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The **International Committee of the Red Cross (ICRC)**, together with the League of the Red Cross and Red Crescent Societies and the 145 recognized National Red Cross and Red Crescent Societies, is one of the three components of the International Red Cross and Red Crescent Movement.

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.

*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.

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

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# The “General Principles” of humanitarian law according to the International Court of Justice

by Rosemary Abi-Saab

In its Judgment of 27 June 1986 in the case concerning “*Military and Paramilitary Activities in and against Nicaragua*”<sup>1</sup>, the International Court of Justice dealt at length with some of the most vexed questions in humanitarian law. Although the Court had previously touched upon certain problems in this legal field, for example in the *Corfu Channel case*<sup>2</sup> and that of the *Pakistani Prisoners*<sup>3</sup>, this was the first time it expressed itself in detail on more general issues, notably on the customary nature of the “general principles” of humanitarian law.

This approach, whose essential purpose is to ensure respect for the general principles of humanity in all circumstances, is in line with the concern felt at the present time by those engaged in the theory and practice of humanitarian law, in the face of repeated violations of the rules to which most States have nevertheless expressly subscribed, since participation in the Geneva Conventions is virtually universal. The problem is extremely acute and efforts have been made to determine whether the obligation to respect humanitarian law (and hence condemnation of its violations) might not derive from the existence and recognition of “general principles” which would be binding in all circumstances, whether or not the States concerned were party to the Conventions and whether or not there were any doubts as to the applicability of the Conventions

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<sup>1</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, I.C.J. Reports 1986, p. 14.

<sup>2</sup> *Corfu Channel case*, Merits, I.C.J. Reports 1948, p. 4.

<sup>3</sup> *Trial of Pakistani Prisoners of War*, I.C.J. Reports 1973, p. 344.

as treaties in certain circumstances. It is a question of political rather than legal strategy: by reducing the obligations of humanitarian law to a certain number of general principles, it is easier to see whether essentials have been violated and from the tactical point of view of scrutiny of application, it becomes possible to look beyond the details of the texts and concentrate on what is clear and fundamental.

What then would these principles be? How can they be distilled from the existing body of rules without reducing its content exclusively to these general principles? These are some of the questions now under discussion, with a very specific concern in mind: namely to bring out more clearly the obligations of States and the possible violations of humanitarian law and to ensure absolute respect for minimum standards of humanity in all circumstances, even where the situation is not formally covered by the humanitarian law embodied in the Conventions.

In this context, it is especially interesting to follow the reasoning set out by the Court in its recent Judgment which, as we shall see, has brushed aside previous doubts on the subject, in order to reach the conclusion that humanitarian law has a customary character, in other words that it belongs to general international law, and this no doubt will afford better protection for the victims.

### **The American reservation**

In the case under consideration, the Court decided to base its reasoning on customary law because of the American reservation concerning multilateral treaties. This reservation led the Court, throughout its Judgment, to relate the alleged violations to customary law and not to the relevant provisions of the Conventions.

The declaration by the United States accepting the compulsory jurisdiction of the Court under the "Optional Clause" of the Court's Statute contains a reservation which excludes:

"disputes arising under a multilateral treaty, unless: 1) all parties to the treaty affected by the decision are also parties to the case before the Court, or 2) the United States of America especially agrees to the jurisdiction"<sup>4</sup>.

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<sup>4</sup> *Military and Paramilitary Activities...*, para. 42. At the time this reservation was made, the original English text gave rise to numerous difficulties of interpretation; see Maus, Bertrand, *Les réserves dans les déclarations d'acceptation de la juridiction obligatoire de la Cour internationale de Justice*, Geneva, Droz, 1959.

This exclusion of multilateral treaties has obvious consequences for the content of the law applicable to the dispute. But, in the Court's view, the fact that principles "have been codified or embodied in multilateral conventions does not mean that they cease to exist and to apply as principles of customary law"<sup>5</sup>. The Court also recalls that "The existence of identical rules in international treaty law and customary law has been clearly recognized by the Court in the North Sea Continental Shelf cases"<sup>6</sup>.

Accordingly, the Court does not consider it necessary to decide upon the applicability of the American reservation and, in particular, on exclusion of the applicability of the Geneva Conventions to the present case<sup>7</sup> since in its view "the conduct of the United States may be judged according to the fundamental general principles of humanitarian law..."<sup>8</sup>.

### **"Elementary consideration of humanity" and "fundamental general principles of humanitarian law"**

Paradoxically, the most flagrant violation of humanitarian law, the mining of Nicaraguan ports by the United States, was the easiest point for the Court to deal with and did not lead to detailed discussion. In this field, customary law is very explicit and well established, since the Nuremberg Tribunal declared The Hague Conventions and Regulations of 1907 to be part of customary law. It was in this context that the Court spoke first of a violation of the "principles of humanitarian law":

"... if a State lays mines in any waters whatever in which the vessels of another State have rights of access or passage and fails to give any warning or notification whatsoever, in disregard of the security of peaceful shipping, it commits a breach of the principles of humanitarian law..."<sup>9</sup>

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<sup>5</sup> *Military and Paramilitary Activities...*, para. 174.

<sup>6</sup> *Ibid.* para. 177.

<sup>7</sup> The Court speaks in this connection of the Geneva Conventions applicable to the *settlement* of the dispute (para. 217), whereas the Conventions are concerned with the protection of the victims and the conduct of belligerents.

<sup>8</sup> *Military and Paramilitary Activities...*, para. 218.

<sup>9</sup> *Ibid.*, para. 215.

However, although the Court acknowledged at the outset that the mining of ports led to its “examination of the international humanitarian law applicable to the dispute”<sup>10</sup>, it did not refer explicitly to humanitarian law in its subsequent examination of this question, notably in the operative part of the Judgment, where it simply stated in Point 6 that:

“... by laying mines in the internal or territorial waters of the Republic of Nicaragua during the first months of 1984, the United States of America has acted, against the Republic of Nicaragua, in breach of its obligations under customary international law not to use force against another State, not to intervene in its affairs, not to violate its sovereignty and not to interrupt peaceful maritime commerce.”

This brief reference to the mining of the ports nevertheless deserves special attention since the Court notes that it expressed itself in the same way in the *Corfu Channel* case in speaking of:

“certain general and well recognized principles, namely: elementary considerations of humanity, even more exacting in peace than in war...”<sup>11</sup>

It is on the basis of this statement that the recent Judgment makes the transition from “elementary considerations of humanity” to the “general principles” of humanitarian law. By referring both to the “principles of humanitarian law underlying the specific provisions of Convention No. VIII of 1907”<sup>12</sup> and to its pronouncement in the *Corfu Channel* case, to establish the existence of a violation of humanitarian law, the Court appears to make no distinction between “considerations of humanity” and the “general principles of humanitarian law”. This could create an impression that there is confusion of two ideas which are generally considered to have different content. Bearing in mind the ultimate objective to be attained in the use of such concepts, however, the distinction between them does not appear to be absolutely fundamental. “Considerations of humanity” would thus represent general principles, or an ethical or moral basis, applying in all circumstances, in times of peace as well as in times of armed conflict. The more specific “principles of humanitarian law” would be those im-

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<sup>10</sup> *Ibid.*, para. 216.

<sup>11</sup> *Ibid.*, para. 215.

<sup>12</sup> *Ibid.*

plementing the principles of humanity in circumstances of actual or potential armed conflict. The principles of humanitarian law may also constitute a new stage following on that of “considerations of humanity”, in the crystallization and specification of the reasoning of the Court on the matter through its own jurisprudence.

## **The general principles of humanitarian law**

When the Court reaches the point of defining more fully what it means by the “fundamental general principles of humanitarian law” (which it regards as corresponding to what it called “elementary considerations of humanity” in 1949), it identifies them with the rules set forth in Article 3, common to the four Geneva Conventions, which deals with armed conflicts of a non-international character. According to the Court, these rules constitute a minimum, applicable in all circumstances, including *international* armed conflicts<sup>13</sup>.

This approach may present a problem, since the substance of Article 3 is generally regarded as the minimum applicable in *internal* conflicts, in which the parties are also encouraged to apply other provisions of the Geneva Conventions through special agreements. In international conflicts, on the other hand, the Conventions apply in their totality, in the form in which they have been accepted by all the States subscribing to them. Experts on these questions have always avoided referring to a “minimum” of rules applicable in international conflicts. It is, moreover, for this reason that not all experts agree on the desirability of encouraging a search for “general principles” of humanitarian law, lest the Geneva Conventions be reduced to a few rules deemed essential, at the expense of others of equal importance, especially the rules of implementation; for fear, in other words, of reducing the whole body of humanitarian law applicable to international conflicts to this minimum of principles, to the detriment of the numerous more specific rules of humanitarian law applying to conflicts of this type.

However, in order to grasp the full significance of the Court’s reasoning, we have to consider it in the context of the specific

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<sup>13</sup> *Ibid.*, para. 218.

problem that the Court had to resolve. What it sought to establish in this case was that the alleged actions in any event fell within the minimum standards applicable in all circumstances, whether the conflict was international or not<sup>14</sup>. It should be noted that the Court was aware of the danger mentioned above and immediately added that, in the case of international conflicts, this minimum applicable in all circumstances is independent of “the more elaborate rules which are also to apply to international conflicts”<sup>15</sup>.

