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THE LAW AND LEGAL CONSIDERATIONS

The ICRC's efforts to ensure respect for humanitarian law in various armed conflicts are described in the chapter on its field operations. Specialized lawyers based in Geneva (and allocated to each of the five operational zones) backed up its work in the field with pertinent advice in terms of humanitarian law and the Movement's principles. In addition to this legal backing, which is provided by all ICRC lawyers, the abiding goals of the ICRC as regards the law and legal considerations are:

- to promote the treaties of humanitarian law, particularly the Additional Protocols of 1977, in order to bring about their acceptance throughout the world;
- to persuade States to enact domestic legislation or adopt practical steps to implement international humanitarian law and ensure its application;
- to foster greater knowledge and understanding of international humanitarian law through teaching and dissemination;
- to contribute to its development in order to remedy any omissions and adapt it to new requirements.

Promotion of existing treaties

Geneva Conventions and Additional Protocols¹

During 1991 the following States became party to the undermentioned international instruments:

- *the four Geneva Conventions of 12 August 1949:*
Bhutan, Maldives, Namibia, Brunei and Latvia;
- *the two Protocols of 8 June 1977:*
Canada, Uganda, Djibouti, Chile,

¹ The reader will find a complete list of the States party to the Geneva Conventions of 1949 and the Additional Protocols of 1977 on pages 130-134.

Australia, Maldives, Malawi, Brunei, Poland and Latvia.

The depositary also recorded declarations of continuity by Lithuania and Estonia in respect of the two 1929 Geneva Conventions. These statements took effect on 6 September 1991, when the Soviet Union recognized the independence of the Baltic States. Latvia made an identical declaration shortly after its accession to the 1949 Conventions and 1977 Protocols (see above).

The ICRC regularly brought up the question of becoming party to the Protocols and where relevant the Conventions during visits to or by the President of the ICRC or its delegations. Developments in the former USSR in 1991 rendered the status of humanitarian law particularly problematic in various republics that were previously constituent parts of the Soviet Union.

Estonia, Latvia and Lithuania clarified their positions (see above). The Russian Federation stated it would continue the participation of the USSR. Belarus and Ukraine were already party as independent States to the 1949 Conventions and the Additional Protocols of 1977. Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Uzbekistan, Tajikistan and Turkmenistan, together with the member States of the Commonwealth of Independent States (CIS), made a declaration in Alma Ata whereby they "guarantee, in accordance with their constitutional procedures, the fulfilment of international obligations stemming from the treaties and agreements of the former USSR". As Georgia has not denounced the Conventions and Protocols, it can be considered as still being bound by these treaties under international law.

The ICRC nevertheless initiated contacts with all these States in order to leave no doubt as to their legal situation and to examine what steps need to be taken to promote implementation and dissemination of the Geneva Con-

ventions and their Additional Protocols. These contacts will continue in 1992.

International Fact-Finding Commission

The International Fact-Finding Commission provided for in Article 90 of 1977 Protocol I is competent to enquire into any facts alleged to be a grave breach as defined in the Geneva Conventions or that Protocol, or other serious violation of those treaties, as well as to facilitate, through its good offices, the restoration of an attitude of respect for the Conventions and the Protocol.

By 20 November 1990, 20 States had made the optional declarations recognizing the competence of the Commission, within the terms of the above-mentioned Article 90.

As the depositary State for the Geneva Conventions, Switzerland was then able to convene a meeting of representatives of the States that had made the declaration under Article 90, for the purpose of electing the fifteen members of the Commission. That meeting was held on 25 June in Berne.²

In 1991, a further five States³ made the optional declaration, bringing to twenty-five the number of States provisionally accepting the binding competence of the Commission.⁴

United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons

This Convention was adopted on 10 October 1980 and is supplemented by three protocols: Protocol I which prohibits the use of weapons

causing injury by non-detectable fragments, Protocol II which restricts the use of mines, booby-traps and other devices, and Protocol III which restricts the use of incendiary weapons. These documents lay down, with regard to certain weapons, general rules forbidding weapons and methods of warfare of a nature to cause superfluous injury or unnecessary suffering or have indiscriminate effects. The Convention restates the principle, reaffirmed by Protocol I additional to the Geneva Conventions, that the right of the parties to an armed conflict to choose the methods or means of warfare is not unlimited.⁵

