

# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## The International Committee of Red Cross and the Protocols additional to the Geneva Conventions

The Review is happy to publish the statement by the President of the ICRC on "*The International Committee of the Red Cross and the Protocols additional to the Geneva Conventions*", which was submitted to Commission I on 28 October 1986 during the discussions on the current number of signatures and ratifications of and accessions to the Additional Protocols. (See also p. 329).

During these discussions many delegations announced that their respective governments were about to give notification of their accession to the Protocols or that the internal procedure prior to notification had almost been completed or that their governments had declared their firm intention to speed up the notification procedure.

With the accession to the Additional Protocols of Antigua and Barbuda, Sierra Leone, Guinea-Bissau and Bahrain, the number of States party to Protocol I comes to 65 and that of States party to Protocol II to 58. Texts referring to formal notification of these accessions appear further on (See pp. 408-409).

### **Statement by Mr. Alexandre Hay, President of the ICRC**

It was nearly ten years ago, on 8 June 1977, that the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law adopted the two Protocols additional to the Geneva Conventions. The decision was taken by consensus, no government delegation being opposed to the proposal that those two long negotiated instruments of humanitarian law should become part of the body of international law accepted by the entire international community.

Today, 65 States are bound by Protocol I and 58 by Protocol II. This means that a third of the international community has duly undertaken to respect the new legal instruments of 1977 in the event

of armed conflict. In the eyes of the ICRC, that is an encouraging result. In view of the complexity of the issues covered by the Protocols and of the great number of international treaties which still have to be examined by the appropriate government authorities, the ICRC is pleased to find that the Law of Geneva is being given privileged attention in many countries. The goal has not yet been attained, however: unlike the Geneva Conventions, the 1977 Protocols have not yet been universally accepted.

The ICRC wishes to take the opportunity of this debate to reaffirm its conviction that the Additional Protocols mark an important advance in international humanitarian law. They add substantially to the protection of victims in armed conflict. Admittedly, the texts are not perfect. But our aim is not to rewrite history: what is important at present is to have a clear understanding of the texts as a whole. The ICRC's standpoint is the same as on 8 June 1977, and it knows that its conviction is shared by the large majority of States which took part in the 1974-1977 Conference.

I am not here to explain the text of the Protocols — that is the legal experts' domain. Nevertheless, I think it important to call to mind a few innovations which show especially well the progress achieved as a result of the adoption of the Protocols:

- Protocol I reinforces numerous aspects of the protection and assistance which must be accorded to the wounded and the sick, to members of the armed forces and to civilians. Suffice it to mention, as an example, the greater protection granted to medical transport (in particular medical aircraft) or the obligation of parties to a conflict to search for missing persons;
- Protocol I introduces into modern law rules protecting the civilian population from the effects of hostilities, while adapting these rules to the problems entailed by modern military operations. The fact that the prohibition of attacks against the civilian population is repeated and reaffirmed is of historic importance;
- Protocol I reasserts one of the fundamental tenets of the law of armed conflicts, i.e. the principle whereby the right of the parties to a conflict to choose methods or means of warfare is not unlimited;
- Lastly, Protocol II considerably increases the protection of victims of non-international armed conflicts which today take such a heavy toll.

Having briefly mentioned the progress accomplished in 1977, I should like to say a few words about the challenge to international humanitarian law constituted by the upsurge in terrorism. Terrorism is characterized by the use of violence against human beings, by acts of violence which strike innocent people, largely indiscriminately.

One of the very objectives of international humanitarian law, however, is to protect human beings from indiscriminate violence, and a careful examination of the Geneva Conventions and their Additional Protocols shows that these treaties are the most coherent and complete set of rules internationally prohibiting acts of terrorism. Whoever commits an act of terrorism in an armed conflict is thereby invariably violating humanitarian law.

As a final remark, I should like to draw your attention to another point which is too often not clearly recognized:

In addition to the specific strengthening of numerous sections of humanitarian law embodied in the two Protocols, the mere fact that the international community put so much effort into reaffirming and developing humanitarian law is a highly significant political event. It is an act of faith in humanitarian law and, through the resulting legal provisions, an act of faith in human dignity which must be safeguarded even in the extreme crisis of war.

The ICRC will always strive to preserve that achievement. In the name of the ICRC, I appeal again today to those States not yet party to the Protocols to ratify or accede to both of them as soon as possible. The ICRC, for its part, will continue to encourage the States to do so, until the Protocols have been universally accepted.

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### **The ICRC's future president joins the Committee**

The members of the International Committee of the Red Cross (ICRC), meeting in Assembly on December 3 and 4, 1986, welcomed a new member: Mr. Cornelio Sommaruga, future President of the institution.

Last July, Mr. Sommaruga accepted the ICRC's call to take the institution's highest office. On May 1, he will succeed President