

**XI. SUMMARY RECORDS OF THE RECONVENED  
FIFTH GENERAL MEETING**

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HELD ON FRIDAY, 25<sup>TH</sup> JUNE 2004 AT 9:30 AM**

**The Vice-President Honorable Mr. Ambrose Patrick Dery in Chair.**

**Follow-up on the implementation of Seoul Resolution on International Humanitarian Law**

1. The **Vice-President** opened the proceedings of the Fifth General Meeting with the discussion on the follow-up on the implementation of Seoul Resolution on International Humanitarian Law. He began the proceedings by inviting the Secretary-General and Mr. Stephane Hankins, Regional Legal Adviser of International Committee of the Red Cross to make their presentations. He recalled that the Secretary-General talked about the follow-up of the Seoul Resolution on International Humanitarian Law. He added that the Observers were permitted to participate in this session, however requested them to excuse the proceedings related to the Third Meeting of Delegations, which were to follow the present session on follow-up of Seoul Resolution. He added, however that the Observers were welcome to join for the Closing session. He gave the floor to the Secretary-General to make his opening remarks on the follow-up of the Seoul Resolution on International Humanitarian Law (IHL).

2. **Amb. Dr. Wafik Z. Kamil**, the Secretary-General recalled the Special Meeting on “The Relevance of International Humanitarian Law in Today’s Armed Conflict” held during the Forty-Second Session (Seoul, 2003). The hallmark of the meeting was the adoption of “Seoul Resolution on International Humanitarian Law”. He referred to the Operative paragraph 11 of the said Resolution which reaffirmed to all the Member States of the importance of continuation of discussion, study and dissemination on the current status of development of the IHL in our countries. He also quoted Operative paragraph 2<sup>1</sup> and the Operative paragraph 4.<sup>2</sup> He informed that many Member States of AALCO had already established the National Committees on IHL and during Special-Day Meeting last year, the Head of the Legal Department of ICRC, Mr. Jean Philippe Lavoyer explained the importance of the National Committees on IHL for the implementation of the Geneva Conventions as well as other instruments related to IHL. To brief the Member States on the implementation of this resolution he invited the Representative of the International Committee of the Red Cross and also invited the delegates if they would like to inform about the progress in their respective countries since Seoul Session. Thereafter, he gave the floor to the Representative of the ICRC for his presentation.

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<sup>1</sup> Operative Para 2: “Calls upon all Member States that have not ratified the Geneva Conventions, to do so as well as other legal instruments relating to IHL”

<sup>2</sup> Operative Para 4: “Recommends that Member States consider establishing National Committees on IHL in order to facilitate the adoption at the national levels of the implementation measures required by this law and to promote its dissemination to various sectors such as Government Authorities, Ministries and Civil Society.”

3. **Mr. Stephane J. Hankins**, Regional Adviser for East and South-East Asia, ICRC, delivered the “ICRC Statement covering continued challenges to international humanitarian law and the recent developments in the study and implementation of international humanitarian law”. He expressed his gratitude for this new opportunity for dialogue and cooperation between the AALCO and ICRC and greatly appreciated that within its role as a forum for Asian-African cooperation in legal matters, AALCO had committed to support the promotion, application and implementation of international humanitarian law by its Member States. He noted that the signing of Cooperation Agreement between the Secretary-General of AALCO and the President of ICRC in July 2003 was a decisive landmark in relations and dialogue between the two organizations in past years. He acknowledged the Seoul Resolution as an important outcome of the one-day special session devoted to IHL during the 42<sup>nd</sup> annual session of AALCO (Seoul, 2003) and added that it constituted a valuable guideline and program of action in the Asian African regions.

4. Thereafter, he elaborated upon the key developments in the field of international humanitarian law in the period from 1 June 2003 until 1 June 2004, in particular in the Asian-African region with a view to strengthening adherence and compliance with international humanitarian law. He highlighted the contemporary paradox in international humanitarian law reflected in the facts that on one hand the rules of IHL were among the most detailed and extensive of international law and on the other hand, the serious violations of IHL were rife all over the world. He said that the respect of the said rules was the major challenge faced by IHL today. He noted that with the launch of what was commonly referred to as the “war on terrorism”, the events of 11 September 2001 had changed the perception of *war*, and had intensified the debate over the relevance of international humanitarian law as well as had upset the balance between the imperative of State Security and the legal protections afforded to individuals. Referring to the incidents of Guantanamo Bay and Iraq, he expressed the concern as to the erosion of international legal standards set up to protect individuals and added that on its part, ICRC had ceaselessly reminded parties to the conflicts of the ongoing relevance of IHL and of their obligation to comply. He also referred to the ill treatment of prisoners in Abu Ghraib prison and expressed the deepest condolences on behalf of ICRC to the Delegation of South-Korea in regard to the recent tragic events.