In 1991 the ICRC continued its efforts to promote this Convention and in particular to encourage those States that had not done so to become party to it. In a speech to the 46th session of the United Nations General Assembly on its activities in relation to conventional weapons and new weapons technologies, the ICRC renewed its call for more States to accede to this Convention. Thus, resolution A/RES/46/40 urged States to take the necessary steps to do so and "taking into account the nature of the Convention, [noted] the potential of the International Committee of the Red Cross to consider questions pursuant to the Convention". As part of preparations for the 26th International Conference of the Red Cross and Red Crescent (which was to have been held in Budapest at the end of the year), the ICRC also drew the attention of its interlocutors to the question. A draft resolution on the 1980 Convention was prepared with the aim of promoting this instrument. Finally, as before, the ICRC continued to draw attention in the course of

² The following were elected: Dr. André Andries (Belgium); Prof. Ghalib Djilali (Algeria); Prof. Marcel Dubouloz (Switzerland); Dr. Valeri S. Kniasev (Russian Federation); Dr. Erich Kussbach (Austria); Dr. James M. Simpson (Canada); Prof. Luigi Condorelli (Italy); Prof. Daniel H. Martins (Uruguay); Dr. Santiago Torres Bernardez (Spain); Prof. Frits Kalshoven (Netherlands); Sir Kenneth J. Keith (New Zealand); Dr. Carl-Ivar Skarstedt (Sweden); Prof. Torkel Opsahl (Norway); Prof. Allan Rosas (Finland); Prof. Francis Zachariae (Denmark).

³ Germany, Chile, Hungary, Qatar and Togo.

⁴ The reader will find the list of these States on pages 130-134.

⁵ As at 31 December 1991, the following States were party to the Convention: Australia, Austria, Belarus, Benin (for Protocols I and II), Bulgaria, China, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Finland, France (Protocols I and II), Guatemala, Hungary, India, Japan, Laos, Liechtenstein, Mexico, Mongolia, Netherlands, Norway, Pakistan, Poland, Russian Federation, Sweden, Switzerland, Tunisia, Ukraine, Yugoslavia. It should be noted that the German Democratic Republic had been party to this Convention. For States formerly part of the USSR, see p. 124.

its dissemination activities to regulations on the use of conventional weapons.

The legal position in relation to the use of mines, particularly in non-international armed conflicts, has also continued to concern the ICRC. Thus, the draft resolution on the 1980 Convention drawn up for the 26th International Conference of the Red Cross and Red Crescent drew attention to the terrible suffering caused by mines among civilian populations and invited the parties to armed conflicts to respect the relevant provisions of the 1980 Convention, even in situations where the formal conditions for applying the treaty were not met.

Respect for international humanitarian law

Implementation measures at the national level

In 1991 the ICRC continued to urge the States party to the Geneva Conventions and National Societies to adopt in peacetime national measures to give effect to international humanitarian law and to provide it with all relevant information on steps taken or contemplated.

Replies received to the ICRC's previous written approaches on this subject failed to inform it of the procedures considered most suitable to help States discharge their obligations. Because this information was lacking, the ICRC drew up a list of proposals obtained from various sources and on 18 January transmitted them to States and National Societies, asking them how it could better assist them in this connection.

The ICRC, together with the Inter-American Institute of Human Rights, also organized a second regional seminar on the subject, which was held in San José (Costa Rica) from 18 to 21 June 1991. It brought together representatives of governments, academic circles and the Red Cross from 18 Latin American countries and provided an opportunity for participants to exchange information on steps taken and current experience.

The ICRC also published a collection entitled *National measures to implement international humanitarian law — representations by the ICRC*, which is a compilation of the various documents it submitted to governments and National Societies pursuant to Resolution V of the 25th International Conference of the Red Cross (1986). This compendium is supplemented by a document detailing the replies received from the various States, which was annexed to the report drawn up by the ICRC for the 26th International Conference of the Red Cross and Red Crescent. This document includes a list of the legislation and regulations received and made available for consultation.