The Court thus surmounted the problem by establishing a direct linkage—indeed a continuity—between the minimum principles and the Conventions as a whole, by considering the latter to be only the expression, and in certain respects the development, of these principles, with the difference between the general (or minimum) principles and the rest of the Conventions lying only in their respective degree of specificity.

The approach which had previously been followed in identifying the general principles of humanitarian law was thus reversed. For the Court, the point was not to attempt, as some experts have done, to seek in the Geneva Conventions those provisions which might be described as general principles applicable in all circumstances, but rather to regard the Conventions themselves as instruments which simply express or develop such general principles.

Have the Conventions thus become, with the passage of time, the expression of an independent customary law consisting of these general principles, as the Nuremberg Tribunal said of The Hague Regulations? This question is important, in that it affects the extent to which the Geneva Conventions are considered binding. Judge Jennings, in his dissenting opinion, declined to give an affirmative answer:

“... there must be at least very serious doubts whether those Conventions could be regarded as embodying customary law. Even the Court’s view that the common Article 3, laying down a ‘minimum yardstick’ for armed conflicts of a non-international character, and applicable as ‘elementary considerations of humanity’, is not a matter free from difficulty”<sup>16</sup>

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<sup>14</sup> *Ibid.* para. 219: “Because the minimum rules applicable to international and to non-international conflicts are identical, there is no need to address the question whether those actions must be looked at in the context of the rules which operate for the one or for the other category of conflict.”

<sup>15</sup> *Ibid.*, para. 218.

<sup>16</sup> *Ibid.*, Dissenting opinion of Judge Jennings, p. 537.

Likewise, in his individual opinion, Judge Ago said he was:

“most reluctant to be persuaded that any broad identity of content exists between the Geneva Conventions and certain ‘fundamental general principles of humanitarian law’, which, according to the Court, were pre-existent in customary law, to which the Conventions ‘merely give expression’ or of which they are at most ‘in some respect a development’.”<sup>17</sup>

Even so, does not the virtually universal participation in the Geneva Conventions raise them to the status of general international law, whether we call it customary law or something else?

### **The obligation to “ensure respect” for humanitarian law**

Recourse to the general principles of humanitarian law in this case was found to be necessary with regard to the obligation to “ensure respect” for humanitarian law.

Nicaragua had complained of acts committed on its territory against civilians and, in particular, acts of assassination, torture, kidnapping and the execution of prisoners. It had also complained of the production and distribution of a manual on “Psychological Operations in Guerrilla Warfare” and of a second publication (on which the Court did not express a view), entitled “Freedom Fighter’s Manual”, with the subtitle, “Practical guide to liberating Nicaragua from oppression and misery by paralysing the military-industrial complex of the traitorous marxist state without having to use special tools and with minimal risk for the combatant”<sup>18</sup>. According to Nicaragua, these publications were the work of the CIA (which the Court considered to be an established fact with respect to the first publication<sup>19</sup>) and for which it held the United States to be responsible.

Although the Court considered that acts by the *Contras*, and their possible violations of humanitarian law resulting from incitements in the manual, could not be attributed to the United States, it nevertheless concluded that the United States violated the princi-

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<sup>17</sup> *Ibid.* Individual opinion of Judge Ago, para. 6.

<sup>18</sup> *Ibid.*, Judgment, para. 117.

<sup>19</sup> *Ibid.*, para. 118.

ples of humanitarian law by producing and distributing the manual. The Court noted that the United States, under Article 1 of the Conventions, was obliged to “respect and ensure respect” for the Conventions, an obligation which, in the Court’s view, did not derive only from the Conventions themselves, “but from the general principles of humanitarian law to which the Conventions merely give specific expression”.<sup>20</sup> By encouraging persons or groups of persons, through the distribution of the manual, to act in violation of the provisions of humanitarian law, the United States would thus, according to the Court, have violated one of the general principles of humanitarian law, namely to respect and ensure respect for the Conventions.

In this connection, it is interesting to note that in the same Judgment, in the context of Article 51 of the United Nations Charter, the Court considered that the principle of self-defence, in its normative component, belongs to general international law, whereas the obligation to inform the Security Council, being a procedural obligation, is merely of a conventional nature.<sup>21</sup>

However, the obligation in Article 1, common to the four Geneva Conventions, to “ensure respect” for humanitarian law—which could have logically been regarded as part of the procedure for implementing the Conventions rather than as part of their normative provisions—was held by the Court to be inseparable from the basic obligations and was consequently recognized as a general principle. This is especially important in the context of the responsibilities of third parties and the international community in general in the face of violations of the Conventions. There is, moreover, a parallel in the reasoning of the Court on this point with that expressed in its advisory opinion on reservations to the Convention on Genocide:

“The objects of such a convention must also be considered... In such a convention the contracting States do not have any interests of their own; they merely have, one and all, a common interest, namely, the accomplishment of those high purposes which are the *raison d’être* of the convention. Consequently, in a convention of this type one cannot speak of individual advantages or disadvantages to States, or of the maintenance of a perfect contractual balance between rights and duties. The high

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<sup>20</sup> *Ibid.*, para. 220.

<sup>21</sup> *Ibid.*, para. 200.

ideals which inspired the convention provide, by virtue of the common will of the parties, the foundation and measure of all its provisions.”<sup>22</sup>

The Court thus resolved one of the major problems of present-day humanitarian law by affirming what experts have long hesitated to assert, much as they would like to, namely that the fundamental general principles of humanitarian law belong to the body of general international law, in other words, that they apply in all circumstances, for the better protection of the victims.

Even though the Judgment may be criticized, here and there, for its unusual handling of the terminology and concepts of humanitarian law, and sometimes for its over-hasty conclusions, the reasoning underlying it is nevertheless solidly rooted in the logic and dynamics of international law. Accordingly, it makes a major contribution to consolidating the status of humanitarian law as it faces the challenges of the world today.

**Rosemary Abi-Saab**

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**Rosemary Abi-Saab** has a doctorate from the University of Geneva (Graduate Institute of International Studies). She is the author of *Droit humanitaire et conflits internes—Origines et évolution de la réglementation internationale* (Henry Dunant Institute, Geneva, Editions A. Pedone, Paris, 1986, 280 pp. 120 French francs). A review of this book was published in the *International Review of the Red Cross* (No. 254, September-October 1986, p. 306). Mrs. Abi-Saab has also held the post of Senior Research Officer for the Independent Commission on International Humanitarian Issues.

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<sup>22</sup> *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion of May 28th, 1951*, I.C.J. Reports, 1951, p. 23.

# The Canadian Red Cross Society and the Protocols additional to the Geneva Conventions

by **Brian Smith**

The Canadian Red Cross Society has strongly supported the adoption of the Protocols additional to the Geneva Conventions of 12 August 1949 as *logical, essential extensions* of the Conventions. The Protocols bring the Conventions of 1949 up to date. They make the true application of international humanitarian law (IHL) in armed conflicts relevant, meaningful and possible in the modern world to fulfil its ultimate aim—to provide protection and assistance to *all victims of all conflicts*.

The adoption of the Protocols reinforced and enhanced the Society's activities in disseminating more information on international humanitarian law among all Canadians. To this end, the Society has addressed and examined its dissemination activities and is attempting to increase both the "quality and quantity" of this activity, both internally and externally.

## **The Canadian Government**

Since 1977 the Canadian Government has been studying and examining the Protocols with a view to ratification.

An Interdepartmental Committee of the Canadian Government was formed to examine the Protocols and to make recommendations for the Canadian Government to adopt. The Committee's tasks have been completed and its recommendations are currently under review.

## The Canadian Red Cross Society

The Canadian Red Cross has taken every opportunity and situation to encourage the Canadian Government to ratify the Protocols—in *toto* and without reservation.

The Society has undertaken a variety of activities not only to encourage ratification by the government but also to draw attention, to educate and to inform the public about the Geneva Conventions and the Protocols.

In 1985, in co-operation with the Federal Government's Department of the Secretary of State, the Society undertook a mass education programme for secondary school students. This programme, entitled "*What's Fair*", consists of a students' book and an extensive teachers' guide and was distributed to secondary school students across the country.

A nation-wide public awareness programme accompanied the launching and distribution of *What's Fair*.

This programme included: posters, television and radio announcements, public transit posters, extensive mailing to relevant individuals and organizations across the country, presentations (including copies of the Geneva Conventions and the Additional Protocols) to provincial Lieutenant Governors and other high-ranking government officials.

*What's Fair* is still in wide-spread use and enjoying a large measure of success.

Both internally and externally every opportunity is used to present information on the Conventions and Protocols. Indeed the Canadian Red Cross Society (CRCS) conducts briefing and training sessions for prospective Canadian Red Cross field delegates in preparation for overseas missions as well as orientation programmes for new Red Cross employees/volunteers.

Wherever and whenever relevant when talking about the Red Cross to the general public and others, explanations of the Conventions and Protocols are made and given to increase understanding and awareness, particularly of the role of the Protocols in the conflicts of the modern world. Guided by this aim, the CRCS disseminates IHL publications and educational resource packages produced by the International Committee of the Red Cross to our Divisions, libraries of schools and universities, medical circles, the Armed Forces, government officials, and the general public. A CRCS volunteer with expertise in IHL participated in the Seminar

on Dissemination for European and North American National Societies June 8-11, 1986, in Vienna.

For many years the CRCS has promoted the IHL course for law students which is held yearly in Warsaw under the joint auspices of the ICRC and the Polish Red Cross. The CRCS contacts major law faculties of several Canadian universities in order to recruit potential candidates for this course.

