

Declaration by the Holy See

affixed to the instrument of ratification of the two Protocols additional to the Geneva Conventions of 1949

By ratifying the two Protocols additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International (Protocol I) and Non-International (Protocol II) Armed Conflicts and adopted in Geneva on 8 June 1977, the Holy See wishes, first of all, to acknowledge the merits and the positive results obtained by the "Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts", in which it played an active part.

The Holy See believes that, from an overall historical and legal point of view, the two Protocols represent and confirm a significant advance in humanitarian law applicable in armed conflicts, an advance that deserves approval and support.

At the same time, with regard to the provisions of the above-mentioned legal texts, the Holy See wishes to remind the Secretariat of the Conference of the considerations that were made known by its delegation at the end of the session. It is a source of great pleasure to recognize the value of provisions which, in certain sectors, increase the scope of humanitarian law, as for example: the protection of the civilian population, especially of women and children; the protection afforded to cultural objects and places of worship which are evidence and signs of the spiritual heritage of nations; the protection of objects indispensable to the survival of the civilian population; the respect and protection of medical and religious personnel; the ban on retaliation.

On the other hand, in the opinion of the Holy See, other provisions are less satisfactory in substance or are not very well formulated. Furthermore, uncertainties and omissions were found on important issues in relation to the development of humanitarian standards. With regard to Protocol II in particular, the Holy See regrets that, after having been stripped of a large part of its humanitarian substance by the plenary Assembly of the Conference, the Protocol has become the instrument of a rigorous legal system both in its text and in its spirit. Although the Holy See signed the Protocol, with serious reservations, and although it is now ratifying it, it is mainly because it looks upon the Protocol as an open door to future developments of humanitarian law in a crucial and, until now, much neglected sector.

The Holy See also announces that it has taken note of the reservations and declarations formulated by some States that have deposited an instrument of ratification or of adhesion to the Protocols.

Finally, the Holy See reasserts, on this occasion, its strong conviction as to the fundamentally inhumane nature of war. The humanization of the effects of armed conflicts, such as that undertaken by the two Protocols, is received with favour and encouraged by the Holy See in so far as it aims to alleviate human suffering and strives, amid unbridled passions and evil forces, to safeguard the basic principles of humanity and the supreme benefits of civilization. The Holy See expresses, moreover, its firm belief that the ultimate goal, that which is worthy of the calling of man and of human civilization, is the abolition of war. One cannot help thinking that the measures embodied in the Geneva Conventions and more recently by the two Additional Protocols—measures which are already in themselves frail instruments for the protection of victims of conventional armed conflicts—would prove to be not only insufficient but totally inadequate in the face of the ruinous devastation of a nuclear war.

The Holy See, considering itself the spokesman for the fears and the hopes of nations, hopes that the encouraging start made in Geneva by the codification of humanitarian law in armed conflicts may not go unheeded or remain a purely formal commitment but that people may become aware of it, put it into practice and follow it to its final conclusion: the abolition of war, of any kind whatever.

The Vatican, 4 October 1985

(Original French—translation ICRC)

Accession to the Protocols by the Eastern Republic of Uruguay

On 13 December 1985 the Eastern Republic of Uruguay deposited with the Swiss Government an instrument of accession to the Protocols additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II), adopted in Geneva on 8 June 1977.

In accordance with their provisions, the Protocols will come into force for the Eastern Republic of Uruguay on 13 June 1986.

This accession brings to 54 the number of States party to Protocol I and to 47 those party to Protocol II.