

INTERNAL DISTURBANCES AND TENSIONS

NEW DRAFT DECLARATION OF MINIMUM HUMANITARIAN STANDARDS

In its January-February 1988 issue (No. 262), the *Review* published a series of articles on the protection of the individual in situations of internal disturbances and tensions, under the title

Internal disturbances and tensions: a new humanitarian approach?

Contributions by various authors examined different aspects of such situations, which are not covered by international humanitarian law. One article was devoted to the ICRC's protection and assistance activities in situations of internal disturbances and tensions. The issue also contained two papers expressing the personal views of experts on the subject and dealing with normative questions such as how to effectively strengthen legal provisions for the protection of individuals caught up in such situations. In one of these papers Professor Theodor Meron points out the inadequacy of existing international provisions in this regard and submits a draft Model Declaration on Internal Strife as a basis for discussion on the negotiation of a new legal instrument. In the other, the author of the present article proposes a Code of Conduct intended primarily as an instrument for the dissemination of a few basic rules which it is particularly important to observe in situations of internal disturbances and tensions.

The purpose of the two texts was to stimulate interest in possible ways of strengthening legal mechanisms for the protection of the individual against abuse of power on the one hand, and in humanitarian activities in behalf of victims of violence on the other.

Since the publication of that special issue of the *Review*, the debate on these questions has progressed in many ways. Without discounting the importance of the other articles which appeared at the same time,

the *Review* wishes to report here on a seminar which elaborated on the approach proposed by Professor Meron by drafting a new legal instrument. At the invitation of the *Institute for Human Rights* of the Åbo Akademi University, Turku/Åbo (Finland), a group of private experts met there from 30 November to 2 December 1990 to draw up a draft *Declaration of Minimum Humanitarian Standards*.

The purpose of the Declaration was to codify certain international rules pertaining to situations of violence not subject to the provisions of humanitarian law applicable in non-international armed conflicts (in particular Article 3 common to the Geneva Conventions of 12 August 1949 and Protocol II of 8 June 1977). Since international rules providing for the protection of the individual (human rights law) are not always adequate to meet the special humanitarian requirements that arise in situations of internal disturbances and tensions, the codification of a set of rules in the form of a non-binding declaration appears to constitute a promising approach to the problem of providing better protection for individuals caught up in violence. A solemn declaration of this type might be the first step towards the codification of new, binding regulations.

The draft Declaration is based first and foremost on human rights instruments. It also draws freely upon the Geneva Conventions and their Additional Protocols, for example the rules limiting the use of force and those relating to the assistance to be given to victims. Like the humanitarian law instruments, the rules contained in the draft Declaration are intended for all those resorting to the use of force.

The text of the Declaration appears below. Its publication in the *Review* does not in any way reflect the position of the ICRC.

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