

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

(Geneva, 30 August - 1 September 1993)

Meeting of the Intergovernmental Group of Experts for the Protection of War Victims

(Geneva, 23 - 27 January 1995)

In its Final Declaration, the International Conference for the Protection of War Victims (Geneva, 30 August - 1 September 1993) undertook to give practical effect to its refusal to accept grave violations of international humanitarian law in the following terms:

*“With this Declaration in mind, we reaffirm the necessity to make the implementation of international humanitarian law more effective. In this spirit, we call upon 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”.*¹

In accordance with the Conference’s decision, the Swiss Federal Council organized a meeting in Geneva from 23 to 27 January 1995, to which it invited representatives of the States party to the Geneva Conventions, and, as observers, a number of governmental and non-govern-

¹ Final Declaration of the International Conference for the Protection of War Victims, *International Review of the Red Cross (IRRC)*, No. 296, September-October 1993, pp. 401-405.

mental organizations concerned with humanitarian matters. Switzerland thus invited the same group of participants as for the 1993 Conference. Unlike that conference, however, the meeting took place at the technical level, with a view to devising practical means of promoting respect for humanitarian obligations in times of armed conflict.

The experts, representing 107 States and 28 governmental and non-governmental organizations, met for five days in Geneva. Ambassador A. Luzius Caflisch, legal adviser to the Department of Foreign Affairs (Switzerland), acted as Chairman and Ambassador Sedfrey A. Ordoñez (Philippines) as Vice-Chairman. The Working Party was chaired by Ambassador Philippe Kirsch (Canada), assisted by Ambassador Jorge Berguno (Chile) as Vice-Chairman.

The experts concentrated on the points which a preparatory meeting, held in Geneva from 26 to 28 September 1994, had recommended for further study. These recommendations were published in the *International Review of the Red Cross*.²

The experts were also provided with a working document prepared by Switzerland on the basis of the preparatory meeting's recommendations and in consultation with the States.³ The ICRC submitted its own suggestions concerning the nine recommendations.⁴

After five days of intensive discussions and negotiations, the experts adopted by consensus a set of "Recommendations" which, in accordance with its mandate, the group will be submitting to the 26th International Conference of the Red Cross and Red Crescent.⁵ In chapters I to VII, the text identifies many possible ways of ensuring that humanitarian law is better accepted, understood and respected, ranging from educating the population as a whole to punishing violations. The ICRC is encouraged to provide support services in that respect, while attention is drawn to the role played by the National Societies in their own countries. Several delegations were disappointed that the group had not gone a stage further, for instance by recommending the institution of a system of mandatory reports concerning the implementation of international humanitarian law, a proposal which in the end the meeting failed to adopt. In the VIIIth

² *IRRC*, No. 302, September-October 1994, pp. 448-449.

³ See below, pp. 7-18.

⁴ See below, pp. 19-32.

⁵ See below, pp. 33-38.

recommendation, on the other hand, the ICRC is asked to address some particularly difficult problems.

It may be remembered that in its Final Declaration the International Conference for the Protection of War Victims called on Switzerland 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. The Intergovernmental Group of Experts' recommendations undoubtedly provide a sound basis for the discussions of the 26th International Conference. It is now up to the delegates of the States and the representatives of the Movement meeting at that Conference in Geneva in December 1995 to take the necessary decisions, while bearing in mind the original goal, namely improved protection for war victims.

The Review