During the summer of 1985 and 1986 the CRCS provided a Red Cross speaker to the Summer Course on Human Rights which is held by the Canadian Human Rights Foundation every summer at the University of Prince Edward Island and will do so again this year.

In addition to contributing to the two aforementioned courses the CRCS participates and lectures in the annual Basic Law Armed Conflict Course organized by the Judge Advocate General of the Department of National Defence of Canada.

**Brian Smith**

*Volunteer*

*The Canadian Red Cross Society*

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## Visits by Heads of State to the ICRC

### ● *VISIT BY THE PRESIDENT OF THE ARGENTINE REPUBLIC*

Mr. Raúl Alfonsín, President of the Argentine Republic, visited ICRC headquarters on 10 June. He was received by Mr. Cornelio Sommaruga, President of the ICRC, accompanied by members of the International Committee and the Directorate. Several representatives of the City and Canton of Geneva were also present.

In his welcoming speech, Mr. Sommaruga praised the Argentine head of state as a staunch defender of human rights. He spoke of the close relations which existed between the ICRC and Argentina during a painful recent period of that country's history. For example, the ICRC visited up to 4,000 security detainees in Argentina, bringing them solace and an opportunity to communicate with their families. Mr. Sommaruga also recalled that during the South Atlantic conflict, ICRC delegates provided medical and other help to thousands of prisoners before they were repatriated. Mr. Alfonsín's Government was praised for its recent ratification of the two Protocols additional to the Geneva Conventions which were adopted ten years ago. Mr. Sommaruga also paid tribute to the excellent work of Argentine Red Cross volunteers.

In his reply, the Argentine President declared that he had come to ICRC headquarters to express his country's gratitude toward the institution both for what it had accomplished in the wake of excesses committed under the military regime and for its work during the South Atlantic conflict. The ICRC's activities contributed to safeguarding basic human values, he said. Although it was not always possible to reach the objective, for example finding someone who has disappeared, the ICRC would always be able to count on Argentina's support in its undertakings.

During his visit, Mr. Alfonsín was accompanied by several senior Argentine officials including Mr. Dante Caputo, his Minis-

ter of Foreign Affairs, and Mr. Leopoldo Tettamanti, Argentina's Permanent Representative to the Office of the United Nations at Geneva.

The visit ended with a private meeting between Mr. Alfonsín and Mr. Sommaruga.

- *VISIT BY THE PRESIDENT OF THE PORTUGUESE REPUBLIC*

Mr. Mario Soares, President of the Portuguese Republic, was received at ICRC headquarters on 16 June by President Sommaruga and members of the International Committee and the Directorate. The Vice-President of the Geneva State Council and the Mayor of Geneva were also present, as was Mr. Enrique de la Mata, the President of the League of Red Cross and Red Crescent Societies.

In his welcoming speech, President Sommaruga hailed Mr. Soares as a statesman who had fought for social justice and respect for human dignity and had himself suffered political detention and exile. Mr. Sommaruga spoke of the ICRC's work in situations of armed conflict and those of internal disturbances and tension and mentioned that it was the tenth anniversary of the adoption of the Additional Protocols.

In his reply, Mr. Soares expressed his esteem and gratitude for the work of the International Red Cross and Red Crescent Movement in general and that of the ICRC in particular. He emphasized the latter's activities in aid of prisoners and victims of conflicts in former Portuguese colonies in Africa and Asia. He also spoke in favour of his Government ratifying the Protocols.

Mr. Soares was accompanied during his visit by several senior Portuguese officials including Ambassador Antonio Costa Lobo, Portuguese Permanent Representative to the Office of the United Nations at Geneva.

The visit ended with a private meeting between Mr. Soares and Mr. Sommaruga.

- *VISIT BY THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF THE CONGO*

The President of the People's Republic of the Congo and current Chairman of the Organization of African Unity (OAU), Denis

Sassou Nguesso, and Madame Sassou Nguesso, visited the headquarters of the ICRC on 9 July. They were received by the ICRC President, Mr. Cornelio Sommaruga.

His Excellency Sassou Nguesso, accompanied by two members of his Government, discussed various humanitarian issues of particular concern to Africa during a private meeting with Mr. Sommaruga and senior ICRC officials.

The OAU's Council of Ministers adopted in July 1986, for the first time in its history, a resolution expressing the support of Africans for the humanitarian work carried out by the ICRC. The resolution called on OAU Member States to assist the ICRC in its work by granting it all the necessary means to fulfil its mandate, as defined by the Geneva Conventions (see *International Review of the Red Cross*, No. 254, September-October 1986, pp. 296-297).

President Sommaruga emphasized that Africa is at present the main area for ICRC activities, both from the point of view of the number of armed conflicts, internal troubles or tensions requiring its intervention, and the number of people operating in the field.

The ICRC has delegations in 14 African countries, with 176 delegates and several hundred locally-recruited employees.

*EXTERNAL ACTIVITIES**May - June 1987***Africa****Ethiopia**

In May the Ethiopian Government authorized the ICRC delegation in Addis Ababa to resume in part its activities in northern Ethiopia, where the ICRC's assistance operation had had to be suspended in December 1986 by order of the Ethiopian authorities.

In June distributions of relief supplies were resumed in Eritrea, the province most affected by drought, and Tigré, where the situation appears to be less serious. Between July and October, however, before harvesting starts, there may be a steady increase in the needs of the civilian population in the northern provinces, particularly as the rains have not yet begun and an invasion of migratory locusts threatens especially those regions in which insecurity makes direct supervision impossible. The ICRC has therefore drawn up a programme of action which it intends as a substantial contribution to locust control.

**Southern Sudan**

Construction of the ICRC field hospital at Lopiding, near Lokichokio, was finished on 26 May. For more than a year ICRC delegates have been assisting victims of the conflict in Southern Sudan, just over the border, from the village of Lokichokio in north-west Kenya. The new 40-bed hospital, intended mainly for Sudanese war wounded, was built by the ICRC; the Finnish Red Cross supplied all its equipment and sent out an experienced nurse to install it.

## Uganda

The ICRC delegation in Kampala was granted access to the military hutments at Gulu in April; to the prison for women at Luzira, Kampala, where it carried out a complete visit from 19 to 22 May; and to Kyrinia prison at Jinja, in which more than a thousand prisoners are being detained by the Ugandan army (NRA). Here too it carried out a complete visit, from 12 June to 8 July.

Delegates working in disturbed areas have continued their efforts to protect civilians from the ill-treatment inflicted on them by the combatants, cattle thieves and other armed groups. Allegations of ill-treatment are reported to the authorities, who have agreed to make inquiries and do the necessary.

The delegates were however obliged to leave Gulu on 1 May and Lira on 10 June. They have not yet been able to return, and discussions are under way with the Ugandan authorities in the hope of reaching agreement.

The ICRC continues to monitor the needs of displaced persons in the towns of northern and eastern Uganda, where such persons lack vitally necessary supplies and are being issued with cooking utensils, blankets and limited quantities of food. In May 7,500 persons were assisted in Lira, and relief to the destitute has also been distributed in Soroti, Mbale, Kumi and the capital.

## Mozambique

Further to its evaluation missions in the field from April onwards, the ICRC delegation in Mozambique has launched a programme of assistance to displaced civilian populations in five provinces affected by the present conflicts. This operation will be pursued on a growing scale in about 20 districts of Zambezia, Sofala, Nampula, Niassa and Tete provinces, with the close co-operation of the "Mozambique Red Cross". In addition to recently displaced families it assists (a) patients undergoing treatment in medical centres who are not being sufficiently fed, and (b) children suffering from malnutrition, who are to be given rations of enriched food in local clinics and hospitals.

A medical programme comprising supplies of drugs, consultations and advice at existing centres, and evacuation of wounded and sick has also been started. Groups of recently displaced fam-

ilies will be given temporary food aid and essential articles (blankets, food and soap).

The ICRC will continue to regularly monitor the nutritional condition of the displaced persons, so as to evaluate their needs and assess the effect of its distributions. The delegation also hopes to be able to extend its operations to areas at present inaccessible for logistic reasons or because they are unsafe.

## **Latin America**

### **Peru**

In Peru, especially in the Ayacucho emergency area, the ICRC has not since the beginning of 1987 been able to work in the same way as in 1986. It has repeatedly made representations to the civil and military authorities at all levels so that this state of affairs may be remedied.

Elsewhere than in the Ayacucho emergency area the traditional visits to those prisons responsible to the Ministry of Justice have continued to take place regularly, and with the co-operation of the prison authorities the detainees have been given food aid and medical attention, especially in Lima's two big prisons at Lurigancho and Canto Grande.

### **Suriname**

A delegate from Geneva carried out a mission in Suriname from early May to late June and was later joined by a doctor. The ICRC's regional delegate in Bogotá took part in the beginning of the mission.

The persons detained by the government on account of the troubles were visited on two occasions at two places of detention in the capital. Seven persons detained by the rebels were also visited. The ICRC delegates saw to the exchange of family messages between the detainees and their relatives.

Evaluations of the plight of the civilian population were made in the Moengo area in north-east Suriname and in the Lake Brokopondo area, but an assistance operation was not considered

necessary as yet. The medical delegate investigated the needs of hospitals in the capital in preparation for possible ICRC assistance.

