

Follow-up to the International Conference for the Protection of War Victims

WHAT IS AT STAKE

On 1 September 1993, the participants in the International Conference for the Protection of War Victims adopted a declaration in which they solemnly pledged to respect and ensure respect for international humanitarian law in order to protect victims of war. To this end, they urged all States to take a series of measures designed to promote humanitarian law and strengthen compliance with its provisions.

Although the spirit of understanding that prevailed during the Conference and the constructive work it achieved are to be welcomed, the time has now come to take action on its recommendations. As the President of the ICRC emphasized in his closing address, "We all agree that our work will not stop with the adoption of the Final Declaration [...]. The peoples you represent [...] expect tangible results. There must be a follow-up to your deliberations".

One would like to believe that this concern to ensure proper follow-up expressed by many delegates during the Conference and echoed later in government circles and in the media reflects a desire on the part of the international community to put international relations on a moral footing, and to see it as an appeal for the reinstatement of standards deriving directly from international humanitarian law and international human rights law, which should govern relations between States and communities. One would like to believe that repeated violations of humanitarian law and the ravages caused by the increasing use of indiscriminate weapons, most of whose victims are civilians, have finally brought it home to States, international organizations and humanitarian agencies that a humanitarian mobilization to reject the unacceptable and restore the rule of law and reason is a matter of urgency.

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What does "follow-up" imply? First of all, it calls for reflection on the responsibility of States to respect and ensure respect for humanitarian law, and on a series of legal and diplomatic steps designed to help them meet this obligation. It involves not only the introduction of measures to encourage States to respect humanitarian law but also the reinstatement of the law wherever it has been violated.¹ The need to safeguard the independent, apolitical and impartial nature of humanitarian work was another priority stressed during the Conference.

It is to be hoped that the meeting of the intergovernmental group of experts, which will be convened in 1995 by the Swiss government in accordance with the wishes of the Conference, will focus special attention on these fundamental issues.

In the long term, follow-up will require a two-pronged strategy. First, a preventive strategy is needed. Steps must be taken to speed up universal acceptance of humanitarian law and to encourage States to adopt legislation and other national measures designed to ensure that it is respected, to repress violations, and to spread knowledge of the law by publicizing it and including it in military training programmes. Secondly, there must be a strategy of coordination among States, intergovernmental bodies and humanitarian institutions. This means redefining their individual responsibilities, reaching a true consensus on the priorities to be applied to humanitarian aid, and arriving at an appropriate distribution of tasks in accordance with their respective mandates.

One of the main objectives of the ICRC, which was extensively involved in organizing the Geneva Conference, is to contribute to its follow-up in the years to come. The ICRC's plan of action is outlined in its Report on the Protection of War Victims, drawn up especially for the Conference. It must now study in greater depth each of the aspects of the Final Declaration and, with the help of government experts, come up with the tangible measures needed to pursue the two-fold strategy of prevention and coordination.

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Throughout 1994 the Review, as a forum for ideas, will report on these studies conducted within the ICRC and on any initiatives the

¹ In this connection, see Umesh Palwankar, "Measures available to States for fulfilling their obligation to ensure respect for international humanitarian law" (pp. 9-25 below).

institution may be called upon to take; at the same time it will encourage the publication of general opinions on and specific analyses of the recommendations contained in the Final Declaration and ways of acting upon them.²

The forthcoming Review Conference of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons will provide a unique opportunity to examine ways of adapting, supplementing or drafting provisions to remedy certain shortcomings in this Convention. The ICRC, which is devoting a great deal of time and effort to the problem of weapons having indiscriminate effects, in particular antipersonnel mines, will continue to make its voice heard;³ it will pursue its efforts to prevent the damage caused by the excessive use of mines and regulate the use of new weapons, especially those capable of causing permanent blindness.

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It is to be hoped that this indispensable follow-up will not appear derisory in the face of all the horrors we have already witnessed this year. What can be done to overcome the doubts felt by many in this regard? First and foremost, human suffering transcends any feelings of doubt and must be dealt with at once. The ICRC learns this every day in the field. And then, nothing really worthwhile can be achieved without the firm resolve of all concerned with humanitarian action - primarily the States. The resolve to prevent violations, to coordinate action and to maintain dialogue; but also the resolve to build, and to try out different solutions. We are at a point where, to paraphrase Gaston Bachelard, "we must strive for the impossible if we are to attain the achievable".

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² See Nikolay Khlestov, "International Conference for the protection of war victims — What is to follow up the 'follow-up'?" (pp. 6-8 below).

³ See the texts of the statements that the ICRC submitted to the United Nations General Assembly in October 1993 (pp. 56-60 below) and made before representatives of the Movement at the 1993 Council of Delegates (pp. 61-65).