Development of international humanitarian law

In application of Resolution III of the 25th International Conference, the ICRC continued its work to improve identification of medical transports. To that end it attended numerous meetings of experts at specialized international agencies such as the International Maritime Organization, the International Civil Aviation Organization and the International Telecommunication Union. It also continued providing information on new technologies to be taken into account for better and more reliable identification of medical transports during armed conflicts.

The meeting of technical experts held in Geneva in August 1990, with a view to a possible revision of Annex I of Protocol I (Regulations Concerning Identification), gave rise to a number of proposed amendments. In conformity with the provisions of Article 98 of Protocol I, the ICRC requested the Swiss Confederation, the depositary State for the Geneva Conventions and their Additional Protocols, to initiate the procedure for inviting the States party to them to adopt the proposed amendments. The purpose of these amendments is to incorporate in Annex I of Protocol I the technical provisions already adopted by the specialized international organizations.

For greater efficiency, and taking account of the fact that these amendments reflect the viewpoints of a large number of experts from numerous countries, the depositary proposed that they be adopted in writing, instead of at a diplomatic conference. The results of this consultation will be known in 1992.

New weapons

In April 1991 the ICRC held the second round table on battlefield laser weapons. In June 1989 the first round table had recommended the convening of working groups to gather further specialized information on the technical, medical and psychological aspects of the use of laser weapons, whose principal effect on soldiers would be irreversible blindness. The purpose of the second round table was to discuss the legal and policy implications of the facts gathered in the previous meetings and to examine the usefulness of a set of legal rules and the form that these could take. The second round table assembled 37 government officials from 22 countries, who attended in their personal capacity, and six scientific experts who had been members of the previous working groups. The meeting discussed the following matters:

- ☐ whether the use of such weapons to inflict permanent blindness amounts to cruelty that is excessive for military purposes, thereby violating international humanitarian law;
- ☐ whether the adoption of new rules in the matter can be envisaged and if so, under what procedure.

The ICRC indicated at the beginning of the meeting that there was a need for some sort of regulation. There was disagreement among the government experts as to whether intentional blinding would already be illegal under existing law; but the majority of experts thought that a specific regulation to prohibit blinding as a method of warfare would be necessary.

The ICRC had included the subject in its report on new weapons technologies prepared for the 26th International Conference of the

Red Cross and Red Crescent, with a draft resolution.

Pursuant to Resolution VII B of the 25th International Conference, the ICRC continued to follow new developments in the sphere of small calibre bullets and new armaments technologies, more particularly, directed energy weapons and fuel-air explosives ("FAE"). To that end it took part in meetings both in Switzerland and other countries on small calibre bullets and new infantry weapons undergoing development, drawing attention on such occasions to the applicable rules of humanitarian law and stressing the need to standardize ballistics tests so as to establish which bullets would not be in conformity with the rules before they went into mass production.

The results of this work were discussed in the report prepared on the subject for the 26th International Conference of the Red Cross and Red Crescent.

Law of war at sea

The ICRC continued to take an active part in the series of round tables of experts on international humanitarian law applicable to armed conflict at sea, organized by the International Institute of Humanitarian Law. The purpose of these meetings is to draft a document reporting on treaty and customary law as it stands today, and to present proposals for its progressive development.

The 1991 round table held in Bergen (Norway) was organized by the San Remo International Institute of Law in conjunction with the Norwegian Navy School of Tactics and the Norwegian Red Cross. It discussed two different subjects: namely visit, search, diversion and capture at sea, and the effect of the United Nations Charter on the law of naval warfare.

The ICRC prepared a report on developments in the law of naval warfare over the last few years for submission to the 26th International Conference of the Red Cross and Red Crescent.

