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The 1977 Additional Protocols and the law of treaties / Masayuki Takemoto

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Abstract:	The adoption of Additional Protocols I and II to the Geneva Conventions of 1949 on June 8, 1977 resulted in the use of certain procedures different from ordinary treaties. The author discusses three main effects of these differences: early entry into force of the protocols, wider application of Additional Protocol I, and possible drawbacks of the protocols. The acceptance of accession as a valid means of ratification accelerated the early entry into force of the protocols. Accession was also permitted for states that participated in the negotiation of the protocols. The early entry into force of the protocols was further facilitated by permitting accession before expiration of the time-limit open for signature. Moreover, unlike most multilateral treaties, the protocols required ratification or accession of only two states before entry into force. Additional Protocol I facilitated wide application of its standards through inclusion of procedures by which non-contracting parties—including both states that have not ratified the Protocol and national liberation movements—could agree to be bound by the duties, and be protected by the rights set out in the Protocol. Finally, two potential drawbacks to the protocols are identified: the moratorium for signature, and absence of provisions on immediate effect. [Summary by students at the University of Toronto, Faculty of Law (IHRP)]
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