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**STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949
AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS**

Report of the Secretary-General

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* A/45/150 and Corr.1.

I. INTRODUCTION

1. On 9 December 1988, the General Assembly adopted resolution 43/161 entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". In paragraph 5 of the resolution, the Assembly requested the Secretary-General to submit to it at its forty-fifth session a report on the status of the Protocols Additional (A/32/144, annexes I and II) to the Geneva Conventions of 1949 1/ based on information received from Member States.
2. Pursuant to that request, the Secretary-General, by a letter dated 22 January 1990, invited Member States to transmit to him for inclusion in the report the information requested in paragraph 5 of the resolution.
3. The present report reproduces the replies received as at 17 August 1990. Replies that may be forthcoming will be reproduced as addenda to the present report.
4. The list of all States that have ratified or acceded to the Protocols as at 15 August 1990, as communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols, appears in the annex to the present report.

II. INFORMATION RECEIVED FROM MEMBER STATES

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[17 August 1990]

1. The Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) and the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of non-international armed conflicts (Protocol II), which were adopted at a diplomatic conference at Geneva on 8 July 1977 and were signed on behalf of the Byelorussian SSR at Berne on 12 December 1977, were ratified by an edict of the Presidium of the Supreme Soviet of the Byelorussian SSR on 25 August 1989 with the following declaration:

"The Byelorussian Soviet Socialist Republic, under article 9), paragraph 2, of Protocol I, recognizes ipso facto and without special agreement, in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission".

2. The instrument of ratification of the additional Protocols was deposited with the Swiss Federal Council, the depositary of the Geneva Conventions, on 23 October 1989. In accordance with the provisions of the Protocols, they entered into force for the Byelorussian SSR on 23 April 1990.

CZECHOSLOVAKIA

[Original: English]

[2 July 1990]

1. The President of the Czech and Slovak Federal Republic ratified both Additional Protocols on 15 January 1990. The Czechoslovak instruments of ratification were entrusted to the depositary on 14 February 1990, which means that pursuant to Article 95, paragraph 2, Protocol I, and to Article 23, paragraph 2, Protocol II, the Additional Protocols will become valid for the Czech and Slovak Federal Republic on 14 August 1990.

2. At present the possibility is being considered in the Czech and Slovak Federal Republic to make a declaration, as provided for by Article 90 of Protocol I, and to recognize the competence of the International Fact-Finding Commission. Such a declaration can be expected in a foreseeable time.

GERMANY, FEDERAL REPUBLIC OF

[Original: English]

[10 July 1990]

On 31 January 1990, the Federal Government has initiated the legislative proceedings necessary for the ratification of the two Protocols Additional to the Geneva Conventions of 1949.

MEXICO

[Original: Spanish]

[6 June 1990]

As the Secretary-General is aware, the Government of Mexico became a party to the Protocol I additional to the Geneva Conventions, relating to the protection of victims of international armed conflicts, in 1983. It wishes to inform him that the competent Government authorities are now making a detailed study of additional Protocol II, relating to the protection of victims of non-international armed conflicts, with a view to acceding thereto.

SOUTH AFRICA

[Original: English]

[29 March 1990]

South Africa, as a party to the Geneva Conventions of 1949, continues to review the status of the Additional Protocols and is in close co-operation with the International Committee of the Red Cross in this regard.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[3 August 1990]

1. On 4 August 1989, the USSR Supreme Soviet ratified the 1977 Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts. In ratifying the Protocols, the Soviet Union proceeded from the premise that there have been noticeable favourable trends in international life: the process of reducing confrontation and limiting the arms race is gaining ground; contacts between States are increasing; and there has been progress towards the settlement of regional conflicts. At the same time, in various parts of the world armed conflicts remain a fact of life and the great goal proclaimed in the Charter of the United Nations - "to save succeeding generations from the scourge of war" - has, unfortunately, not been achieved. Under these circumstances, the means making it possible to defuse armed conflicts, limit violence and create conditions for reconciliation and a political settlement remain indispensable. By strengthening the existing international legal protection of victims of armed conflicts, restricting the right to choose the means and methods of armed struggle, and calling upon belligerents to observe the principle of humanitarianism, the additional Protocols, in the opinion of the Soviet Union, can and must be such an effective means. Accordingly, guided by a desire to strengthen in every way possible the international legal order, the Soviet Union, in accordance with article 90 of Protocol I, made the declaration concerning recognition, on a mutual basis, of the competence of the International Fact-Finding Commission. The establishment of monitoring mechanisms for international agreements is an important factor for strengthening the international legal order. In his statement at the forty-third session of the General Assembly, Mr. Gorbachev spoke about greater participation by the Soviet Union in monitoring mechanisms. Recognition of the Commission's competence is a further demonstration of the commitment of the Soviet Union to the principles of strict observance of treaty obligations that have been undertaken.

2. It should be pointed out that the Soviet Union ratified the Protocols in a significant year - the year marking the 125th anniversary of the first humanitarian Geneva Conventions for the Amelioration of the Condition of the Sick and Wounded of Armies in the Field of 22 August 1864 and the fortieth anniversary of the universal Geneva Conventions of 12 August 1949 for the protection of war victims. The

ratification of the Protocols may be viewed also as a confirmation of the continuity of Russian and Soviet diplomacy, which for a second century now has been endeavouring to ensure that during armed conflicts, if it is not possible to prevent the use of force, the standards of humane treatment and mercy are observed. The Soviet Union sincerely hopes that the number of parties to the additional Protocols will steadily increase and that these important international agreements will soon become universal in nature.