Humanitarian assistance

Between 21 and 23 March, the ICRC held a seminar in Annecy (France) on the subject "Famine and War". The seminar gave rise to lively discussion between specialists of different branches (physicians, nutritionists, lawyers, journalists, etc.) faced with this terrible problem, and revealed all the human, social, logistic, legal and political complexity of the problem. Following the meeting, the ICRC drafted a report for the 26th International Conference of the Red Cross and Red Crescent together with a draft resolution on the protection of the civilian population against famine in armed conflicts. After the postponement of the 26th Conference, this report was considered by the Council of Delegates at its session of 28 to 30 November, which adopted the proposed resolution (Resolution 13). While reminding all concerned that the starvation of civilians as a means of combat is prohibited, the resolution stresses that respect for the rules of international humanitarian law, in particular those restricting displacements of the population, would in many cases suffice to prevent or reduce the risk of famine as a result of armed conflict. The importance of maintaining the rights of individuals displaced within a country as a result of an armed conflict was also stressed.

The Council of Delegates furthermore adopted a resolution on humanitarian assistance in situations of armed conflict (Resolution 12). This stressed that a relief action which is neutral, humanitarian and impartial in character does not constitute interference in the internal affairs of States and in particular called on all parties to an armed conflict "to allow free passage of medicines and medical equipment, foodstuffs, clothing and other supplies essential to the survival of the civilian population of another Contracting Party, even if the latter is its adversary, it being understood that they are entitled to ensure that the consignments are not diverted from their destination".

These reports and resolutions will be

submitted in due course to the International Conference of the Red Cross and Red Crescent, in view of the importance of discussing them with the States.

Environment

Protection of the environment in periods of armed conflict assumed sudden and tragic importance during the conflict in the Gulf.

In the aftermath of these events, questions were widely raised about the content, limitations and possible inadequacies of international humanitarian law on the protection of the environment in times of armed conflict. These questions were discussed at several meetings which aroused great interest and which the ICRC was invited to attend.

The organization of such meetings should be hailed, as should the interest that many specialists have shown in developing rules to protect the environment against the effects of hostilities, since it is to be feared that the appearance on the battlefield of especially devastating methods of warfare could result in intolerable damage to the environment.

Although protection of the environment in times of armed conflict has become highly relevant today, the problem is not new. The international community has in fact been tackling it since the early 1970s. Major legal rules have been successfully adopted with the aim of limiting damage to the environment to a level considered acceptable. These rules are largely contained in Protocol I of 1977 and the Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, adopted in 1976 under United Nations auspices.

There is no doubt that these provisions, plus certain fundamental principles of international humanitarian law, provide a sound basis for protecting the environment in time of armed conflict. Nevertheless, some calls are being made for a radical reform of such law, and re-examination of the question would certainly be warranted in view of present developments in warfare techniques. The

above-mentioned provisions and principles should nevertheless be taken into careful account should there be any re-evaluation of international law on the protection of the environment during times of conflict. The ICRC itself has reached certain conclusions:

- In its opinion it should be possible, to a very considerable extent, to reduce damage to the environment during periods of conflict by applying existing rules.
- A very vigorous effort should therefore be made to induce as many States as possible to comply with these rules. In addition, particular stress should be placed on making these legal provisions known to all concerned. Moreover, certain methods of implementation specific to humanitarian law could encourage greater respect for existing rules.
- Some questions should be clarified and re-examined in the light of recent knowledge.

The ICRC itself intends to re-examine with experts the question of protecting the environment in time of armed conflict, in accordance with the wish expressed by the United Nations General Assembly in its decision 46/417 of 9 December 1991 ("Exploitation of the environment as a weapon in times of armed conflict and the taking of practical measures to prevent such exploitation").

Relations with other institutions in the realm of international humanitarian law

In May 1991 the ICRC took part in the second training session organized by the Arab Institute of Human Rights, based in Tunis, on the subject of human rights and international humanitarian law.

The ICRC kept in close touch with the International Institute of Humanitarian Law in San Remo, Italy, and, as it has done for several years, helped in the preparation and running of several courses and seminars organized by the Institute. Thus, it was closely involved in the 16th Round Table on current problems of international humanitarian law (3-7 September 1991) which brought together over 150 participants representing governments, the academic world, international organizations and the International Red Cross and Red Crescent Movement. The meeting examined the protection of prisoners of war and civilian populations, compliance with the rules governing the conduct of hostilities, and the implementation of humanitarian law. All these topics were considered in the light of recent conflicts.