The sites chosen by the Suriname authorities for the resettlement of returnees from French Guyana were visited during the mission, and talks were held with various refugee groups to ascertain whether they were willing to return to their home country.

In consequence of this mission the ICRC proposed to the Suriname authorities that it should open a delegation in Paramaribo to assist detainees and regularly evaluate the plight of the civilian population in areas of conflict.

### **El Salvador**

The ICRC continued its visits to security detainees in the places of detention responsible to security organizations, the armed forces or the Ministry of Justice. In June it also visited three persons detained by the opposition, one of whom was set free and handed over to the ICRC.

By agreement between both parties to the conflict, at the end of June the ICRC organized the transfer abroad for medical treatment of 98 war invalids opposed to the government.

All ICRC programmes of assistance to civilian victims of the conflict have continued, but ICRC protection of and assistance to civilians has been limited by its being unable because of military operations to gain access to all areas of conflict, particularly north of Morazán and Chalatenango.

The first phase of the "Agricultural Programme" started in February and ended in May after distributing 2,552 tonnes of maize seed, fertilizer and insecticides to 12,647 families. After technical investigations by ICRC agricultural experts the second phase will begin in July, when other kinds of seed will be distributed.

### **Nicaragua**

In May and June detainees were visited in Managua's two main prisons, in Esteli, Granada, Juigalpa, Matagalpa and Chinandega prisons, and in the semi-open prisons known as "granjas". The total number of detainees visited by ICRC delegates was 4,082.

All programmes of assistance to detainees, their distressed families and the civilian population were continued.

## **Cuba/Haiti**

At the request of the Cuban Red Cross 47 nationals of Haiti who had been shipwrecked off the coast of Cuba and wanted to return home were repatriated on 8 June under ICRC auspices, with the co-operation of the Red Cross Societies of Cuba and Haiti.

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During the period under review the ICRC's regional delegations in Latin America went on mission to various countries to maintain their relations with the authorities and National Societies, visiting the Bahamas, Belize, Bolivia, Ecuador, Guatemala, Jamaica, Mexico and Panama. A special reason for their visit to Panama was to discuss with the National Society the results of the imposition of a state of emergency on 11 June.

## **Asia**

### **Kampuchean conflict**

Fighting continued during May and June, mainly north of the Khmer-Thai border in the Nam Yun region and in the south near Borai and Site 8. On 29 May, part of the Site 2 camp (200,000 inhabitants) was hit by several shells and the ICRC immediately organized the evacuation of 20 wounded people to the Khao I Dang surgical hospital. Following this incident, the Thai authorities were approached with the request that they consider evacuating the camp in the event of fighting or acute military tension. May and June were generally very busy months for the ICRC hospital in Khao I Dang with 419 patients admitted, 159 of them wounded by the fighting.

A third report setting out the ICRC's concerns regarding protection on the Khmer-Thai border was submitted on 24 June to the Thai authorities. Among other things, the report reaffirms the necessity of moving civilians away from areas where fighting is taking place and of preserving the civilian character of the camps. It also reiterated the ICRC's desire to have regular access to all the civilian border camps.

### **People's Republic of Kampuchea**

Since mid-May, an ICRC surgical team consisting of a surgeon, an anaesthetist and a nurse, all recruited in Poland, has been working at the Kampot hospital. The team has been sent there for a trial period of four months and its main tasks are to perform general surgery and train locally recruited staff in hospital care.

### **Viet Nam**

A dissemination seminar organized jointly by the Red Cross of Viet Nam and the ICRC was held in Hanoi from 23 to 26 June. It brought together national Red Cross representatives from 19 provinces in the northern part of the country as well as many other guests. Several talks were given on the history of the Red Cross, international humanitarian law and the mandate and activities of the ICRC. These met with great interest.

### **Indonesia**

The ICRC continued to organize the repatriation to Portugal of former officials of the Portuguese administration in East Timor and their families. Two groups (of 27 and 28 persons respectively) were able to return to Lisbon under ICRC auspices, one on 5 May and the other on 30 June.

From 9 to 21 May, ICRC delegates working together with the Indonesian Red Cross Society provided food aid (maize and cooking oil) to more than 1,200 persons who had just returned to their village on East Timor after being displaced in 1981.

### **Philippines**

On 5 May, a Red Cross team made up of one delegate and one male nurse from the ICRC and five nurses from the Philippine National Red Cross working in a joint programme were abducted by armed elements in the province of Lanao del Sur (Mindanao). They were returning to their base in Cagayan de Oro after distributing relief supplies to displaced persons.

The ICRC immediately did everything possible, at both national and local level, to secure their rapid release. The nurses

from the Philippine National Red Cross and the delegate, Alex Braunwalder, were released one by one between 5 and 10 May; Jacky Sudan, the ICRC nurse, was released unconditionally and in good health on 26 May.

In spite of this incident, the ICRC continued its usual activities (visiting prisoners, carrying out surveys, distributing relief supplies, conducting dissemination) throughout the country in accordance with its humanitarian mandate and with the co-operation of the National Society.

## **Fiji**

Following the *coup d'état* of 14 May, the ICRC has remained in daily contact with the Fiji Red Cross Society and the regional delegate based in Jakarta went to Suva on 24 May. There he met several government officials and assured them of the ICRC's availability should the situation require it.

## **Conflict in Afghanistan**

The two ICRC orthopaedic technicians in Kabul began setting up the workshop provided by the Afghan Red Crescent Society. In addition, the ICRC's proposals for medical assistance to Red Crescent dispensaries and emergency surgical services were conveyed to the National Society in May. The Afghan authorities were informed of these proposals.

Because of increased fighting along the border, the ICRC surgical hospitals in Peshawar and Quetta admitted a large number of patients. The ICRC therefore decided in June to provide more staff for the hospital in Quetta.

## **Sri Lanka**

Concerned about the situation following the government offensive in the northern part of the Jaffna peninsula, the ICRC renewed its offer of services to the government in Colombo at the end of May with a view to bringing assistance to all the victims of the conflict.

## **Burma**

On 13 May, a new agreement was signed between the ICRC and the Burmese authorities enabling the ICRC to continue its orthopaedic activities in favour of amputees wounded in the fighting. The ICRC plays a major role in the training of locally recruited orthopaedic technicians and orthopaedic nurses. Since the beginning of the year, it has also been taking part in a second rehabilitation programme at the military hospital in Rangoon.

## **Europe**

### **The President's mission to Great Britain**

Mr. C. Sommaruga, President of the ICRC, visited London from 21 to 23 June at the invitation of the British Government. He was accompanied by Mr. A. Pasquier, Director of Operations, Mr. M. Veuthey, Delegate General for Europe and North America, and Mr. H.-P. Gasser, the ICRC's Legal Adviser and expert on the Additional Protocols. The objects of his mission were to discuss the prospects of ratification by Great Britain of the Additional Protocols, the financing of the ICRC and ICRC aid to detainees from Northern Ireland, and to describe the principal ICRC operations now under way. He had talks with Sir Geoffrey Howe, Secretary of State for Foreign Affairs, Mr. Tom King, Secretary of State for Northern Ireland, Mr. Christopher Patten, Minister for Development, and other senior officials.

During his mission the President of the ICRC also had talks with the Chairman, the Vice-chairman and directors of the British Red Cross Society and with 30 or so of the heads of its local branches.

## **Middle East and North Africa**

### **Iran/Iraq Conflict**

In *Iran* the first series of visits to Iraqi prisoners of war has continued with the visit in June by a team of seven ICRC delegates to the eighth camp in which some 10,000 prisoners of war are confined. Since such visits were resumed in Iran in December 1986

the ICRC has visited, in all, about 23,250 Iraqi prisoners of war, of whom it had already registered 21,068 before its work was suspended in 1984 and 1,700 were registered for the first time.

In *Iraq* two teams of ICRC delegates have continued their visits to Iranian prisoners of war. Between late April and early June they made a complete series of visits to 10 camps and one hospital. Since the war began the ICRC has registered 13,498 Iranian prisoners of war. Between 21 and 23 June ICRC delegates visited displaced Kurdish civilians at Al Tash camp near Ramadi, whom they had last visited in March.

### **Conflict in the Western Sahara**

Consequent upon the meeting in March between the ICRC regional delegate and Mr. Mohammed Abdelaziz, Secretary General of the Polisario Front, who then agreed in principle that the ICRC should be allowed to make a visit to the prisoners held by the Front, a team of delegates led by the regional delegate went on mission to the Sahara in June.

From 10 to 13 June three ICRC delegates, one of them a doctor, visited a contingent of 120 Moroccan prisoners. They also met Mr. Habiballah, President of the "Sahrawi Red Crescent", and on the same occasion had talks with Dr. Mouloud Belaouane, President of the Algerian Red Crescent.

### **Yemen Arab Republic**

Late in June a team of delegates left for Sana'a for another series of visits to security detainees.

### **Tunisia**

In June the regional delegate for North Africa paid two visits to Tunis, where he discussed the projected opening of a regional delegation of the ICRC in Tunis with Mr. Sadok Mokedem, President of the Tunisian Red Crescent, and H.E. Mr. Taieb Sahbani, Secretary of State for Foreign Affairs.

