

**INTERNATIONAL CONFERENCE FOR THE
PROTECTION OF WAR VICTIMS**

(Geneva, 30 August - 1 September 1993)

**FOLLOW-UP BY WORLDWIDE AND REGIONAL
INTERNATIONAL ORGANIZATIONS**

90th Inter-Parliamentary Conference — Canberra, Australia, 13-18 September 1993.

Sixtieth Ordinary Session of the Council of Ministers of the **Organization of African Unity** — Tunis, Tunisia, 6-11 June 1994.

Twenty-fourth Regular Session of the General Assembly of the **Organization of American States** — Belém, Brazil, 6-10 June 1994.

In order to add their voices to the appeal made on 1 September 1993 in the Final Declaration of the International Conference for the Protection of War Victims, two regional fora and one worldwide organization have adopted resolutions (see below) calling for respect for international humanitarian law.

- *The Inter-Parliamentary Union, an organization that brings together representatives of the legislatures of sovereign States, held its 90th Conference in September 1993 in Canberra, Australia. Its agenda contained an item entitled "Respect for international humanitarian law and support for humanitarian action in armed conflicts". At the end of its proceedings, the Conference adopted a resolution reaffirming that the fundamental principles and rules of international*

humanitarian law are universal, and calling on all States "to increase public awareness of and to promote respect for international humanitarian law through education and information programmes".

Readers of the Review will be able to gauge for themselves the full bearing of this resolution, which recommends the setting-up of a "committee to follow the issue of respect for international humanitarian law, particularly the ratification status of the Conventions and Protocols, as well as the implementation of measures at the national level (...)".

At its most recent Conference, held in Copenhagen on 12 to 17 September 1994, the IPU decided to set up an ad hoc committee to promote respect for international humanitarian law.

- *The Council of Ministers of the **Organization of African Unity**, a forum bringing together over 50 African States, held its Sixtieth Ordinary Session in Tunis from 6 to 11 June 1994. To meet the obligations undertaken in Geneva by all the States attending the 1993 International Conference, a resolution on "respect for international humanitarian law and support for humanitarian action in armed conflicts" was drafted and adopted by the organization.*

The resolution calls on all OAU member States which have not yet acceded to or ratified the instruments of international humanitarian law to do so. It also condemns the killings of staff members of humanitarian aid organizations and urges warring parties to ensure their safety.

- *The **Organization of American States**, meeting in June 1994, likewise voiced its concern to see international humanitarian law recognized and implemented as a single, universal body of rules. It did this in a resolution, the text of which follows. Readers will notice the OAS member States' unequivocal condemnation of the production and sale of conventional weapons which are excessively injurious or have indiscriminate effects.*

The 90th Inter-Parliamentary Conference

Canberra, Australia, 13-18 September 1993

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND SUPPORT FOR HUMANITARIAN ACTION IN ARMED CONFLICTS

(Resolution adopted without a vote)

The 90th Inter-Parliamentary Conference,

Considering:

- (a) That the events taking place in the theatres of contemporary armed conflict are unacceptable and call for a vigorous reaction on the part of the international community, of which parliaments are one of the main emanations,
- (b) That the fundamental principles and rules of international humanitarian law constitute a set of values universally accepted by the international community,
- (c) That efforts to implement these principles and rules at the national level are insufficient,
- (d) That the fundamental rules of international humanitarian law are as yet unfamiliar to those who have to implement them,
- (e) That co-ordination and joint action and approaches by the various participants in international humanitarian aid have not yet made it possible to respond sufficiently rapidly and on the necessary scale for the immense needs engendered by armed conflicts,
- (f) That financial and human resources for the protection of the victims of armed conflicts are inadequate,

Deploring that the civilian population is frequently the principal victim of the hostility and violence of armed conflict,

Condemning in particular ethnic cleansing operations, genocide, military aggression against the territory of other States, barbaric military action against civilians, the destruction of their houses and property, the coercion used to force civilians to leave their towns and villages, all acts which certain States commit

or fail to prevent, in violation of the principles of international humanitarian law and all international covenants and practices,

Also condemning the renewed outbreak of systematic sexual violence against women and children which constitutes a grave violation of international humanitarian law,

Deploring that the methods and means used in internal armed conflict cause great suffering,

Recalling the link between action to prevent armed conflicts and action to ensure respect for humanitarian rules in conflicts, especially in the areas of disarmament and human rights,

Reaffirming its conviction that, by preserving a sphere of humanity in the very heart of armed conflict, international humanitarian law keeps open the path towards reconciliation and contributes not only to restoring peace among the belligerents but also to harmony among peoples,

Regretting that international humanitarian law has not yet become universal since at present one third of all States have not acceded to the 1977 Protocols additional to the Geneva Conventions, only 36 States have acceded to the 1980 Convention prohibiting or restricting the use of certain conventional weapons and only 82 States have acceded to the 1954 Convention for the Protection of Cultural Property,