The meeting ended with a day of discussions, organized jointly by the Institute and the Office of the United Nations High Commissioner for Refugees (UNHCR) on the protection of refugees in recent conflicts, in particular reviewing problems that arose in the Gulf conflict. As was customary, a Red Cross and Red Crescent symposium was also held on this occasion. This time it was devoted to preparations for the 26th International Conference of the Red Cross and Red Crescent.

The ICRC was also involved in a number of courses, meetings and seminars organized by institutions and associations concerned with international humanitarian law, such as the *American Society of International Law* (Washington, 17-20 April 1991), the *International Institute of Human Rights* in Strasbourg, France, the *Inter-American Institute of Human Rights* in San José, Costa Rica, and the *United Nations Institute for Training and Research (UNITAR)*, which held a series of courses in The Hague in July.

STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949¹
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977

Situation as at 31 December 1991

(See explanation of notes below tables, p. 134)

| Country (in French alphabetical order) | GENEVA CONVENTIONS | | | PROTOCOL I | | | | PROTOCOL II | | | |
|---|----------------------|-------------------------------|-----------------------|------------|----------------------|-------------------------------|-------------------|-------------|----------------------|-------------------------------|-------------------|
| | R, A, S ² | Reservations/ Declarations | Date ³ | Signature | R, A, S ² | Reservations/ Declarations | Date ³ | Signature | R, A, S ² | Reservations/ Declarations | Date ³ |
| Afghanistan | R | | 26.09.56 | | | | | | | | |
| South Africa | A | | 31.03.52 | | | | | | | | |
| Albania | R | X | 27.05.57 | | | | | | | | |
| Algeria | A | | 20.06.60 | | A ⁴ | X | 16.08.89 | | A | | 16.08.89 |
| Germany | A | | 03.09.54 | X | R ⁴ | X | 14.02.91 | X | R | X | 14.02.91 |
| 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 |
| Saudi Arabia | A | | 18.05.63 | | A | X | 21.08.87 | | | | |
| Argentina | R | | 18.09.56 | | A | X | 26.11.86 | | A | X | 26.11.86 |
| Australia | R | | 14.10.58 | X | R | X | 21.06.91 | X | R | X | 21.06.91 |
| Austria | R | | 27.08.53 | X | R ⁴ | 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 | | A | | 19.02.90 | | A | | 19.02.90 |
| Belarus | R | X | 03.08.54 | X | R ⁴ | | 23.10.89 | X | R | | 23.10.89 |
| Belgium | R | | 03.09.52 | X | R ⁴ | 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 | A | | 10.01.91 | | | | | | | | |
| 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 | A | | 14.10.91 | | A | | 14.10.91 | | A | | 14.10.91 |
| Bulgaria | R | X | 22.07.54 | X | R | | 26.09.89 | X | R | | 26.09.89 |
| Burkina Faso | S | | 07.11.61 | X | R | | 20.10.87 | X | R | | 20.10.87 |
| Burundi | S | | 27.12.71 | | | | | | | | |
| Cambodia | A | | 08.12.58 | | | | | | | | |
| Cameroon | S | | 16.09.63 | | A | | 16.03.84 | | A | | 16.03.84 |
| Canada | R | | 14.05.65 | X | R ⁴ | X | 20.11.90 | X | R | X | 20.11.90 |
| Cape Verde | A | | 11.05.84 | | | | | | | | |
| Chile | R | | 12.10.50 | X | R ⁴ | | 24.04.91 | X | R | | 24.04.91 |
| China | R | X | 28.12.56 | | A | X | 14.09.83 | | A | | 14.09.83 |
| Cyprus | A | | 23.05.62 | X | R | | 01.06.79 | | | | |
| 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 |
| Korea (Rep.) | A | X | 16.08.66 ⁵ | 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 | | | | |
| Costa Rica | A | | 15.10.69 | | A | | 15.12.83 | | A | | 15.12.83 |
| Côte d'Ivoire | S | | 28.12.61 | X | R | | 20.09.89 | X | R | | 20.09.89 |
| Cuba | R | | 15.04.54 | | A | | 25.11.82 | | | | |

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949¹
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

