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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 chapters on its field operations. Specialized lawyers based in Geneva and assigned to each of the six operational zones backed up the ICRC's work in the field with pertinent advice in terms of humanitarian law. In addition to this legal support, 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 worldwide;
- ☐ 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 Protocols<sup>1</sup>

In the course of 1992 the following States became party to the undermentioned international instruments:

- ☐ the four Geneva Conventions of 12 August 1949:  
Slovenia, Croatia, Turkmenistan, Kazakhstan, Myanmar, Kyrgyzstan and Bosnia-Herzegovina;
- ☐ the two Protocols of 8 June 1977:  
Slovenia, Brazil, Madagascar, Croatia, Portugal, Turkmenistan, Kazakhstan, Kyrgyzstan, Egypt, Zimbabwe and Bosnia-Herzegovina.

The ICRC regularly brought up the question of participation in the Protocols and, where relevant, the Conventions, particularly during visits to or by the President of the ICRC or other representatives.

Six States which were part of the former USSR when it broke up have not yet explicitly clarified their positions in respect of the Geneva Conventions and Protocols I and II, namely Armenia, Azerbaijan, Georgia, Moldova, Uzbekistan and Tajikistan. Pending such clarification, the ICRC considers those States to be bound by the Geneva Conventions of 1949 and the Protocols of 1977, including the declaration referred to in Article 90 of Protocol I, as successor States. The ICRC pursued contacts with those States in order to eliminate any ambiguity as to their legal situation.

During the debate on the Protocols at the United Nations General Assembly, the ICRC made a statement to the Sixth Committee inviting States not bound by the treaties of international humanitarian

<sup>1</sup> See also *International Fact-Finding Commission* below. The reader will find a complete list of States party to the Geneva Conventions of 1949 and the Additional Protocols of 1977 on pages 166-170.

law to become parties thereto. It emphasized that ratification was not an end in itself, but merely a first step on the road to application.

The ICRC thus welcomed resolution 47/30 of 25 November 1992 adopted without a vote by the United Nations General Assembly. In that resolution, the General Assembly:

- “1. *Appreciates* the virtually universal acceptance of the Geneva Conventions of 1949 and the increasingly wide acceptance of the two Additional Protocols of 1977; [...]
3. *Appeals* to all States parties to the Geneva Convention of 1949 that have not yet done so to consider becoming parties also to the Additional Protocols at the earliest possible date;
4. *Calls upon* all States which are already parties to Protocol I, or those States not parties, on becoming parties to Protocol I, to consider making the declaration provided for under article 90 of that Protocol; [...].”

This appeal by the United Nations to all the Member States will no doubt help to bring the message home to governments and encourage them to ratify the Protocols.

### International Fact-Finding Commission

The International Fact-Finding Commission provided for in Article 90 of Protocol I of 1977 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. The Commission

is only competent in respect of parties which have recognized its competence, either in advance or on an *ad hoc* basis.

Pursuant to the aforementioned Article 90, the first 20 States which had made the optional declaration recognizing the competence of the Commission elected the members of the Commission for the first time on 25 June 1991.<sup>2</sup>

The Commission held its first meeting in Bern on 12 and 13 March 1992, to draw up its rules of procedure. At the meeting it expressed its willingness, subject to the agreement of all parties to the conflict, to enquire also into other violations of humanitarian law, including those committed during civil wars. The Commission's rules of procedure were definitively adopted by the Commission at a meeting held in Bern on 8 July 1992.

In 1992, a further eight States<sup>3</sup> made the optional declaration, bringing to 33 the number of States accepting the binding competence of the Commission *ipso facto*.

