

# Inter-Parliamentary Union Resolution on International Humanitarian Law

*The Inter-Parliamentary Union held its 76th Conference in Buenos Aires from 6 to 11 October 1986. One of the main items on the agenda, which was adopted in April 1986 at the Mexico Conference, was the contribution of parliaments to the application and progress of international humanitarian law applicable in cases of armed conflicts.*

*Seventy-five members of parliaments, representing sixty-two different countries, expressed their views on the subject; they stressed the positive action taken by the ICRC in developing and ensuring respect for humanitarian law and very widely advocated the ratification of the Protocols additional to the Geneva Conventions.*

*The Conference unanimously adopted a resolution on the contribution of parliaments to the application and progress of international humanitarian law applicable in cases of armed conflicts (see below).*

*The item was introduced by Mr. Maurice Aubert, Vice-President of the ICRC, accompanied at this Conference by Mr. Serge Nessi, Head of the Financing Division, Mr. René Kosirnik, Head of the Legal Division, Mrs. Sylvie Junod, ICRC regional delegate in Argentina, and Mr. Jean-Daniel Biéler, Deputy Head of the Division of International Organizations.*

## INTER-PARLIAMENTARY UNION

### THE CONTRIBUTION OF PARLIAMENTS TO THE APPLICATION AND PROGRESS OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN CASES OF ARMED CONFLICTS

*Resolution adopted unanimously  
in Buenos Aires on 11 October 1986*

The 76th Inter-Parliamentary Conference,

*Mindful* of the need to eradicate the scourge of war and armed conflicts of all kinds which threaten human dignity and inflict unspeakable sufferings on mankind, and *underlining* in particular the importance of preventing nuclear war, which endangers human existence,

*Deploring* the grave humanitarian consequences of armed conflicts, such as loss of human lives, prolonged detention of persons involved in hostilities as well as others, torture or other forms of cruel, inhumane or degrading treatment, separation of families,

forced displacement of persons, mass refugee movements and destruction of property,

*Stressing* the absolute need to protect and assist victims of armed conflicts, whatever the nature and form of those conflicts or the origin of the victims,

*Recalling* the international conventions of a humanitarian nature, in particular the four Geneva Conventions of 12 August 1949 relating to the protection of victims of armed conflicts and their two Additional Protocols of 8 June 1977,

*Reaffirming* the right afforded to freedom-fighters and other combatants such as defined under Additional Protocol I of 1977 to enjoy the status of prisoners of war,

*Recalling* the Convention adopted on 10 October 1980 on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects, together with the Protocol on Non-Detectable Fragments, the Protocol on Prohibitions or Restrictions on Use of Mines, Booby Traps and Other Devices, and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons,

*Noting* that, in times of armed conflicts, the most basic humanitarian rules which protect persons who are hors de combat and the civilian population are frequently violated,

*Recalling* that by virtue of the Geneva Conventions of 1949 States have the duty not only to respect international humanitarian law but also to ensure that it is respected,

*Paying tribute* to the governmental and non-governmental international organizations whose activities help to alleviate the sufferings of persons affected by armed conflicts,

*Stressing* above all the mission of the International Committee of the Red Cross (ICRC) in case of armed conflict which, by virtue of its mandate laid down in the Geneva Conventions and their Additional Protocols, protects and assists victims of armed conflicts, in conformity with its principles which are, among others, humanity, neutrality and impartiality,

*Recalling* that the independence of the ICRC in relation to influences which may be exerted by governments, parties to a conflict, military commands and other authorities is one of the prerequisites for the execution of its duties,

*Noting* the broadening of the ICRC's protection and assistance activities the world over, which implies significantly higher expenditure levels,

*Regretting* that, nearly a decade after their adoption, the two Protocols additional to the Geneva Conventions, one of which concerns international armed conflicts and the other non-international armed conflicts, adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, have only been ratified by a small number of States,

*Stressing* the importance of those Protocols, which contain new rules for new types of armed conflicts and which considerably strengthen the protection of the civilian population against the effects of hostilities,

*Underlining* the need to reaffirm and develop provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application and to that end to continue the codification and progressive development of the rules of law applicable in armed conflicts,

*Recalling* the Twenty-fifth International Conference of the Red Cross (23-31 October 1986), the highest deliberating body of the International Red Cross which will also be called upon to study humanitarian problems caused by armed conflicts and to propose solutions, in the presence of representatives of States parties to the Geneva Conventions,

*Emphasizing* the role of Parliaments in contributing to the application and progress of international humanitarian law applicable in cases of armed conflicts,

1. *Solemnly appeals* that the rules of international humanitarian law and universally recognized humanitarian principles be respected at all times and under all circumstances;
2. *Calls on* parliaments and governments:
  - (a) To give priority to humanitarian problems arising from all kinds of armed conflicts and to work actively to solve them;
  - (b) To commit themselves at national and international levels to ensuring that international humanitarian law is accepted and respected by all and under all circumstances;
  - (c) To support efforts aimed at increasing public awareness of the whole range of activities carried out by the International Red Cross, especially those of their own National Society;
  - (d) To devote all their attention to the duty incumbent on them, by virtue of the Geneva Conventions, to disseminate the

- principles of international humanitarian law, especially in the armed forces;
- (e) To provide the ICRC with any kind of support it may need to fulfil its humanitarian mission;
  - (f) To hasten the procedure of ratification of the two Protocols additional to the Geneva Conventions of 12 August 1949, one of which relates to the protection of the victims of international armed conflicts and the other to the protection of victims of non-international armed conflicts, both adopted on 8 June 1977, or the procedure of accession to those instruments;
  - (g) To take all measures in the field of national legislation which are necessary to ensure respect for international humanitarian law;
3. *Urges* all States that have not done so to become parties to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects and its Protocols I and II;
  4. *Notes* that under Article 8 of that 1980 Convention, conferences may be convened to review or amend the annexed Protocols, or to adopt additional Protocols relating to other categories of conventional weapons;
  5. *Praises* the humanitarian activities of the Office of the United Nations High Commissioner for Refugees (UNHCR), the ICRC and other international relief agencies, and *calls on* all nations to contribute more generously to the budgets of those institutions;
  6. *Stresses* that respect for the decisions of the International Court of Justice and other jurisdictions can strengthen humanitarian law;
  7. *Calls on* governments to participate actively in the Twenty-fifth International Conference of the Red Cross, which will be held from 23 to 31 October 1986 in Geneva, in a spirit of constructive dialogue so as to strengthen respect for international humanitarian law and alleviate the condition of victims of armed conflicts.
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