5. On the positive side, he noted certain significant developments and progress in the acceptance and implementation of IHL in the past year. While briefly reviewing some of these successes, he noted the new accessions to the 1977 Additional Protocol I and II to the Geneva Conventions. He was pleased to acknowledge the process of accession by Japan to the 1977 Additional Protocols and the fact that several other Member States of AALCO were also now considering to accede to the 1977 Additional Protocols. He also noted the new accessions to the 1954 Hague Convention for the Protection of Cultural Property and its Protocol. He also recorded a number of new accessions in the past year by Member States of AALCO to humanitarian law instruments on the regulation and prohibition of inhumane weapons like 1980 Convention on Certain Conventional Weapons, 1993 Chemical Weapons’ Convention and the 1997 Ottawa Convention for the Prohibition of Anti-Personal Mines. He also noted the several new accessions to the

Rome Statute of International Criminal Court and the Second Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts.

6. With respect to the implementation of IHL, he emphasized on the *Advisory Service* on humanitarian law extended by ICRC. He noted, *inter alia* that the advisory service provided advice and supporting documentation to several countries considering to accede to the two Additional Protocols of 1977 (Japan) as well as in the drafting of implementing legislation for the Geneva Conventions of 1949 and their Protocols (Brunei Darussalam, Nepal, Sri Lanka and Ghana). He also noted that the Advisory Service pursued its advocacy work in promotion of the Rome Statute of the ICC and the process of adoption by States' parties of comprehensive implementing legislation.

7. Further, he drew the attention of the meeting towards the activities and realizations of National Committees or similar bodies on international humanitarian law. He elaborated that many countries of the AALCO had chosen and committed to the establishment of such committees, which normally include the representatives of various ministries and other national agencies entrusted to advise and assist governments in the promotion, dissemination and implementation of IHL. He noted that there were a total of 68 such National Committees throughout all the regions of the world, a full list of which was annexed in the ICRC report distributed to the delegates attending the 43<sup>rd</sup> Session. He further noted that during 2003-2004 new Committees on IHL were established in Morocco, Sudan and Syria. He also acknowledged and congratulated the Indonesian Inter-Ministerial Committee on IHL (PANTAP), established under the auspices of the Indonesian Ministry of Justice, for its continued commitment and its accomplishments in the past year regarding implementation of IHL.

8. Furthermore, he enunciated the first important development relating to the rules of IHL for the regulation and prohibition of certain types of weapons, namely the adoption in November 2003 in Geneva of a new Protocol to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW), aimed at reducing the civilian deaths, injury and suffering caused by explosive remnants of war. He noted the second significant development to be the 1997 Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. In this regard he referred to the organization of the fifth Meeting of States parties to this Convention in Bangkok from 15-19 September 2003, which represented a valuable opportunity to review the status of the implementation of the Ottawa Convention and to prepare for the first Review Conference scheduled to take place in Nairobi from 29 November to 3 December 2004.

9. The third development related to the 50<sup>th</sup> anniversary of the adoption of the 1954 Hague Convention for the Protection of Cultural Property in the event of armed conflict. He noted that the ICRC was holding a number of meetings on the 1954 Hague Cultural Property Convention in the course of 2004 in conjunction with other organizations such as UNESCO, first of such meetings took place in Cairo, from 14-16 February 2004.