### United Nations Convention on prohibitions or restrictions on the use of certain conventional weapons

This Convention, which was adopted in 1980 and came into force in 1983, regu-

<sup>2</sup> The members of the Commission are as follows: Dr André Andries (Belgium); Prof Luigi Condorelli (Italy); Dr Marcel Dubouloz (Switzerland); Prof Frits Kalshoven (Netherlands); Dr Valeri Kniasev (Russian Federation); Prof Torkel Opsahl (Norway); Prof Allan Rosas (Finland); Dr James M. Simpson (Canada); Dr Carl-Ivar Skarstedt (Sweden); Dr Santiago Torres Bernárdez (Spain); Prof Daniel H. Martins (Uruguay); Prof Francis Zachariae (Denmark). They elected Dr Erich Kussbach (Austria) as Chairman and Prof Ghalib Djilali (Algeria) and Sir Kenneth J. Keith (New Zealand) as the two Vice-Chairmen.

<sup>3</sup> United Arab Emirates, Slovenia, Croatia, Seychelles, Bolivia, Australia, Poland and Bosnia-Herzegovina.

lates among other things the use of mines and incendiary weapons in order to limit civilian casualties. The ICRC continued its work to encourage States that have not yet ratified this Convention to do so, and made a further appeal on the matter in its statement to the First Committee of the United Nations General Assembly in October 1992.

In this statement, the ICRC called the attention of States to the terrible effects of the indiscriminate use of anti-personnel landmines<sup>4</sup> and stressed that mine casualties amongst the civilian population could be reduced if the provisions of this Convention were respected.<sup>5</sup>

## **RESPECT FOR INTERNATIONAL HUMANITARIAN LAW**

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

In 1992, the ICRC continued to urge the States party to the Geneva Conventions 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 in this respect. The ICRC

also made representations to the National Red Cross and Red Crescent Societies, asking them to give it the necessary backing and to assist their governments in fulfilling their obligations in terms of implementation.

Pursuing the approaches begun in 1990, the ICRC organized a third regional seminar on the subject. The seminar took place in Yaoundé (Cameroon) from 23 to 27 November 1992. It was organized together with the Henry Dunant Institute, in cooperation with the Institute of International Relations of Cameroon and the Cameroon Red Cross, and was sponsored by the government of Cameroon. It brought together 43 representatives of governments, academic circles and the Red Cross and Red Crescent from 16 French-speaking African countries and provided an opportunity for participants to exchange information on steps taken and current experience.

In parallel, the ICRC also organized national seminars with a view to setting up interministerial committees responsible, in each country, for reviewing domestic legislation in relation to the obligations handed down by the treaties of international humanitarian law, and for proposing any appropriate measures.

### **Protection of children in armed conflicts**

In response to Resolution 14 adopted by the Council of Delegates (Budapest, 1991) and entitled "Child soldiers", a study on the protection of children in armed conflicts was undertaken by the Henry Dunant Institute, in cooperation with the ICRC and the National Societies.

<sup>4</sup> For possible developments in this area of law, see *Mines* below.

<sup>5</sup> As at 31 December 1992, the following States were party to the Convention: Australia, Austria, Benin, Belarus, Bulgaria, China, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, India, Japan, Laos, Liechtenstein, Mexico, Mongolia, Netherlands, Niger, Norway, Pakistan, Poland, Russia, Slovenia, Sweden, Switzerland, Tunisia, Ukraine, Yugoslavia. For States of the former USSR see *Geneva Conventions and Additional Protocols* above.

Recalling that children suffer particular hardship during armed conflicts and that international humanitarian law in general, and the Geneva Conventions and their Additional Protocols in particular, afford them special attention and protection, the resolution calls for stricter observance of the existing rules. It also requests that a study be undertaken on the recruitment and participation of children as soldiers in armed conflicts, and on measures to reduce and eventually eliminate such recruitment and participation.

## DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

### Identification (in general)

In application of Resolution III of the 25th International Conference of the Red Cross (Geneva, 1986), the ICRC continued its work to improve identification of medical transports. To this end, it attended numerous meetings of experts at specialized international agencies such as the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO) and the International Telecommunication Union (ITU). It also continued providing information on new technologies which could be used to ensure better and more reliable identification of medical transports during armed conflicts.

### Revision of Annex I to Protocol I (Regulations concerning identification) X

Referring to the provisions of Article 98 of Protocol I of 1977, and after con-

sulting the States party to the Protocol, the ICRC convened a meeting of technical experts in 1990 to review Annex I (Regulations concerning identification) to the Protocol.