## Lebanon

Throughout May and June the ICRC continued to attend to the needs of the civilians affected by fighting wherever it occurred in the country, but especially those living in villages situated along the line demarcating the "security zone". The mobile clinics organized jointly by the ICRC and the Lebanese Red Cross to provide medical consultations for civilians living in villages along the "security zone" boundary which have no medical facilities carried on with their work as far as circumstances allowed, but dangerous conditions often prevented them from visiting the villages according to programme. Relief supplies—food, blankets and cooking utensils—were distributed to the worst-affected persons. Nearly 5,000 people were helped by this operation in May, and nearly 10,000 in June.

Throughout this period the ICRC had regular access to the Pelestinian camps in southern Lebanon, including the camp at Rachidieh, but was prevented from doing its usual medical and tracing work in the Beirut camps. War wounded and sick persons were evacuated from all the camps for treatment suitable to their condition; 12 wounded were transferred from Borj-el-Brajneh, Chatila and El Bass camps to Beirut airport, whence they were flown out of the country, and seven medical cases were evacuated from Rachidieh to hospitals in the Sidon area.

Visits to persons detained by various parties to the conflict also continued. In spite of its repeated representations the ICRC was unable to gain access to all the persons detained; it was in particular denied access to detainees in the "security strip", for example in Khiam prison. It was however given access to persons captured in northern Lebanon and detained in Israel contrary to the Fourth Geneva Convention, 44 of whom were detained, and visited by the ICRC in Israel, at the end of June.

The Delegate General for the Middle East visited Lebanon from 18 to 25 June to consult the delegation there. During his visit he twice met the President of the Lebanese Red Cross to discuss the problems facing the Society.

## Syria

Mr. M. Amiguet, the ICRC's new Delegate General for the Middle East and North Africa, visited Damascus from 14 to 18 June to introduce himself to the Syrian authorities and exchange views with them, especially on ICRC activities in Leba-

non. He was received by Dr. Abdel Raouf El Kassem, President of the Council of Ministers and Prime Minister, Mr. Dia Allah El Fattal, Deputy Minister for Foreign Affairs, and General Adnan Tayyara, head of the Syrian Arab Delegation. He was accompanied at all these interviews by the head of the ICRC delegation in Syria. He also had talks with Dr. Fouad Hamza, President of the National Society, on co-operation between the ICRC and that Society.

### **Israel and Occupied Territories**

The yearly complete series of visits to police stations in the occupied territories took place in May and June. ICRC delegates, one of them a doctor, visited 11 police stations containing 262 detainees nine of whom were detained for security reasons. The visits followed the ICRC's usual methods. The ICRC physician also visited hospitals and health services in the occupied territories to evaluate the health care situation.

The ICRC delegates also continued their usual duties of protection and assistance to protected persons, mainly in pursuance of the Fourth Geneva Convention relative to the Protection of Civilian Persons.

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# IN THE RED CROSS AND RED CRESCENT WORLD

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## ACTIVITIES OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

### **Recognizing the needs of the homeless and hungry in unexpected places— the United States**

*The phenomena of homelessness and hunger in the United States has received growing attention in the last ten years. As recent international focus on the millions of people starving throughout the world has increased, so has the American consciousness increased about the presence of hungry people in our own backyard. Few, if any, governmental or private agencies can now ignore or fail to recognize the needs of the homeless and hungry in the provision of services.*

*The American Red Cross has participated, as a member of the national voluntary human service delivery system, in the documentation of the homeless situation. American Red Cross chapters around the country have responded to the documented needs of the homeless and hungry with community-based programmes which reflect our fundamental commitment to the universal principle of service wherever and whenever it is necessary.*

*A review of the homeless phenomena in the United States and within the American Red Cross can be important to the Movement's overall understanding of the scope and indiscriminate nature of the problem. The following excerpts from recent American Red Cross publications is evidence that homelessness and hunger are found in unexpected places, i.e., the United States of America.*

### **Introduction**

The homeless, as individuals far outside the mainstream of society, have been increasing significantly in number since the early 1970s. They are, in many respects, a disenfranchised group, having few spokespersons or advocates for their problems, and essentially lacking political representation, since voter registration requires some kind of fixed address. The

magnitude of the problem is noted in a report to the National Association of Governors. The report states, "Not since the Great Depression have so many people faced survival at the margins of society."<sup>1</sup>

The "bag ladies," "grate men," and "street beggars" are perhaps the most visible, but they are only one group of the homeless. There are many others who, though less obvious, are equally impacted by being homeless and who, for a variety of reasons, may be even less likely to survive the rigors of such an existence.

The growing problem of involuntary homelessness requires special attention. Indeed, this problem has reached sufficient proportions to foster an area of specialization within the human services field.<sup>2</sup> There is mounting concern among leaders and planners at all levels that homelessness, for at least some individuals, is becoming a permanent state. The Red Cross clearly cannot solve this problem singlehandedly, but it is in an excellent position to provide positive leadership in realistically addressing this need.

### **How many people are homeless?**

Assessing the number of people who are homeless depends on the definition of homelessness, the methodology used to count these people, and when they are counted.

The dictionary simply describes them as "lacking a home."

Researchers define the homeless as "anyone without an address which assures them of at least the following thirty days' sleeping quarters which meet minimal health and safety standards."<sup>3</sup>

The National Governor's Association defines them as "persons or families who, on (any given) day or night, have neither friends, family, nor sufficient funds which will provide for certain elementary resources they need to survive."<sup>4</sup>

The U.S. Department of Health and Human Services definition of the homeless is: "Those who lack shelter and the financial resources necessary to acquire it, and who revert to seeking food and shelter from public or private facilities."<sup>5</sup>

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<sup>1</sup> *1933-1983—Never Again*. A report to the National Governor's Association Task Force on the Homeless, July 1983.

<sup>2</sup> For example, schools of social work are offering courses on the homeless.

<sup>3</sup> A report to the National Governors' Association Task Force on the Homeless, July 1983.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Homeless Briefing, Background, Analysis, and Options*, p. 1., U.S. Department of Health and Human Services. (No date.)

Varying definitions of homelessness lead to differing appraisals of the scope of the problem. Reliable data collection is nonexistent because methodology varies widely. Nor is there any one government agency that collects data on the homeless. Many organizations providing services to the homeless do not count individuals differently from families, nor do they count the different types of problem individuals—alcoholics, the elderly, and so on.

Even the most comprehensive attempt to study the homeless, prepared by the U.S. Department of Housing and Urban Development (HUD), Office of Policy Development and Research, has come under attack for its methodology. In its report, entitled "A Report to the Secretary on the Homeless and Emergency Shelters," HUD calculates the number of homeless based upon an estimate within a city or metropolitan area. However, what constitutes a metropolitan area is not defined. Without a clear definition of metropolitan area, many homeless people could be excluded. An undercount of the metropolitan population results in a lower projection of the total homeless population.

In all reports that consider the size of the problem, there are major discrepancies between local and national and between private and government studies generally resulting from different definitions and measurement systems. The HUD report, for example, distinguishes between the chronically homeless and the occasionally homeless. Yet, what percentage of people in emergency shelters are "chronically homeless" is not clear. However, it does appear that a significant number of persons need emergency services only at certain times, moving in cycles from boarding residences—when they have work—to the homes of relatives or friends, to the streets, to emergency shelters, to other temporary living arrangements, and back to emergency shelters.

The HUD report estimates the number of homeless to be from 192,000 to 586,000 persons, with the most commonly used figure being 250,000 to 350,000. In contrast, private organizations and the U.S. Conference of Mayors claim that there are more than three million homeless in America. All current national numbers are based on estimates, not on actual counts.

The HUD report further estimates that nation wide, "111,000 people can be housed on any given night in emergency shelters."<sup>6</sup> If we take a HUD figure of 350,000 homeless and compare it to 111,000 beds, then on any given night there is the possibility that 241,000 people do not receive

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<sup>6</sup> *A Report to the Secretary on the Homeless and Emergency Shelters*. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, May 1984, p. 34.

shelter. If the three million figure is correct, 110,000 beds do not begin to address the problem. In other words, no matter which estimate of the number of homeless is accepted, it is indicative of a serious problem.

There is general agreement that the homeless are more prevalent in large cities. But, the homeless population in some cities varies because of local economic conditions, location, and season. Some Western cities have a significant group of homeless who have migrated west seeking work.<sup>7</sup>

From the variety of estimates, we must conclude that no definitive demographic data on the homeless population will be available until standardized surveys provide reliable seasonal and annual estimations.

### **Who are the homeless?**

The traditional characterization of a homeless person is of a single, middle-aged, white, alcoholic male. While that may have been true some years ago, today the homeless are a much more heterogeneous group comprising single women and battered wives as well as men: people of all age groups (including runaway youths); blacks, hispanics and whites; those with alcohol-, drug-abuse, and mental-health-related problems; families as well as single persons; those who have never been employed (or who have been unemployed for a very long period of time), and those who are recently unemployed.<sup>8</sup>

In every respect, the homeless are a very diverse population. These diverse factors are generally represented in most major metropolitan areas of more than one million people. The homeless population does not vary significantly in composition in different parts of the country, except in the south-west where large numbers of American natives and hispanics are found. The U.S. Department of Health and Human Services describes the homeless population as having the following characteristics:<sup>9</sup>

- The homeless are in their mid-thirties, much younger than in the past when the average was the mid-fifties;
- Between 15 and 25 per cent are women, a percentage that seems to be increasing;
- Between 40 and 50 per cent are minorities, although racial and ethnic composition tends to reflect that of local areas;
- Family groups comprise 20 to 30 per cent;

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<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.* p. 22.

