

THE VADUZ GROUP AND ITS ACTIVITIES

The difficult situation relating to human rights in international relations gave rise to the idea of bringing together, in a completely non-governmental context, experts in various fields to study certain problems presented by this situation. This was the origin of the Vaduz Group.

Being aware of the existence in humanitarian law, in its widest sense, of two distinct branches—humanitarian law applicable in armed conflicts, which is the subject of the Geneva and Hague Conventions, and human rights, which constitute the basis of the Universal Declaration of Human Rights—the Vaduz Group chose to devote itself to the many problems in the latter field.

Whereas the governments which signed and ratified the Geneva Conventions agreed to be bound by their provisions and hence to renounce a part of their sovereignty, the situation is quite different with regard to human rights. In some parts of the world, in this connection, one finds an excessively rigid and often poorly understood concept of national sovereignty and thus a badly balanced relationship between the power of the State and the basic rights of man.

While the wholesome exercise of State sovereignty is in the interest of all concerned, a rigid concept of the power of the State often has negative consequences, both for the population and for the leaders.

Many people have lost hope for restoration of the balance. They believe that the United Nations Charter (Article 2, No. 7) has permanently fixed the principle of non-interference in the internal affairs of member States. They also observe with regret that two United Nations covenants on human rights, achieved through the efforts of the Human Rights Commission, and even their legal validation in 1976, changed virtually nothing, except for provisions against discriminatory measures based on differences of race.

The author, formerly an ICRC delegate, and his colleagues in the Vaduz Group have found by experience that strictly non-political initia-

tives can overcome difficulties resulting from an erroneous concept of national sovereignty. He has considered it possible to use the same methods of work in another field, that of human rights.

The completely neutral and non-political character of the Vaduz Group will undoubtedly lead it to study the provisions of human rights covenants, which it would seem possible to do while avoiding political problems. The experiences referred to above demonstrate that by following such a work programme, one may exert favorable influences upon governments espousing any ideology by offering them the possibility of engaging in practical work. The author believes it may be useful to try to open up a path in this direction and that it may in so doing be possible to enter areas covered by national sovereignty. This approach might gradually clear away the obstacles to real international detente.

Such an approach aroused the interest of qualified experts and a series of studies were initiated in 1973 in Liechtenstein, a country just as neutral and non-political as Switzerland, under the patronage of H.R.H. the Reigning Prince.

The immediate programme of this group, deliberately limited in number, was to organize round tables at which experts could express their views on two matters: 1) the concept of State sovereignty under present circumstances; 2) the possibilities for organizing international humanitarian and non-political actions without infringing upon State sovereignty.

After careful preparation, these two questions were submitted to experts at round table and other meetings in the past four years at Vaduz, Florence, Turin and San Remo, in which members of the Group participated.

To mention some of the results of this activity:

At Turin, in June 1975, two resolutions were adopted by consensus. The first stated that it is possible to carry out international relief actions, of a humanitarian and non-political character, without infringing upon national sovereignty in the countries concerned or in bordering countries. The second resolution, relating to the reuniting of families, put forward a proposal for submission to the International Conference in Geneva on the development of humanitarian law. These two resolutions were adopted by 40 experts from 10 countries.¹

The exchange of views at Vienna in February 1977 was especially fruitful. Minister E. Kussbach presided, in his personal capacity, over this

¹ *International Review* referred to these resolutions in its issues of August and November 1975.

seminar, with Prof. A. Verdross as honorary chairman. Highly qualified experts took part, to present reports and discuss the question of national sovereignty, particularly with regard to human rights, in relation to international law and national law. The meeting aroused great interest in Austrian scientific and governmental circles.¹

On the occasion of this very successful meeting at Vienna, the subject chosen as the concrete basis for discussion was the action of reuniting families after the Second World War. This action, organized by the ICRC and carried out in close co-operation with the National Red Cross Societies concerned, took place without intrusion of any political consideration, at a time when there was no rule of positive law on the matter. Yet it was a great success, with nearly 700,000 persons being re-united with their families in Europe alone. It contributed substantially to détente and was considered to be a work of peace.

This example will continue to inspire the Vaduz Group in its programme of future activities, in which it will certainly be studying closely related problems.

The good result obtained through the good will of governments are in line with the spirit of the Universal Declaration of Human Rights and with Article 23 of the International Covenant on Civil and Political Rights which states: "The family is the natural and fundamental unit of society and is entitled to protection by society and the State."

What government today would question this affirmation? It is certain that other provisions in these covenants, presented in an impartial and strictly humanitarian manner, will find the desired response and the generous understanding of governments.

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¹ A complete report is to be published at Strasbourg in *Europäische Grundrechte-Zeitschrift*.