A number of proposed amendments emerged from the meeting, chiefly with a view to incorporating in Annex I to Protocol I technical provisions already adopted by the competent international organizations.

For reasons of efficiency, and given that the amendments in question reflect the views of all the government experts present at the meeting, who represented a large number of States, the Swiss Confederation, as depositary of the Protocols, proposed that the amendments be adopted by written consultation. It was agreed to follow that procedure.

On 21 October 1992, Switzerland informed the ICRC of the result of the consultation concerning the amendments to Annex I to Protocol I. Of the 22 parties to Protocol I which had replied, 19 were in favour of the proposed amendments. Only three States had expressed some reservations.

Since more than two thirds of the contracting parties which replied (Article 98, paragraph 3) were in favour of adopting the amendments, the latter will be considered to have been accepted at the end of a period of one year after the official communication issued by Switzerland to the States party, if the conditions set out in Article 98, paragraph 4 are met.

If the amendments are accepted on expiry of the above period, they will enter into force three months later, in the wording proposed by the experts. This measure will apply to all High Contracting Parties to the Protocol other than those which have made a declaration of non-acceptance within the same one-year period (Article 98, paragraph 5).

## Mines<sup>6</sup>

The extent of the suffering caused by the widespread and indiscriminate use of anti-personnel landmines became more widely known in 1992. The ICRC decided to make a special effort to draw the attention of States to the action that must be taken in both the short and the long term to reduce the numbers of civilian casualties due to mines. It published a booklet on the subject which summarizes the present situation and underlines the fact that mines remain active long after the cessation of hostilities. The publication also outlines the law applicable to the use of mines and proposes that thought be given to problems not covered by current legal provisions. It suggests in particular that something be done to remedy the fact that the 1980 Convention does not apply to internal armed conflicts, and that modern anti-personnel mines are increasingly manufactured so as to be undetectable but are not fitted with automatic self-neutralizing mechanisms.

The ICRC also decided to host a symposium on anti-personnel landmines in April 1993. In this multi-disciplinary meeting experts will discuss various possibilities for limiting the dreadful suffering now caused by the millions of mines strewn over large areas of land and ways of avoiding further deterioration of the situation in the future.

## New weapons

The ICRC continued to collect information on developments in new weapons

<sup>6</sup> Regarding respect for existing law relating to mines, see section entitled *United Nations Conventions on prohibitions or restrictions on the use of certain conventional weapons* above.

systems to check whether such weapons violate the provisions of international humanitarian law or could otherwise cause humanitarian problems. It decided to publish in one volume the reports of the four expert meetings on battlefield laser weapons that it hosted between 1989 and 1991. This publication is due to appear in 1993.

## The law of war at sea

In 1992, the ICRC again participated in the series of meetings held under the auspices of the International Institute of Humanitarian Law (San Remo) to compile a report on the current law regulating armed conflict at sea. The document also includes suggestions for the development of the law.

The 1992 the meeting was held in Ottawa, Canada, and was organized by the San Remo Institute in cooperation with the Canadian Department of National Defence and the Canadian Red Cross. The theme of the meeting was "Regions of operations of naval warfare". For the first time a draft consolidated text of the conclusions of the previous meetings was drawn up, and work began on a commentary on the text. Thus considerable progress was made on the project, which is expected to be completed in 1994.

## Humanitarian assistance

Throughout 1992, the ICRC repeatedly drew attention to the provisions of the Geneva Conventions of 1949 and the two Additional Protocols of 1977 setting out the right of victims of armed conflicts to receive humanitarian assistance, on an impartial basis and without discrimination.

On each occasion, it was also emphasized that humanitarian assistance does not constitute interference. These points were made in particular at university symposia and in lectures given to various audiences, statements to meetings of intergovernmental and non-governmental organizations and articles published in the *International Review of the Red Cross* (see the May-June and July-August 1992 issues).