10. He referred to several events and initiatives launched at the international level in the past year to strengthen the existing norms of IHL and promote compliance therewith. In this regard, he noted the 28<sup>th</sup> *International Conference of the Red Cross and Red Crescent*, held in Geneva on 2-6 December 2003. This conference adopted two important documents, namely a declaration entitled *Protecting Human Dignity*, and an *Agenda for Humanitarian Action*. Further, he referred to the ICRC's project on the information and development of IHL aimed at providing a framework for internal discussions and external consultation on current and emerging issues of IHL, including the applicability of IHL to the fight against terrorism. He mentioned that in this regard ICRC held 5 regional seminars on 'improving compliance with IHL', which were attended by government officials, National Society representatives, academics and NGOs. He noted that these seminars were organized in Bruges, Cairo, Kuala Lumpur, Mexico City and Pretoria between April and September 2003.

11. Lastly, he mentioned the study on customary international law, launched by ICRC several years ago, pursuant to a mandate received by the 26<sup>th</sup> International Conference of the Red Cross and Red Crescent. He emphasized that this study was in its final stage and was due to be published at the outset of 2005 and ICRC keenly hoped that the initial proposal that a regional event to launch the study could be planned in 2005 in New Delhi in partnership with the AALCO Secretariat, which he indicated had already been discussed with Amb. Dr. Wafik Z. Kamil. He also acknowledged the regional events and cooperation developed by the ICRC with other regional or sub-regional organizations associating AALCO Member States.

12. He concluded by warmly thanking the AALCO and its Secretariat, as well as the Government of the Republic of Indonesia for giving ICRC an opportunity to be present for the 43<sup>rd</sup> Session. He hoped that this intervention held as a follow-up to the Seoul Resolution would further contribute to the national implementation of IHL within the legal orders of Member States of the AALCO and expressed the wish that ICRC would be pleased to pursue its dialogue with AALCO and its Member States in this important field. He reminded of a reputed ancient Chinese curse "*May you live in interesting times*". While explaining why to call a curse what at first sight appeared to be a blessing, he emphasized that the risks over the opportunities of living in *interesting times*. He added that these were, indeed, *interesting times* for IHL and hoped that history would reward the optimist over the pessimist and thus in the interest of all current and future victims of armed conflicts around the world.

13. After the elaborate expose made by the Representative of ICRC, the Vice-President opened the floor for questions and interventions. The **Secretary-General** as an intervention posed a question to Mr. Stephane Hankins. He asked of the 68 National Committees on IHL, how many of them belonged to the AALCO Member States? Further, some explanation of what was the difference between the National Committees on IHL and the National Societies of the Red Cross and Red Crescent and what was the relation between the two and how could they cooperate? **Mr. Stephane Hankins** stated that there were 68 Nations Committees established in 68 countries to support and promote the implementation of IHL at national level. He explained that there was no

obligation under IHL for States to establish special bodies to address the various aspects of implementation of IHL at national level. However, it was today apparent that the States that had chosen to do so had in place a mechanism which allowed States to consider the necessary developments in their domestic legislation and practice. National Committees were generally established under the auspices of one Ministry, which could be the Ministry of Foreign Affairs or Ministry of Justice, such as in the case of the Republic of Indonesia. These bodies brought together all national authorities concerned with IHL and its implementation. These included Ministries of Foreign Affairs, Justice, Defence, Interior, Education and Health as well as the representatives of National Societies of the Red Cross and Red Crescent. He believed that there were approximately 15 Member States of AALCO which had established such National Committees, the list of which was included in the documentation provided by ICRC in the Annexe. He also mentioned that ICRC had cooperated with the national authorities in the establishment and operation of these Committees.

14. With regard to the second part of the question relating to the relationship and distinction between the National Committees and National Societies of the Red Cross and Red Crescent, he said that these were very different bodies. National Societies of the Red Cross and Red Crescent were in principal national non-governmental bodies with humanitarian mandate at domestic level. They were the member of the Movement of Red Cross and Red Crescent and were partners of the ICRC and also amongst their activities involved in promotion of IHL and dialogue with their respective governments to induce implementation of IHL in domestic legislation and practice. National Committees, on the other hand, were consultative bodies established under the government with the special mandate of implementation of IHL. National Societies of Red Cross and Red Crescent generally participate in the National Committees on IHL and were generally very active and often occupied the role of Secretary, the National Commission.

15. The **Vice-President** thanked Mr. Stephane Hankins for his presentation and response. Thereafter, he asked the observers to excuse the Meeting and invited the Secretary-General to discuss an important issue.

16. The Meeting was thereafter adjourned.