

FOLLOW-UP TO THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS

(Geneva, 30 August - 1 September 1993)

Introduction

The International Conference for the Protection of War Victims, which was held in Geneva from 30 August to 1 September 1993, gave the States an opportunity to voice their refusal passively to accept the very grave violations of humanitarian rules today being committed in many armed conflicts and to reaffirm their willingness to do their utmost to respect and ensure respect for international humanitarian law.

Convinced that this willingness should be translated into specific action and that steps must be taken to ensure the implementation of the recommendations made in the Final Declaration, the Conference delegates took up an initiative inspired in large part by the Russian Federation and asked the Swiss government "to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with [humanitarian] law and to prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent".

This second series of articles in the Review¹ deals mainly with the preparations for convening the Intergovernmental Group of Experts which will meet in Geneva from 23 to 27 January 1995.

The International Committee of the Red Cross made its views and concerns known during the 1993 Conference and has taken active part in this further phase of a study to which it attaches particular importance.

¹ The reader is referred to the first series of articles on the follow-up to the 1993 Conference which appeared in the January-February 1994 issue of the *Review*.

In order to facilitate the work of the Intergovernmental Group of Experts, in March 1994 the Swiss government sent the States which had been invited to attend the International Conference for the Protection of War Victims a note containing a list of possible subjects for consideration by the experts and asking them to comment on the topics proposed, to put forward their own suggestions and to set priorities. At the request of the Swiss government, in April 1994 the ICRC itself sent the same States several additional ideas and suggestions on the following major subjects: universal acceptance of the instruments of international humanitarian law, respect for international humanitarian law, prevention and repression of violations of international humanitarian law, and the making of reparations.

The note from the Swiss government and the ICRC document are to be found on pages 414 and 425, respectively.

To lay the groundwork for the meeting of experts in January 1995, the Swiss government convened a preparatory meeting in Geneva from 26 to 28 September 1994 to establish an order of priority for the suggestions put forward. It was attended by approximately sixty delegates, who examined a document summarizing the comments of States concerning measures to promote respect for international humanitarian law. Their recommendations are set out on pages 447-449.

Furthermore, in keeping with the spirit of Resolution 2 of the October 1993 Council of Delegates, the National Red Cross and Red Crescent Societies and their Federation were invited to make suggestions as to the follow-up to be given to the 1993 Geneva Conference and the Movement's role in promoting respect for international humanitarian law and the application of its provisions. For this purpose, the ICRC convened a meeting of legal advisers from National Societies on 12 and 13 September 1994. An account of the proceedings is to be found on page 442.

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What conclusions can be drawn after eight months of preparations, approaches and exchanges of views? Undoubtedly, these preparatory and consultative meetings have helped to clarify and define more explicitly the fundamental questions which must be resolved to attain universal acceptance of humanitarian law and greater respect for it. In this connection, two articles should be consulted in this issue; one analyses the accession of States to the main humanitarian treaties and the measures taken by the ICRC to encourage States to become party to them

(see page 450), while the other gives concrete examples of national measures adopted in some countries (see page 464).

It is gratifying to note that the participants in these preparatory discussions clearly wish the experts meeting in January to clarify and examine in greater depth most of the fundamental questions which the Swiss government and the ICRC formulated in their respective reports. In addition, emphasis was placed on accentuating the role of the Movement and that of the International Conference of the Red Cross and Red Crescent in promoting, disseminating and implementing international humanitarian law.

It is also encouraging to see that more and more international and regional institutions have decided, in resolutions recently adopted by their statutory bodies, to back up efforts to promote respect for international humanitarian law (in this connection, see under "Miscellaneous", pp. 488-501).

Nevertheless, there are still many hurdles to be overcome: the politicization of humanitarian issues, the trivialization of violence and, an even more insidious problem, the indifference of the authorities concerned. Quite clearly, more than mere lip service is required to make preventive measures really effective; a simple undertaking to do something is not enough. As the ICRC pointed out at the close of the preparatory meeting, "such [preventive] measures require enthusiasm if they are to succeed. States must firmly believe in them and, beyond the signing of polite agreements, they must devote the necessary human and financial resources to them".

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