Situation as at 31 December 1991

| Country (in French alphabetical order) | GENEVA CONVENTIONS | | | PROTOCOL I | | | | PROTOCOL II | | | |
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| Denmark | R | | 27.06.51 | X | R ⁴ | X | 17.06.82 | X | R | | 17.06.82 |
| Djibouti | S | | 06.03.78 ⁶ | | A | | 08.04.91 | | A | | 08.04.91 |
| Dominica | S | | 28.09.81 | | | | | | | | |
| Egypt | R | | 10.11.52 | X | | | | X | | | |
| El Salvador | R | | 17.06.53 | X | R | | 23.11.78 | X | R | | 23.11.78 |
| United Arab Emirates | A | | 10.05.72 | | A | X | 09.03.83 | | A | X | 09.03.83 |
| Ecuador | R | | 11.08.54 | X | R | | 10.04.79 | X | R | | 10.04.79 |
| Spain | R | | 04.08.52 | X | R ⁴ | X | 21.04.89 | X | R | | 21.04.89 |
| United States | R | X | 02.08.55 | X | | | | X | | | |
| Ethiopia | R | | 02.10.69 | | | | | | | | |
| Russian Federation | R | X | 10.05.54 | X | R ⁴ | | 29.09.89 | X | R | | 29.09.89 |
| Fiji | S | | 09.08.71 | | | | | | | | |
| Finland | R | | 22.02.55 | X | R ⁴ | X | 07.08.80 | X | R | | 07.08.80 |
| France | R | | 28.06.51 | | | | | | A | X ⁷ | 24.02.84 |
| Gabon | S | | 26.02.65 | | A | | 08.04.80 | | A | | 08.04.80 |
| Gambia | S | | 20.10.66 | | A | | 12.01.89 | | A | | 12.01.89 |
| Ghana | A | | 02.08.58 | X | R | | 28.02.78 ⁸ | X | R | | 28.02.78 ⁸ |
| Greece | R | | 05.06.56 | X | R | | 31.03.89 | | | | |
| 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 |
| Equatorial Guinea | A | | 24.07.86 | | A | | 24.07.86 | | A | | 24.07.86 |
| Guyana | S | | 22.07.68 | | A | | 18.01.88 | | A | | 18.01.88 |
| Haiti | A | | 11.04.57 | | | | | | | | |
| Honduras | A | | 31.12.65 | X | | | | X | | | |
| Hungary | R | X | 03.08.54 | X | R | | 12.04.89 | X | R | | 12.04.89 |
| India | R | | 09.11.50 | | | | | | | | |
| Indonesia | A | | 30.09.58 | | | | | | | | |
| Iraq | A | | 14.02.56 | | | | | | | | |
| Iran | R | | 20.02.57 | X | | | | X | | | |
| Ireland | R | | 27.09.62 | X | | | | X | | | |
| Iceland | A | | 10.08.65 | X | R ⁴ | X | 10.04.87 | X | R | | 10.04.87 |
| Israel | R | X | 06.07.51 | | | | | | | | |
| Italy | R | | 17.12.51 | X | R ⁴ | X | 27.02.86 | X | R | | 27.02.86 |
| Libya | A | | 22.05.56 | | A | | 07.06.78 | | A | | 07.06.78 |
| 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 |

