		11.08.54	X	R		10.04.79	X	R		10.04.79
Egypt . . . . .	R		10.11.52	X			23.11.78	X	R		23.11.78
El Salvador . . . . .	R		17.06.53	X	R						
Equatorial Guinea . . . . .											
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		24.02.84
Gabon . . . . .	S		20.02.65								08.04.80
Gambia . . . . .	S		11.10.66								
German Dem. Rep. . . . .	A	X	30.11.56	X							
German (Fed. Rep. of) . . . . .	A		03.09.54	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							
Guinea . . . . .	A	X	11.07.84								
Guinea-Bissau . . . . .	A		21.02.74								
Guyana . . . . .	S		22.07.68								
Haiti . . . . .	A		11.04.57								
Holy See . . . . .	R	X	22.02.51	X	R	X	21.11.85	X	R	X	21.11.85
Honduras . . . . .	A		31.12.65	X							
Hungary . . . . .	R		03.08.54	X							
Iceland . . . . .	A		10.08.65	X							
India . . . . .	R		09.11.50								
Indonesia . . . . .	A		30.09.58								
Iran . . . . .	R		20.02.57	X							
Iraq . . . . .	A		14.02.56								
Ireland . . . . .	R	X	27.09.62	X							
Israel . . . . .	R		06.07.51								
Italy . . . . .	R		17.12.51	X							
Jamaica . . . . .	S		17.07.64								
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								
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 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 1985

*(The names of a number of countries in this list may differ from those countries' official names)*

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ declaration	Date	Signature	A, R, S <sup>1</sup>	Reservations/ declaration	Date	Signature	A, R, S <sup>1</sup>	Reservations/ declaration	Date
Lesotho . . . . .	S		20.05.68								
Liberia . . . . .	A		29.03.54								
Libyan Ar. Jamahiriya. . . . .	A		22.05.56								
Liechtenstein . . . . .	R		21.09.50								
Luxembourg . . . . .	R		01.07.53	X							
Madagascar. . . . .	S		13.07.63	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								
Mauritius . . . . .	S		18.08.70								
Mexico . . . . .	R		29.10.52								
Monaco . . . . .	R		05.07.50								
Mongolia . . . . .	A		20.12.58	X							
Morocco . . . . .	A		26.07.56	X							
Mozambique . . . . .	A		14.03.83	X							
Namibia <sup>3</sup> . . . . .	A		18.10.83								
Nauru. . . . .											
Nepal . . . . .	A		07.02.64								
Netherlands. . . . .	R		03.08.54	X							
New Zealand. . . . .	R		02.05.59	X							
Nicaragua. . . . .	R		17.12.53	X							
Niger . . . . .	S		16.04.64	X	R						
Nigeria . . . . .	S		09.06.61	X	R <sup>2</sup>						
Norway . . . . .	R		03.08.51	X	R <sup>2</sup>	X					
Oman . . . . .	A		31.01.74								
Pakistan. . . . .	R	X	12.06.51	X							
Panama . . . . .	A		10.02.56	X							
Papua New Guinea . . . . .	S		26.05.76								
Paraguay . . . . .	R		23.10.61								
Peru . . . . .	R		15.02.56	X							
Philippines . . . . .	R		06.10.52 <sup>4</sup>	X							
Poland . . . . .	R	X	26.11.54	X							
Portugal. . . . .	R	X	14.03.61	X							
Qatar . . . . .	A		15.10.75								
Romania . . . . .	R	X	01.06.54	X							
Rwanda . . . . .	S		21.03.64	X							
Saint-Kitts & Nevis . . . . .											
Saint Lucia . . . . .	S		18.09.81								
Saint Vincent & Grenadines. . . . .	A		01.04.81								

<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  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

Situation as at 31 December 1985

*(The names of a number of countries in this list may differ from those countries' official names)*

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I				PROTOCOL II			
	A, R, S <sup>1</sup>	Reservations/ declaration	Date	Signa- ture	A, R, S <sup>1</sup>	Reservations/ declaration	Date	Signa- ture	A, R, S <sup>1</sup>	Reservations/ declaration	Date
Samoa . . . . .	S		23.08.84				23.08.84				23.08.84
San Marino . . . . .	A		29.08.53	X	A						
Sao Tome & Principe . . . . .	A		21.05.76								
Saudi Arabia . . . . .	A		18.05.63								
Senegal . . . . .	S		23.04.63	X	R						
Seychelles . . . . .	A		08.11.84		A						
Sierra Leone . . . . .	S		31.05.65								
Singapore . . . . .	A		27.04.73								
Solomons . . . . .	S		06.07.81								
Somalia . . . . .	A		12.07.62								
South Africa . . . . .	A		31.03.52								
Spain . . . . .	R		04.08.52								
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								
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								
Turkey . . . . .	R		10.02.54								
Tuvalu . . . . .	S		19.02.81								
Uganda . . . . .	A		18.05.64								
Ukraine . . . . .	R	X	03.08.54	X							
USSR . . . . .	R	X	10.05.54	X							
United Arab Emirates . . . . .	A		10.05.72								
United Kingdom . . . . .	R		23.09.57	X	A	X	09.03.83	X	A	X	09.03.83
United States . . . . .	R	X	02.08.55	X	A						
Uruguay . . . . .	R	X	05.03.69								
Vanuatu . . . . .	A		27.10.82								
Venezuela . . . . .	R		13.02.56								
Vietnam . . . . .	A	X	28.06.57	X	R						
Yemen (Arab Rep.) . . . . .	A		16.07.70	X							
Yemen (People's 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						
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 17.03.63 and not on 24.09.63 as for the other three Conventions.