3. In a letter addressed to the President of the International Committee of the Red Cross, Mr. Sommaruga, the USSR Minister for Foreign Affairs, Mr. Shevardnadze, stressed that the humanization of international relations is one of the major priorities of Soviet foreign policy, which was demonstrated by the ratification of the additional Protocols. Having assured him that the Soviet Union would continue to carry out in a straightforward and steadfast manner its obligations in the field of humanitarian law, the Minister pointed out that the USSR expected the same conduct on the part of other States.

Notes

- 1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

ANNEX

List of States that have ratified or acceded to the
Protocols Additional to the Geneva Conventions of
1949 as at 15 August 1990 a/

<u>State</u>	<u>Date of ratification or accession</u>
Algeria*	16 August 1989
Angola* (Protocol I only)	20 September 1984
Antigua and Barbuda	6 October 1986
Argentina*	26 November 1986
Austria*	13 August 1982
Bahamas	10 April 1980
Bahrain	30 October 1986
Bangladesh	8 September 1980
Barbados	19 February 1990
Belgium*	20 May 1986
Belize	29 June 1984
Benin	28 May 1986
Bolivia	8 December 1983
Botswana	23 May 1979
Bulgaria	26 September 1989
Burkina Faso	20 October 1987
Byelorussian Soviet Socialist Republic*	23 October 1989
Cameroon	16 March 1984
Central African Republic	17 July 1984
China*	14 September 1983
Comoros	21 November 1985
Congo	10 November 1983
Costa Rica	15 December 1983
Côte d'Ivoire	20 September 1989
Cuba (Protocol I only)	25 November 1982
Cyprus (Protocol I only)	1 June 1979
Czechoslovakia	14 February 1990
Democratic Peoples Republic of Korea (Protocol I only)	9 March 1988
Denmark*	17 June 1982
Ecuador	10 April 1979
El Salvador	23 November 1978
Equatorial Guinea	24 July 1986
Finland*	7 August 1980
France (Protocol II only)	24 February 1984
Gabon	8 April 1980

* Ratification or accession accompanied by a reservation and/or a declaration.

<u>State</u>	<u>Date of ratification or accession</u>
Gambia	12 January 1989
Ghana	28 February 1978
Greece (Protocol I only)	31 March 1989
Guatemala	19 October 1987
Guinea	11 July 1984
Guinea-Bissau	21 October 1986
Guyana	18 January 1988
Holy See*	21 November 1985
Hungary	12 April 1989
Iceland*	10 April 1987
Italy*	27 February 1986
Jamaica	29 July 1986
Jordan	1 May 1979
Kuwait	17 January 1985
Lao People's Democratic Republic	18 November 1980
Liberia	30 June 1988
Libyan Arab Jamahiriya	7 June 1978
Lichtenstein*	10 August 1989
Luxembourg	29 August 1989
Mali	8 February 1989
Malta*	17 April 1989
Mauritania	14 March 1980
Mauritius	22 March 1982
Mexico (Protocol I only)	10 March 1983
Mozambique (Protocol I only)	14 March 1983
Namibia	18 October 1983
Netherlands*	26 June 1987
New Zealand*	8 February 1988
Niger	8 June 1979
Nigeria	10 October 1988
Norway*	14 December 1981
Oman*	29 March 1984
Peru	14 July 1989
Philippines (Protocol II only)	11 December 1986
Qatar* (Protocol I only)	5 April 1988
Republic of Korea*	15 January 1982
Romania	21 June 1990
Rwanda	19 November 1984
Saint Kitts and Nevis	14 February 1986
Saint Lucia	7 October 1982
Saint Vincent and the Grenadines	8 April 1983
Samoa	23 August 1984
Saudi Arabia (Protocol I only)*	21 August 1987
Senegal	7 May 1985
Seychelles	8 November 1984
Sierra Leone	21 October 1986
Solomon Islands	19 September 1988
Spain*	21 April 1989

<u>State</u>	<u>Date of ratification or accession</u>
Suriname	16 December 1985
Sweden*	31 August 1979
Switzerland*	17 February 1982
Syrian Arab Republic (Protocol I only)*	14 November 1983
Togo	21 June 1984
Tunisia	9 August 1979
Ukrainian Soviet Socialist Republic*	25 January 1990
United Arab Emirates*	9 March 1983
United Republic of Tanzania	15 February 1983
Union of Soviet Socialist Republics*	29 September 1989
Uruguay	13 December 1985
Vanuatu	28 February 1985
Viet Nam (Protocol I only)	19 October 1981
Yemen	17 April 1990
Yugoslavia*	11 June 1979
Zaire (Protocol I only)	3 June 1982

Notes

a/ As communicated by the competent authorities of the Government of Switzerland, depositary of the Protocols through a note of the Permanent Observer Mission of Switzerland to the United Nations dated 15 August 1990. In the same note, the Permanent Observer Mission of Switzerland informed the Secretary-General as follows:

"On 21 June 1989, the Federal Department for Foreign Affairs received a communication of 14 June 1989 from the Permanent Observer of Palestine to the United Nations Office at Geneva concerning Palestine's participation in the four Geneva Conventions of 12 August 1949 and their two Additional Protocols of 8 June 1977. On 18 September 1989, the Federal Department for Foreign Affairs sent to the States parties to the Conventions an information note of 13 September 1989 regarding this communication, accompanied by the text of the latter. In the information note, the Swiss Federal Council, depositary of the Conventions, brings to the attention of the States parties that it is not in a position to settle the question whether the communication should be considered an instrument of accession within the meaning of the relevant provisions of the Conventions and their Additional Protocols."
