

UNITED NATIONS

General Assembly

FORTY-FIFTH SESSION

Official Records

SIXTH COMMITTEE
9th meeting
held on
Wednesday, 3 October 1990
at 10 a.m.
New York

SUMMARY RECORD OF THE 9th MEETING

Chairman:

Mr. MIKULKA

(Czechoslovakia)

CONTENTS

AGENDA ITEM 136: STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS (continued)

This record is subject to correction.

Corrections should be sent under the signature of a member of the delegation concerned
within one week of the date of publication to the Chief of the Official Records Editing Section, Room DC2-750,
2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.6/45/SR.9
12 October 1990
ENGLISH
ORIGINAL: FRENCH

90-56080 2652S (E)

/...

The meeting was called to order at 10.15 a.m.

AGENDA ITEM 136: STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS (continued)
(A/45/454)

1. Mr. KOSMQ (Norway), speaking on behalf of the five Nordic countries, noted with satisfaction that since the present item had last been discussed in the Sixth Committee in 1988, the number of States parties to Protocols I and II had risen from 77 to 97 and from 69 to 87 respectively. However, the Nordic countries regretted that the Protocols were still far from having the same universal adherence as the four Geneva Conventions of 1949. While the Protocols had contributed to the progressive development of international humanitarian law, they were to a large extent a codification and specification of principles already established under customary law and were recognized even by States which had not yet ratified the Protocols, a point which should prompt such States to do so.
2. When becoming parties to Protocol I (A/32/144, annex I), States should also consider making the declaration provided for in article 90, paragraph 2, to the effect that they recognized the competence of the International Fact-Finding Commission in relation to other parties which had accepted the same obligations.
3. Universal adherence to the Protocols would consolidate the existing body of international humanitarian law, which was currently being grossly violated by Iraq. By taking hostages, pillaging and committing other acts of violence against civilians, and by preventing the International Committee of the Red Cross and other humanitarian organizations from carrying out their mission, Iraq was violating the fundamental rules of the Geneva Conventions of 1949, in particular the fourth Convention relative to the Protection of Civilian Persons, as well as Protocol I.
4. The Nordic countries appealed to all States parties to the Geneva Conventions and the Protocols to live up to the obligation they had contracted to respect and to ensure respect for the Conventions and the Protocols in all circumstances.
5. Following the recent World Summit for Children, the Nordic countries wished to reiterate that the international community should do its utmost to protect children from being exploited as soldiers. The forums concerned with the Geneva Conventions were particularly suitable for that task.
6. The Nordic countries stood ready to co-ordinate the work of preparing a draft resolution on the present agenda item.
7. Mr. LIAO Jincheng (China) said that the two Protocols Additional to the Geneva Conventions of 1949 (A/32/144, annexes I and II) were to a great extent a codification of international customary law. They had strengthened the protection of civilian populations and combatants and had broadened the scope of application of the Geneva Conventions. Moreover, they had made humanitarian rules applicable to armed conflicts in which peoples were fighting against colonial domination and

/...

(Mr. Liao Lincheng, China)

alien occupation and against racist régimes, and had relaxed the requirements under which guerrilla forces could be considered legal combatants. Those developments were in conformity with the interests of the international community and were indications of the progress of civilization. For those reasons, China, which had always respected humanitarian law in armed conflicts, had become a State party to both Protocols in 1983.

8. Although it was gratifying to note that many countries had ratified the Protocols or had acceded to them since the 1988 General Assembly session, it was regrettable that some States, including some influential Powers, had not yet done so or had become parties to only one of the Protocols. Until both Protocols were widely accepted by all States, as in the case of the Geneva Conventions of 1949, it would be necessary for the General Assembly to review regularly the status of the Protocols.

9. Mr. VERENIKIN (Union of Soviet Socialist Republics) said that one reason why the Geneva Conventions of 1949 and the Protocols of 1977 could not yet attenuate the seriousness of armed conflicts to the extent that they should was that many States were not yet parties to the Protocols. Since those instruments strengthened the protection of victims of armed conflicts, limited the choice of the means of armed struggle and required that combatants respect humanitarian principles, the Soviet Union had ratified the Protocols in 1989 and had made, in accordance with article 90 of Protocol I, a declaration to the effect that it recognized, on a basis of reciprocity, the competence of the International Fact-Finding Commission.

10. Because the ratification of the Protocols by the largest possible number of States, notably by those States having armies of considerable size, would help to humanize international relations, his delegation hoped that those instruments would become universally accepted in the near future.

11. Mr. EL HUNI (Libyan Arab Jamahiriya) said that his country had been one of the first to become a party to the the Protocols Additional to the Geneva Conventions of 1949. His country maintained close ties of co-operation with the International Committee of the Red Cross (ICRC), as evidenced by the colloquium organized in May 1990 in Benghazi, under the auspices of the Libyan Red Crescent, in which law professors, military servicemen and representatives of various organizations involved in the propagation of international law participated, as well as representatives of the ICRC. As a result of that colloquium, serious action had been undertaken to better acquaint the population with the rules of international humanitarian law and the rights which it guaranteed to victims of armed conflicts.

12. In view of the crises which the world was experiencing, it was important to redouble efforts to consolidate the humanitarian concepts proclaimed in the Protocols and to integrate the provisions of those instruments into the laws of the various nations. His delegation fully subscribed to the appeal launched by the representative of ICRC at the preceding meeting to include in the programme for the United Nations Decade of International Law concrete action to examine in greater depth and consolidate the humanitarian principles set forth in the Protocols.

13. Mr. DASTIS (Spain) noted with satisfaction that about 20 countries had joined the list of States parties to the Protocol Additional to the Geneva Conventions of 1949 (A/32/144, annexes I and II) since the forty-third session of the General Assembly. For its part, Spain had deposited its instruments of ratification on 21 April 1989 and had made, *inter alia*, the declaration provided for in article 90 of Protocol I by which Spain recognized fully and without special agreement, relative to any other High Contracting Party that accepted the same obligation, the competence of the International Fact-Finding Commission to investigate allegations of failure to fulfil the obligations imposed by the Protocol.

14. Recent events had only confirmed the necessity for every State, without exception, to observe the Protocols. Spain therefore urged those States which were not yet parties to the Protocols to ratify them or accede to them as soon as possible, and urged those which were parties to only one of the Protocols to extend their participation to both instruments.

15. The standards of protection set forth in the two Protocols represented fundamental principles of humanitarian law that reflected elementary humanitarian considerations which should apply to all human beings, whether or not their struggle was deemed legitimate.

16. His delegation hoped that the attention devoted by the Sixth Committee to the Protocols, together with the praiseworthy efforts of the International Committee of the Red Cross, would help to ensure the universality of those two instruments in the near future.

The meeting rose at 10.45 a.m.