In addition, the ICRC took part in the 17th round table on current problems of humanitarian law, organized by the International Institute of Humanitarian Law from 2 to 4 September 1992 in San Remo. The round table was devoted to the development of the right to humanitarian assistance. It came to three main conclusions, focusing in particular on the fact that authorized organizations must be allowed access to victims and have the right to offer and provide humanitarian assistance.

### Internally displaced persons

At its 48th session, the United Nations Commission on Human Rights adopted resolution 1992/73 on internally displaced persons. The resolution requested the United Nations Secretary-General to carry out a study on the law and mechanisms protecting internally displaced persons, in consultation with the Office of the High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the ICRC. On the basis of the resolution, the special representative appointed by the Secretary-General consulted the ICRC on various questions relating to the situation of internally displaced persons. In its reply, dated 20 November 1992, the ICRC stressed that respect for humanitarian law helped to restrict the phenomenon of population

movements in armed conflict situations, indicating all the relevant provisions. It also underlined the need to avoid a weakening of existing law, concluding its reply as follows: *"Cooperation and concerted approaches do not, however, imply a confusion of the respective mandates, and any splitting up of the legal mechanisms set up to secure respect for international humanitarian law should be avoided, just as much as any splitting up of the substantive rules. It is essential that the ICRC be able to fulfil fully and effectively its role as custodian of the rules designed to limit human suffering in times of armed conflict"*.

### Environment

Issues associated with the protection of the environment during periods of armed conflict continued to be discussed at several meetings in 1992.

### Meeting of experts organized by the ICRC

Being directly concerned by this issue, which clearly falls within the domain of international humanitarian law, the ICRC convened a meeting of experts in April 1992 to study the content and limits of the relevant legal rules, and to identify any loopholes in current law. Over 30 experts (military personnel, scientists, academics and representatives of governments and governmental and non-governmental organizations) took up the invitation.

The meeting drew up a list of the main issues warranting study and discussion. These included, *inter alia*, the role and precise scope of customary rules protecting the environment; interpretation of applicable rules of treaty law (in particular Article 35, paragraph 3, and Article 55 of Protocol I), and the rules set out in the Convention on the Prohibition of



X Military or any other Hostile Use of Environmental Modification Techniques (ENMOD Convention, adopted in 1976); the applicability in wartime of the provisions of international environmental law; and the problem of implementing and securing respect for the applicable rules.

While it was not possible to consider all the above topics in detail, some preliminary conclusions nevertheless emerged from the very lively debates conducted in an extremely constructive atmosphere. It will be noted that few experts were in favour of further codification. Most highlighted the need for measures to secure greater respect for existing law, and for some clarifications of the law.

The ICRC reported on the results of the meeting at the United Nations Conference on Environment and Development (Rio de Janeiro, June 1992). They were also set out in a report considered at the 47th session of the United Nations General Assembly, which, by its resolution 47/37 of 25 November 1992, invited the ICRC to pursue its work and prepare a final report for submission to the 48th session.

#### **Conference to review the ENMOD Convention**

Article VIII of the ENMOD Convention provides for a periodical review procedure, in order to "review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized".

A first review conference took place in 1984. At the request of a large number of States wishing to update the Convention, the second such conference was held from 14 to 18 September 1992 in Geneva.

The ICRC attended as an observer and made a statement to the Conference, in which it reiterated the importance it at-

taches to the Convention, expressed regret at the low level of participation of States in the treaty and described the work it is currently conducting with respect to protection of the environment in periods of armed conflict.

In spite of a host of proposals, the Conference achieved only somewhat modest results. One noteworthy step, however, was the decision to set up a group of experts to clarify the Convention's scope of application and study ways of improving implementation and observance of its provisions.

### **RELATIONS WITH OTHER INSTITUTIONS IN THE REALM OF INTERNATIONAL HUMANITARIAN LAW**

In August 1992, the ICRC took part in the third training session organized by the Arab Institute of Human Rights, based in Tunis, on the subject of human rights and international humanitarian law. In October 1992, in Cairo, a conference on humanitarian law was organized for the first time jointly by the ICRC and the League of Arab States.

