

Declaration by the United Arab Emirates

On 6 March 1992 the United Arab Emirates made the following declaration regarding its recognition of the competence of the International Fact-Finding Commission:

“In accordance with Article 90, paragraph 2(a), of Protocol I additional to the Geneva Conventions of 12 August 1949, the United Arab Emirates declare that they recognize *ipso facto* and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party”.

The United Arab Emirates are the **twenty-sixth State** to make the declaration regarding the Fact-Finding Commission.

International Fact-Finding Commission holds its first meeting

(Bern, 12-13 March 1992)

On 12 and 13 March 1992, the International Fact-Finding Commission provided for in Article 90 of Protocol I held its first meeting in the Swiss capital Bern, where it has established its headquarters. It was convened by the Swiss government, acting in its capacity as depositary for the Geneva Conventions and their Additional Protocols.

Now that the Commission is operational, its main task will be to enquire into allegations of serious violations of the Geneva Conventions or Protocol I. Any Party that has accepted the Commission's competence may request it to institute an enquiry concerning any other

Party that has likewise accepted its competence. Such an enquiry may also be requested by a Party which declares its acceptance on an *ad hoc* basis, but in that case the enquiry is subject to the other Party's consent.

At the meeting, it expressed its willingness to investigate *any* alleged violations of international humanitarian law, including those occurring during civil wars*.

Prominent among the items on the Commission's agenda were the election of its President and two Vice-Presidents and the adoption of its rules.

The Commission elected Dr. Erich Kussbach of Austria as its President, and Prof. Ghalib Djilali of Algeria and Sir Kenneth J. Keith of New Zealand as its first and second Vice-Presidents respectively. It was not possible in the two days of deliberation to adopt in their entirety the rules of the Commission, which will cover not only procedural matters but all aspects of the Commission's subsequent investigations. This text should be completed by early July.

Twenty-six States have so far declared, under Article 90 of Protocol I, that they recognize *ipso facto* and without special agreement the Commission's competence. Those States are (in chronological order): Sweden, Finland, Norway, Switzerland, Denmark, Austria, Italy, Belgium, Iceland, Netherlands, New Zealand, Malta, Spain, Liechtenstein, Algeria, Russian Federation, Belarus, Ukraine, Uruguay, Canada, Germany, Chile, Hungary, Qatar, Togo and the United Arab Emirates.

The President of the Commission was received at ICRC headquarters on 9 April 1992 by President Sommaruga and several members of the Committee.

The ICRC reaffirmed that it was willing to cooperate within the framework of the respective mandates of the two bodies. Both sides stressed the complementarity and independence of the Commission and the ICRC.

The establishment of the Fact-Finding Commission is an important landmark in the development of international humanitarian law. It is now up to States to show that they are not afraid of the Commission

* In this connection, see the article by J. Ashley Roach, "The International Fact-Finding Commission — Article 90 of Protocol I additional to the 1949 Geneva Conventions" and the one by Françoise Krill, "The International Fact-Finding Commission — The ICRC's Role" in the March-April 1991 edition of the *IRRC*, No. 281, pp. 167-189 and 190-207, respectively. In addition, the list of the 15 members elected to the Commission in 1991 for five years appears in the July-August 1991 issue of the *IRRC*, No. 283, pp. 411-412.

by accepting its binding competence and using it to cast light on alleged violations of humanitarian law. Of course, pitfalls will be placed in the path of the Commission's work but it is to be hoped that, in addition to its role in the services of truth, it will contribute to the cause of peace.

CORRIGENDA

No. 286 — January-February 1992

1. List of States party to the Protocols of 8 June 1977

Page 108:

1991

99 89 Canada 14 February R Declarations;
Int. Commission

Instead of *Canada*, read *Germany*.

2. Change of name for the League

Page 73 — Second paragraph should read as follows:

“The organization began life in 1919 as the ‘League of Red Cross Societies’, a name it retained until 1983 when it became the ‘League of Red Cross and Red Crescent Societies’”.