

As an illustration of the work done in seminars organized to promote implementation of the 1949 Geneva Conventions and their Additional Protocols, the Review is publishing a summary of the conclusions and recommendations adopted by the participants in a workshop held in Namibia from 21 to 23 February 1996.

National workshop on the implementation of international humanitarian law in Namibia

Midgard Resort, 21-23 February 1996

Summary of conclusions and recommendations adopted by the participants

The ICRC, in cooperation with the Namibian Ministry of Justice, organized a workshop on the implementation of international humanitarian law (IHL) in Namibia from 21 to 23 February 1996. The workshop was attended by policy-makers from several ministries, members of the Interministerial Committee for Human Rights and International Humanitarian Law, senior officers of the defence forces, and academics. The Minister of Justice, the Hon. N. Tjiriange, was also present for the first two days. The main objectives of the workshop were to highlight areas of IHL that require action on the national level, to make an inventory of and assess measures already adopted, to identify the tasks ahead and to propose new measures, priorities and working methods.

At the end of the workshop, a general plan of action for the future was drawn up. The plan ended with the major conclusions and recommendations outlined below.

Main activities to be undertaken

1. The Geneva Conventions of 1949 and their Additional Protocols of 1977, to which Namibia is a party, should be published in the Government Gazette.
2. The provisions relating to use of the emblem contained in the Namibia Red Cross Act of 1991 were considered insufficient if not confusing. It was suggested that regulations be adopted to complete and clarify Section 3 of the Act and to provide for more appropriate sanctions for misuse of the emblem. Furthermore, an authority responsible for monitoring use of the emblem should be designated.

It was suggested that the Ministry of Defence regulate protective use of the emblem within the framework of the regulations governing the armed forces.

3. Although Namibian courts can apply the provisions of the IHL treaties directly, it was considered necessary and useful that a specific act of Parliament be adopted to create a legal basis for the arrest of suspected war criminals, to specify the offences that constitute war crimes, to provide adequate sanctions for the latter and to define the procedure applicable to such offences and the jurisdiction of the courts.
4. The Ministry of Health should draft regulations with regard to the definition of medical personnel and authorization and notification of medical activities so as to help clarify who is entitled to display the emblem.
5. With the assistance of the Namibia Red Cross and the ICRC, efforts in the field of dissemination of and instruction in IHL, as stipulated in the 1949 Geneva Conventions (GCI/47, GCII/48, GCIII/127, GCIV/144) and the two 1977 Additional Protocols (API/83, APII/19), should be stepped up. Not only should such instruction be part of the regular training programme of the armed forces; it should also be included in the training programmes of the Ministries of Health and of Home Affairs and in the curriculum of the Law Faculty of the University of Namibia.
6. The Interministerial Committee for Human Rights and International Humanitarian Law should strengthen its capacity to deal with IHL-related topics. It was suggested that the Commission focus as a matter of priority on drawing up an annotated list of measures that need to be adopted and make proposals to the competent ministries.

7. The ICRC should be asked to second an expert to advise the relevant authorities on the drafting of the necessary legislation.

Further suggested measures

1. In the planning and development of urban zones in particular, the requirements that civilians and civilian facilities, especially hospitals, be separated from potential military objectives should be taken into account.
2. Insofar as relevant to Namibia, steps should be taken to provide special protection for dams and dykes and for cultural property and places of worship.
3. A National Information Bureau as provided for in Article 122 of the Third Geneva Convention and Article 136 of the Fourth Geneva Convention for the purpose of identifying persons separated by armed conflict and restoring links between them should be created, possibly under the authority of the Ministry of Home Affairs.
4. Namibia being the only country in the region which has made the declaration under Article 90 of Additional Protocol I recognizing the competence of the Fact-Finding Commission, its government should encourage other countries to do likewise, either through bilateral efforts or in the context of regional fora.
5. An appropriate legal instrument (Act of Parliament) should be adopted for the purpose of regulating emergency preparedness and response to natural and man-made disasters (including conflicts) and defining the responsibilities of each authority and organization involved.