

JANUARY-FEBRUARY 1985

TWENTY-FIFTH YEAR — No. 244

**international
review
of the
red cross**



INTER ARMA CARITAS

**PROPERTY OF U.S. ARMY
THE JUDGE ADVOCATE GENERAL'S SCHOOL
LIBRARY**

**GENEVA
INTERNATIONAL COMMITTEE OF THE RED CROSS
FOUNDED IN 1863**

INTERNATIONAL COMMITTEE OF THE RED CROSS

- Mr. ALEXANDRE HAY, Lawyer, former Director-General of the Swiss National Bank, *President* (member since 1975)
- Mr. MAURICE AUBERT, Doctor of Laws, *Vice-President* (1979)
- Mr. VICTOR H. UMBRICH, Doctor of Laws, Managing Director, *Vice-President* (1970)
- Mrs. DENISE BINDSCHEDLER-ROBERT, Doctor of Laws, Professor at the Graduate Institute of International Studies, Geneva, Judge at the European Court of Human Rights (1967)
- Mr. JACQUES F. DE ROUGEMONT, Doctor of Medicine (1967)
- Mr. GILBERT ÉTIENNE, Professor at the Graduate Institute of International Studies and at the Institut universitaire d'études du développement, Geneva (1973)
- Mr. ULRICH MIDDENDORP, Doctor of Medicine, head of surgical department of the Cantonal Hospital, Winterthur (1973)
- Mrs. MARION BOVÉE-ROTHENBACH, Doctor of Sociology (1973)
- Mr. HENRY HUGUENIN, Banker (1974)
- Mr. RICHARD PESTALOZZI, Doctor of Laws, former Vice-President of the ICRC (1977)
- Mr. ATHOS GALLINO, Doctor of Medicine, Mayor of Bellinzona (1977)
- Mr. ROBERT KOHLER, Master of Economics (1977)
- Mr. RUDOLF JÄCKLI, Doctor of Sciences (1979)
- Mr. OLIVIER LONG, Doctor of Laws and Doctor of Political Science, Ambassador, former Director General of GATT (1980)
- Mr. DIETRICH SCHINDLER, Doctor of Laws, Professor at the University of Zürich (1961-1973; 1980)
- Mr. HANS HAUG, Doctor of Laws, Professor at the St-Gall School of Advanced Economic and Social Studies, former President of the Swiss Red Cross (1983)
- Mr. PETER ARBENZ, Bachelor of Political Science, municipal councillor of Winterthur (1983)
- Mr. PIERRE KELLER, Doctor of Philosophy in International Relations (Yale), Banker (1984)
- Mr. RAYMOND R. PROBST, Doctor of Laws, former Swiss Ambassador, former Secretary of State at the Federal Department of Foreign Affairs, Berne (1984)
- Mr. ODILO GUNTERN, Doctor of Laws, former member of the Swiss Council of States (1985)

EXECUTIVE COUNCIL

- Mr. ALEXANDRE HAY, *President*
Mr. MAURICE AUBERT
Mr. RICHARD PESTALOZZI
Mr. ATHOS GALLINO
Mr. RUDOLF JÄCKLI
Mr. OLIVIER LONG

The **International Committee of the Red Cross (ICRC)**, together with the League of the Red Cross and Red Crescent Societies and the 135 recognized National Red Cross and Red Crescent Societies, is one of the three components of the International Red Cross.

An independent humanitarian institution, the ICRC is the founding body of the Red Cross. As a neutral intermediary in case of armed conflicts or disturbances, it endeavours on its own initiative or on the basis of the Geneva Conventions to protect and assist the victims of international and civil wars and of internal troubles and tensions, thereby contributing to peace in the world.

CONTENTS

INTERNATIONAL REVIEW OF THE RED CROSS

ISSN 0020-8604

JANUARY-FEBRUARY 1985 — No. 244

INTERNATIONAL COMMITTEE OF THE RED CROSS

Jean Pictet: The Formation of International Humanitarian Law	3
J. de Preux: The Geneva Conventions and Reciprocity	25

ICRC Appeal for a Humanitarian Mobilization	30
A new ICRC member	35
Death of Miss Lucie Odier	35
Death of Mr. François de Reynold	37
Accession of the Rwandese Republic to the Protocols	38
Accession of Kuwait to the Protocols	38

External activities:

Afrique — Latin America — Asia and Pacific — Middle East — Europe	39
-----------------------------------------------------------------------------	----

MISCELLANEOUS

States parties to the Geneva Conventions and to the Protocols (lists as at 31 December 1984)	59
----------------------------------------------------------------------------------------------	----

BOOKS AND REVIEWS

Dizionario di diritto internazionale dei conflitti armati (Pietro Verri)	63
------------------------------------------------------------------------------------	----

International Review of the Red Cross has been published, in French, under various titles, by the International Committee of the Red Cross (ICRC) since 1869. Its first complete edition in English was issued in 1961.

- As the official organ of the ICRC and the International Red Cross,
- specializing in international humanitarian law and ICRC doctrine,
- recording the international activities of the Red Cross, mainly for reference purpose, as a chronicle of events,

International Review of the Red Cross provides a constant flow of information and maintains the necessary link between the members of the International Red Cross.

International Review of the Red Cross appears once every two months in three languages :

in English: INTERNATIONAL REVIEW OF THE RED CROSS (from 1961)

in French: REVUE INTERNATIONALE DE LA CROIX-ROUGE

in Spanish: REVISTA INTERNACIONAL DE LA CRUZ ROJA (from 1976)

It also publishes, in German, a short edition, *Extracts*, of various articles which appear in the main editions.

EDITOR: Michel Testuz

ADDRESS: International Review of the Red Cross
17, avenue de la Paix
CH - 1202 - Geneva, Switzerland

SUBSCRIPTIONS: one year, Sw. frs. 30.—; single copy Sw. frs. 5.—.
Extracts in German: one year, Sw. frs. 10.—; single copy
Sw. frs. 2.—.

Postal Cheque Account: No. 12 - 1767 Geneva

Bank account No. 129.986 Swiss Bank Corporation, Geneva

*The International Committee of the Red Cross assumes responsibility
only for material over its own signature.*

THE FORMATION OF INTERNATIONAL HUMANITARIAN LAW

by Jean Pictet

Introduction

The title of my talk ¹ may appear more than a little ambitious or the subject too extensive. What I intend to do, in fact, is to give here, in no particular order, some of the thoughts and experiences of one engaged in humanitarian law who had the great good fortune to be associated with this fascinating work from the beginning of his career.

This branch of law, it must be said, is not quite like the others. Some legal pundits cast a condescending eye on this branch of international public law, considering that it has been contaminated by a variety of constituents derived from ethics, idealism and even poetry. If it is true that fine feelings cannot produce good literature, can they produce good law?

I believe that it is precisely because it is so closely linked with mankind that this law assumes its real importance. This branch of legal knowledge and no other is the one on which may depend the lives, the well-being and the liberty of a great many people. This is what constitutes its profoundly original nature.

The Geneva Conventions are not dusty tomes, nor are they contracts dealing with more or less base interests, still less a frigid collection of abstract problems and academic case histories. They are texts filled with vitality and human warmth. They are also of intense topicality and affect every one of us. For which of us can be sure that we shall not, one day, be involved in an armed conflict?

¹ Lecture given at the University of Geneva on 16 November 1984.

Don't worry: I am not going to talk about myself. But I would like, in a few words, to pay tribute to those who gave me my training. When I was still at university, two brilliant minds, Georges Scelle and Maurice Bourquin, gave me the taste for international law. Then, when I entered the service of the International Committee of the Red Cross (ICRC) almost half a century ago to work on revision of the Geneva Conventions, it was Paul Des Gouttes who initiated me into the secrets of humanitarian law and who was my guide for many years. He himself had worked closely for seventeen years with Gustave Moynier, one of the founders of the Red Cross and President of the ICRC for forty-seven years. So, from the beginning until today, there has been a direct line of descent in legal matters.

My second teacher had a more profound influence on me. He was Max Huber, President of the International Court of Justice in The Hague, President of the ICRC before and during the Second World War, a most high-minded legal expert and at the same time a man of genuine feeling, with whom I worked very closely.

This is not to say that I always shared his philosophy. He propounded the theory of natural law and considered that legal standards had a transcendental origin. I was more realistic and regarded these standards as arising from the requirements of life in society. But after all, it is not very important whether law, humanity and justice come from above or spring from social facts considered objectively within the limits of experience and reason. What matters is that the law should exist, should be useful to mankind and should contribute to a better life. Like Max Huber, however, I did believe in the sovereignty of law, which is greater than the sovereignty of kings.

After paying homage to my teachers, I would like to express my appreciation of my colleagues and fellow workers, without whom nothing would have been possible. The making of humanitarian law is a collective enterprise and should remain anonymous.

*

For the benefit of persons who are not experts in international law, I will explain briefly that humanitarian law is intended to regulate hostilities in order to reduce useless hardships. There are two branches: the law of Geneva and the law of The Hague. The law of Geneva is intended to protect members of the armed forces who lay down their arms (they become prisoners of war), those no

longer capable of fighting (that is, the wounded, sick and shipwrecked) and persons who take no part in the fighting (civilians). The law of The Hague, also known as the law of war, lays down the rights and obligations of the belligerents in the conduct of operations and limits the choice of means of injuring the adversary.

Rules such as these have taken shape gradually within the customary law of nations as soon as they emerged from primitive barbarism, and have grown up in parallel with the rising curve of civilization, in the course of the tremendous struggle waged from the beginnings of society by those who want to safeguard and liberate mankind against those who want to destroy or enslave it.

War is justified only by necessity: it should never be an end in itself. For a State, it is merely a method of subjugating another State. Any form of violence not indispensable for achieving this aim is pointless and thus gratuitously cruel and stupid. Once an enemy has been rendered harmless by wounds or capture, to exterminate him or cause him to suffer is useless and criminal.

If the origin of these rules of humanity is lost in the mists of time, their codification in the form of Conventions—that is, international treaties binding on the signatory States—was begun in 1864 by the conclusion of the first Geneva Convention for the protection of sick and wounded members of armies in the field, a Convention advocated by the founders of the Red Cross and initially urged by Henry Dunant, who had witnessed the tragic sequel to the battle of Solferino, when about 30,000 wounded men died for lack of care.

This Convention was amended several times, up to the present day, then followed by other Conventions on the treatment of prisoners of war and of civilians.

I. The Second World War

In the period preceding the outbreak of the Second World War, the ICRC, aware of the dark clouds gathering in the political sky, intensified its customary efforts to develop humanitarian law. The central problem was to guarantee protection for civilians, for whom until then no legal provision had been made, apart from a few clauses in The Hague Regulations dating from 1907. The First World War had already revealed the tragic inadequacy of these rules, and the ICRC therefore proposed that the treatment of

civilians should be established at the same time as that of the armed forces. For this purpose, the ICRC drew up a draft text for presentation to the Diplomatic Conference of 1929. But the Powers, with a flick of the wrist, removed this item from the agenda. It was thought that such a proposal would not make a good impression at the moment when the young League of Nations was working to establish eternal peace—for that dream was still alive.

But the ICRC is never discouraged. It succeeded in having the text of its draft adopted by the Fifteenth International Red Cross Conference in Tokyo in 1934, and received from it the mandate to prepare, together with the Swiss Government, a Diplomatic Conference to be convened to ratify the "Tokyo Draft", as it was called.

The Swiss Federal Council immediately gave its support to the undertaking, and sent the Draft to the States as a basis for discussion. But the replies to Switzerland's invitation were slow in coming, with the same culpable unconcern as in 1929, and it was not until 1939 that the date of the Diplomatic Conference was fixed, for the beginning of 1940. It was too late: the storm broke before then.

The agenda for this aborted conference had also contained a draft revision of the Convention on "sick and wounded", another for a Convention applicable to war at sea, and new provisions on medical aircraft and hospital zones. So many hopes destroyed!

In the midst of the anguish of war, the ICRC at once became absorbed by a multitude of vital and urgent activities forced upon it by this most terrible of conflicts. The weakness of the legal foundation afforded by the Conventions of that time meant that the International Committee was obliged to conduct most of its activities outside the already existing law. But it was able to draw some degree of strength from this very weakness: since it was not bound by law, its independence was not threatened and its work retained all the necessary flexibility.

The 1929 Convention, fortunately, contained an article which stated that its provisions would not constitute any obstacle to the humanitarian activities the ICRC may undertake with the consent of the Parties concerned. The ICRC sets great store by this clause, modest as it is, acknowledging its right of initiative. This was the foundation sustaining its work.

Nevertheless, the ICRC never lost sight of the aim of developing humanitarian law still further. Indeed, it became a "hive of legal industry". However, it worked, not by means of codification, a

process suspended for many years, but through multilateral *ad hoc* agreements concluded in a simplified form, apart from positive law, the ICRC contenting itself with assembling concordant replies from the States.

From the first few days of the conflict, the ICRC proposed that the belligerent Powers should put into effect, as a *modus vivendi*, the text of the Tokyo Draft, which had been left in abeyance, as we saw. The lack of enthusiasm for this proposal led the International Committee to suggest that the provisions of the 1929 Geneva Convention on the treatment of prisoners of war be applied, by analogy, to civilians on enemy territory at the start of hostilities and subject to internment. The Powers agreed to this and consequently 160,000 civilians were saved from arbitrary action and received acceptable treatment. This was a partial success, but not a negligible one.

Meanwhile, civilians in occupied territories remained without protection. Many of them were deported to camps, to suffering and death. It was not until 1949 that an effective Convention was concluded for the protection of civilians.

For the time being, with the war continuing, the ICRC was forced to innovate in every respect. Its first concern was to extend the activities of the Central Tracing Agency, hitherto devoted only to members of the armed forces, to include civilians.

In this context, and mindful of the ban on correspondence between civilians in opposing countries, it created for them a comprehensive system for the transmission of news, using a standard form enabling a message of 25 words to be sent and the reply to be written on the back. This system was accepted by the countries at war, subject to censorship, and a total of 24 million personal or family messages were exchanged.

