

He also had remarkable skills in disseminating knowledge of humanitarian law. The many legal advisers, military personnel of all ranks, teachers and students whom he taught in over two decades at the Universities of London and Sussex and at military academies in various countries can attest to his talent for teaching, which was backed up by his great erudition and sense of humour.

Beginning in 1956, he served as a consultant to the ICRC and all those who had the privilege of working with him appreciated his advice, suggestions and initiatives in the major effort mounted by the ICRC in the 50s to develop humanitarian law.

Colonel Draper's eminent career was that of a man close to the Red Cross and imbued with the spirit of service. Cruelly afflicted by physical disability while still a young man, his tenacity and courage were exemplary. The ICRC will remember with gratitude this outstanding champion of the humanitarian cause.

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## Spain ratifies the Protocols

On 21 April 1989 Spain ratified the Protocols additional to the Geneva Conventions of 12 August 1949 and relating 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 for Additional Protocol I contained the following declaration concerning the International Fact-Finding Commission:

*"The Government of the Kingdom of Spain declares that it recognizes ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the Commission to enquire into allegations by such other Party"* (Original Spanish, ICRC translation).

Spain is the **thirteenth State** to make the declaration regarding the Commission, which will be set up once 20 States have made such declarations.

The instrument of ratification also contained the following interpretative statement concerning Protocol I:

- **“With reference to Protocol I in its entirety:** *It is the understanding [of the Government of Spain] that this Protocol, within its specific scope, applies exclusively to conventional weapons, and without prejudice to the rules of International Law governing other types of weapons.*
  
- **Article 1, paragraph 4 and Article 96, paragraph 3:** *These articles shall be interpreted in accordance with the Principle contained in Article 2, paragraph 4 of the United Nations Charter, as developed and reaffirmed in the following texts:*
  1. *Operative paragraph 6 of Resolution 1514 (XV) of the United Nations General Assembly, 14 December 1960.*
  2. *The final paragraph, relative to the principle of equal rights and self-determination of peoples, of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, approved in Resolution 2625 (XXV) of the United Nations General Assembly on 24 October 1970.*
  
- **Articles 41, 56, 57, 58, 78 and 86:** *It is the understanding [of the Government of Spain] that in Articles 41, 56, 57, 58, 78 and 86 the word “feasible” means that the matter to which reference is made is practicable or practically possible taking into account all circumstances at the time when the situation arises, including humanitarian and military considerations.*
  
- **Article 44, paragraph 3:** *It is understood that the criteria mentioned in sub-paragraph (b) of Article 44 (3) on the distinction between combatants and civilians can be applied only in occupied territories. The Spanish Government also interprets the expression “military deployment” to mean any movement towards a place from which or against which an attack is going to be launched.*
  
- **Articles 51-58:** *It is the understanding [of the Spanish Government] that the decision made by military commanders, or others with the legal capacity to plan or execute attacks which may have repercussions on civilians or civilian objects or similar objects, shall not necessarily be based on anything more than relevant information available at the time and which it has been possible to obtain to that effect.*

- **Articles 51, 52 and 57:** *It is the understanding [of the Spanish Government] that the “military advantage” which these articles mention refers to the advantage expected from the attack as a whole and not from isolated parts of it.*
- **Article 52, paragraph 2:** *It is the understanding [of the Spanish Government] that the capture or holding of a specific area of territory constitutes a military objective when all the conditions set out in this paragraph together offer a concrete military advantage taking into account the circumstances at the relevant time” (Original Spanish, ICRC translation).*

In accordance with their provisions, the Protocols will come into force for Spain on 21 October 1989.

This ratification brings to **84** the number of States party to Protocol I and to **74** those party to Protocol II.

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## **The Republic of Peru ratifies the Protocols**

On 14 July 1989, the Republic of Peru ratified the Protocols additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts, adopted in Geneva on 8 June 1977.

In accordance with their provisions, the Protocols will come into force for the Republic of Peru on 14 January 1990.

This ratification brings to **85** the number of States party to Protocol I and to **75** those party to Protocol II.