The ICRC kept in close touch with the International Institute of Humanitarian Law in San Remo, Italy, and, as it has done for many years, helped in the preparation and running of several courses and seminars organized by the Institute. It was closely involved in the 17th round table on current problems of humanitarian law (2-4 September 1992), which brought together over 100 participants representing government authorities, the academic world, international organizations and the International Red Cross and Red Crescent Movement. The meeting focused on the development of the



right to humanitarian assistance and gave rise to very lively and interesting discussions (see also *Humanitarian assistance* above).

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, the International Institute of Human Rights in Strasbourg, the Inter-American Institute of Human Rights in San José, Costa Rica, and the United Nations Institute for Training and Research (UNITAR).

## HEADQUARTERS AGREEMENTS



In 1992, headquarters agreements establishing the legal status of ICRC delegations and their staff were signed with the following States: Djibouti (1 March 1992), Mali (14 April 1992), the Russian Federation (24 June 1992). The three agreements entered into force on the dates on which they were signed.

In addition, the headquarters agreement with Kuwait which had been signed on 30 October 1991 came into force on 23 February 1992.

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

As at 31 December 1992

(See notes below tables, p. 170)

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Afghanistan . . . . .	R		26.09.56									
Albania . . . . .	R	X	27.05.57									
Algeria . . . . .	A		20.06.60		A <sup>4</sup>	X	16.08.89	16.08.89		A		16.08.89
Angola . . . . .	A	X	20.09.84		A	X	20.09.84					
Antigua and Barbuda . . .	S		06.10.86		A		06.10.86			A		06.10.86
Argentina . . . . .	R		18.09.56		A	X	26.11.86			A	X	26.11.86
Australia . . . . .	R		14.10.58	X	R <sup>4</sup>	X	21.06.91	23.09.92	X	R	X	21.06.91
Austria . . . . .	R		27.08.53	X	R <sup>4</sup>	X	13.08.82	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 <sup>4</sup>		23.10.89	23.10.89	X	R		23.10.89
Belgium . . . . .	R		03.09.52	X	R <sup>4</sup>	X	20.05.86	27.03.87	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 <sup>4</sup>		08.12.83	10.08.92		A		08.12.83
Bosnia-Herzegovina . . .	S		31.12.92		S <sup>4</sup>		31.12.92	31.12.92		S		31.12.92
Botswana . . . . .	A		29.03.68		A		23.05.79			A		23.05.79
Brazil . . . . .	R		29.06.57		A		05.05.92			A		05.05.92
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 <sup>4</sup>	X	20.11.90	20.11.90	X	R	X	20.11.90
Cape Verde . . . . .	A		11.05.84									
Central African Republic .	S		01.08.66		A		17.07.84			A		17.07.84
Chad . . . . .	A		05.08.70									
Chile . . . . .	R		12.10.50	X	R <sup>4</sup>		24.04.91	24.04.91	X	R		24.04.91
China . . . . .	R	X	28.12.56		A	X	14.09.83			A		14.09.83
Colombia . . . . .	R		08.11.61									
Comoros . . . . .	A		21.11.85		A		21.11.85			A		21.11.85
Congo . . . . .	S		04.02.67		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	R		20.09.89		X	R		20.09.89
Croatia . . . . .	S		11.05.92		S <sup>4</sup>		11.05.92	11.05.92		S		11.05.92
Cuba . . . . .	R		15.04.54		A		25.11.82					
Cyprus . . . . .	A		23.05.62	X	R		01.06.79					
Czech and Slovak Fed. Rep.	R	X	19.12.50	X	R		14.02.90		X	R		14.02.90
Denmark . . . . .	R		27.06.51	X	R <sup>4</sup>	X	17.06.82	17.06.82	X	R		17.06.82
Djibouti . . . . .	S		06.03.78 <sup>6</sup>		A		08.04.91			A		08.04.91