For prisoners of war, the 1929 Convention had codified the system for monitoring its application, a system that had sprung up spontaneously during the war of 1914-18, when ICRC delegates had visited POW camps to organize the distribution of relief; they had got into the habit of looking around them and reporting to Geneva what they had seen of the conditions of detention.

In 1929, official monitoring was entrusted to the Protecting Powers—those neutral States responsible for representing the interests of a belligerent State to its adversary¹—and the Convention

¹ It should be noted that during World War II Switzerland was the Protecting Power for 35 countries!

stipulated systematic visits by the Protecting Powers' representatives to places of detention. But nothing was set down in this respect concerning inspection by ICRC delegates, although their work had given rise to the whole procedure. However the ICRC plays a subsidiary role, though of major importance, in the plan for monitoring and replaces the Protecting Powers when these are lacking, a situation which has become increasingly frequent. It was therefore imperative to obtain the same prerogatives, in practice, for the ICRC representatives.

This requirement was accepted, and so it was on the basis of a tacit agreement outside the Convention that the ICRC delegates made approximately 11,000 visits to POW camps, talking without witnesses to prisoners and their elected representatives. Each visit was, and still is, followed by a written report on the situation as noted by the delegates; a copy of the report was and is sent to each of the two adverse States. This system is the best means so far discovered to hold in check any arbitrary action by the Detaining Powers and to improve, by reciprocal concessions, the treatment of the prisoners. It is also a strong deterrent to reprisals, since it informs the prisoners' Power of origin about them and thereby averts the retaliatory measures which the latter is sometimes tempted to take when it is left in ignorance about the prisoners' fate and fears the worst, and the general deterioration in the situation which is bound to follow.

Another example of the work of the ICRC: it was requested to set up a vast relief operation for prisoners of war in Europe. In order to organize, over a number of years, the transport of consumer goods, the value of which exceeded 3,000 million Swiss francs for prisoners in Germany alone, the Committee was obliged to create a merchant fleet of 30 ships. These vessels, marked with the emblem of the red cross and lit up at night, went back and forth across the submarine-infested seas of the world. Under the terms of the agreement between the belligerents, these protected ships had to adhere to an allotted timetable and sail a specific route, carrying neutral commissioners aboard. There were few losses among this fleet.

Here an explicit agreement was necessary, as treaty law did not recognize the immunity of ships except for hospital ships restricted to transporting sick, wounded and shipwrecked persons and medical material. It may be imagined how arduous it was to arrive at such agreements: not only were there material obstacles to be overcome, such as the acquisition of ships and goods in the middle

of a war, but the blockade had to be lifted and this involved removing military and political prohibitions and gaining the confidence of all parties.

Not all attempts were successful, however. In March 1940, for example, foreseeing that aerial warfare was about to assume devastating proportions, the ICRC issued a fervent appeal to the arbiters of the world's destiny, proposing that they should reach agreement on a few principles capable of safeguarding what could still be saved. The main proposal was to guarantee general immunity to the civilian population and to declare that only military targets would be the legitimate object of attacks. It was a simple and reasonable proposal to which anyone could agree. But the ICRC received only lip service in reply, and was obliged to look on, powerless, as "total war" grew and spread, causing unprecedented ravages.

These principles were taken up in the Additional Protocols of 1977, like many other texts that had had to be "put on ice" during the harrowing years of war. So we see that, in the development of humanitarian law, no work is entirely lost.

The activities I have outlined, and many more, carried out on a voluntary basis, will become the law of the future.

II. The Diplomatic Conference of 1949

The Second World War was responsible for more suffering and destruction than any other. Once the nightmare was ended, the first reawakening was that of law. On the one hand, peace was being organized under the aegis of the United Nations, with legislation being prepared on human rights. On the other hand, following a course which, though similar in many respects, remained distinct, was the work of revising the Geneva Conventions.

The moment the guns were silent in the west, the ICRC, which had pioneered this work from its beginning, took up the task once more. It proceeded in the same way as for the earlier undertakings, which took place on average every twenty-five years, or once in a generation.

To embark on such an undertaking, it is necessary to make first an act of faith, then an act of will: as the English proverb says, "Where there's a will there's a way". Lastly, as Henry Dunant did with such spirit at the outset, it is necessary to win the approval of those in power, not the easiest of ventures.

After that, detailed documentation has to be gathered concerning experiences during the conflict. So, for over a century, action and law have moved forward in parallel, first one, then the other. There must be strict observance of the facts, otherwise the work will be useless, unconnected with reality. Consideration is also given to the initiatives taken by humanitarian organizations, which have established new standards in the relief of suffering.

The second stage is for the ICRC to produce draft Conventions, with the help of international experts meeting in preparatory conferences. For it is vital to associate governments with the work from its inception, in order to win them over and prepare them to adopt the new diplomatic instruments. The ICRC must also know how far it can urge the claims of humanity, since revising such fundamental texts is always a leap in the unknown. The drafts are also submitted to the International Conference of the Red Cross.

Thereafter comes the codification of principles and custom, in the form of international conventions. On these solid, thenceforth firmly established foundations, the Red Cross will then expand its activities and undertake new work. The cycle begins once more, with the two elements—fact and law—in equilibrium, succeeding each other and giving mutual support.

In the conclusion of international treaties, all naturally depends on the States which, by their signature and their ratification, accept solemn obligations to which they are expected to align their legislation and, it is hoped, their conduct. The adoption of certain key articles, therefore, constitutes for the States a delicate decision with weighty consequences. There must be understanding for this, but also for the fact that, in consequence, the ICRC is not responsible for the final text, at least not in its entirety.

Thus we see that humanitarian law consists largely of concessions obtained from the States, especially the major Powers. In order to persuade them, the support of small and medium nations, of moral authorities and public opinion plays a part. Realism is required, moreover, in the proposals presented. Sometimes the Powers show reluctance, and it is then that all the weight of sovereign might manifests itself. For example, we have seen how they did not wish to be bound by provisions relating to “political detainees” or by clauses on nuclear weapons of mass destruction.

Some people have even expressed doubt whether the States, which are abstract entities—“frigid monsters”, in Nietzsche’s

phrase—are able to express humanity, since only creatures of flesh and blood can do so. Perhaps this is not wholly false, but the State is shown in its representatives, who are human beings and often warm-hearted people.

In point of fact, most delegates to the Diplomatic Conference proved to be men and women of good will, not without ideals. Unfortunately, however, although they are called plenipotentiaries, they do not have unlimited power of decision. In the past, in the time of people such as Frédéric de Martens and Louis Renault, the long discussions had their full purpose, since there was a reasonable hope of convincing those to whom the arguments were addressed. But nowadays delegates are acting on instructions and constantly consult their Governments by telephone. So they are first and foremost protecting the interests of the powers that be and are not always free to rise to the level of the general interest, still less to study the demands made by a different “side”. This, incidentally, is the unhappy state of all existing political activity and of the major international organizations.

Nevertheless, the Diplomatic Conference of 1949 showed a unanimous urge to heal the immense ills so recently inflicted upon the world. This was what made it possible to achieve results in a single session lasting four and a half months. Some of the delegates, moreover, acting as chairmen of commissions or as rapporteurs, or proposing amendments, did outstanding work.

It is not the ICRC which convenes diplomatic conferences; it is more orthodox if this is done by a public authority. From the beginning it has been the Swiss Government, true to its tradition and to the support it has always given to the Red Cross, a fine embodiment of its ideal of neutrality and peace. The ICRC therefore works closely, from the start of any conference, with the Swiss authorities and more specifically with the Foreign Affairs Department; and this co-operation, which has always proceeded in an excellent atmosphere, is an important ingredient in the success of the undertaking. A striking proof of the Swiss Government’s enthusiasm for this extremely deserving cause was its appointment of two Presidents of the Swiss Confederation, Max Petitpierre and Pierre Graber, as chairmen of the latter two Diplomatic Conferences. Since 1977, Switzerland has been the official custodian State of the Geneva Conventions.

As soon as the preparatory work was begun, a major question of method arose: should the draft text be very detailed or should it formulate general and flexible principles? We definitely tended

towards the latter solution for, as every jurist knows, though it may be paradoxical, the attempt to regulate everything is limiting, since it leads to formalism and hence rigidity. To codify is to immobilize. There are always unforeseen cases, which thus remain outside the law. If one keeps to simple principles, clearly and concisely stated, they will enable new cases to be regulated by extrapolation, that is, by extending the lines of the basic standards.

But the formalist conception won the day, as the national representatives were chiefly preoccupied with the particular evils suffered by their own countries and which, understandably, they wished to prevent from recurring. This is why the Geneva Conventions have a total of more than 400 articles, some of them extremely long, while the first Convention, dating from 1864, contained only 10 short articles.

Naturally, the legislators of 1949 were reproached with having “prepared for the last war”, in other words, with having produced texts too much occupied with the past and not enough concerned with anticipating the future. There is some truth in this, as history does not repeat itself, but I do not see what else could have been done. It is impossible to draw up plans except on the basis of known facts. It would be very dangerous to plan on the basis of predictions, since the things predicted do not always happen, or at least not as expected. I believe that the texts adopted in Geneva are a reasonable compromise between past experience and prudently assessed, future probabilities.

At each Conference, progress is made in methods of codification. In 1949, for example, we learned, to our chagrin, that it was better to opt, by a majority vote, for a simple and practical solution than to take time and trouble in seeking a compromise which in the end would satisfy nobody.

The retention in POW camps of captured medical personnel, so that they could provide care for their wounded and sick comrades, was a question fiercely debated. It was finally laid down that such doctors and nursing staff should not be deemed prisoners of war but should nevertheless benefit from the provisions of the Convention relative to prisoners of war. As Edmond Rostand's *L'Aiglon* would put it, they were to be “not-prisoners-but”. Then when the final vote was taken, the delegation for which all these contortions had been undertaken, in the hope of obtaining a semblance of unanimity, voted against the said provision.

Four Conventions emerged from the Diplomatic Conference of 1949. Three of them—the one relative to the “wounded and sick”,

the adaptation of this text to war at sea, and the one relating to prisoners of war—were revised versions of earlier Conventions. The fourth, however, was a new and long desired Convention for the protection of civilians. Here it was the French delegation which went ahead and did what the ICRC had not yet dared to do, by presenting a complete first draft to the preliminary conference of Government experts. The draft was too detailed and had to be pruned, but it provided a large part of the framework for the diplomatic instrument which was to emerge and which represented the major achievement of the Conference. An addition to the score was the appearance of a provision revolutionary in international law, Article 3 common to all four Conventions, intended to bring into non-international armed conflicts some rudiments of humanity.

Internal conflicts are fiercer and more cruel than clashes between nations, for—to be cynical—in such conflicts hatred erupts among people who know each other very well, which is certainly not the case in international wars. Insurrections, moreover, have usually been put down in a welter of blood, except when the army has sided with the rebels.

“Domestic strife” is as old as society, and one of the reasons why no attempt at codification was made for so long was that any such attempt was a frontal assault on the cyclopean stronghold of sovereignty, the other reason being that international law is not really a satisfactory method of settling a problem essentially national in character. The Conventions are treaties whereby the States regulate common affairs among themselves. In internal conflict, the true relationship is that between a State and an unidentified group of its nationals. But no better method has yet been found.

Experience has shown that domestic law is incapable of solving such problems satisfactorily, even when a state of belligerence is acknowledged, a rare occurrence in any case and applying only to extremely severe conflicts.

At the end of the Second World War, nobody imagined that international law would be able to settle situations of this kind. But a few “madmen” did believe it could, and went ahead accordingly. And so was hatched that rare specimen, Article 3 common to all four Conventions, which has been described as a “mini-Convention” and which, though only a fledgling, has nevertheless rendered great service more than once.

Another achievement of the 1949 Diplomatic Conference arose from the fact that a large number of prisoners of war had been refused the benefit of the 1929 Convention, their captors claiming that there was no war as defined in international law or denying that their adversary was a State, that it was at war or even that it existed. This unhappy circumstance produced common Article 2, which stipulates that the Conventions shall apply not only to all cases of declared war but also to any other armed conflict, even if the state of war is not recognized.

This means that the law must apply whenever there are victims, the only humane criterion. The ICRC, however, does not seek to exacerbate the situation by claiming that all armed clashes are wars. For example, the recent conflict between Great Britain and Argentina, in which the Conventions were applied to a remarkable extent, took place without the state of war being recognized. In such cases the ICRC says to the Parties involved: If there is no war, then you must treat the victims of events better than if there were a war, since the treatment fixed by the Conventions represents only a minimum.

A further success has been to obtain for resistance fighters the same status by analogy as that of members of the armed forces, provided that they fulfil the traditional requirements, which are fairly restrictive: carrying arms openly, having a visible distinctive sign, being commanded by a person responsible for his subordinates, and conducting their operations in accordance with the laws of war.

Certain States, as we know, with imagination worthy of a better cause, do their best to discover loopholes in the law of armed conflict and thus circumvent it, while the legislators of international law try to prevent them from doing so by erecting new barriers here and there. For instance, since the 1949 Conventions were signed, some Governments have attempted to make their application subject to political or military conditions which have nothing to do with the humanitarian sphere, or to diplomatic or pseudo-legal conditions relating for example to the definition of the conflict. We are aware of the incalculable harm caused by such fabrications, hollow shams claimed as the basis for so much in today's world, and yet impregnated with death.

A definite gain for the 1949 Conventions was that they became universal, which previous Conventions never did.

III. The Diplomatic Conference of 1974-1977

In 1967 the ICRC set out on a further stage in the development of humanitarian law, with two major imperatives: the protection of the civilian population against the dangers of war, chiefly aerial bombardment—a subject taken from the law of The Hague and allowed to lie fallow since 1907—and the improvement of Article 3, concerning internal conflicts, which so far represented only an initial step. The other subjects merely required to be brought up to date.

Was it necessary to rewrite humanitarian law from the beginning? No. The ICRC rejected this idea from the outset, to avoid damage to the existing structure, still sound despite a few cracks. It was to be feared, in fact, that in a world grown more impervious the States would behave with less generosity than in 1949 and that they might take advantage of any rediscussion of the law to regress. It was therefore decided to proceed by means of Protocols additional to the existing Conventions. The two Protocols, in their own terms, “supplement” the 1949 Conventions. In fact, in several places they modify and revise the Conventions to quite a considerable extent.

