

Australia ratifies the Protocols

On 21 June 1991, Australia 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:

DECLARATIONS IN RELATION TO PROTOCOL I

In depositing its instrument of ratification for Protocol I, Australia hereby makes declarations of understanding in relation to Articles 5, 44 and 51 to 58 inclusive of the said Protocol.

It is Australia's understanding that in relation to Article 5, with regard to the issue whether, and in what measure, Protecting Powers may have to exercise any functions within the combat zone (such as may be implied by provisions in Parts II and IV of the Protocol), the role of the Protecting Power will be of a like character to that specified in the First and Second Conventions and Part II of the Fourth Convention, which apply mainly to the battlefield and its immediate surroundings.

It is the understanding of Australia that in relation to Article 44, the situation described in the second sentence of paragraph 3 can exist only in occupied territory or in armed conflicts covered by paragraph 4 of Article 1. Australia will interpret the word "deployment" in paragraph 3(b) of the Article as meaning any movement towards a place from which an attack is to be launched. It will interpret the words "visible to the adversary" in the same paragraph as including visible with the aid of binoculars, or by infra-red or image intensification devices.

In relation to Articles 51 to 58 inclusive it is the understanding of Australia that military commanders and others responsible for planning, deciding upon, or executing attacks, necessarily have to reach their decisions on the basis of their assessment of the information from all sources, which is available to them at the relevant time.

In relation to paragraph 5(b) of Article 51 and to paragraph 2(a)(iii) of Article 57, it is the understanding of Australia that references to the "military advantage" are intended to mean the advantage anticipated from the military attack considered as a whole and not only from isolated or particular parts of that attack and that the term "military advantage" involves a variety of considerations including the security of attacking forces. It is further the understanding of Australia that the term "concrete and direct military advantage anticipated", used in Articles 51 and 57, means a bona fide expectation that the attack will make a relevant and proportional contribution to the objective of the military attack involved.

It is the understanding of Australia that the first sentence of paragraph 2 of Article 52 is not intended to, nor does it, deal with the question of incidental or collateral damage resulting from an attack directed against a military objective.

In accordance with their provisions, the Protocols will come into force for Australia on 21 December 1991.

Australia is the **103rd** State to become party to Protocol I and the **93rd** to Protocol II.

Declaration of succession of the Republic of Namibia to the Geneva Conventions

On 22 August 1991, the Republic of Namibia deposited a declaration of succession to the four Geneva Conventions of 12 August 1949 with the Swiss Government. The Conventions had already been in force in Namibian territory (formerly South West Africa) since 31 March 1952 by virtue of the Republic of South Africa's accession to them.

In accordance with international practice, the entry into force in Namibia of the four Conventions is retroactive to 21 March 1990, the date on which the country became independent. The accession to the Conventions, which was made on Namibia's behalf by the United Nations Council for Namibia on 18 October 1983, is therefore no longer applicable.

The Republic of Namibia is the **166th** State to become party to the Geneva Conventions.