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	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Dominica . . . . .	S		28.09.81									
Dominican Republic. . . .	A		22.01.58									
Ecuador. . . . .	R		11.08.54	X	R		10.04.79		X	R		10.04.79
Egypt. . . . .	R		10.11.52	X	R	X	09.10.92		X	R	X	09.10.92
Equatorial Guinea. . . . .	A		24.07.86		A		24.07.86			A		24.07.86
Ethiopia . . . . .	R		02.10.69									
Fiji . . . . .	S		09.08.71									
Finland . . . . .	R		22.02.55	X	R <sup>4</sup>	X	07.08.80	07.08.80	X	R		07.08.80
France . . . . .	R		28.06.51							A	X <sup>7</sup>	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
Germany (Fed. Rep. of) . .	A		03.09.54	X	R <sup>4</sup>	X	14.02.91	14.02.91	X	R	X	14.02.91
Ghana . . . . .	A		02.08.58	X	R		28.02.78 <sup>8</sup>		X	R		28.02.78 <sup>8</sup>
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
Guyana . . . . .	S		22.07.68		A		18.01.88			A		18.01.88
Haiti . . . . .	A		11.04.57									
Holy See . . . . .	R		22.02.51	X	R	X	21.11.85		X	R	X	21.11.85
Honduras. . . . .	A		31.12.65	X					X			
Hungary . . . . .	R	X	03.08.54	X	R		12.04.89	23.09.91	X	R		12.04.89
Iceland . . . . .	A		10.08.65	X	R <sup>4</sup>	X	10.04.87	10.04.87	X	R		10.04.87
India . . . . .	R		09.11.50									
Indonesia . . . . .	A		30.09.58									
Iran. . . . .	R		20.02.57	X					X			
Iraq. . . . .	A		14.02.56									
Ireland . . . . .	R		27.09.62	X					X			
Israel . . . . .	R	X	06.07.51									
Italy . . . . .	R		17.12.51	X	R <sup>4</sup>	X	27.02.86	27.02.86	X	R		27.02.86
Jamaica . . . . .	S		20.07.64		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
Kazakhstan . . . . .	S	? <sup>14</sup>	05.05.92		S <sup>4</sup> ? <sup>14</sup>	? <sup>14</sup>	05.05.92			S	? <sup>14</sup>	05.05.92
Kenya . . . . .	A		20.09.66									
Kiribati . . . . .	S		05.01.89									
Korea (Rep.) . . . . .	A	X	16.08.66 <sup>5</sup>	X	R	X	15.01.82		X	R		15.01.82
Korea (Dem. People's Rep.)	A	X	27.08.57		A		09.03.88					
Kuwait . . . . .	A	X	02.09.67		A		17.01.85			A		17.01.85
Kyrgyzstan . . . . .	S	? <sup>14</sup>	18.09.92		S <sup>4</sup> ? <sup>14</sup>	? <sup>14</sup>	18.09.92			S	? <sup>14</sup>	18.09.92