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| Kenya | A | | 20.09.66 | | | | | | | | |
| Kiribati | S | | 05.01.89 | | | | | | | | |
| Kuwait | A | X | 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 |
| Lesotho | S | | 20.05.68 | | | | | | | | |
| Latvia | A | | 24.12.91 | | A | | 24.12.91 | | A | | 24.12.91 |
| Lebanon | R | | 10.04.51 | | | | | | | | |
| Liberia | A | | 29.03.54 | | A | | 30.06.88 | | A | | 30.06.88 |
| Liechtenstein | R | | 21.09.50 | X | R ⁴ | X | 10.08.89 | X | R | X | 10.08.89 |
| Luxembourg | R | | 01.07.53 | X | R | | 29.08.89 | X | R | | 29.08.89 |
| Madagascar | S | | 13.07.63 | X | | | | X | | | |
| Malaysia | A | | 24.08.62 | | | | | | | | |
| Malawi | A | | 05.01.68 | | A | | 07.10.91 | | A | | 07.10.91 |
| Maldives | A | | 18.06.91 | | A | | 03.09.91 | | A | | 03.09.91 |
| Mali | A | | 24.05.65 | | A | | 08.02.89 | | A | | 08.02.89 |
| Malta | S | | 22.08.68 | | A ⁴ | X | 17.04.89 | | A | X | 17.04.89 |
| Morocco | A | | 26.07.56 | X | | | | X | | | |
| Mauritius | S | | 18.08.70 | | A | | 22.03.82 | | A | | 22.03.82 |
| Mauritania | S | | 27.10.62 | | A | | 14.03.80 | | A | | 14.03.80 |
| Mexico | R | | 29.10.52 | | A | | 10.03.83 | | | | |
| Monaco | R | | 05.07.50 | | | | | | | | |
| Mongolia | A | | 20.12.58 | X | | | | X | | | |
| Mozambique | A | | 14.03.83 | | A | | 14.03.83 | | | | |
| Namibia ⁹ | S | | 22.08.91 | | | | | | | | |
| Nepal | A | | 07.02.64 | | | | | | | | |
| 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 ⁴ | | 14.12.81 | X | R | | 14.12.81 |
| New Zealand | R | | 02.05.59 | X | R ⁴ | X | 08.02.88 | X | R | | 08.02.88 |
| Oman | A | | 31.01.74 | | A | X | 29.03.84 | | A | X | 29.03.84 |
| Uganda | A | | 18.05.64 | | A | | 13.03.91 | | A | | 13.03.91 |
| 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 | | A | | 30.11.90 | | A | | 30.11.90 |
| Netherlands | R | | 03.08.54 | X | R ⁴ | X | 26.06.87 | X | R | | 26.06.87 |
| Peru | R | | 15.02.56 | X | R | | 14.07.89 | X | R | | 14.07.89 |
| Philippines | R | | 06.10.52 ¹⁰ | X | | | | | A | | 11.12.86 |
| Poland | R | X | 26.11.54 | X | R | | 23.10.91 | X | R | | 23.10.91 |
| Portugal | R | X | 14.03.61 | X | | | | X | | | |

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949¹
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

Situation as at 31 December 1991

| Country (in French alphabetical order) | GENEVA CONVENTIONS | | | PROTOCOL I | | | | PROTOCOL II | | | |
|---|----------------------|-------------------------------|------------------------|------------|----------------------|-------------------------------|-------------------|-------------|----------------------|-------------------------------|-------------------|
| | R, A, S ² | Reservations/ Declarations | Date ³ | Signature | R, A, S ² | Reservations/ Declarations | Date ³ | Signature | R, A, S ² | Reservations/ Declarations | Date ³ |
| Qatar | A | | 15.10.75 | | A ⁴ | X | 05.04.88 | | | | |
| Central African Republic . . . | S | | 01.08.66 | | A | | 17.07.84 | | A | | 17.07.84 |
| Dominican Republic | A | | 22.01.58 | | | | | | | | |
| Romania | R | X | 01.06.54 | X | R | | 21.06.90 | X | R | | 21.06.90 |
| United Kingdom | R | | 23.09.57 | 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 |
| San Marino | A | | 29.08.53 | X | | | | X | | | |
| Holy See | R | | 22.02.51 | X | R | X | 21.11.85 | X | R | X | 21.11.85 |
| Saint Vincent and Grenadines . | A | | 01.04.81 | | A | | 08.04.83 | | A | | 08.04.83 |
| Saint Lucia | S | | 18.09.81 | | A | | 07.10.82 | | A | | 07.10.82 |
| Solomon Islands | S | | 06.07.81 | | A | | 19.09.88 | | A | | 19.09.88 |
| Western Samoa | S | | 23.08.84 | | A | | 23.08.84 | | A | | 23.08.84 |
| Sao Tome and Principe | A | | 21.05.76 | | | | | | | | |
| 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 | | | | | | | | |
| Somalia | A | | 12.07.62 | | | | | | | | |
| Sudan | A | | 23.09.57 | | | | | | | | |
| Sri Lanka | R | | 28.02.59 ¹¹ | | | | | | | | |
| Sweden | R | | 28.12.53 | X | R ⁴ | X | 31.08.79 | X | R | | 31.08.79 |
| Switzerland | R | | 31.03.50 ¹² | X | R ⁴ | X | 17.02.82 | X | R | | 17.02.82 |
| Suriname | S | X | 13.10.76 | | A | | 16.12.85 | | A | | 16.12.85 |
| Swaziland | A | | 28.06.73 | | | | | | | | |
| Syria | R | | 02.11.53 | | A | X | 14.11.83 | | | | |
| Tanzania | S | | 12.12.62 | | A | | 15.02.83 | | A | | 15.02.83 |
| Chad | A | | 05.08.70 | | | | | | | | |
| Czech and Slovak Fed. Rep. . . | R | X | 19.12.50 | X | R | | 14.02.90 | X | R | | 14.02.90 |
| Thailand | A | | 29.12.54 | | | | | | | | |
| Togo | S | | 06.01.62 | X | R ⁴ | | 21.06.84 | X | R | | 21.06.84 |
| Tonga | S | | 13.04.78 | | | | | | | | |
| Trinidad and Tobago | A | | 24.09.63 ¹³ | | | | | | | | |
| 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 | | | | | | | | |
| Ukraine | R | X | 03.08.54 | X | R ⁴ | | 25.01.90 | X | R | | 25.01.90 |
| Uruguay | R | X | 05.03.69 | | A ⁴ | | 13.12.85 | | A | | 13.12.85 |

STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949¹
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977
 Situation as at 31 December 1991

| Country (in French alphabetical order) | GENEVA CONVENTIONS | | | PROTOCOL I | | | | PROTOCOL II | | | |
|---|----------------------|-------------------------------|-------------------|------------|----------------------|-------------------------------|-------------------|-------------|----------------------|-------------------------------|-------------------|
| | R, A, S ² | Reservations/ Declarations | Date ³ | Signature | R, A, S ² | Reservations/ Declarations | Date ³ | Signature | R, A, S ² | Reservations/ Declarations | Date ³ |
| 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 | A | | 16.07.70 | X | R | | 17.04.90 | X | R | | 17.04.90 |
| 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 | | | | | | | | |

Palestine: On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council "that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989, to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto".

On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter constituted an instrument of accession, "due to the uncertainty

within the international community as to the existence or non-existence of a State of Palestine".

USSR: See above table for Belarus, Russian Federation, Latvia and Ukraine; see note 1 for Estonia and Lithuania. For the other States formerly part of the USSR, see "The Law and legal considerations — promotion of existing treaties".

Number of States party to the Conventions/Protocols:
 Geneva Conventions: 168
 Additional Protocol I: 108
 Additional Protocol II: 98
 International Fact-Finding Commission (Prot. I, Art. 90): 25

¹ States party to the Geneva Conventions of 1929 (wounded and sick, prisoners of war): Estonia, Lithuania, Myanmar.

² R = ratification; A = accession; S = declaration of succession.

³ Date instrument received.

⁴ 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 was made on 27.03.87.

⁵ Entry into force on 23.09.66, Korea having invoked Arts. 62/61/141/157 (immediate effect).

⁶ With the exception of Convention I, succeeded to on 26.01.78.

⁷ Declaration relative to Protocol I.

⁸ Entry into force on 07.12.78.

⁹ Namibia: Instruments of accession to the Geneva Conventions and their Additional Protocols were deposited by the United Nations Council for Namibia on 18 October 1983. The depositary State advised the ICRC that the said accession to the Conventions has now become void. In an instrument deposited on 22 August 1991, Namibia declared its succession to the Geneva Conventions, which were previously applicable to it pursuant to South Africa's accession on 31 March 1952.

¹⁰ With the exception of Convention I, ratified on 07.03.51.

¹¹ With the exception of Convention IV, acceded to on 23.02.59.

¹² Entry into force on 21.10.50.

¹³ With the exception of Convention I, acceded to on 17.05.63.