Further regretting that the international relief and protection effort during armed conflicts — both within the framework of competent United Nations institutions and bodies and by the International Committee of the Red Cross (ICRC) and other international and regional humanitarian organizations — is encountering serious difficulties and dangers, including the refusal by one or more parties to a conflict to reach agreement with such organizations, the blockade of humanitarian action, attacks against humanitarian personnel, food supplies and relief, the refusal of parties to the conflict to transport food supplies to the victims or to allow the relief organizations access to prisoners of war and imprisoned civilians,

Deploring the lack of protection for peace-keepers and peace-makers under current humanitarian law,

Deploring the growing number of journalists and other media agents killed, wounded or abducted on the battlefield,

Welcoming the fact that the United Nations has recently reaffirmed the concept of humanitarian assistance, including relief for civilian populations and the idea of establishing security corridors to ensure the free access of this relief to the victims, in addition to protected zones created by decision of the United

Nations, failing any initiative by the parties to the conflict and placed under the responsibility of its civilian and military personnel and/or international humanitarian organizations,

Welcoming the adoption in Geneva on 1 September 1993 by the International Conference for the Protection of War Victims of a solemn declaration in which States reaffirm *inter alia* their determination to respect and enforce international humanitarian law,

Welcoming the decision unanimously adopted by the Security Council in May 1993 to establish a tribunal to try war criminals accused of having committed genocide, rape, torture and ethnic cleansing as well as other serious violations of international humanitarian law in the territory of former Yugoslavia,

Recalling the resolution adopted by the 76th Inter-Parliamentary Conference (Buenos Aires, October 1986) on the contribution of parliaments to the implementation and improvement of international humanitarian law in armed conflicts,

1. *Calls on* all States which have not yet adopted the following instruments to examine or review without delay the possibility of adopting them rapidly:
 - (a) The Additional Protocols relating to the protection of victims of international armed conflicts (I) and non-international armed conflicts (II), of 8 June 1977;
 - (b) The Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects, of 10 October 1980;
 - (c) The Convention for the Protection of Cultural Property in the event of Armed Conflict, of 14 May 1954;
 - (d) The United Nations Convention relating to the Status of Refugees, of 28 July 1951 and its Protocol, of 31 January 1967.

2. *Also calls on*:
 - (a) States which have adopted Additional Protocol I of 1977 to make the declaration referred to in Article 90 on the general competence of the International Fact-Finding Commission;
 - (b) Parliaments and governments to ensure the proper application of United Nations resolutions on humanitarian issues and to adopt measures at the national level to implement the rules of international humanitarian law, especially by including in their national legislation dissuasive sanctions to ensure that these rules are not violated and by examining the possibility of creating or reactivating interministerial committees or appointing an

- office or delegate responsible for following and coordinating measures to be taken at the national level;
- (c) All States to increase public awareness of and to promote respect for international humanitarian law through education and information programmes;
 - (d) Governments to promote awareness of international humanitarian law among the armed forces;
 - (e) All States to remind military commanders that they are required to make their subordinates aware of obligations under international humanitarian law, to make every effort to ensure that no violations are committed and, where necessary, to punish or report any violations to the authorities;
 - (f) The International Committee of the Red Cross to assist in preparing for a conference to re-examine the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons so as to study the problems of weapons which blind and mines which mutilate civilians;
 - (g) All States to take the necessary steps to ensure that persons and property protected by international humanitarian law are marked and identified;
 - (h) All States to make every effort to protect agents from belligerents as well as common criminals and ensure the immunity which should be guaranteed by the emblems of the Red Cross and Red Crescent;
 - (i) All States to understand the meaning of humanitarian action so as to avoid hindering it, to ensure rapid and effective relief operations by guaranteeing safe access to the regions affected, to take the necessary measures to strengthen respect for the safety and integrity of humanitarian organizations;
 - (j) All States to negotiate a separate body of humanitarian law dedicated to the effective protection of peace-keepers and peace-makers;
 - (k) All States to ensure that journalists engaged in dangerous professional mission in areas of armed conflict benefit from the measures of protection set out in Article 79 of Additional Protocol I of the Geneva Conventions of 1949;
 - (l) All States engaged in armed conflicts to use the services of the International Fact-Finding Commission to investigate any violation of international humanitarian law, including in internal armed conflicts;
 - (m) All States to support all the work being carried out or envisaged to strengthen at the international level the means of punishing war crimes;

- (n) All States to review procedures on compensation for damages caused to victims of violations of international humanitarian law and the payment of indemnities so as to allow the victims to derive real benefit from the assistance to which they are entitled;
 - (o) All States to act in co-operation with the United Nations and in conformity with its Charter and in particular its basic principles relating to respect for human rights in all countries with a view to taking all appropriate measures to enforce international humanitarian law;
3. *Pays tribute* to the action of the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR) and other international relief organizations, *calls on* governments to increase their financial contributions to these organizations, and *commends* the staff of these organizations for their dedication and courage;
 4. *Recommends* that the Inter-Parliamentary Council set up a committee to follow the issue of respect for international humanitarian law, particularly the ratification status of the Conventions and Protocols, as well as the implementation of measures at the national level; the committee would report to the Inter-Parliamentary Council at the latter's second session every year, starting in 1994.