<sup>9</sup> *Homeless Briefing, Background, Analysis, and Options*, U.S. Department of Health and Human Services. (No date ) p. 5.

- Between 50 and 60 per cent remain in a single city for one or more years, although transiency is more significant in warmer climates;
- One-half to two-thirds have completed high school, and between 25 to 30 per cent have attended college.

All of these diverse types of individuals can be grouped into three major categories:

1. People with chronic disabilities—mental, physical, or both;
2. People who have experienced severe personal crises;
3. People who have suffered from adverse economic conditions.

These categories are not mutually exclusive. Some homeless individuals may display the characteristics of more than one group, or move from one group to another. The categories are described below:

*The chronically disabled.* According to the literature, people in this category are homeless because of the deinstitutionalization of mental patients. In 1955 there were 559,000 individuals in mental hospitals; in 1981 the figure had dropped to 125,000.<sup>10</sup>

There is considerable controversy about the annual percentage of homeless who are mentally ill. Nevertheless, they represent a significant percentage of the population.<sup>11</sup> Most of the mentally ill in shelters or on the streets cannot be admitted to mental hospitals because of restrictive admission policies.

Therefore, many mentally ill people go through a revolving door of emergency hospital, jails, and back to the streets. At the utmost, they receive short-term outpatient treatment. What chronically mentally ill people need are long-term living arrangements designed and operated specifically for them.

*People in crises.* The second major category of homeless persons comprises the following individuals or groups: battered women, one-parent families, the individual who has been released from jail, people with severe marriage or family problems, and runaway youths. Most of these people are considered to be homeless for a limited period of time. However, if they don't have or can't obtain the resources to resolve their crises, they risk continued homelessness.

*Economically impacted.* In the third major category are people who have suffered as a result of federal and state budget cuts and eligibility restrictions in programmes serving the poor (e.g., low-income housing, Aid to Families with Dependent Children, Medicaid, and food stamps). This group also includes individuals and families who have been evicted for nonpayment of rent, elderly people living on small pensions, and the

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<sup>10</sup> *Ibid.* p. 5.

unemployed as well as professionals and skilled workers who cannot find jobs.<sup>11</sup>

In this category are those people described as the “new poor.” These are individuals—many with families—who are unemployed and have exhausted all their personal resources and benefits. They are described as discouraged workers or underemployed and are no longer directly involved in the economy of the country.

The “new poor” also suffer from restrictive state and county regulations—along with the rest of the homeless—in that eligibility for general relief requires a permanent address. We can assume that many of these homeless people lack either knowledge of available services or how to obtain those services.

## **Why are people homeless?**

Homelessness is not a uniform phenomenon. Its causes are many and the proportional contributions of relevant factors vary from place to place.

The ultimate causes and precipitating factors that result in homelessness are sometimes difficult to distinguish. However, there are five reasons about which there is general consensus.

### *1. Deinstitutionalization of the mentally disabled*

In 1963 Congress passed the Community Mental Health Centers Act. The act was directed toward the release of mental health patients who were not a “danger to themselves or others.” Large numbers of psychiatric (including alcoholic and drug-abuse) patients were discharged with insufficient consideration of their residential placement outside of the hospital. In most states, no resources existed to maintain these people within the community. Community mental health centers do not provide for basic survival needs and often resist providing services to this type of person. In addition, owing to the restrictive admission criteria, there are a number of young adults suffering from chronic mental illness who have never been institutionalized.

Persons who are chronically mentally ill share much in common with other disadvantaged groups. However, they differ in one major respect. Chronic mental illness impairs their most basic thought processes, affecting how they perceive and relate to the world around them. It is therefore often difficult for them to recognize their own needs or to know how to seek out

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<sup>11</sup> *Op. cit.*, p. 7.

or utilize the kinds of services that may be available for other groups of disadvantaged persons.

## 2. *The shortage of low-income housing*

Over the grim statistics on homelessness looms the shadow of a housing crisis. Current estimates by the National Housing Law Project place the number of people who are involuntarily displaced from their homes each year at two-and-one-half million.<sup>12</sup> These individuals and families are casualties of revitalization projects, eviction, economic development projects, and demolition.<sup>13</sup>

A number of studies have shown how loss of housing can be the immediate precipitating cause of homelessness.<sup>14</sup> The major victims of displacement are the poor, the very people who have the fewest resources to absorb or recover from new hardship.

## 3. *Reduction in disability benefits*

Intensified reviews of eligibility and disability requirements, initiated at the federal level, have resulted in many people losing their benefits. The *Congressional Quarterly Weekly Report* estimates that 350,000 people had lost their disability benefits as of June 1983. When these benefits are terminated, people lose their primary or sole source of income. With no income and no prospect of a job, many are forced into homelessness. It should be noted that many people who lose their benefits often have neither the knowledge nor the ability to challenge the ruling.

## 4. *Low levels of assistance*

Those individuals and families who do receive some form of public assistance often do not receive enough to cover their basic needs or are eligible for a limited time only. Local welfare and food stamp programmes are not indexed to the cost of living. Welfare recipients must often make choices of whether to pay for food, rent, or utilities. Such choices are generally forced by an increase in rent or an eviction with no other affordable housing available.

Moreover, if the federal budget cuts or programme freezes proposed for fiscal year 1987 are adopted, States can be expected to further cut benefits and reduce eligibility.

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<sup>12</sup> *Displacement: How to Fight It*. National Housing Law Project, 1982.

<sup>13</sup> *One Year Later: The Homeless Poor in New York City 1982*. Community Service Society of New York, June 1982, p. 3.

<sup>14</sup> *Housing Restoration and Displacement*. Editorial Research Reports. Vol. II, pp. 361-380. *The Homeless: Growing National Problem*. Editorial Research Reports. Vol. II, pp. 796-800. October 1982.

If the community service block grants or Emergency Food and Shelter National Board Program (FEMA) monies are reduced, local voluntary and religious organizations and local governments will be hard pressed to assist in providing for the homeless.

### 5. *Domestic violence and homeless youth*

Intolerable family situations, especially the battered women and their children and what social workers describe as “throwaway” youths, have become a major problem in the last five years.<sup>15</sup> Unstable and violent home situations cause the victims to flee brutality and oppression without the means to care for themselves. The situation of battered women with children is desperate. Because of the lack of affordable housing, they have no option but to return to the abusive situation or to remain homeless.

### **What is being done for the homeless?**

Surprisingly little is known about the nature and extent of efforts to assist homeless people. To determine what is being done, one would have to review every local study done by cities, counties and private groups as well as state and national studies.

According to the HUD report, about 80 per cent of the city and county governments do at least *one* of the following:

- Operate shelters;
- Give money to private groups to operate shelters or other services;
- Lease or rehabilitate buildings for private shelter providers;
- Provide vouchers to homeless persons for use in hotels, motels, or apartments.

It should be noted that these are all temporary services.

Nearly all programmes for the homeless are dependent, in some way, upon federal funds that are channeled through FEMA, the Social Security Administration, or block grant programmes. Many programmes for the homeless are also run by voluntary, non-profit, or religious organizations.

Even homeless programmes conducted by the private sector are usually funded to some extent by public monies as well as charitable contributions and with an extensive use of volunteers. The use of volunteers has been demonstrated time and again to greatly expand the amount of services offered.

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<sup>15</sup> *1933/1983—Never Again*. A report to the National Governors Association Task Force on the Homeless, July 1983.

In a recent development, two charitable foundations, the Robert Wood Johnson Foundation and the Pew Memorial Trust, are funding programmes for the homeless. These two foundations are committing \$25 million to 19 major cities to provide free health care to the homeless. In an attempt to co-ordinate government and private initiatives, the U.S. Department of Health and Human Services (DHHS) established the Federal Interagency Task Force on Food and Shelter in October 1983. Represented on the task force are the Departments of Agriculture, Defense, Interior, Labor, Housing and Urban Development, Commerce, and Transportation, as well as the General Services Administration, FEMA, Action, and the Veterans Administration. Its ambition is to "cut red tape and act as a broker between the government and the private sector when a local community identifies a needed federal facility or resource and wants to mount a food or shelter project."<sup>16</sup> The task force is currently assisting 19 communities in establishing projects to aid the homeless.

### **What are American Red Cross Chapters doing regarding the homeless?**

The American Red Cross has 670 chapters providing both direct and indirect services to the homeless. A January and February 1986 national headquarters survey of local chapters surveyed the following:

- What type(s) of direct services is (are) provided to what type(s) of client.
- How many chapters provide indirect services to the homeless.
- How the chapters support these programmes financially.
- How the homeless programme has been received by all elements of the local community.
- How involved the board, the volunteers, and the paid staff are in implementing these programmes.
- What types of problems have been encountered with the programmes.
- How the chapter's public image has been affected by the homeless programme.
- What sort of help the chapters would like to receive from the national sector.

The survey findings were encouraging and provided the American Red Cross with the following overview:

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<sup>16</sup> *Op. cit.* p. 9.

- The direct services that the chapters provide are targeted at both the homeless and the individual or family who is in danger of becoming homeless.
- The major problem facing the chapters is the lack of a stable funding base that would allow them to plan for the type and extent of services that they can offer from one year to the next. This type of planning is most critical because the chapters believe that the homelessness problem is becoming more serious.
- Chapter involvement with the homeless has been well received by all segments of the community, including the chapter board and other agencies, as well as by the volunteer and paid staff.
- To more completely meet the needs of the homeless, chapters indicate that they need more money and more volunteers and paid staff. In addition, current information regarding all aspects of the homelessness problem is very important to the chapters, and many of them perceive the national sector as being in a good position to provide this information.