As early as the preparatory conference of Government experts, the Norwegian delegation put forward a radical proposal: that a single Protocol should be drafted, to apply equally to wars between nations and to internal conflicts. It was a generous gesture but over-optimistic; and in spite of Norway’s stubborn resistance the project was dropped.

Another question to be settled in advance was whether the undertaking should be left to the United Nations. Since its foundation, the great intergovernmental organization had peremptorily repudiated this branch of law, considering that since it had just banned war, it could not possibly regulate it. The same sophistry recurs.

However, from 1968 onwards, the United Nations took a renewed interest in the law of armed conflicts and the UN Human Rights Division was even thinking of joining the ranks. But it was felt that the best chance of success lay in dealing with the subject on neutral ground, literally and figuratively and, as far as possible, apart from politics. So the traditional procedure was followed, in which the ICRC provides the working mechanism and Switzerland acts as the diplomatic agent. The International Committee agreed with this attitude, not in order to defend a prerogative, but for the

good of the cause. The United Nations General Assembly is a political meeting, which is entirely normal. But very frequently, when controversial issues are debated, we find the representatives of the "family of nations" vilifying one another from the first session, and it is not long before the whole climate of debate becomes polemical. It was vital to avoid such a thing in discussing the Protocols. But the United Nations gave the undertaking its full support, which was a valuable asset.

It cannot be said, however, that the Geneva Conference completely escaped politicization. From the first session of the preparatory conference of experts, there were some attempts to give it a flavour of fundamental contestation. Indeed, it was a tempting opportunity to examine the alleged breaches of the Conventions since 1949, and thence only a short step to condemnation of those responsible. But such attempts were stifled at birth.

Politics nevertheless tried to insinuate itself into the Diplomatic Conference proper. There were some attempts to revive the old idea of a just war, maintaining that aggressor nations should not be permitted to lay claim to humanitarian law, which should apply only to their victims. The entire structure of the law was in jeopardy. Fortunately, it escaped unharmed. On the other hand, provisions were enacted on the international character of wars of liberation and on the exclusion of mercenaries from the status of prisoner of war, matters which it would have been preferable to discuss in their natural setting, that of the United Nations, as the two items were closer to the *jus ad bellum* than to the *jus in bello*.

These political intrusions should not surprise us too greatly. The Conference participants were sovereign States, and in treaties among States the humanitarian component is not always "chemically pure"¹: while the protection of victims is a humanitarian act, the means of doing so are also involved with the preservation of the State. It is thus impossible to escape tension between the humanitarian requirements, on the one hand, and military and political necessity, on the other, this tension, as we will see, being the very essence of the law of armed conflicts.

The Diplomatic Conference was held in four sessions, one each year, from 1974 to 1977. It is not surprising that it was long and difficult. It was dealing with subjects more delicate than those discussed in 1949 and with matters which the previous Conference

¹ The phrase is borrowed from Mr Jean-Luc Hiebel.

had decided not to discuss since they involved coming to grips with war itself, as in the regulation of aerial bombardment, or trying to scale the battlements of national sovereignty, as in the rules governing internal conflicts.

There was one trump card to be played. The state of the world at present is so tense that the Powers are virtually unable to agree on political or even economic questions. Worse, they are incapable of solving the problems facing the whole earth—the arms race, overpopulation, protection of the environment. The only area in which they are still potentially able to reach agreement is precisely that of humanitarian law.

The Conference was the setting for a remarkably universal assembly: it was attended by 700 or so delegates from 120 countries. While in 1949, for example, only three African countries were represented, there were thirty at the 1974-77 Conference. In the past it had been said that international law was made by Europeans for Europeans. It was no longer true.

It was possible, even, to gauge the strength of the coalition which grew up among third-world States and which was responsible for the adoption of the set of provisions relating to “freedom fighters”, also, at the last minute, for the massive cuts in Protocol II concerning non-international conflicts. Without a doubt, the somewhat spectacular entrance on the world stage of vigorous young energies, with at times a fresh conception of international law, upsets a good many traditional ideas. The adjustment has to be made.

As things are, it is reassuring to find that national representatives of all political tendencies, from every part of the world, are able to meet to discuss something other than money or oil—the survival of the human race; to ignore their divergences for a time, overcome political and ideological antagonisms, speak the same language, and even join hands. Someone has said that people of all races have some blue reflected in their eyes when they raise them to heaven.

Between 1949 and 1974, the working methods of diplomatic conferences had undergone profound changes. Far more meetings were now held, under the auspices of the United Nations, and it was the methods of this organization which became predominant, influenced by the formal rules prevalent in Britain and the USA and stamped with the mark of an increasingly complicated and over-organized world affected by accelerating technical advances. This was not necessarily a bad thing: it enabled us, for instance, to

proceed by *consensus*, that is, to have a text adopted without taking a vote if nobody is formally opposed to it, while allowing divergent opinions to be expressed. Under the Conference Rules of Procedure, articles had to be adopted by a two-thirds majority, which did give us cause for anxiety. Yet of the 150 articles contained in the two Protocols, only 14 were put to the vote; all the others were adopted by *consensus*.

But the new methods of holding international conferences were also to thank for the verbose, complicated and obscure style of address which flourishes nowadays and which is compounded by the large number of working languages used. Some diplomats have been quick to see the advantage to be derived from this lack of clarity, like tanks on the battlefield putting out a smokescreen. To turn to formalism and ambiguity is to take the easy way out and to obscure the fundamental issues. The great danger is that the form will take precedence over the substance. And if the texts become incomprehensible there will be a temptation to set them aside. In any case, the tendency towards obscurity seems irreversible, and we must learn to live with it.

After four years of intensive discussion, and thanks to the assiduous help of a large number of delegations, two additional Protocols were produced. The first—which was the principal achievement—contains an impressive collection of rules for protecting the civilian population and regulating aerial bombardments. It begins with a welcome definition of the civilian population and civilian objects, as opposed to the members of the armed forces and military objectives, which are the only legitimate targets. It goes on to confirm explicitly the general immunity to be afforded to civilians, stating that they must never be the object of attack and that bombardment for the purpose of spreading terror is prohibited, as are indiscriminate attacks or those carried out by way of reprisals. These provisions represented a tremendous advance.

One article banned starvation of civilians as a method of warfare, prohibiting attacks on agricultural areas, livestock, drinking water and other objects indispensable to survival. Another article concerns protection of the natural environment, this too a major innovation. Other provisions prohibit the destruction of works and installations containing dangerous forces, such as dams and nuclear power stations.

A significant section is that relating to the conduct of combatants, which brings up to date and expands the Hague Regulations of 1907. The stumbling block was the phenomenon of guerrilla

warfare, which had to be tackled. The solution finally reached, somewhat nebulous like all compromises, was to define more exactly what were the armed forces, then to expand the category of combatants by relaxing the famous conditions of the Hague Regulations. Guerrilla fighters were no longer expected to carry arms openly except when actually fighting or when taking up positions immediately before an attack.

A most welcome success was the reintroduction of immunity for medical aircraft, made possible by highly technical modern signalling systems.

Protocol II is entirely devoted to non-international conflicts and develops Article 3 common to the four 1949 Conventions. It is a simplified version of Protocol I, adapted to the specific conditions of this type of warfare. The price paid for the adoption of a detailed document was restriction of its field of application: it is applicable only to armed conflicts of great severity. The adoption of the final text, moreover, was preceded by a sensational turn of events at the last moment, as a result of which the Protocol was slashed by over half of its provisions (15 substantive articles instead of 33), owing to the inflexible demands of a small number of delegations and the complicity of most of the others. No further effort was possible and, as one of the delegates remarked, "half an egg is better than an empty shell".

In the end, I believe that the ICRC successfully met the challenge made to it, to solve at least some of the urgent problems raised by conflicts in our time. Even if the Protocols at times have the shortcomings of compromise solutions, they are capable of saving many lives. But if they are to take effect everywhere, they must have massive ratification by the States. And to date scarcely fifty States have carried out this procedure, while the two "super-powers" are still hesitating over their accession. For this reason, no chance should be lost to make the large nations face their responsibilities, so as to give the peoples of the world real protection, to which they have a most legitimate right. In the meantime, the work of codification has already taken on full importance as the tangible embodiment of custom.

IV. Conclusions

In ending, I would like to express some more general thoughts.

We know that all of international humanitarian law results from the balance struck between the principle of humanity—that is, the imperative which drives a human being to act for the good of fellow beings—and the principle of necessity—that is, the duty of public authorities to preserve the State, defend its territorial integrity and maintain order. It is the perpetual confrontation of Creon and Antigone.

The demand of the Red Cross is that the conduct of hostilities and the maintenance of public order do not ignore the respect due to the human person. In its work to promote law, the ICRC has always advanced along the knife-edge boundary separating these two worlds. It must constantly seek the true dividing line, know how far to go in its demands for the benefit of individual human beings. The angle of approach, between asking too much and asking too little, is very narrow, as narrow as for cosmonauts bringing their spaceship back into the earth's atmosphere—only a little higher or a little lower and everything is lost.

I will give two examples of the ICRC's methods. When the Red Cross was founded, Henry Dunant, the visionary, who listened only to his enthusiasm, wanted the treatment of prisoners of war to be dealt with at the same time as that of the wounded. But his colleagues, who were more cautious, made him accept the method of "one step at a time". The first Geneva Convention, in 1864, was therefore concerned only with the sick and wounded in armies in the field. But it was signed and observed. The other Conventions then followed.

After the Second World War, when the ICRC, basing its work on the distressing observation put forward by experts, that the massive bombing of population centres had not "paid" off from the military viewpoint, drafted a set of "rules" to protect the civilian population against the dangers of war, the Powers made haste to bury it, since it contained an article which would have curbed their potential use of atomic energy.

Besides the balance between humanity and necessity, there is a very similar antithesis, the age-old opposition of Don Quixote and Sancho Panza, of idealism and practicality. In the preparation of humanitarian law, as in any great undertaking, nothing can be done without idealism, which is beyond comprehension. Though nothing but a spark in the darkness, idealism will kindle the fire which will become a blaze.

For the work to be successful, the secret is to keep it realistic. This is the lesson taught by our predecessors, men like Gustave

Moynier, Paul Des Gouttes and Max Huber. Thanks to their wisdom, the Geneva Conventions have kept their high repute and their authority, and in spite of many transgressions, they are generally observed. If the States agree to be bound by legal texts, it is because such texts correspond with their reciprocal and well understood interests. Nothing is more dangerous than “unbridled humanitarianism” acting from the best intentions but remote from reality, the very picture of “wishful thinking”. It may well produce some fine writing, and perhaps a few gilded castles in the air, as evanescent as they are impressive.

What is more, a law which lacks realism will inevitably be violated. And a law violated even only in part will become a contested law, threatened with erosion followed by collapse. In the end, it is the very authority of law which is threatened. Briefly, in order to codify successfully, take two drops of dreams, one drop of madness and one hundred drops of realism, and blend thoroughly before serving. I make you a gift of the recipe.

The Geneva Conventions proceed from a concern for humanity, of course, but also, for many people, from common sense. To demonstrate this, in my seminars, I have suggested to my students, who still knew nothing about the Geneva Conventions, to think what ought to be laid down to regulate the conditions of captivity in wartime. At the end of the exercise they found, with some astonishment, that they had produced, in general outline, the whole of the 1949 Convention on the treatment of prisoners of war.

Likewise, humanitarian law has no hope of being accepted unless it is based on universal values and supported by principles which are really the underlying common ground of the human race. Since the time of Pascal and Montaigne we have known that morality is relative and that it can vary from one side of a mountain range to the other. The temptation to introduce professions of faith, whether philosophical or religious, into the Conventions is bound to lead to failure.

The opposing claims of humanity and necessity pose another problem: does the “progress” made in techniques of waging war, does the invention of new weapons bring the achievements of humanitarian law into question? In other words, will the dividing line of which I spoke be changed?

I think that major changes in combat methods will inevitably entail, sooner or later, a revision of the legal provisions precisely because the balance between necessity and humanity has been upset. On the other hand, the major principles of protection, which

have become “customary in the second degree”, that is, having an absolute value valid even for non-signatory States, will remain intact. What will happen, therefore, is no more than an adjustment of the mechanisms, of the methods of application.

To give an example: the invention of bomber aircraft brought into question Article 25 of the Hague Regulations of 1907, which prohibited the bombardment of undefended localities, but only those in the rear, which had until then been inaccessible. The article, however, remained valid for areas reached by the front and which advancing troops had to respect. Today the new rules, established in 1977, permit the bombardment of military objectives but stipulate that the civilian population must be spared.

This is why the Powers, facing the vital problems raised by the discovery of nuclear energy, should waste no time in meeting around a table to pass comprehensive and definitive laws on the subject. There is no alternative if the world is to be spared the ultimate disaster.

*

We have been told: instead of making rules for the conduct of war, you would do better to prevent it. This brusque statement is as old as humanitarian law, but it acquired fresh vigour with the ban on war and the definition of aggression. It is such a sophistry that I will not waste your time in discussing it. In a word: although the international community has outlawed war, the nations, alas, still wage it as much as ever. As long as the States, in arming themselves to the teeth, demonstrate that they have not really given up the idea, even in self-defence, then we have the inescapable duty to work for the protection of its victims if by misfortune war should break out. It is logical to attenuate the blows of a scourge until it has been eliminated. To tell the truth, simultaneous efforts should be made to regulate war and to abolish it, in each case using the means at disposal.

No doubt it was a good idea to proclaim the abolition of war, but it should be realized how much this spectacular gesture has cost. Since aggression has been condemned, nobody wants to put themselves in the wrong by declaring war, and some States even deny for long periods that they are in conflict. And of course the States in question are reluctant to apply humanitarian law, fearing that if they do so it will be taken as proof of their belligerence.

*

Some people have said to us: what use is it to develop law when in so many places it is trampled underfoot? It is true that humanitarian law is not always respected. But this ill also attacks other branches of law. Has not society created a huge apparatus of judges, courts and police solely in the expectation that the law will be violated? There is the additional factor that the media are more eager to report what goes wrong than what goes right, and therefore mainly report on transgressions of the law.

Even so, humanitarian law has tackled war directly with bare hands. Now war puts the very existence of States in jeopardy: engaged in a pitiless struggle, they think only of breaking any limitations. It moreover upsets the exercise of justice and tends to conceal offences against law, the more so as, unlike the process of national law, the system of penalties in international law is still in an embryonic state.

This law is consequently more difficult to put into effect than any other. But at least it has the merit of making clear to everyone what must be done and what must not be done in time of conflict. In the past many things were accepted which are now considered inadmissible. The law also makes it possible to define each person's responsibilities.

It is all the more remarkable in that it has saved many lives and mitigated a great deal of distress. But what will it be like in the future, in a world increasingly ruthless? This is the fearful question which haunts us.

States, it is true, often see only their own immediate interests and find it difficult to lift their gaze to world level. Combat, it is true, is conducted with fanaticism and it is a commonplace that the fiercer the fighting, the less respect for the rules. Violence, it is true, is now steadily growing, with outbursts of barbarity, and some people giving the name of war to terrorist outrages which strike at innocent people and which are in fact wholly criminal.

But in every age there have been exactions. If we think that nowadays they are more numerous, it is mainly because we hear about them more than people did in the past. In countries where there is freedom of information, abuses are publicly denounced, and fortunately so, since the pressure of public opinion acts as a brake on some of the excesses.

The abundance of information, of course, brings with it the risk of saturation, of "immunization". At the start of a conflict, each report of a death is distressing; after a few days, the list of victims is no more than a set of statistics, especially when the conflict is in a

far-off country. The public interest wanes and indifference sets in.

Another danger is that, knowing the force of public opinion, the State's information services may go beyond all bounds in manipulating it, fomenting hatred between opposed nations not at all inflamed against each other. And once a war breaks out, massacres and tortures are systematically denounced, events are exaggerated or, if the need is felt, invented. In the end, suffering becomes a weapon used in the struggle, to such an extent that the ICRC has been reproached for moderating strong feeling by visiting prisoner-of-war camps and showing the falsity of some alarmist reports. Political detainees have even been known to exaggerate their misfortunes, or to refuse to improve their plight when given the means to do so, in order to give their comrades in the struggle an extra moral weapon against a regime they abhor.

Where are we going? Will the world finally know fraternity and peace, or will civilization destroy itself? Are we facing the "years of bloodshed" foreseen by Henry Dunant, or the Golden Age?

Probably neither one nor the other. But I am convinced that the victory of law over force offers the greatest hope for the survival of the human race. Remember, therefore, that this humanitarian law is in your hands. Make sure that it lives on, that it saves lives, that it spreads far and wide. I am speaking now above all to the young people, who will have the heavy responsibility of building tomorrow's world. All that we know of them gives us confidence in the future.

Jean Pictet

The Geneva Conventions and Reciprocity

by J. de Preux

In 1981, the Twenty-fourth International Red Cross Conference, in Resolution VI, deplored the fact that in several armed conflicts fundamental provisions of the Geneva Conventions were being violated and that those violations impeded the International Committee of the Red Cross in the discharge of its activities. In spite of the Conference's solemn appeal to remedy the situation, there are still signs of reluctance to fully respect those fundamental rules, and even of ill-will towards them. Under the pretext that it requires reciprocity, the application of Convention provisions is at times made conditional on the outcome of bargaining and the prisoners themselves are treated as hostages, even as instruments of blackmail. Such attitudes are inadmissible. The following text discusses the matter in detail. (Editor.)

Application of the Geneva Conventions is not conditional on reciprocity. This assertion may be cause for surprise, since it is on reciprocity that treaties concluded for the benefit of citizens of the contracting States are usually based. Reciprocity in treaties can be diplomatic, meaning that the parties agree to equal treatment towards each other, or legislative, where one party grants the benefit of the law on the condition that the other party also does so. This is not the case for the Geneva Conventions.

One must bear in mind, however, that "reciprocity" is a general term covering widely differing aspects of one phenomenon. Thus the idea of reciprocity is the basis of any convention; without it, States would not conclude treaties. A treaty implies reciprocal obligations for the sole and mutual benefit of the parties thereto. The Geneva Conventions are no exception to this rule; indeed, Article 4 (2) of the Fourth Convention states: "Nationals of a State

which is not bound by the Convention are not protected by it.” This means that the Convention is of mutual benefit only for those who are parties to it, or who accept as binding on themselves the same obligations. Article 2 (3) common to the four Conventions states this very clearly: “Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their *mutual* relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.” The same holds true for reservations. States which made no reservations are bound in relation to States which did so, except as concerns the provisions affected by the reservations. Reciprocally, States having made reservations are bound to apply all the provisions to which they made no reservations. There is therefore reciprocity of obligations, and this is valid for the Geneva Conventions as well as for other international law treaties.

The Geneva Conventions are an exception, however, to the general rule on termination of obligations agreed to. According to this rule, a material breach of the treaty by one of the parties “entitles... a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State” (Vienna Convention on the Law of Treaties, Art. 60, para. 2(b)). This rule does not “apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties” (*ibid.*, para. 5). The Geneva Conventions are therefore directly concerned by this exception, if only because failure to apply the rules adopted in favour of protected persons is tantamount, in this situation, to reprisals, which are forbidden.

Moreover, the selfsame Conventions contain a provision that confirms the position on humanitarian law, adopted by the United Nations Conference on the Law of Treaties, namely the article, common to the four Conventions, relative to denunciation (First, Art. 63; Second, Art. 62; Third, Art. 142; Fourth, Art. 158). While this article does not deprive the contracting parties of the right to denounce the Conventions, it stipulates that “a denunciation of which notification has been made at a time when the denouncing Power is involved in a conflict shall not take effect until peace has been concluded, and until after operations connected with the release, repatriation and re-establishment of the persons protected

by the present Convention have been terminated” (Fourth Convention, Art. 158(3)).

The legal obligations therefore remain unchanged, no matter what breaches are committed by the adverse party. The rule of reciprocity is not operative.

The rule of reciprocity is also not operative in the application of provisions, which we have just seen cannot be denounced during an armed conflict. This is a peculiarity of humanitarian law, and any comparison with other branches of international law is pointless. It goes without saying, for example, that business transactions are based on mutual performance (material reciprocity). Should one of the terms of the exchange not be met, in whole or in part, the agreement, based on the adage *Do ut des* (I give so that you give), will not be applicable, or will be applied only partially. Generally speaking, reciprocity in the application of treaties is considered to reflect the principle of equality of States. It can be extended to demands for “point by point” reciprocity (reciprocity in kind) which makes one contracting party’s performance as stipulated in the treaty subject to identical performance on the territory of the other contracting party. Should the latter default, the former may refuse to perform his part of the bargain by virtue of the exception *non adimpleti contractus* (unperformed contract). These systems of reciprocity reflect concerns relating not only to the principle of equality but also to that of the independence of States, or even of their sovereignty. And it is indeed for this reason that critics have spoken out against practices that can become absurd. Man is not made for the State: the State is made for man. By introducing, in each case, a condition suspending the application of the rules adopted—their application by the other party—the clause of reciprocity tempts each of the contracting parties to stick to its guns until the other makes a move. It prohibits any initiative and paralyzes the development of the law. Others see it as reflecting the principle of *lex talionis*, the taking of an eye for an eye in a vicious circle, foreshadowing a return to primitive society. They are not entirely wrong. Equal performance is not enough to guarantee an inviolable minimum of protection and justice, and these remarks were made well before the law of human rights proclaimed that respect was due each human being for the simple reason that he was a human being.

As seen from the point of view of the application of the Geneva Conventions, the condition of reciprocity would be an aberration. It would reflect complete ignorance as to the nature of the agree-

ments that include the Conventions, which contain “integral type” obligations. This means that “the force of the obligation is self-existent, absolute and inherent for each party and not dependent on a corresponding performance by the other” (Sir Gerald Fitzmaurice, quoted in “United Nations Conference on the Law of Treaties”, *Official Records*, New York, 1971, p. 36, footnote 117).

One could even wonder whether the Geneva Conventions as a whole were not of the province of *jus cogens*.

According to the Vienna Convention on the Law of Treaties, a norm of *jus cogens*, or rather “a peremptory norm of general international law” is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character (Art. 53). The indisputable expression of the universal conscience, the common denominator of what men of all nationalities consider to be inviolable, i.e. respect and protection for the rights of each individual, this is the common basis of the Geneva Conventions and of *jus cogens*. Whatever the case may be, these rules spring from the legal conscience of mankind, and not the capacity or incapacity of the other party to observe them. They are indispensable to co-existence of the members of the international community in its present state; indeed, the derogations they brook are all the fewer because, above and beyond the persons expressly protected, they protect the interests of the international community as a whole.

It is for this very reason that the Geneva Conventions do not simply require respect for their provisions by the parties to the conflict themselves; they require also all the contracting parties to ensure respect for them (common Article 1). This is undoubtedly a more advanced stage of the law of nations, outside the normal anarchy of relations between States. Mutual recognition of the rights of protected persons is an essential element of the structure of today’s international community. To deny these rights, to make their respect subject to what another party does, is to deny the existence of that community.

The community is based on the mutual recognition of certain values, not on a balance of power. Wounds, shipwrecks, captivity, occupation, internment; these depend on a balance of power; not so the treatment granted under the Conventions. The Geneva Conventions have wrapped in legal language the moral duties of States and their representatives, according to which man is cared

for for himself, without considerations of opportunism or compromise. They aim, in the midst of the dissension, and even of the hatred and disorder that reign on the battlefield, to safeguard and re-establish the values that seem no longer to count in the heat of battle. The very meaning of the Conventions is, above all, to instruct each party on what it must do, not on what the other parties must do. They are intended as a unifying force, not as a pretext for one-upmanship. Justice does not reign in combat, but the Conventions must be firmly applied. They say, "I am and therefore I do". They provide no grounds for the objection *tu quoque* (you too), which is only a pretext for evading commitments.

J. de Preux
Legal adviser at the ICRC

INTERNATIONAL COMMITTEE OF THE RED CROSS

ICRC appeal for a humanitarian mobilization

The traditional annual press conference given by the President of the ICRC took place on 10 January 1985 at the headquarters of the Committee. It provided not only an opportunity to make the usual assessment of events in the year which had just gone by but, in particular, was the moment chosen by the ICRC to launch an "Appeal for a Humanitarian Mobilization".

This appeal—the text of which is published below—was widely disseminated; it was sent to all the Permanent Missions in Geneva and New York, to all the National Red Cross and Red Crescent Societies, to the League, to the media and to bodies such as the Independent Commission on International Humanitarian Issues. A more detailed memorandum was sometimes enclosed with the Appeal, entitled "Respect for and Development of International Humanitarian Law—Support for the Activities of the International Committee of the Red Cross—From Manila (1981) to Geneva (1986)—Interim Assessment and Future Prospects". The Appeal itself is a summary of this memorandum and sets out the main points contained therein.

On 14 January the Appeal and the Memorandum were delivered and commented on by the President of the ICRC in Amman to members of the Standing Commission, an extraordinary session of which had been convened by Dr. Ahmed Abu Gura, president of the Jordan Red Crescent Society.

This ICRC Appeal for a Humanitarian Mobilization is a follow-up to Resolution VI adopted by the Twenty-fourth International Red Cross Conference (sometimes also called the "Manila Appeal") and entitled "Respect for international humanitarian law and for humanitarian principles and support for the activities of the International Committee of the Red Cross". It is a landmark in the process of alerting public opinion, the governments and the Red Cross and Red Crescent movement to the vital importance of universally respecting and up-holding fundamental humanitarian rules; it was preceded by appeals concerning specific conflict situations addressed to the States party to the Conventions and by private and public meetings of

experts and will be followed by similar meetings at a regional and global level. The main aim of all these measures—designed with a mind both to the various sectors of the public for whom they are intended and to worldwide or regional problems—is to help make the next International Red Cross Conference (Geneva, 1986), organized by the Standing Commission of the International Red Cross and the Council of Delegates, a formal occasion to stress the need for action to terminate all violations of international humanitarian law and ensure that all those bound by this law respect it.

ICRC APPEAL

The ICRC, more and more concerned by the increasing violations of international humanitarian law and principles of humanity and by the obstacles put in the way of the development of its activities in some countries, endeavoured in the past and is still endeavouring now to curb this disastrous trend. In 1981, the Twenty-fourth International Red Cross Conference in Manila adopted by consensus a resolution which echoed the Committee's concern: it noted and regretted the limits imposed upon the activities of the ICRC not only in situations covered by international humanitarian law, but also in internal disturbances and tensions. The International Conference also made "a solemn appeal for the rules of international humanitarian law and the universally recognized humanitarian principles to be safeguarded at all times and in all circumstances and for the International Committee of the Red Cross to be granted all the facilities necessary to discharge the humanitarian mandate entrusted to it by the international community."

Although this appeal was launched jointly by the Red Cross and Red Crescent movement and the States signatory to the Geneva Conventions, it had virtually no result and it must be acknowledged that the problems still stand. On three occasions, in 1983 and 1984, the ICRC appealed to the community of States to take steps to ensure respect for the Geneva Conventions in the armed conflict between Iran and Iraq. It made repeated approaches—some of them public—to Israel to secure its recognition of the applicability of the Fourth Convention in the occupied territories and to ensure respect for all the provisions of the Convention. In connection with the conflicts in Afghanistan, western Sahara, Kampuchea and elsewhere, it made persistent representations to the belligerents.

Confronted with the present crises, governments are tempted to think only in the short term, to reject everything that does not suit their immediate interests and to relegate humanitarian considerations to the background, giving priority to what they consider to be the imperatives of politics and security. This refusal to implement humanitarian law defies the whole international community (the States, the legal system, the organizations) and inflicts intolerable suffering on the victims of conflicts.

In 1974, the ICRC had 357 employees and delegates. At the end of 1984, this figure had risen to 890 persons, of whom 455 were permanently in the field, not counting nearly 1,000 locally recruited employees. In 1974, there were 16 delegations abroad; ten years later, there are 36 plus 16 sub-delegations. This growth reflects the greater number of conflicts, which tend to last longer and are often fiercer than those which occurred in the 1960's. In many countries, internal tensions are liable to develop into internal disturbances, which in turn may become civil wars, sometimes with international involvement. Unfortunately, there is no likelihood of peaceful settlements to the numerous armed conflicts at present taking place. The humanitarian problems linked to the occupation of territories and the holding of prisoners of war are likely to persist. Detention on political grounds and ill-treatment in connection with such detention are likely to continue and even, in many countries, to increase.

Furthermore, there are indications that other confrontations may develop between countries or ideologies. At the same time, irrespective of internal and international political conflicts, the marked growth of the population in a large part of the world is very likely to create increasing tensions, if only because of the drop in the standard of living which it causes. This tendency appears to correspond to a fairly general decline in respect for the rule of law, internally and internationally. A wider divergence has been noted between the authorities' declarations of intent and their actions, and there has been a lessening of regard for commitments simultaneous with (if not a consequence of) their increase. At the national level, the power structures become more rigid or break up in chaos: both situations lead to arbitrary action and violence against defenceless victims.

Only a general mobilization can prevent these dismal forecasts from coming true. Everyone must realize the urgent and drastic need for a great upsurge of humanity and solidarity, which has become indispensable in view of the present and potential madness

of human violence. But the ICRC does not for a moment imagine that it can win the struggle on its own: it must mobilize governments and the Red Cross and Red Crescent Movement to join in the battle for universal respect of defenceless human beings.

The staggering humanitarian needs of the future call for commensurable efforts. States, first of all, must take advantage of every "humanitarian respite", every short period of grace, the Red Cross can give them to build up peace; at the same time, they must be absolutely unwavering in honouring their humanitarian commitments in those conflicts which they were unable or incapable of avoiding, and they must ratify the instruments of humanitarian law to which they have not yet acceded. None may remain indifferent. The 161 States party to the Geneva Conventions are under the obligation not only to respect, but also to ensure respect, for the rules of international humanitarian law. Any government which, while not itself involved in a conflict, is in a position to exert a deterrent influence on a government violating the laws of war, but refrains from doing so, shares the responsibility for the breaches. By failing to react while able to do so, it fosters the process which could lead to its becoming the victim of similar breaches and no longer an accessory by omission.

The Red Cross and Red Crescent Movement must throw into the struggle for the respect of man's dignity all the moral strength of its principles and universality. The ICRC, too, must be mobilized for an all-out, long-term effort to disseminate knowledge of international humanitarian law, contribute to the development of National Societies and seek material and political means to conduct a humanitarian strategy in keeping with the mandate entrusted to it by States in the Geneva Conventions.

To cope with the increasing number, variety and duration of conflicts, with the inhumane treatment arising from the hardening of ideological, or even religious and racial attitudes, and with the declining respect for treaties and law in general, only a concerted action by all the forces of universal humanitarianism, a mobilization of States and peoples, might raise in any decisive manner the level of respect for humanitarian rules in conflicts—short of abolishing war altogether.

The main questions are: how are political leaders to be imbued with humanitarian values and politics leavened with the humanitarian spirit? How can it be shown that in every political situation there are humanitarian aspects which one ignores at one's peril? Ways and means must be devised to promote the acceptance and

application of humanitarian law and its principles among political leaders. To achieve this, public opinion must be aroused and enlisted. This is a difficult task for the ICRC, whose relationship with the public is inevitably ambiguous: its humanitarian action demands, in the interest of the victims, a great measure of discretion, even though the ICRC reserves the right to appeal to world conscience when its delegates establish that serious breaches of humanitarian law have repeatedly occurred, and when the representations it makes confidentially have had no effect.

Progress—if outright victory is not attained—in the struggle for the humanitarian cause requires the support of the governments and National Societies as much as that of the media and through them of public opinion.

A new ICRC member

Since 1 January 1985 the International Committee of the Red Cross has a new member: Mr. Odilo Guntern, born in 1937, a citizen of Brig in the canton of Valais.

After having studied law at the universities of Fribourg, Bern and Milan, Mr. Guntern obtained his bachelor degree in 1961 and his doctorate in 1968. He has been head of his own law and notary office in Brig since 1964.

Mr. Guntern has also been involved in public life. First of all he was a city councillor in his native city of Brig from 1964 to 1975 and then a member of the Valais Grand Conseil (canton parliament) from 1969 to 1975.

In 1975 his canton elected him to the Council of States (the Upper Chamber of the Swiss Federal Parliament) in Bern. He was chairman of this Council's Commission of Foreign Affairs and a member of the Commission of External Trade and Communications. He sat on the Council of States until 1983.

From 1979 to 1984 he was also a member of the Parliamentary Assembly of the Council of Europe in Strasbourg; he was vice-president of this assembly in 1982.

In addition Mr. Guntern has been involved with various relief agencies: he is a member of the Commission and of the Solidarity Fund for Swiss People Abroad; he is president of the Lent Action Council and a member of the Central Committee for the Swiss National Day Charitable Collection. He is also president of the nursing school attached to the Ste-Marie de Visp Hospital.

The ICRC is pleased with the appointment of Mr. Odilo Guntern. His dynamic personality will make a valuable contribution to our organization.

Death of Miss Lucie Odier

On 6 December the ICRC was grieved to lose one of its longest-serving members, Miss Lucie Odier, in her 99th year.

Born in Geneva, Miss Odier obtained her nursing diploma in 1914; she thereafter unceasingly did credit to her profession, par-

ticularly by devoting herself to the care of military internees and civilian refugees in Switzerland during the First World War (1914-1918) and later to victims of the pandemic Spanish flu. In 1920 she was assigned to direct the Geneva Red Cross social hygiene dispensary and its visiting nurses service. Her exceptional work and modesty were recognized by all.

On 27 March 1930, following in the footsteps of her uncle, Edouard Odier, ICRC Vice-President, she became a member of the institution for which, with total abnegation and unequalled assiduity, she did so very much that we cannot mention more than some aspects of her work.

In her vocation she applied herself to the recruiting and training of nurses and of voluntary nursing auxiliaries, to the procurement of medical equipment and the rehabilitation of the disabled. She contributed much to strengthen the ICRC's links with nursing associations which looked upon her as a model and a guide.

During the Spanish Civil War (1934-1939), the ICRC entrusted to Miss Odier the direction of relief operations and from the outset of the Second World War (1939-1945) the setting up of the first office which was later to become the Relief Division. When the ICRC needed to renew contact with London, cut off from the continent by the war in the air and daily under air attack, she flew there accompanied by Marcel Junod; it was a voyage fraught with danger.

At the International Red Cross Conferences since the one held in Tokyo in 1934, and at many other meetings in various countries, Lucie Odier represented the institution. She carried out many survey and other missions in African and other countries. She was the author of a number of publications, such as her well-received *Advice to Nurses*, which was translated into many languages.

Miss Odier was a member of the Presidential Council and of several ICRC commissions. In 1960 she expressed her desire to retire on account of her age, whereupon the institution awarded her its gold medal and elected her honorary vice-president.

In many National Societies Miss Odier was held in high esteem and had a great number of friends. All who had the privilege of knowing and working with this great lady praised her dedication, perseverance, enthusiasm, unaffected manner and courage, and remember her with affection and gratitude.

Death of Mr. François de Reynold

It was with great sorrow that the ICRC heard of the demise on 11 December 1984, at age 81, of Mr. François de Reynold, former ICRC Head of Protocol.

Mr. de Reynold, a law graduate of Fribourg University, joined the Italian Service of the Central Agency for Prisoners of War on 1 April 1943. In January 1945, he was transferred to the ICRC Liaison Service which later became the Liaison and Protocol Service.

As Head of the service—which extensively developed its activities under his leadership—Mr. de Reynold was instrumental in establishing contacts with the European Office of the United Nations and with the specialized agencies and non-governmental organizations which had just been founded and were in the process of settling in Geneva. He represented the ICRC at many international conferences and in 1962, he went to West Africa to visit several National Societies in the process of formation.

Mr. de Reynold was a kindly and courteous man, extremely well-introduced in international circles. He placed his outstanding ability to establish contact at all levels in the service of the ICRC and gradually set up a whole network of connections which were invaluable to the ICRC for its humanitarian activities. The Committee will always be greatly indebted to Mr. de Reynold for his faithful services.

Accession of the Rwandese Republic to the Protocols

The Rwandese Republic deposited with the Swiss Government, on 19 November 1984, an instrument of accession to the Additional Protocols I and II of 8 June 1977.

Pursuant to their provisions, the Protocols will enter into force for the Rwandese Republic on 17 May 1985, six months after the deposit of the instrument of accession.

The Rwandese Republic is the 48th State to become party to Protocol I and the 41st to Protocol II.

Accession of Kuwait to the Protocols

The State of Kuwait deposited with the Swiss Government, on 17 January 1985, an instrument of accession to the Additional Protocols I and II of 8 June 1977.

Pursuant to their provisions, the Protocols will enter into force for the State of Kuwait on 17 July 1985, six months after the deposit of the instrument of accession.

Kuwait is the 49th State to become party to Protocol I and the 42nd to Protocol II.

EXTERNAL ACTIVITIES

November-December 1984

Africa

Missions from Geneva

Mr. Jean-Marc Bornet, ICRC delegate general for Africa, went on mission to *Ethiopia* from 30 October to 11 November. From Addis Ababa, the delegate general visited various places in North Wollo, Tigre and Eritrea. These regions, where conflicts are taking place, are the ones most affected by drought and the ICRC is the only international humanitarian organization actively involved in distributing relief supplies.

During another mission to Ethiopia, from 28 November to 5 December, Mr. Bornet spent a large part of his time in work meetings with different people and, together with Mr. Schubert, president of the American Red Cross who was visiting Ethiopia at the time, he went into the field.

In addition, the delegate general for Africa went on mission to the *Sudan* from 6 to 9 December and had many discussions, in particular with Mr. Omar el-Tayeb, the First Vice-President of the Republic.

For his part, Mr. Jean-David Chappuis, deputy delegate general for Africa, visited *Nigeria*, *Togo* and *Benin*, from 11 to 22 November; in these three countries he met the directors of the National Red Cross Societies and government representatives.

Southern Africa

Fourteen people detained by UNITA (three Bulgarians held since 25 March 1984 and eleven Portuguese held since 12 June of the same year) were released on 21 November and handed over to the ICRC who chartered an aircraft to fly them to Johannesburg.

The Portuguese were handed over to the consular representatives of their country and the Bulgarians, accompanied by ICRC delegates, were repatriated to Sofia via Zurich.

Angola

Over the last two months of the year there was a sharp increase in aid activities for displaced people in the central part of Angola (the Planalto) despite persistent logistic difficulties and security problems which meant that people had frequently to move from one place to another. In November, 1,047 tonnes of food were distributed to some 93,000 people in the provinces of Huambo, Bie, Benguela and Huila; in December the amount of food aid increased to 1,238 tonnes distributed to 158,000 people.

ICRC medical teams continued their on-the-spot assessment and their findings confirmed the worsening of the food situation both among the people who normally live in the regions visited and the displaced people. By 31 December some 8,800 undernourished children, under six years of age, were being treated in 18 special food centres set up by the ICRC in the provinces of Huambo and Bie.

In addition, medicines and other medical supplies were given to hospitals and dispensaries in zones where the ICRC is in a position to monitor how they are being used.

In November and December the ICRC delegation in Luanda received 98 requests to trace missing persons and forwarded 50 family messages.

At the end of the year, the ICRC unit in Angola numbered 87 people; twenty-one of these were involved in air transport activities and nineteen were supplied by the Red Cross Societies of Belgium, Brazil, Canada, the Federal Republic of Germany, Ireland, Portugal, Switzerland and the United Kingdom.

Republic of South Africa

As part of its aid programme on behalf of detainees and their families in need, the ICRC delegation in Pretoria provided relief supplies in November and December to the value of 57,500 Swiss francs (food parcels and travelling expenses for people to visit their relatives being held in detention).

Namibia/South-West Africa

On 13 and 14 December, ICRC delegates visited 15 security detainees in Windhoek prison. Aid for the detainees and their families in need (food parcels, blankets, travelling expenses for families to visit their relatives being held in detention, and various relief supplies) came to about 13,000 Swiss francs.

In addition, a food programme for undernourished children was begun in the province of Damaraland; high-protein food was supplied by the ICRC to hospitals in Khorixas and Rundu.

Uganda

Because of continuing security problems Red Cross relief work in the Mpigi/Mubende/Luwero triangle could still not be resumed during the months of November and December. However, in co-operation with the Ugandan authorities, the ICRC continued to transfer displaced people from a transit camp to safer places where their basic food and medical requirements were taken care of by the government's relief department and the charitable organization "Save the Children Fund". Both of these obtained their supplies from Red Cross depots.

On 22 December two ICRC delegates and a medical team from the Uganda Red Cross went to Seeta, in an area outside the triangle, to bring emergency relief to 150 recently displaced people who were totally destitute. These people were then transferred to a relief centre in Kampala which the ICRC has undertaken to enlarge.

Relief supplies provided by the ICRC in November and December amounted to 258 tonnes: 241 tonnes of food and 2,560 blankets.

As regards protection work, ICRC delegates visited six prisons and nine police stations in November where a total of 1,414 detainees were being held, including 276 of direct concern to the ICRC; in December, some 300 detainees were visited in three prisons situated in the west of the country. About twenty tonnes of relief supplies were distributed to prisoners during these visits.

The ICRC tracing agency in Kampala received ten enquiries and forwarded 138 family messages between detainees and their families.

Rwanda

On 22 November three ICRC delegates, including one doctor, began a series of visits to places of detention in Rwanda. By 29 November thirty-six security detainees, in three prisons, had been seen. On that date the visits were suspended following difficulties that had arisen in applying the normal ICRC working criteria as regards its protection activities.

In addition, the ICRC and the Rwanda Red Cross jointly organized a campaign to disseminate knowledge of the basic rules of humanitarian law and the principles of the Red Cross. Between 3 and 18 November an ICRC delegate gave eight lectures to a total of about 2,700 people in Ruhengeri, Kigali and Butare. His audience included secondary-school children, law students, members of the National Red Cross Society and government and local civil servants.

The ICRC delegate also took an active part in an exhibition (photographs, films by the ICRC and the League, lectures) to mark the twentieth anniversary of the Rwanda Red Cross. It was visited by some 2,800 people.

Ethiopia

The situation of the persons affected by the drought in Ethiopia's conflict zones (Tigre, North Wollo, Gondar and Eritrea), continued to deteriorate drastically in November and December, sometimes to a catastrophic extent in some regions.

ICRC distributions of relief supplies rose to 2,200 tonnes for 206,900 beneficiaries in November; in December, 3,400 tonnes were distributed to 268,500 beneficiaries. Nonetheless, the amount of foodstuffs distributed is insufficient to meet the overwhelming needs in the centres where the ICRC is active, the scarcity of means of transport being the biggest obstacle to extending activities. Thanks to heavy cargo planes made available by the central Ethiopian relief body, the Relief and Rehabilitation Commission (RRC), the ICRC was able to set up an airlift which made three or four round trips a day, transporting wheat flour, oil and blankets from the port of Massawa to Axum and Mekele; from those towns, relief supplies were sent to distribution points by the ICRC's two small planes and twenty-four trucks. Moreover, the ICRC has also sent by air or by sea emergency shipments to Ethiopia of some 2,150

tents and 74,200 blankets to enable the displaced population on the high plateaus to protect themselves from the cold of winter.

For their part, ICRC medical teams carried out several assessment missions in the provinces of Tigre, Wollo and Eritrea and distributed, in accordance with needs, medicaments and medical material to hospitals and medical centres. At the special feeding centre in Mekele, Tigre, opened in March 1984, about 900 under-nourished children continued to receive day-to-day care from ICRC specialized personnel.

Protection activities also continued: on 8 and 9 November, ICRC delegates visited 204 Somali prisoners of war at Harar, and on 27 November they had access to 16 prisoners of war being held at Awassa Prison, in the province of Sidamo. The ICRC also transmitted 73 family messages between the prisoners of war and their families.

On 31 December, ICRC staff in Ethiopia consisted of 46 persons, eight of whom had been made available by the National Red Cross Societies of Australia, Ireland, New Zealand, the Federal Republic of Germany and the United Kingdom.

It should also be mentioned that ICRC relief activities are carried out in close co-operation with the Ethiopian Red Cross, which has almost 300 employees engaged in the distribution of relief supplies.

Sudan

In November and December, the ICRC distributed 280 tonnes of relief supplies, for the most part foodstuffs, to Ethiopian refugees in Sudan and made available almost 2,000 tonnes of relief supplies for displaced persons in Tigre.

Furthermore, the tracing service of the ICRC delegation in Khartoum registered 117 enquiry requests and transmitted 55 family messages.

Somalia

The ICRC continued to supply foodstuffs and leisure articles to the prisoners of war (208 Ethiopians and one Cuban) being held in Gezira camp, in Somalia. In November and December, 14.8 tonnes of relief supplies, worth almost 42,000 Swiss francs, were distributed.

The tracing service of the ICRC delegation in Mogadishu transmitted 50 family messages between the prisoners and their relatives; it also handled six tracing requests.

The ICRC, with the Somali Red Crescent Society, participated in the annual national fair at Mogadishu, which was held from 20 October to 10 November: in three weeks, some 50,000 people saw films and slides on Red Cross activities.

Zaire

Following the armed confrontations of 13 November, around the town of Moba, in Shaba province, the head of the ICRC delegation in Kinshasa, accompanied by a doctor from the Red Cross of the Republic of Zaire, toured the region affected by the fighting to assess the medical needs of the population. As a result of the mission, the ICRC provided medicaments for local medical services and foodstuffs and blankets for some 30,000 displaced persons. An ICRC delegate stayed in Moba to organize and control the distribution of relief supplies.

The ICRC also took steps with a view to visiting the persons arrested in connection with the events.

In November and December, ICRC delegates continued to visit places of detention in Kinshasa, Kisangani, Lubumbashi and Kolwezi. They saw 68 security detainees, to whom they distributed various relief supplies.

For the dissemination of knowledge of the essential rules of humanitarian law, the ICRC participated, in Kinshasa, in a teaching seminar on human rights, organized by the Research Centre for the Promotion and Protection of Human Rights in Central Africa. The seminar was attended by 45 professors, magistrates and students. The ICRC representative spoke on international humanitarian law and human rights.

A further twelve lectures were delivered by the ICRC and the Red Cross of the Republic of Zaire to some 4,000 people of various backgrounds.

Regional delegation in Togo

The ICRC regional delegate for West Africa, based in Lome, Togo, was in *Liberia* from 5 to 11 December for a training seminar

for officials from Red Cross Youth sections, at which he lectured on the international Red Cross movement and on the Geneva Conventions.

The regional delegate then went to *Guinea* where, between 12 and 19 December, he met the Minister of Justice and the head of the armed forces general staff, and had working meetings with the provisional committee of the "Guinea Red Cross".

The delegate at the regional delegation in Lome in charge of dissemination of the essential rules of humanitarian law participated, from 12 to 15 November, in a training seminar for instructors in relief work and sanitation from the Togolese Red Cross Society. He addressed the seminar on several aspects of the role of the ICRC and on the Geneva Conventions, illustrating his talks with a film.

The same delegate also carried out a mission to *Burkina Faso* (formerly Upper Volta), from 5 to 12 December, to lay the groundwork for planned ICRC co-operation in the development of the National Red Cross Society.

Chad

In November and December, the ICRC supplied 35.5 tonnes of food and 11.7 tonnes of other relief supplies for detainees at the central prison in N'Djamena. A medical delegate regularly visited the prison to check on the health of the detainees and, depending on needs, delivered medicaments and medical material to the prison infirmary.

For its part, the ICRC tracing service transmitted 27 family messages and registered four tracing requests.

Madagascar and Tanzania

The ICRC delegate in charge of dissemination in Nairobi was in *Madagascar* from 4 to 25 November. In Antanarivo and two other provinces on the island, he gave eleven lectures on international humanitarian law and the Red Cross movement to various groups (the people's armed forces and the police, members of the Malagasy Red Cross Society, doctors, civil servants, university students and the general public). He also participated in the third general assembly of the National Red Cross Society.

The same delegate was in *Tanzania* from 6 to 18 December. He gave a lecture at the National Leadership Academy, near Arusha, to some 150 cadets and instructors of the Tanzanian armed forces, and another, illustrated by a film, to 25 future diplomats at the Centre for Foreign Relations. Also, six lectures with films were made to the National Red Cross Society, both in Arusha and the capital.

Latin America

Missions by the delegate general

From 26 November to 5 December, Mr. André Pasquier, ICRC delegate general for Latin America and the Caribbean, carried out a mission to *Cuba* and *Peru*.

In Havana, Mr. Pasquier participated in the meeting of presidents of National Red Cross Societies and the technical seminar of the Caribbean area; to the latter he gave a detailed lecture on ICRC activities in Latin America. The ICRC delegate general also had various discussions with Dr. Carlos Rodriguez, Vice-President of the Council of State, Mr. Viera Linares, Deputy Minister of Foreign Affairs and Mr. Julio Teja, Deputy Minister of Health and Vice-President of the Cuban Red Cross Society.

In Lima, Mr. Pasquier met, among other persons, the new Prime Minister and Minister of External Relations, Mr. Luis Perovich, the Minister of Justice, Dr. Arias Schreiber, the new Minister of the Interior and former Minister of Defence, General Brush Noel, and the head of Protocol at the Ministry of Foreign Affairs. During these meetings he discussed ICRC activities in Peru.

El Salvador

In November and December, ICRC delegates carried out 299 visits to places of detention, both in the capital and in the provinces, under the authority of either the Ministry of Justice or the Ministry of Defence. During the visits, they saw and registered 236 new security detainees.

In December, the delegates distributed Christmas parcels to all the detainees in the country, whether penal law or security detainees; 3,800 detainees received blankets, towels, mats, toiletries and cigarettes.

On 11 December, 43 soldiers captured at the beginning of the month by FMLN (Farabundo Marti National Liberation Front) fighters were released and handed over to the ICRC, which accompanied them to their barracks.

As it had done once before on 15 October in La Palma, the ICRC again acted as a neutral intermediary at the end of November during the second meeting between government authorities and the opposition: under the protection of the Red Cross emblem, the ICRC undertook to transport the FDR/FMLN representatives from the airport in San Salvador to the town of Ayagualo (12 km. south of the capital) and, in co-operation with relief workers of the Salvadoran Red Cross, it set up first aid stations and a radio-communications network at the meeting place.

The ICRC distributed about 1,510 tonnes of relief supplies in November and December to the civilian population affected by the fighting; the distributions were made to a monthly average of 15,000 to 20,000 persons in the central area and 70,000 to 73,000 persons in the eastern area.

Medical activities were hampered by military operations and the authorities' frequent refusal to allow the medical teams to go out into the field; this led to the cancellation of a number of consultation rounds planned by the mobile medical teams based in San Salvador and San Miguel. Nonetheless, 7,617 medical consultations and 1,331 dental examinations were carried out. Moreover, medicaments and medical material worth a total of 120,000 Swiss francs were delivered to hospitals, first aid stations, camps of displaced persons and branches of the National Red Cross Society.

For further dissemination of the essential rules of humanitarian law and the principles of the Red Cross, the ICRC delegates organized, in December, 15 conferences for representatives of the armed forces. In all, 93 conferences were given in 1984 to army units, i.e. almost 20,000 persons. Several dissemination courses were also organized among FMLN fighters, and were attended by several hundred persons.

Nicaragua

Between 14 November and 6 December, ICRC delegates visited the prison of Tipitapa, in Managua, which holds some 2,400 detainees; they had interviews without witness with 577 of the detainees. The medical delegate accompanying the delegates gave consultations to 487 detainees.

On 17 and 18 December, ICRC delegates for the first time had access to Bluefields Prison, on the Atlantic coast, where 115 persons, nine of them security detainees, were being held.

In November and December, about 55 tonnes of relief supplies (mainly foodstuffs and hygiene articles), worth a total of about 130,000 Swiss francs, were distributed to detainees at Tipitapa and Zona Franca; a further 30 tonnes of food relief supplies (worth 37,000 Swiss francs) were distributed to detainees' needy families.

Furthermore, the ICRC and the Nicaraguan Red Cross continued their joint assistance programme for displaced persons, mainly Miskito Indians, in regions along the Atlantic coast; 39 tonnes of relief supplies, worth 83,000 Swiss francs, were transported on two boats chartered by the ICRC and the Nicaraguan Red Cross, one leaving from Puerto Cabezas in the north, the other from the Bluefields region in the south. Distributions were made to 6,500 persons in November and 4,800 persons in December.

The ICRC delegation in Managua distributed 44 tonnes of relief supplies, essentially foodstuffs, to some 9,000 displaced persons living in other regions of the country.

Visits to places of detention

In November and December, ICRC delegates visited several places of detention in *Chile*, both in the capital and in the provinces. They had access to 545 persons detained as a result of events.

From 18 to 22 December, ICRC delegates visited three places of detention in *Paraguay* and saw 16 security detainees.

In *Peru*, ICRC delegates visited 291 persons (including 15 women) detained as a result of events.

From 5 to 23 November, ICRC delegates carried out a further series of visits to places of detention in *Uruguay*; they had access to two prisons, one barracks, one hospital under the authority of the armed forces and one psychiatric hospital. They visited a total of 491 detainees (including 59 women).

Regional delegation in Costa Rica

The ICRC regional delegate based in San José, Costa Rica, attended the Central American Refugees Workshop, which took place from 14 to 16 November in that city.

From 21 to 24 November, the regional delegate visited Mazatlan, Mexico, where he attended the National Convention of the Mexican Red Cross.

The ICRC regional delegate also participated in a round table on refugees and displaced persons, organized from 24 to 26 November in San José by the International Council of Voluntary Agencies.

Finally, from 6 to 10 December, the regional delegate attended the national seminar of the Belize Red Cross, which was held in San Ignacio.

Honduras

In the course of its programme to disseminate knowledge of the fundamental principles of the Red Cross and the essential rules of humanitarian law, the ICRC delegation in Honduras organized, from the beginning of April to the end of November 1984, a series of conference-seminars lasting one to two days each, in which participated about thirty members of the National Council and 175 senior members of 28 branches of the Honduran Red Cross. Also, about ten lectures were given to various groups of relief workers.

Dissemination was also continued among the armed forces: seven lectures were given in three military schools to some 250 student officers.

Asia and Pacific

Missions from Geneva

At the end of November, Mr. Jean-Pierre Hocke, ICRC Director for Operational Activities, went to *Indonesia*. He had discussions in Jakarta with Mr. Mochtar, the Minister for Foreign Affairs, mainly on problems encountered by the ICRC in providing protection and assistance in East Timor.

Mr. Jean de Courten, ICRC delegate general for Asia and the Pacific, undertook a mission to *Pakistan* from 5 to 15 December to take stock of ICRC activities in favour of the victims of the Afghan conflict. During his stay at Peshawar and Islamabad, the delegate

general had numerous discussions, in particular with the Secretary of State for Foreign Affairs and the Commissioner for Afghan refugees.

From 21 to 30 November, Mr. Michel Amiguet, deputy delegate-general, went on a mission to *India* and *Bangladesh*. In New Delhi, he met the chairman and the secretary general of the Indian Red Cross, and he reminded them that the ICRC was at their disposal for any technical aid which it could provide for the tracing centre recently set up by the National Society. In Dhaka, Mr. Amiguet had discussions with the president and secretary general of the Bangladesh Red Cross, senior members of the Ministries of Foreign Affairs, Education, Justice and of the Interior. He also had talks with the head of the armed forces medical services. The main subject discussed was the implementation of a programme of dissemination in Bangladesh of the essential rules of humanitarian law.

Conflict in Afghanistan

Two Soviet soldiers, who had been captured in Afghanistan by opposition movements and transferred to Switzerland by the ICRC in November 1982, came to the end of the two-year period of internment agreed on by the interested parties, and returned to their country on 21 November 1984. The two soldiers expressed their wish to return to their country of origin in an interview without witnesses with ICRC delegates.

On 31 December 1984, three Soviet soldiers were still interned on Swiss territory.

Pakistan

The ICRC continued its programmes of medical assistance to victims of the Afghan conflict.

In November and December, the ICRC hospitals at Peshawar and Quetta were working at full capacity following a fresh increase in the numbers of wounded arriving from Afghanistan. In the stated period, 306 casualties were admitted to the hospital at Peshawar, where 495 surgical operations were performed and 1810 consultations were given to out-patients. At Quetta, 112 casualties were admitted to the hospital, and 357 surgical operations were

performed. Medical personnel sent out by the National Red Cross Societies of Australia, Italy, New Zealand, Norway and Sweden are working at these two hospitals.

In December, the mobile medical team of the Pakistan Red Crescent, based at Parachinar, treated a large number of Afghan war-wounded who had crossed the border, taking those needing surgery to the hospital at Peshawar. A second treatment post of this same team was opened in November at Alizai, about 45 km south of Parachinar, and has been very active since. In all, the five mobile medical teams (Parachinar, Chaman, Badini, Miram Shah and Wana) and the post at Alizai treated 132 casualties themselves and took 141 others to hospital.

Forty new patients were admitted to the ICRC paraplegic centre in Peshawar in November and December. At the end of the year, 87 patients (Afghan and Pakistani) were receiving rehabilitation therapy there. The orthopaedic centre equipped 46 amputees with prostheses during the same period.

The 26th and 27th first aid courses organized by the ICRC at Peshawar were attended by 15 and 16 participants respectively. Apart from these monthly courses, the ICRC delegation in Peshawar continued to organize training sessions on first aid and the dissemination of humanitarian rules and the principles of the Red Cross. From March 1984 until the end of the year, a total of 1112 people attended these courses.

Thailand

In the wake of violent clashes on the Khmer-Thai border in November and December, about 130,000 Khmers (half the total refugee population of the camps) had to move out to seek shelter at various temporary evacuation sites on Thai territory. Large numbers of wounded were evacuated by the ICRC and other charity organizations to the surgical clinics at Khao-I-Dang and Kab Cherg, at both of which admissions reached record heights. The Khao-I-Dang hospital admitted 453 casualties, which was about as many as during the whole of the first half of 1984. The ICRC sent out additional medical personnel to reinforce the teams working in the two hospitals. The teams are made up of personnel provided by the National Red Cross Societies of Canada, Denmark, Finland, Norway, New Zealand, the Netherlands and the Federal Republic of Germany, and are coordinated by the ICRC.

The Red Cross Societies of Australia and Japan have continued to provide 400 and 100 units of blood respectively each month. The New Zealand Red Cross sent 56 units of blood in December to help cope with the increased needs caused by the fighting on the border. The Thai Red Cross declared its willingness to provide additional help if necessary.

The Thai Red Cross medical teams continued their activities in favour of the Khmer refugees and the Thai civilians living in the border regions. They gave treatment to about 44,750 patients, including 33,250 Khmers, at the outpatient dispensary at Khao-I-Dang and in the camps at Aranyaprathet and Khao Larn.

Between 1 November and 31 December, the ICRC delegates distributed relief items to the value of 146,000 Swiss francs in the refugee camps and the prison at Aranyaprathet. The relief consisted mainly of paramedical material (hygiene and maintenance items), bedding, kitchen utensils and clothing.

The ICRC Tracing Agency office carried out its normal tasks in November and December. Through the office, 3762 letters were exchanged between refugees and their families either in camps on the border or abroad. In addition, 988 requests to trace missing persons were dealt with and 653 persons were transferred to other camps, some to be reunited with their families. The Tracing and Mailing Service of the Thai Red Cross, dealing mainly with Vietnamese boat-people, received 46 requests for news, opened 29 enquiries, and distributed 444 letters between 21 November and 20 December.

Kampuchea

In view of the situation in the provinces on the border with Thailand, the ICRC delegation made several approaches to the authorities in Phnom Penh with a view to carrying out missions to evaluate the medical needs and possibly to provide the required assistance in the areas affected by the fighting.

The ICRC continued to supply medicaments and medical material to the hospitals at Phnom Penh and the provincial hospitals at Kampot, Takhmau and Kompong Speu. In all, the medical assistance provided in November and December was worth 107,000 Swiss francs.

Relief supplies for the orphanages at Kompong Cham, Kompong Chhnang, Kompong Speu, Kampot and Battambang, forming part of the relief programme which started in July, arrived at

Phnom Penh by air and sea. The programme in question involves the provision of blankets, kitchen utensils, mosquito nets, hygiene requisites and construction material. In addition, over six tonnes of medicaments and relief supplies were brought to Phnom Penh by weekly flights from Ho Chi Minh City, and 5.6 tonnes were transported by boat from Singapore to Kampuchea.

The ICRC also continued to give logistic support to the medical teams of the French, Swedish and Swiss Red Cross Societies working in Phnom Penh, Kompong Chhnang and Kompong Cham respectively. In November, the ICRC delegates visited the hospital and the orphanage at Kompong Chhnang and met local heads of the Health Service and Red Cross. In December, they visited Kompong Cham, Kompong Speu and Kampot.

Laos

The ICRC delegate based in Hanoi carried out a mission to Laos from 27 October to 3 November. He met, among others, the Deputy Minister of Health and other senior members of that Ministry, a representative of the International Organizations Division of the Ministry of Health, the Vice-President of the National Red Cross Society and the heads of the Vientiane section.

The delegate also gave a talk to about 50 secondary school students who were members of the Red Cross youth group.

Philippines

Between 9 July and mid-December, two teams of ICRC delegates, each including a doctor and an interpreter, visited 552 detainees in 59 places of detention, most of which were under the jurisdiction of the military authorities.

The ICRC continued its emergency assistance in favour of the persons displaced as a result of the disturbances at Mindanao and Samar. The activities, undertaken in collaboration with the Philippines Red Cross, involve the distribution of food (especially rice) to the displaced families for a limited period and the provision of food to the feeding centres. Since the beginning of the year, 1442 tonnes of food worth 2.3 million Swiss francs have been transported to the Philippines.

Medical treatment is provided when the food is distributed. For this purpose, the ICRC has supplied the National Society medical personnel with basic medicaments.

Macao and Hong Kong

The head of the ICRC regional delegation in Manila, accompanied by the delegate responsible for the dissemination of the essential rules of humanitarian law, carried out a mission to Macao and then Hong Kong from 6 to 15 November.

The purpose of the mission was to meet with the local authorities and the branches of the Portuguese and British Red Cross Societies, to take stock of the dissemination activities of the two branches of the Red Cross and to assess the possibilities of collaboration with them in this field. During their stay in Hong Kong, the delegates attended the second "Principles and Law" course organized by the local Red Cross for its workers and volunteers in charge of the young members' section.

Indonesia/East Timor

Within the programme of repatriation and family reuniting implemented for the inhabitants of East Timor, the ICRC organized the transfer to Portugal of 9 persons on 9 November, 10 persons on 14 December and 9 persons on 16 December.

Singapore

The ICRC regional delegate in Jakarta visited Singapore on 29 November and had talks with the senior officers of the National Red Cross Society.

Middle East

Mission by the delegate general

Mr. Jean Hoefliger, ICRC delegate general for the Middle East and North Africa, was in Iraq from 14 to 17 December. In Baghdad, he met representatives of the Iraqi authorities and in particular the Minister for Foreign Affairs, Mr. Tarek Aziz, to discuss ICRC protection activities in connection with the conflict between Iran and Iraq.

Conflict between Iran and Iraq

In November and December, the ICRC was not able to resume its visits to Iraqi prisoners of war in *Iran*. The visits had been suspended by the Iranian authorities after the incidents of 10 October in Gorgan camp (mentioned in an earlier issue of the *Review*). However, it continued transmitting family messages; in December, ICRC delegates in Tehran handled 83,463 family messages addressed to Iraqi prisoners of war and to relatives of Iranian prisoners of war held in Iraq.

In *Iraq*, ICRC activities continued normally. In November and December, respectively 7,743 and 3,140 Iranian prisoners of war were visited and 124,950 family messages were exchanged between prisoners of war and their relatives through the Central Tracing Agency in Geneva. From 8 to 10 December, ICRC delegates visited Ramadi camp which gathers several thousand displaced Iranian families.

Lebanon

Sporadic outbursts of violence occurred in November and December, particularly in Beirut and in the Chouf and Iklim el Kharroub mountains. The ICRC medical staff increased its visits to the hospitals and dispensaries in the areas concerned in order to evaluate their needs and provide the necessary assistance. 59 standard medical kits, medicaments, wheelchairs and ambulance kits worth 70,000 Swiss francs in all were distributed to about 60 hospitals and dispensaries.

The ICRC continued to provide financial assistance to the two Lebanese Red Cross medico-social centres at Mreije (southern suburb of Beirut) and Beiteddine (Chouf). It also provided the National Society with 150 units of plasma and 200 units of blood donated by the National Red Cross Societies of Finland and Norway.

ICRC activities on behalf of war amputees continued normally at the orthopaedic centres of Beit Chebab, Saida and Damascus (run jointly with the Swedish Red Cross and the "Palestinian Red Crescent"): in November and December, 91 prostheses and 16 orthoses were manufactured.

The ICRC relief action was limited to the distribution of 5,260 blankets and 500 sets of kitchen utensils.

The ICRC delegates' protection activities included complete monthly visits to Ansar camp as well as weekly visits to register new prisoners. As at 31 December 1984, 1,220 detainees were held at Ansar.

ICRC delegates also continued visiting various categories of prisoners at other detention centres of the Israeli Armed Forces in southern Lebanon; they saw about 40 persons in three detention centres (Mar Alias, Nabatieh and Tyre).

In conformity with the mandate entrusted to it under the Fourth Geneva Convention, the ICRC pursued its efforts to extend its activities of protection to the civilian population in southern Lebanon. It also continued its regular visits to the Palestinian camps around Saida and Tyre.

On 4 November, and again on 1 December, ICRC delegates visited the three Israeli prisoners held in Syria by the Popular Front for the Liberation of Palestine — General Command (PFLP/GC).

On 13 November and 18 December, ICRC delegates visited the 121 prisoners who had been transferred from Ansar camp to Atlit Prison in Israel in November 1983.

They continued visiting the persons arrested by various movements in connection with the internal conflict in Lebanon.

The Tracing Agency office handled 24,324 family messages exchanged between prisoners and their relatives and organized the repatriation of 4 persons from Lebanon to Jordan.

Europe

Missions by the President

Mr. Alexandre Hay, President of the ICRC, accompanied by Mr. Jean-Pierre Hocké, Director for Operational Activities, visited Great Britain on 14 and 15 November. In London, he met the Secretary and the Under-Secretary of State for Foreign Affairs and the Minister for Overseas Development. The main subjects of discussion were respect for humanitarian law and the ratification by the United Kingdom of the Protocols Additional to the Geneva Conventions.

*

From 28 to 30 November, the President of the ICRC, accompanied by Mr. Peter Küng, ICRC delegate general for Europe and North America, was in Austria. In Vienna, he was received by the President of the Republic and the Austrian Chancellor, and by the Ministers of Foreign Affairs, of Defence, of Health and of Protection of the Environment. He also had talks with members of Parliament.

In addition, the ICRC representatives met Dr. Kurt Waldheim, former Secretary-General of the United Nations, and had a working session with the presidents of all local branches of the Austrian Red Cross Society.

Other missions from Geneva

Mr. Jean-Pierre Hocké, Director for Operational Activities, visited Portugal from 5 to 7 November at the invitation of the Secretary of State for Co-operation. He had talks in Lisbon with government officials and gave a speech on the ICRC worldwide activities to representatives of the Portuguese Red Cross Society.

*

The ICRC delegate general for Europe and North America was in Spain from 19 to 21 November. In Madrid, he discussed ICRC protection activities with several high-ranking officials in the Ministries of the Interior, of Justice and of Foreign Affairs.

*

On 4 December, the delegate general went to the Federal Republic of Germany and met representatives of the National Red Cross Society and of the Federal Government in Bonn.

Poland

In December, after a final distribution of medical supplies to hospitals, the ICRC decided that since the situation in Poland no longer warranted ICRC action, it could now recall its permanent delegates from Warsaw. The ICRC will nevertheless still have regular contact with Poland, since it has frequent dealings and a close relationship with the Polish Red Cross, in particular in respect of the dissemination of knowledge of the fundamental principles of humanitarian law.

The ICRC delegate general for Europe and North America went to Warsaw on two occasions, from 25 to 27 November and from 2 to 4 January. He met the Deputy Prime Minister, Mr. Rakowski, and the Deputy Minister of Foreign Affairs, Mr. Jarosek. He also visited the Polish Red Cross and had talks with its new President, General Bonczak, its retiring President, Dr. Brzozowski, its Vice-President, Mrs. Krol, and its Secretary-General, Mrs. Gutfeter. They took stock of the protection, assistance and dissemination activities the ICRC carried out in Poland from 1981 to 1984 and worked on future dissemination projects: the course on international humanitarian law due to be held in Warsaw in summer 1985, and *ad hoc* seminars to be organized in universities.

Visit to Switzerland

At the end of 1984 the ICRC had the pleasure of welcoming representatives of the Alliance of Red Cross and Red Crescent Societies of the U.S.S.R.

Mrs. Sharifbaeva, president of the Central Committee of the Red Crescent of Uzbekistan, and Mrs. Busch, president of the Central Committee of the Red Cross of Latvia, accompanied by Mr. Goncharov from the External Relations Department of the U.S.S.R. Red Cross, stayed in Geneva from 8 to 15 December at the invitation of the President of the ICRC.

The representatives of the Alliance had discussions with delegates from the Europe zone and with other senior ICRC staff. One day was spent visiting the League and two days were devoted to a trip to Bern where they were shown the headquarters and services of the Swiss Red Cross.

States parties to the Geneva Conventions of 12 August 1949
States parties to the Protocols of 8 June 1977

as at 31 December 1984

Below we give the lists, drawn up in chronological order as at 31 December 1984, of the States which became parties to the Geneva Conventions of 12 August 1949 during the past four years (1981-1982-1983-1984), and of all the States parties to Protocols I and II additional to the Geneva Conventions of 12 August 1949, adopted on 8 June 1977.

The names of the States are shown in abbreviated form; the number in the left-hand margin has no special significance, and has been placed there merely to facilitate reference. The list of States parties to the Conventions starts at number 146; for the 145 States which had previously become parties to the Conventions see the *International Review of the Red Cross*, July-August 1982.

The numbering of States parties to the Protocols has been divided into two columns, the first for the States parties to Protocol I, the second for those parties to Protocol II.

The third column indicates the form of official act received by the depositary in Berne: R = ratification; A = accession; S = declaration of succession.

The fourth column indicates whether the signatory State has made any reservations as to the application of the Conventions or the Protocols, whether it has made any special declarations, and, by the abbreviation "Int. Commission", whether it has accepted the competence of the International Fact-finding Commission provided for in Art. 90, para. 2 of Protocol I.

States parties to the Geneva Conventions of 12 August 1949

	OFFICIAL DATE OF REGISTRATION	TYPE OF ACT RECEIVED	REMARKS
1981			
146 Tuvalu	19 February	S-as from 1.10.78	
147 St. Vincent and the Grenadines	1 April	A	
148 Grenada	13 April	S-as from 7.2.74	
149 Solomon Islands	6 July	S-as from 7.7.78	
150 Saint Lucia	18 September	S-as from 22.2.79	
151 Commonwealth of Dominica	28 September	S-as from 3.11.78	
1982			
152 Rep. of Vanuatu	27 October	A	
1983			
153 Rep. of Zimbabwe	7 March	A	
154 People's Rep. of Mozambique	14 March	A	
155 Namibia (UN Council for)	18 October	A	
1984			
156 Rep. of Cape Verde	11 May	A	
157 Belize	29 June	A	
158 Rep. of Guinea	11 July	A	
159 Western Samoa	23 August	S-as from 1.1.62	
160 Angola	20 September	A	Reservation
161 Rep. of Seychelles	8 November	A	

On 31 December 1984, 161 States were parties to the Geneva Conventions of 12 August 1949.

States parties to the Protocols of 8 June 1977

PROTOCOLS			OFFICIAL DATE	TYPE OF ACT	
I	II		OF REGISTRATION	RECEIVED	REMARKS
1978					
1	1	Ghana	28 February	R	
2	2	Libya	7 June	A	
<i>Date of entry into force of the Protocols: 7 December 1978</i>					
3	3	Salvador	23 November	R	
1979					
4	4	Ecuador	10 April	R	
5	5	Jordan	1 May	R	
6	6	Botswana	23 May	A	
7		Cyprus	1 June	R	Prot. I only
8	7	Niger	8 June	R	
9	8	Yugoslavia	11 June	R	Declaration
10	9	Tunisia	9 August	R	
11	10	Sweden	31 August	R	Reservation Int. Commission
1980					
12	11	Mauritania	14 March	A	
13	12	Gabon	8 April	A	
14	13	Bahamas	10 April	A	
15	14	Finland	7 August	R	Reservation and declarations Int. Commission
16	15	Bangladesh	8 September	A	
17	16	Laos	18 November	R	
1981					
18		Viet Nam	19 October	R	Prot. I only
19	17	Norway	14 December	R	Int. Commission
1982					
20	18	Rep. of Korea	15 January	R	Declaration
21	19	Switzerland	17 February	R	Reservations Int. Commission
22	20	Mauritius	22 March	A	
23		Zaire	3 June	A	Prot. I only
24	21	Denmark	17 June	R	Reservation Int. Commission

25	22	Austria	13 August	R	Int. Commission
26	23	Saint Lucia	7 October	A	
27		Cuba	25 November	A	Prot. I only

1983

28	24	Tanzania	15 February	A	
29	25	United Arab Emirates	9 March	A	Declaration
30		Mexico	10 March	A	Prot. I only
31		Mozambique	14 March	A	Prot. I only
32	26	St Vincent and the Grenadines	8 April	A	
33	27	People's Rep. of China	14 September	A	Reservation
34	28	Namibia (UN Council for)	18 October	A	
35	29	People's Rep. of Congo	10 November	A	
36		Syrian Arab Republic	14 November	A	Prot. I only Declaration
37	30	Bolivia	8 December	A	
38	31	Costa Rica	15 December	A	

1984

	32	France	24 February	A	Prot. II only
39	33	Cameroon	16 March	A	
40	34	Oman	29 March	A	Declaration
41	35	Togo	21 June	R	
42	36	Belize	29 June	A	
43	37	Rep. of Guinea	11 July	A	
44	38	Central African Rep.	17 July	A	
45	39	Western Samoa	23 August	A	
46		Angola	20 September	A	Prot. I only; Declaration
47	40	Rep. of Seychelles	8 November	A	
48	41	Rwanda	19 November	A	

On 31 December 1984, 48 States were parties to Protocol I and 41 to Protocol II.

DIZIONARIO DI DIRITTO INTERNAZIONALE DEI CONFLITTI ARMATI ¹

General Pietro Verri, who is already known to Italian-speaking readers for his translation into Italian of the 1977 Protocols and of numerous important books on international humanitarian law, has just brought out a dictionary on the international law of armed conflicts.

General Verri's dictionary is not a large volume, but it will certainly be a very useful one. It contains brief but clear and precise definitions of numerous words frequently occurring in international humanitarian law and in many documents (treaties, declarations, conventions, pacts, protocols, review articles and more in-depth studies). It runs the entire alphabet from A to Z, from attack to zone, covering everything from neutrality to reprisals to voluntary service; an entire compendium of words that strike specific chords to the legal scholar and become understandable to all.

Although the dictionary is modest in appearance, General Verri consulted an impressive number of original documents to compile it (they are listed on seven pages in the bibliography); the book bears witness to the learning the author passes on to his readers. We have no doubts that this book, the first of its kind to be printed in Italian for 45 years, will be extremely useful.

¹ Pietro Verri: *Dizionario di diritto internazionale dei conflitti armati*. Edizioni speciali della «Rassegna dell'Arma dei Carabinieri», Rome, 1984. 108 pages, in Italian.

EXTRACT FROM THE STATUTES OF
THE INTERNATIONAL COMMITTEE OF THE RED CROSS

(adopted 21 June 1973)

ART. 1 — *International Committee of the Red Cross*

1. The International Committee of the Red Cross (ICRC), founded in Geneva in 1863 and formally recognized in the Geneva Conventions and by International Conferences of the Red Cross, shall be an independent organization having its own Statutes.

2. It shall be a constituent part of the International Red Cross.

ART. 2. — *Legal Status*

As an association governed by Articles 60 and following of the Swiss Civil Code, the ICRC shall have legal personality.

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

Its emblem shall be a red cross on a white ground. Its motto shall be *Inter arma caritas*.

ART. 4. — *Role*

1. The special role of the ICRC shall be:

- (a) to maintain the Fundamental Principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross;
- (b) to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions;
- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with other Red Cross organizations, the medical services of the armed forces and other competent authorities;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and dissemination of the Geneva Conventions and to prepare for their possible extension;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

2. The ICRC may also take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and consider any question requiring examination by such an institution.

ART. 6 (first paragraph). — *Membership of the ICRC*.

The ICRC shall co-opt its members from among Swiss citizens. It shall comprise fifteen to twenty-five members.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic) — Afghan Red Crescent, Puli Artan, *Kabul*.
- ALBANIA (People's Socialist Republic) — Albanian Red Cross, 35, Rruga e Barrikadavet, *Tirana*.
- ALGERIA (Democratic and People's Republik) — Algerian Red Crescent Society, 15 bis, boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, *1089 Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, A-1041, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dhaka 2*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, 98, chaussée de Vleurgat, *1050 Brussels*.
- BELIZE — The Belize Red Cross Society, P.O. Box 413, *Belize-City*.
- BENIN (People's Republic) — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, *Sofia 27*.
- BURKINA FASO — Burkina Faso Red Cross, P.O.B. 340, *Ouagadougou*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42, Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95, Wellesley Street East, *Toronto, Ontario M4Y 1H6*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA (People's Republic) — Red Cross Society of China, 53, Kamnien Hutung, *Peking*.
- COLOMBIA — Colombian Red Cross, Avenida 68, No. 66-31, Apartado Aéreo 11-10, *Bogotá D.E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23, No. 201 esq., N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, *118 04 Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjöld's Allé 28, Postboks 2600, *2100 København Ø*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El-Galaa Street, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 17 Av. Norte y 7.^a Calle Poniente, Centro de Gobierno, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193, Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A, Box 168, *00141 Helsinki 14/15*.
- FRANCE — French Red Cross, 17, rue Quentin-Bauchart, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, *5300, Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3.^a Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.^a Calle, 1.^a y 2.⁵ Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest V*, Mail Add.: *1367 Budapest 5, Pf. 121*.
- ICELAND — Icelandic Red Cross, Nöfuntúni 21, 105 *Reykjavik*.
- INDIA — Indian Red Cross, 1, Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Manggala Wanabakti, 9th floor, Jalan Gatot Subroto, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Crescent, Avenue Ostad Nejatollahi, Carrefour Ayatollah Taleghani, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3, Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Ammann*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, *Pyeongang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359, *Kuwait*.
- LAOS (Lao People's Democratic Republic) — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.
- LIBERIA — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC — Red Cross Society of the Malagasy Republic, rue Patrice-Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre 3*).
- MALAYSIA — Malaysian Red Crescent Society, National HQ, No. 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 16-03*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross, Ste Thérèse Street, *Curepipe*.

- MEXICO — Mexican Red Cross, Avenida Ejército Nacional N.º 1032, *México 10 DF.*
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo.*
- MONGOLIA — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator.*
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat.*
- NEPAL — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu.*
- NETHERLANDS — Netherlands Red Cross, P.O.B. 30427, *2500 GK The Hague.*
- NEW ZEALAND — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington 1.* (P.O. Box 12-140, *Wellington North.*)
- NICARAGUA — Nicaragua Red Cross, D.N. Apartado 3279, *Managua.*
- NIGER — Red Cross Society of Niger, B.P. 386, *Niamey.*
- NIGERIA — Nigerian Red Cross Society, Eko Akete Close, off St. Gregory Rd., P.O. Box. 764, *Lagos.*
- NORWAY — Norwegian Red Cross, Drammensveien 20 A, *Oslo 2.* Mail add.: *Postboks 2338, Solli, Oslo 2.*
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi.*
- PAPUA NEW GUINEA — Red Cross of Papua New Guinea, P.O. Box 6545, *Boroko.*
- PANAMA — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá.*
- PARAGUAY — Paraguayan Red Cross, Brasil 216, *Asunción.*
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima.*
- PHILIPPINES — Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803.*
- POLAND — Polish Red Cross, Mokotowska 14, *Warsaw.*
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon 3.*
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, *Doha.*
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei, 29, *Bucarest.*
- RWANDA — Rwanda Red Cross, B.P. 425, *Kigali.*
- SAN MARINO — San Marino Red Cross, Palais gouvernemental, *San Marino.*
- SAUDI ARABIA — Saudi Arabian Red Crescent, *Riyadh.*
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar.*
- SIERRA LEONE — Sierra Leone Red Cross Society, 6A, Liverpool Street, P.O.B. 427, *Freetown.*
- SINGAPORE — Singapore Red Cross Society, 15, Penang Lane, *Singapore 0923.*
- SOMALIA (Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, *Mogadishu.*
- SOUTH AFRICA — South African Red Cross, 77, de Villiers Street, P.O.B. 8726, *Johannesburg 2000.*
- SPAIN — Spanish Red Cross, Eduardo Dato, 16, *Madrid 10.*
- SRI LANKA (Dem. Soc. Rep. of) — Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo 7.*
- SUDAN — Sudanese Red Crescent, P.O. Box 235, *Khartoum.*
- SWAZILAND — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane.*
- SWEDEN — Swedish Red Cross, Box 27316, *102-54 Stockholm.*
- SWITZERLAND — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, *3001 Berne.*
- SYRIAN ARAB REPUBLIC — Syrian Red Crescent, Bd Mandi Ben Barake, *Damascus.*
- TANZANIA — Tanzania Red Cross Society, Upanga Road., P.O.B. 1133, *Dar es Salaam.*
- THAILAND — Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok.*
- TOGO — Togolese Red Cross Society, 51, rue Boko Soga, P.O. Box 655, *Lomé.*
- TONGA — Tonga Red Cross Society, P.O. Box 456, *Nuku'alofa.*
- TRINIDAD AND TOBAGO — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain, Trinidad, West Indies.*
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis.*
- TURKEY — Turkish Red Crescent, Yenischir, *Ankara.*
- UGANDA — Uganda Red Cross, Plot 49, South Street, P.O. Box 494, *Kampala.*
- UNITED KINGDOM — British Red Cross, 9, Grosvenor Crescent, *London, S.W.1X 7EJ.*
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo.*
- U.S.A. — American National Red Cross, 17th and D. Streets, N.W., *Washington, D.C. 20006.*
- U.S.S.R. — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow, 117036.*
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado 3185, *Caracas.*
- VIET NAM (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Bà-Triêu, *Hanoi.*
- WESTERN SAMOA — The Western Samoa Red Cross Society, P.O. Box 1616, *Apia.*
- YEMEN (Arab Republic) — Yemen Red Crescent Society, P.O. Box 1257, *Sana'a.*
- YEMEN (People's Democratic Republic) — The Yemen Red Crescent Society, P.O. Box 455, *Aden.*
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, *11000 Belgrade.*
- ZAIRE — Red Cross of the Republic of Zaire, 41, av. de la Justice, B.P. 1712, *Kinshasa.*
- ZAMBIA — Zambia Red Cross, P.O. Box 50 001, 2837 Breatwood Drive, *Lusaka.*
- ZIMBABWE — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare.*