

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

(Geneva, 23-27 January 1995)

RECOMMENDATIONS

— I —

The Experts recommend that:

- the International Committee of the Red Cross (“the ICRC”) continue its dialogue with States with a view to promoting their adherence to international humanitarian law (“IHL”) instruments and assist them in dealing with issues that arise in this respect;
- the Depositaries of IHL instruments appeal to States not party to them to adhere to such instruments, carry out appropriate promotional activities for that purpose and publish periodically, e.g. in the *International Review of the Red Cross* and other public sources of information, the list of States party to those instruments;
- in their regular programme of activities, the competent organs of the UN and other intergovernmental organisations, universal and regional, encourage States to adhere to specific IHL instruments;
- the States Parties to IHL instruments support the efforts of the ICRC, the Depositaries and the organisations mentioned above, to promote adherence to such instruments;
- the States Parties that have recognised the competence of the International Humanitarian Fact-Finding Commission established under Article 90 of Protocol I additional to the 1949 Geneva Conventions

(“Protocol I”) support, where appropriate, the Commission's efforts to promote recognition of its competence; and encouragement of voluntary contributions to increase the Commission's funds available for that purpose;

- States consider availing themselves of the services of National Red Cross and Red Crescent Societies (“the National Societies”) and national committees referred to in chapter V in the process of adhering to pertinent IHL instruments.

— II —

The Experts recommend that:

- the ICRC be invited to prepare, with the assistance of experts on IHL representing various geographical regions and different legal systems, and in consultation with experts from governments and international organisations, a report on customary rules of IHL applicable in international and non-international armed conflicts, and to circulate the report to States and competent international bodies.

— III —

The Experts recommend that:

- the ICRC, with the assistance of National Societies, the International Federation of Red Cross and Red Crescent Societies (“the International Federation”) and academic institutions, strengthen its capacity to provide advisory services to States, with their consent, in their efforts to implement and disseminate IHL;
- States and National Societies indicate to the ICRC or, as appropriate, to the International Federation the specific needs they may have for such advisory services;
- the ICRC submit reports on its advisory services to the States party to the 1949 Geneva Conventions and other interested bodies on an annual basis, and to the International Conference of the Red Cross and Red Crescent (“the Conference”).

— IV —

The Experts recommend that:

- the ICRC, in carrying out its mandate to disseminate IHL, work together, wherever possible, with other interested bodies including the International Federation, UN organs and specialised agencies, and regional organisations;
- States, on a regional and global basis, promote exchanges of information on dissemination and implementation of IHL;
- the ICRC prepare, in cooperation with experts from various geographical regions, a model manual for armed forces on the law of international and non-international armed conflicts;
- States produce national manuals on the law of armed conflicts, use them as an integral part of military training, and, where possible, consult among themselves with a view to harmonising such manuals;
- States increase their efforts, at national and international levels, to train civilian and military instructors in IHL, and to train in that law members of civilian administrations, armed forces, security forces and paramilitary forces, and members of armed forces engaged in international peacekeeping operations, according to their specific ranks and functions;
- States, where appropriate with the assistance of National Societies, increase the civilian population's awareness of IHL, thus contributing to the dissemination of a culture based on respect for the individual and human life, in all circumstances;
- States, in collaboration with National Societies, take advantage of the celebration of World Red Cross and Red Crescent Day to promote the dissemination of IHL;
- States, where appropriate with the assistance of National Societies and academic institutions involved in public education, make every effort to produce specific programmes and teaching materials designed to imbue students of all ages with the principles of IHL and make those programmes available to interested States;
- States, the ICRC, National Societies and the International Federation, encourage the production of audiovisual materials and the organisation of seminars in order to heighten awareness of IHL issues among representatives of the national and international media;

- the ICRC and States make efforts to provide technical assistance in order to ensure that basic documents of IHL are widely available in national languages;
- the Conference note that religious and ethical values foster respect for human dignity and the principles of IHL.

— V —

The Experts recommend that:

- States be encouraged to create national committees, with the possible support of National Societies, to advise and assist governments in implementing and disseminating IHL;
- States be encouraged to facilitate cooperation between national committees and the ICRC in their efforts to implement and disseminate IHL;
- the ICRC organize a meeting of experts from States having already established national committees and from other interested States, and report on the meeting's conclusions to States interested in the establishment of such committees.

— VI —

The Experts recommend that:

- in order to comply with their commitments in this regard under IHL instruments, States
 - be invited by the Conference to provide to the ICRC any information which might be of assistance to other States in their efforts to disseminate and implement IHL;
 - make every effort to participate in the fullest possible exchange of information on the measures that they have taken to implement their obligations under IHL instruments;
- in order to facilitate these measures, the ICRC
 - continue to participate actively in efforts to disseminate and implement IHL;

- be encouraged to draw up guidelines, from time to time, for the purpose of enhancing the exchange of information;
- collect, assemble and transmit the information provided to States and to the Conference.

— VII —

The Experts recommend that:

- in order to fulfil their basic obligation to respect and ensure respect for IHL in all circumstances, and taking into account, in particular, the vulnerability of civilian populations, and the responsibility of States which violate IHL, States
 - act, jointly or individually, in situations of serious violations of IHL, in cooperation with the United Nations and in conformity with the United Nations Charter;
 - establish, wherever possible, and in conformity with IHL, safety zones, demilitarised zones, humanitarian corridors and other forms of protection for civilian populations, in situations of armed conflict, and cooperate to ensure respect for decisions adopted by the competent UN organs to that end, in accordance with the UN Charter;
 - enact and rigorously implement whatever legislation is necessary to give effect to their obligations to ensure that those who commit, or order to be committed, violations of IHL do not go unpunished; and afford one another the greatest measure of assistance in criminal proceedings, including the provision of evidence and information from relevant sources, e.g. refugees;
 - participate actively in the ongoing discussions within the UN on the establishment of a permanent international criminal court, and implement all national measures to ensure the functioning of the ad hoc tribunals for the former Yugoslavia and Rwanda established by the UN Security Council;
 - cooperate with relevant international and regional intergovernmental organisations and, if they so wish, the International Humanitarian Fact-Finding Commission established under Article 90 of Protocol I, in conducting enquiries into violations of IHL, including by providing them, whenever possible, with funds, experts or logistical support;

- the Depositary organise periodical meetings of the States party to the 1949 Geneva Conventions to consider general problems regarding the application of IHL.

— VIII —

The Experts call upon the ICRC:

- a) to analyse 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, of “ethnic cleansing” and of other violations of IHL in any armed conflict;
 - full protection for women and children from violations of IHL, taking into account any contribution on these subjects which might be available, in particular from the 1995 World Conference on Women and from relevant UN organisations, including UNICEF and UNHCR;
 - full protection of the rights of refugees and of displaced persons from violations of IHL and the 1951 Convention relating to the status of refugees and its Protocol, taking into account any information which might be available, in particular from UNHCR;
- b) to examine situations where State structures have disintegrated as a result of non-international armed conflicts;
- c) to examine, on the basis of first-hand information available to it, the extent to which the availability of weapons is contributing to the proliferation and aggravation of violations of IHL in armed conflicts and the deterioration of the situation of civilians;
- d) to prepare, in collaboration with the International Federation, a draft recommendation for consideration by the Conference, encouraging voluntary contributions to support programmes for the dissemination and implementation of IHL, with particular emphasis on the protection of war victims.