Council of Ministers of the Organization of African Unity

(Tunis, 6-11 June 1994)

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW AND SUPPORT FOR HUMANITARIAN ACTION IN ARMED CONFLICTS

The Council of Ministers of the Organization of African Unity, meeting in its Sixtieth Ordinary Session in Tunis, Tunisia, from 6 to 11 June 1994,

Having considered the report of the Secretariat on the Information Day jointly organized by the OAU and the ICRC on international humanitarian law

and the activities of the International Committee of the Red Cross in Addis Ababa, Ethiopia, on 7 April 1994, as attached to the report of the OAU Committee of Fifteen on Refugees,

Bearing in mind the recommendations of this sensitization seminar on international humanitarian law and the activities of the International Committee of the Red Cross (ICRC),

Gravely concerned by the indiscriminate massacres taking place in the theatres of armed conflict,

Considering that the rules and fundamental principles of international humanitarian law constitute an accepted set of universal values that have not yet been sufficiently implemented,

Anxious to see that international humanitarian law becomes better known to all the people,

Aware of the need to strengthen international solidarity in order to protect the victims of armed conflict,

Expressing support to peace initiatives taken by the OAU and other organizations to avert armed conflict and relieve tension,

Convinced of the important role played by the humanitarian organizations in protecting and assisting victims in the event of armed conflicts:

1. Takes note of the recommendations of the OAU/ICRC first seminar organized jointly by the OAU and the ICRC on international humanitarian law held in Addis Ababa, Ethiopia on 7 April 1994;
2. Deplores the fact that the civilian population in general, and women and children in particular, are the main victims of hostilities and of acts of violence perpetrated during armed conflict;
3. Affirms its conviction that respect for the basic rules of international humanitarian law helps not only to relieve the suffering of all the victims and provide them with effective protection, but also to create an atmosphere conducive to dialogue and the restoration of peace;
4. Urges all Member States and warring parties to provide assistance and protection and to facilitate the action of the humanitarian agents during armed conflicts and to respect the Red Cross, Red Crescent and other humanitarian organization emblems;
5. Condemns the attacks and killings of the staff of humanitarian organizations and urges Member States and warring parties to insure their safety;

6. Invites all States that have not yet become party to the instruments listed below to consider, or reconsider, without delay the possibility of doing so in the near future:
 - a. the two Protocols additional to the Geneva Conventions of 1949;
 - b. the Convention of Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects of 10 October 1980;
 - c. the Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;
7. Requests Member States to educate their population on the fundamental rules and principles of international humanitarian law;
8. Pays tribute to the International Committee of the Red Cross (ICRC), UNHCR and other humanitarian organizations for their courage, their devotion and the service rendered to the victims of armed conflict and to refugees;
9. Invites the Secretary-General to strengthen its cooperation with the humanitarian organizations including ICRC in conflict and war situations as well as to promote knowledge of international humanitarian law.

Organization of American States

TWENTY-FOURTH REGULAR SESSION

Belém do Pará, Brazil

RESPECT FOR INTERNATIONAL HUMANITARIAN LAW

The General Assembly,

Deeply disturbed by the testing, production, sale, transfer and use of certain conventional weapons that can be deemed to be excessively injurious or to have indiscriminate effects;

Considering:

That violations of international humanitarian law are intolerable and should be vigorously condemned by the international community, as stated in the Declaration on the Protection of War Victims adopted in Geneva on September 1, 1993;

That the norms and fundamental principles of humanitarian law constitute universally recognized values that must be observed;

That it behooves the Organization's member States to publicize humanitarian law in their countries;

That international solidarity to protect the victims of conflicts must be strengthened and the peaceful initiatives of the Organization of American States to prevent conflictive situations and to eliminate tensions must be supported, all within the framework of the OAS Charter and in accordance with international law;

That all the Organization's member States are parties to the four 1949 Geneva Conventions;

and

Recalling the final report of the International Conference on War Victims held in Geneva, August 30 through September 1, 1993,

Resolves:

1. To urge all the member States that are parties to the 1949 Geneva Conventions but that have not yet considered the possibility of signing the two 1977 Additional Protocols to the 1949 Geneva Conventions; the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (October 10, 1980); and the Convention on the Protection of Cultural Property in the Event of Armed Conflict (May 14, 1954), to consider doing so.
2. To urge all member States that are already parties to Additional Protocol I, and those which have not yet signed, but intend to do so, to consider the possibility of issuing the declaration set forth in Article 90 of that Protocol.
3. To urge all the member States to make every possible effort to ensure the security of personnel engaged in humanitarian activities, so as to guarantee protection and assistance for all victims without exception, in particular by respecting the Red Cross emblem.

4. To recommend that the OAS Secretary General continue to collaborate with the International Committee of the Red Cross (ICRC) on publicizing international humanitarian law and the work performed by that entity among member States of the Organization.*

* For the time being, only the Spanish text of the resolution is official. The English version is a draft, pending the final version which will be adopted by the OAS drafting committee.