Red Cross people are involved in networking and planning with the private, voluntary and public sectors to address a problem that is overwhelming in many respects. It is also clearly evident that the chapters are greatly involved in keeping people from becoming homeless by enabling them to remain in their present housing or assisting them in obtaining a permanent residence.

## Conclusion

The American Red Cross has accepted its moral obligation to meet the needs of the homeless and hungry by developing diverse programmes which respond to the specific affected population in local communities.

The challenge for the American Red Cross is to recognize and address local homeless and hunger issues while simultaneously meeting our commitment to the struggle for the eradication of homelessness and hunger worldwide. To date, we believe we are meeting the challenge.<sup>17</sup>

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<sup>17</sup> The American Red Cross publications entitled *Recognizing the Needs of the Homeless* (1986) and *Recognizing the Needs of the Homeless and Hungry* (1987) are available upon request.

## INFORMATION AND PUBLIC RELATIONS

### **Twelfth International Festival of Red Cross and Health Films**

The Twelfth International Festival of Red Cross and Health Films was held in Varna, Bulgaria, from 31 May to 7 June. This event, which is organized every two years by the Bulgarian Red Cross and sponsored by the League, the ICRC and the World Health Organization, was attended this year by about 700 guests from 55 countries. Some 195 films were presented in the competition, in the four Festival categories: Red Cross/Red Crescent films (58 films); short and medium-length films; television programmes and films; and feature-length films.

The guests and participants were welcomed by the President of the Bulgarian Red Cross, Dr. Kiril Ignatov. Speeches were made on behalf of the International Red Cross and Red Crescent Movement by Mrs. Denise Bindschedler, Vice-President of the ICRC, at the opening ceremony, and by Mr. Enrique de la Mata, President of the League, at the closing ceremony.

The films shown at the Festival focused mainly on threats to humanity such as AIDS and the nuclear peril. At its conclusion the principal prizes were awarded to the National Societies of the United States, Bulgaria, Finland and the Soviet Union and to television networks and independent producers from Bulgaria, Japan, Poland, the Soviet Union and India. In the category of Red Cross/Red Crescent films, the jury awarded the Grand Prix of the League to the documentary "To walk, again" produced by the ICRC Audio-Visual Communication Division in co-operation with the American Red Cross.

A list of the principal prize-winners is given below.

## **1. Red Cross/Red Crescent category**

- “The Golden Ship”, Grand Prix of the President of the Bulgarian Red Cross, went to “BEYOND FEAR”, presented by the American Red Cross. This was the final version of a Red Cross video film on AIDS.
- The Grand Prix of the League was awarded to “TO WALK, AGAIN”, an ICRC documentary on assistance to the disabled.
  - a) *Sub-category A (Education and training)*
    - Gold medal: “SNOW WHITE” by the Bulgarian Red Cross, an animated cartoon on the promotion of free blood donations.
    - Silver medal: “APPLES FROM THE FAMILY GARDEN” by the Romanian Red Cross, on the effects of tobacco and alcohol addiction on an expectant mother;
  - b) *Sub-category B (Information and promotion)*
    - Gold medal: “CHAIN OF LIFE”, co-production of the Finnish and Soviet National Societies on primary health care and development;
    - Silver medal: “THIS IS YOUR BLOOD” by the Australian Red Cross, an explanation of blood donation for young audiences.

## **2. Short and medium-length films**

- Grand Prix: “HOME No. 8”, from Bulgaria, on human relations in a home for mentally handicapped young people;
- Gold medal: “HIRO, WALK TALL”, from Japan: the story of a child born without arms and legs.
- Gold medal: “ON THE THRESHOLD OF LIFE”, from Poland, the development of the human embryo.

## **3. Television films**

Grand Prix: “THE DONOR’S HEART”, from Bulgaria: Medical and social aspects of cardiac transplantation.

## **4. Feature films**

Grand Prix: “DEAD MAN’S LETTERS”, from the Soviet Union: The horrors of nuclear war.

- Special prize of the League (for the best film of a humanitarian character): “THE CROSSING”, from India: The suffering of a young family within the caste system.

## **Workshop on Information and Public Relations**

During the Varna Festival, 56 persons responsible for the information departments of 29 National Societies and those of the ICRC and the League participated in a two-day workshop. The purpose of this meeting, chaired in turn by Mr. Alain Modoux, head of the Department of Information of the ICRC, and Mr. George Reid, his counterpart in the League, was an exchange of views on the whole range of problems confronting the Movement in the field of information and public relations, particularly with regard to multilateral and bilateral co-operation. Other subjects were also discussed, such as the development of information, public relations and dissemination activities by National Societies, new communication technology, the role of National Societies in efforts to prevent the spread of AIDS, as well as questions relating to audio-visual productions.

At the end of their meeting, the participants unanimously adopted ten recommendations which the representatives of the ICRC and the League were asked to submit to the Council of Delegates at its next meeting, in Rio de Janeiro in November 1987. They recommended that:

- National Societies, the League and the ICRC should step up exchanges of written and audio-visual material.
- In case of natural or man-made disaster, while taking the time factor into account, the League and the ICRC should send information from Geneva directly to the specific persons in charge of information and public relations in the National Societies. They should work in close co-operation with international news, photo and television agencies to ensure that in the case of large-scale disasters these agencies use their networks to distribute news, photos and TV pictures of Red Cross operations worldwide.
- The League and the ICRC should produce basic audio-visual material, such as short video clips and slides, which could be adapted and used by each National Society as needed.
- The National Societies should participate in the next poster competition of the Alliance of Red Cross and Red Crescent Societies of the

USSR, scheduled for 1989, with the support of the ICRC and the League.

- The League and the ICRC should prepare a collection of case histories demonstrating in concrete terms the way information and public relations services have dealt with emergencies and situations of crisis.
  - The League and the ICRC should make greater use of the Spanish language in their publications and send more Spanish-speaking journalists to theatres of operations.
  - The League should henceforth consult with the ICRC in choosing the theme and making preparations for World Red Cross and Red Crescent Day (8 May).
  - In all messages sent out by the Red Cross and Red Crescent, a systematic linkage should be established between information concerning the activities of the Movement and dissemination of its fundamental Principles and ideals.
  - The League and the ICRC should draw up, together with the National Societies concerned, a programme of concrete and co-ordinated action designed to help newly developing National Societies in their efforts to launch and/or expand their activities in the spheres of information, public relations and dissemination.
  - Every two years the League and the ICRC should organize within the framework of the Varna Festival a meeting of persons in charge of information and public relations in the National Societies—alternating with biennial regional meetings—so that they can share their experiences and develop multilateral and bilateral co-operation.
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JOINT COMMISSION  
OF THE EMPRESS SHÔKEN FUND  
No. 78

Geneva, April 1987

**Sixty-sixth distribution of income**

The Empress Shôken Fund commemorates this year its 75th anniversary.

The Joint Commission entrusted with the distribution of the income of the Empress Shôken Fund met in Geneva on 10 and 17 February and on 2 April 1987. The Japanese Red Cross Society was represented at the first meeting by His Excellency, Mr. Kazuo Chiba, Ambassador and Permanent Representative of the Permanent Mission of Japan in Geneva. The second meeting took place in presence of Mr. Keiichi Fukuyama, First Secretary. The new Ambassador and Permanent Representative of Japan, His Excellency, Mr. Yoshio Hatano was present at the third meeting.

The Commission noted the statement of accounts and the situation of the Fund as at 31 December 1986 and confirmed that the balance available amounted to 253,699.55 Swiss francs.

In examining the applications, the Joint Commission reviewed the experiences of the past few years. The Commission noted that the following criteria which it had established were still valid:

- a. to restrict the number of allocations and thereby increasing the allocations so as to permit the beneficiary National Societies to implement the plans envisaged;
- b. to uphold only those from developing National Societies unable to have their projects financed otherwise and, among such Societies, whenever feasible those which have hitherto benefited least from assistance from the Empress Shôken Fund;

- c. to refrain from considering the requests from those National Societies which have not conformed to the requirements under Article 7 of the Regulations according to which the beneficiary National Societies are expected to submit a proper report on the use of the allocations received.

The Joint Commission furthermore decided that:

- d. In the event of an allocation the secretariat of the Joint Commission will decide whether purchase arrangements will be made by the Relief Supplies Service of the League, or directly by the beneficiary Society.
- e. If the item(s) requested is (are) immediately available on the local market or can be manufactured locally, the National Society will submit to the Joint Commission an original offer or pro-forma invoice of the local firm, established in English, French or Spanish and indicating a reliable date of delivery. In accordance with internationally accepted business rules the Joint Commission will transfer 50% of the indicated price. This will enable the National Society to place the order.
- f. Since the accounts of the Empress Shôken Fund are reviewed every year by an auditor, the joint Commission will transmit the remainder of the sum only after having received from the beneficiary Society copies of the seller's or manufacturer's delivery form and of the final invoice on which the initial down payment is duly entered.
- g. If the goods are to be imported from abroad, the Relief Supplies Service of the League will handle all purchase and shipping arrangements. The beneficiary Society may wish to communicate to the Joint Commission the name and full address of its shipping agent.
- h. Allocations remaining unclaimed or unused after twelve months are to be withdrawn and added to the amount available for the next distribution.

