

NEW PARTIES TO THE GENEVA CONVENTIONS AND THE ADDITIONAL PROTOCOLS

Accession of the Kingdom of Bhutan to the Geneva Conventions

On 10 January 1991, the Kingdom of Bhutan deposited its instrument of accession to the four Geneva Conventions of 12 August 1949 with the Swiss Government.

Pursuant to their provisions, the Geneva Conventions will enter into force for the Kingdom of Bhutan on 10 July 1991.

The Kingdom of Bhutan thus becomes the **165th** State party to the Geneva Conventions.

The Federal Republic of Germany ratifies the Protocols

On 14 February 1991, the Federal Republic of Germany ratified the Protocols additional to the Geneva Conventions of 12 August 1949 relative to the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts, adopted in Geneva on 8 June 1977.

The instrument of ratification was accompanied by various declarations, the text of which is given below.

- 1. It is the understanding of the Federal Republic of Germany that the rules relating to the use of weapons introduced by Additional Protocol I were intended to apply exclusively to conventional weapons without prejudice to any other rules of international law applicable to other types of weapons.*
- 2. The Federal Republic of Germany understands the word "feasible" in Articles 41, 56, 57, 58, 78 and 86 of Additional Protocol I to mean that which is practicable or practically*

possible, taking into account all circumstances ruling at the time including humanitarian and military considerations.

- 3. The criteria contained in the second sentence of Article 44, paragraph 3, of Additional Protocol I for distinction between combatants and the civilian population are understood by the Federal Republic of Germany to apply only in occupied territories and in the other armed conflicts described in Article 1, paragraph 4. The term "military deployment" is interpreted to mean any movements towards the place from which an attack is to be launched.*
- 4. It is the understanding of the Federal Republic of Germany that in the application of the provisions of Part IV, Section I, of Additional Protocol I, to military commanders and others responsible for planning, deciding upon or executing attacks, the decision taken by the person responsible has to be judged on the basis of all information available to him at the relevant time, and not on the basis of hindsight.*
- 5. In applying the rule of proportionality in Article 51 and Article 57, "military advantage" is understood to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack.*
- 6. The Federal Republic of Germany will react against serious and systematic violations of the obligations imposed by Additional Protocol I and in particular its Articles 51 and 52 with all means admissible under international law in order to prevent any further violation.*
- 7. Article 52 of Additional Protocol I is understood by the Federal Republic of Germany to mean that a specific area of land may also be a military objective if it meets all requirements of Article 52, paragraph 2.*
- 8. Article 75, paragraph 4, subparagraph (e) of Additional Protocol I and Article 6, paragraph 2, subparagraph (e) of Additional Protocol II will be applied in such manner that it is for the court to decide whether an accused person held in custody must appear in person at the hearing before the court of review.*
Article 75, paragraph 4, subparagraph (h) of Additional Protocol I will only be applied to the extent that it is in conformity with legal provisions which permit under special circumstances the re-opening of proceedings that had led to final conviction or acquittal.

9. *With respect to Article 90, paragraph 2, of Additional Protocol I, the Federal Republic of Germany declares that it recognizes the competence of the International Fact-Finding Commission, ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation.*
10. *The Federal Republic of Germany understands paragraph 3 of Article 96 of Additional Protocol I to mean that only those declarations made by an authority which genuinely satisfies all the criteria contained in paragraph 4 of Article 1 can have the legal effects described in subparagraphs (a) and (c) of paragraph 3 of Article 96. (Officially translated by the German authorities.)*

The Federal Republic of Germany is the **twenty-first** State to make the declaration accepting the competence of the International Fact-Finding Commission.

In accordance with their provisions, the Protocols will come into force for the Federal Republic of Germany on 14 August 1991.

The Federal Republic of Germany is the **100th** State to become party to Protocol I and the **90th** to Protocol II.