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
AND TO THE TWO ADDITIONAL PROTOCOLS OF 8 JUNE 1977**

As at 31 December 1992

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Laos . . . . .	A		29.10.56	X	R		18.11.80		X	R		18.11.80
Latvia . . . . .	A		24.12.91		A		24.12.91			A		24.12.91
Lebanon . . . . .	R		10.04.51									
Lesotho . . . . .	S		20.05.68									
Liberia . . . . .	A		29.03.54		A		30.06.88			A		30.06.88
Libyan Arab Jamahiriya . . . . .	A		22.05.56		A		07.06.78			A		07.06.78
Liechtenstein . . . . .	R		21.09.50	X	R <sup>4</sup>	X	10.08.89	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		18.07.63	X	R		08.05.92		X	R		08.05.92
Malawi . . . . .	A		05.01.68		A		07.10.91			A		07.10.91
Malaysia . . . . .	A		24.08.62									
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 <sup>4</sup>	X	17.04.89	17.04.89		A	X	17.04.89
Mauritania . . . . .	S		30.10.62		A		14.03.80			A		14.03.80
Mauritius . . . . .	S		18.08.70		A		22.03.82			A		22.03.82
Mexico . . . . .	R		29.10.52		A		10.03.83					
Monaco . . . . .	R		05.07.50									
Mongolia . . . . .	A		20.12.58	X					X			
Morocco . . . . .	A		26.07.56	X					X			
Mozambique . . . . .	A		14.03.83		A		14.03.83					
Myanmar . . . . .	A		25.08.92									
Namibia <sup>9</sup> . . . . .	S		22.08.91									
Nepal . . . . .	A		07.02.64									
Netherlands . . . . .	R		03.08.54	X	R <sup>4</sup>	X	26.06.87	26.06.87	X	R		26.06.87
New Zealand . . . . .	R		02.05.59	X	R <sup>4</sup>	X	08.02.88	08.02.88	X	R		08.02.88
Nicaragua . . . . .	R		17.12.53	X					X			
Niger . . . . .	S		21.04.64	X	R		08.06.79		X	R		08.06.79
Nigeria . . . . .	S		20.06.61		A		10.10.88			A		10.10.88
Norway . . . . .	R		03.08.51	X	R <sup>4</sup>		14.12.81	14.12.81	X	R		14.12.81
Oman . . . . .	A		31.01.74		A	X	29.03.84			A	X	29.03.84
Pakistan . . . . .	R	X	12.06.51	X					X			
Panama . . . . .	A		10.02.56	X					X			
Papua New Guinea . . . . .	S		26.05.76									
Paraguay . . . . .	R		23.10.61		A		30.11.90			A		30.11.90
Peru . . . . .	R		15.02.56	X	R		14.07.89		X	R		14.07.89
Philippines . . . . .	R		06.10.52 <sup>10</sup>	X						A		11.12.86
Poland . . . . .	R	X	26.11.54	X	R <sup>4</sup>		23.10.91	02.10.92	X	R		23.10.91
Portugal . . . . .	R	X	14.03.61	X	R		27.05.92		X	R		27.05.92
Qatar . . . . .	A		15.10.75		A <sup>4</sup>	X	05.04.88	24.09.91				

**STATES PARTY TO THE GENEVA CONVENTIONS OF 12 AUGUST 1949<sup>1</sup>  
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As at 31 December 1992

COUNTRY	GENEVA CONVENTIONS			PROTOCOL I					PROTOCOL II			
	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
Romania . . . . .	R	X	01.06.54	X	R		21.06.90		X	R		21.06.90
Russian Federation . . . .	R	X	10.05.54	X	R <sup>4</sup>	X	29.09.89	29.09.89	X	R	X	29.09.89
Rwanda . . . . .	S		05.05.64		A		19.11.84			A		19.11.84
Saint Kitts and Nevis . . .	S		14.02.86		A		14.02.86			A		14.02.86
Saint Lucia . . . . .	S		18.09.81		A		07.10.82			A		07.10.82
Saint Vincent and Grenadines	A		01.04.81		A		08.04.83			A		08.04.83
Salvador . . . . .	R		17.06.53	X	R		23.11.78		X	R		23.11.78
Samoa . . . . .	S		23.08.84		A		23.08.84			A		23.08.84
San Marino . . . . .	A		29.08.53	X					X			
Sao Tome and Principe . .	A		21.05.76									
Saudi Arabia . . . . .	A		18.05.63		A	X	21.08.87					
Senegal . . . . .	S		18.05.63	X	R		07.05.85		X	R		07.05.85
Seychelles . . . . .	A		08.11.84		A <sup>4</sup>		08.11.84	22.05.92		A		08.11.84
Sierra Leone . . . . .	S		10.06.65		A		21.10.86			A		21.10.86
Singapore . . . . .	A		27.04.73									
Slovenia . . . . .	S		26.03.92		S		26.03.92	26.03.92		S		26.03.92
Solomon Islands . . . . .	S		06.07.81		A		19.09.88			A		19.09.88
Somalia . . . . .	A		12.07.62									
South Africa . . . . .	A		31.03.52									
Spain . . . . .	R		04.08.52	X	R <sup>4</sup>	X	21.04.89	21.04.89	X	R		21.04.89
Sri Lanka . . . . .	R		28.02.59 <sup>11</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>4</sup>	X	31.08.79	31.08.79	X	R		31.08.79
Switzerland . . . . .	R		31.03.50 <sup>12</sup>	X	R <sup>4</sup>	X	17.02.82	17.02.82	X	R		17.02.82
Syria . . . . .	R		02.11.53		A	X	14.11.83					
Tanzania . . . . .	S		12.12.62		A		15.02.83			A		15.02.83
Thailand . . . . .	A		29.12.54									
Togo . . . . .	S		06.01.62	X	R <sup>4</sup>		21.06.84	21.11.91	X	R		21.06.84
Tonga . . . . .	S		13.04.78									
Trinidad and Tobago . . .	A		24.09.63 <sup>13</sup>									
Tunisia . . . . .	A		04.05.57	X	R		09.08.79		X	R		09.08.79
Turkey . . . . .	R		10.02.54									
Turkmenistan . . . . .	S	? <sup>14</sup>	10.04.92		S <sup>4</sup> ? <sup>14</sup>	? <sup>14</sup>	10.04.92			S	? <sup>14</sup>	10.04.92
Tuvalu . . . . .	S		19.02.81									
Uganda . . . . .	A		18.05.64		A		13.03.91			A		13.03.91
Ukraine . . . . .	R	X	03.08.54	X	R <sup>4</sup>		25.01.90	25.01.90	X	R		25.01.90
United Arab Emirates . . .	A		10.05.72		A <sup>4</sup>	X	09.03.83	06.03.92		A	X	09.03.83
United Kingdom . . . . .	R		23.09.57	X					X			
United States . . . . .	R	X	02.08.55	X					X			
Uruguay . . . . .	R	X	05.03.69		A <sup>4</sup>		13.12.85	17.07.90		A		13.12.85

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	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>	Art. 90 <sup>4</sup> Date	Signature	R,A,S <sup>2</sup>	Reservations/ Declarations	Date <sup>3</sup>
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	X	16.07.70	X	R	X	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		24.02.61		A		03.06.82					
Zambia . . . . .	A		19.10.66									
Zimbabwe . . . . .	A		07.03.83		A		19.10.92			A		19.10.92

✕ **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:** Six States members of the USSR at the moment of its

dissolution (Armenia, Azerbaijan, Georgia, Moldova, Tajikistan, Uzbekistan) have not yet clearly stated where they stand in terms of the Geneva Conventions and Protocols I and II. Until such time as they clarify their situation, the ICRC considers these States to be bound by the 1949 Geneva Conventions and the 1977 Protocols, including the declaration pursuant to Article 90 of Protocol I, as States which have succeeded thereto. However, no indication appears under their name in the table above and they are not included in the totals below.

<b>Number of States party to the Conventions/Protocols:</b>	
Geneva Conventions:	175
Additional Protocol I:	119
Additional Protocol II:	109
International Fact-Finding Commission (Prot. I, Art. 90):	33

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

<sup>2</sup> R = ratification; A = accession; S = declaration of succession.

<sup>3</sup> Date instrument received.

<sup>4</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, at the moment of ratification, accession, succession or subsequently.

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

<sup>6</sup> With the exception of Convention I, succeeded to on 26.01.78.

<sup>7</sup> Declaration relative to Protocol I.

<sup>8</sup> Entry into force on 07.12.78.

<sup>9</sup> 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.

<sup>10</sup> With the exception of Convention I, ratified on 07.03.51.

<sup>11</sup> With the exception of Convention IV, acceded to on 23.02.59.

<sup>12</sup> Entry into force on 21.10.50.

<sup>13</sup> With the exception of Convention I, acceded to on 17.05.63.

<sup>14</sup> Declaration of succession to the four Geneva Conventions and Additional Protocols I and II. No comment on the reservations and declarations made by the former USSR, and no new reservations or declarations.