Twenty National Societies submitted requests for allocations from the 66th distribution of income and the Joint Commission decided to make the following grants based on the above-mentioned criteria:

	SWISS FRANCS
1. <b>The Bahamas Red Cross Society</b>	35,000
To purchase an ambulance	
2. <b>Jordan National Red Crescent Society</b>	17,000
To purchase equipment for the emergency department, Red Crescent Hospital, Amman	

3. <b>Pakistan Red Crescent Society</b>	30,000
To purchase a Mitsubishi vehicle for relief work	
4. <b>The Philippine National Red Cross</b>	30,000
To purchase a 12-passenger van for relief work	
5. <b>Red Cross Society of Saint Lucia</b>	30,000
To purchase a Toyota Land Cruiser for training of volunteers	
6. <b>Sao Tome and Principe Red Cross</b>	35,000
To purchase a Toyota Land Cruiser for social services	
7. <b>Sierra Leone Red Cross Society</b>	6,500
To purchase a duplicating machine and first-aid kits for primary health care project	
8. <b>Red Cross Society of Suriname</b>	35,000
To purchase an ambulance for first aid training	
9. <b>Uruguayan Red Cross</b>	35,000
To purchase a Ford Pick-up for relief work	

The Joint Commission decided that the unused balance of 199.55 Swiss francs will be added to the income available for the 67th distribution.

Pursuant to the Fund's regulations, each beneficiary Society must submit to the Joint Commission a report on results achieved in using the equipment purchased with the grant. The Joint Commission recommends that these descriptive reports should be sent no later than eighteen months after receiving the allocation, accompanied, if possible, by photographs illustrating the activities carried out as part of the project financed with the allocation.

Past experience has shown that every year a number of beneficiary Societies do not quite seem to know what kind of reports they are expected to submit on the use made of their grants.

The report should show whether the allocation has enabled the Society to implement the programme and whether the programme has in fact met the needs of the population.

Answers to these questions and to others of more direct relevance to each individual Society should appear in the reports on the utilization of grants and will enable the Joint Commission to form an opinion on results achieved.

The Joint Commission unfortunately cannot gauge what has been achieved with an allocation if the beneficiary Society sends in for instance only an acknowledgement of receipt (no matter how detailed), an invoice of the purchase of equipment, a logbook for the use of a vehicle or a few photographs of an ambulance. Stating that a hospital has received the equipment without giving a precise description of the use of the equipment offers no indication of the results achieved with it.

The Joint Commission needs a full and detailed report to discharge one of its mandates, which is to control the use to which donations are put, and this in itself constitutes a gesture of solidarity with the Red Cross and Red Crescent Movement. Only faultless management of the Fund can foster confidence among donors and prompt them to contribute towards it.

The Joint Commission furthermore reminds beneficiaries of Article 6 of the Regulations which prohibits them assigning the grant for purposes other than those specified without the previous consent of the Joint Commission.

#### **67th Distribution — 1988**

**In accordance with the regulations, the 1987 income will be distributed in 1988. To facilitate National Societies to make applications in conformity with the Regulations, the Joint Commission will send in the near future model application forms to all National Societies. Requests for allocation must be submitted to the Secretariat of the Joint Commission before 31 December 1987.**

*For the Joint Commission :*

*League of Red Cross and  
Red Crescent Societies :*

Mr. H. Høegh  
Mr. B. Bergman  
Mr. P. Tischhauser

*International Committee  
of the Red Cross :*

Mr. M. Aubert (Chairman)  
Mr. M. Martin  
Mr. S. Nessi

Mr. P. Züger (Interim Secretary) \*

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\* On 1 May 1987 the League resumed the secretariat of the Joint Commission. Mr. P. Tischhauser has been appointed as Secretary.

## Empress Shôken Fund

*BALANCE SHEET AS AT 31.12.1986*  
(with previous year's figures for comparison)

	31.12.1986	31.12.1985
ASSETS	Sw. fr.	Sw. fr.
<b>Current assets</b>		
Accounts receivable . . . . .	30,994.42	17,105.07
League of Red Cross and Red Crescent Societies, current account . . . . .	11,536.16	—.—
Investment securities . . . . .	4,580,703.05	
Less: Provision for depreciation ( <i>Note 1</i> ) . . . . .	<u>(862,365.18)</u>	3,718,337.87
(Market value: Sw. fr. 4,772,000.—)		3,572,691.55
Bank deposits:		
— fixed deposits . . . . .	413,427.00	
— cash . . . . .	<u>167,839.52</u>	<u>633,278.19</u>
	<u>4,342,134.97</u>	<u>4,223,074.81</u>
<b>LIABILITIES</b>		
<b>Own funds</b>		
Capital ( <i>Note 2</i> ) . . . . .	3,954,922.90	3,697,963.96
Balance available ( <i>Note 3</i> ) . . . . .	<u>253,699.55</u>	<u>256,531.36</u>
	<u>4,208,622.45</u>	<u>3,954,495.32</u>
<b>Provision</b>		
Provision for future expenses ( <i>Note 4</i> ) . . . . .	<u>26,131.92</u>	<u>21,282.60</u>
<b>Accounts payable</b>		
League of Red Cross and Red Crescent Societies, current account . . . . .	—.—	123,689.71
National Societies, allocations to be withdrawn . . . . .	<u>107,380.60</u>	<u>123,607.18</u>
	<u>107,380.60</u>	<u>247,296.89</u>
	<u>4,342,134.97</u>	<u>4,223,074.81</u>

*STATEMENT OF INCOME AND EXPENDITURE  
FOR THE YEAR ENDED 31 DECEMBER 1986  
(with previous year's figures for comparison)*

	1986	1985
INCOME	Sw. fr.	Sw. fr.
Interest income from securities . . . . .	207,189.85	207,510.25
Interest on bank deposits . . . . .	<u>32,715.70</u>	<u>41,371.48</u>
	<u>239,905.55</u>	<u>248,881.73</u>
<b>EXPENDITURE</b>		
Provision for 1986 administrative expenses, pursuant to Article 7 of the Fund's Regulations ( <i>Note 4</i> ) . . . .	<u>14,394.35</u>	<u>7,466.43</u>
(Effective administrative expenses: Sw. fr. 9,545.03 in 1986 Sw. fr. 8,397.25 in 1985)		
<b>RESULTS</b>		
<i>Excess of income over expenditure (net)</i> . . . . .	<u>225,511.20</u>	<u>241,415.30</u>

*NOTES ON FINANCIAL STATEMENTS AS AT 31 DECEMBER 1986*

**NOTE 1 — PROVISION FOR SECURITIES DEPRECIATION**

Provision credited with the net result of sale of securities, as set out below:

	SW. FR.	SW. FR.
Balance as at 1 January 1986 . . . . .		595,856.20
Profit on sale and redemption of securities . . . . .	317,413.45	
Loss and redemption of securities and on exchange rates . . . . .	<u>(50,904.47)</u>	<u>266,508.98</u>
<b>Balance</b> as at 31 December 1986 . . . . .		<u>862,365.18</u>

**NOTE 2 — FUND CAPITAL AS AT 31 DECEMBER 1986**

This account was increased by various contributions received in 1986:

Capital as at 1 January 1986 . . . . .		3,697,963.96
Contribution from Government of Japan . . . . .	101,224.83	
Contribution from the Japanese Red Cross . . . . .	155,069.71	
Contribution from Japanese visitors . . . . .	<u>664.40</u>	<u>256,958.94</u>
<b>Capital</b> as at 31 December 1986 . . . . .		<u>3,954,922.90</u>

NOTE 3 — ESTABLISHING BALANCE AVAILABLE AS AT 31 DECEMBER 1986

Balance available as at 31 December 1985 . . . . .	256,531.36
Distribution for 1986, pursuant to the Joint Commission's decision of March 1986:	
- Allocation to nine National Societies . . . . .	<u>(254,000.00)</u>
	2,531.36
<b>Net results</b> for 1986 . . . . .	225,511.20
Transfer of unused amounts of allocations made before 31.12.1984 . . . . .	<u>25,656.99</u>
<b>Balance</b> available as at 31 December 1986 . . . . .	<u><u>253,699.55</u></u>

NOTE 4 — PROVISION FOR FUTURE EXPENSES

Pursuant to Article 7 of the Regulations of the Fund, an annual lump sum is allocated to this reserve account, while effective expenses are debited from it. Its situation in 1986 was as follow:

Balance as at 31.12.1985 . . . . .	21,282.60
Lump-sum allocation for 1986 . . . . .	<u>14,394.35</u>
	35,676.95
Effective administrative expenses in 1986 . . . . .	<u>(9,545.03)</u>
<b>Balance</b> as at 31 December 1986 . . . . .	<u><u>26,131.92</u></u>



## THIRTEENTH INTER-AMERICAN CONFERENCE OF THE RED CROSS

The Thirteenth Inter-American Conference of the Red Cross, a statutory meeting of the League, was held in Quito from 30 June to 3 July. Ninety representatives from 21 National Societies in the Americas took part in the Conference, together with observers from European Societies (Spain and Finland) and the General Secretariat of the Arab Red Crescent and Red Cross Societies, the ICRC and the League.

The League delegation was represented by its President, Mr. Enrique de la Mata, and its Secretary General, Mr. Hans Høegh. The ICRC delegation was led by the President, Mr. