

Preparing the meeting of the intergovernmental group of experts for the protection of war victims

(Geneva, 23-27 January 1995)

PREPARATORY MEETING

(Geneva, 26-28 September 1994)

In accordance with the Final Declaration of the International Conference for the Protection of War Victims (August-September 1993), the Swiss Confederation will convene a meeting of governmental experts from 23 to 27 January 1995 for the purpose of drawing up a report on specific measures designed to promote compliance with and respect for international humanitarian law. The report will be submitted to the 26th International Conference of the Red Cross and Red Crescent, which will decide on the action to be taken to implement its recommendations.

In preparation for this meeting, representatives of 60 States gathered in Geneva from 26 to 28 September at the invitation of the Swiss Government. An ICRC delegation, led by Mr Yves Sandoz, Director for Principles, Law and Relations with the Movement, and one from the International Federation of Red Cross and Red Crescent Societies also took part in the proceedings.

The September meeting was chaired by Ambassador Lucius Caflisch, legal adviser at the Swiss Federal Department of Foreign Affairs, while Ambassador Philippe Kirsch, Director General of the Bureau of Legal Affairs of the Canadian Department of External Affairs and International Trade, chaired the drafting committee.

The meeting's principal objective was to draw up a list of questions and suggestions for the governmental experts to consider in detail at their January meeting. The participants were also asked to establish an order of priority for the items on the list and to identify the main trends and themes that had emerged.

Discussions at the meeting focused on a text prepared by the Swiss Federal Department of Foreign Affairs on the basis of the work of the 1993 Conference, the comments made by a number of States concerning

the Swiss Government's note of March 1994 (see p. 414), and the ICRC's report of April 1994 containing its own suggestions.

At the end of the proceedings the delegates adopted without vote a text containing a series of recommendations for the January meeting of governmental experts. These are set out below.

As the ICRC delegation pointed out at the close of the gathering, this meeting demonstrated that, although the proposals considered most important by the ICRC were included in the recommendations, States must now be more resolute in taking practical and realistic measures to strengthen protection for the victims of war.

**RECOMMENDATION ADOPTED
BY THE PREPARATORY MEETING**

In the Declaration it adopted on 1 September 1993, the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, reaffirmed, inter alia, the necessity of making the implementation of international humanitarian law more effective.

The Conference accordingly requested the Swiss Government to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with that 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.

Pursuant to that request, the Swiss Government will bring together an open-ended intergovernmental group of experts, which will meet in Geneva from 23 to 27 January 1995.

In preparation for this meeting, the Swiss Government invited a number of government experts to hold discussions in Geneva from 26 to 28 September 1994. As a result of the discussions, the experts recommend that the open-ended intergovernmental group should address the points and suggestions set out in the Annex hereto as a basis of discussion.

ANNEX

The Preparatory meeting recommends that the experts:

- Explore ways and means of facilitating States' accession to IHL instruments, notably the 1949 Geneva Conventions and their Additional Protocols, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols, and the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, taking into consideration the services that, in particular, the ICRC, the National Red Cross and Red Crescent Societies and their Federation and the National Committees referred to below may be able to provide in that regard;
- Consider, in this context, ways and means of facilitating States' recognition of the competence of the International Humanitarian Fact-Finding Commission according to Article 90 of Additional Protocol I;
- Examine ways and means of clarifying the role of customary rules of IHL in the areas of international and non-international armed conflicts;
- Study ways and means whereby bodies dealing with IHL, such as the ICRC, the National Red Cross and Red Crescent Societies and their Federation, may, possibly with the assistance of academic institutions, provide advisory services to States in their efforts to implement IHL and disseminate its rules and principles;
- Examine ways and means of improving dissemination of IHL, putting particular emphasis on the education of students of all ages and increasing media awareness, as well as on the training of armed forces, and the preparation of handbooks on the law of armed conflicts in an effort to harmonize, to the extent possible, the manner in which IHL is disseminated and implemented in different States;
- Explore ways and means whereby governments may benefit from the creation of national committees to advise on and assist in national implementation and dissemination measures;
- Examine ways and means whereby States could report to an international body dealing with IHL, such as the ICRC or the International Conference of the Red Cross and Red Crescent, on their efforts to implement IHL and to disseminate its rules and principles;
- Examine ways and means whereby the international community could react in the face of violations of IHL, as well as the possibilities of improving cooperation between States and the United Nations or other international fora and bodies in order to ensure respect for IHL;

- Explore practical ways and means of dealing with specific violations of IHL and discussing general problems of the application of IHL, e.g., by strengthening the role of the International Conference of the Red Cross and Red Crescent and by making better use of the forum provided for in Article 7 of Protocol I Additional to the 1949 Geneva Conventions;
 - Consider recommending to the ICRC
 - (a) the analysis of measures which could ensure, *inter alia*,
 - universal respect for IHL, particularly as it relates to civilians who are more and more often the victims of the use of means and methods of war consisting of systematic and large-scale killings by any armed groups, as well as of other violations of IHL in any armed conflict,
 - full protection for women and for children from violations of IHL,
 - full protection of the rights of refugees from violations of IHL, including the 1951 Convention relating to the status of refugees;
 - (b) an examination of situations where State structures have disintegrated as a result of non-international armed conflicts.
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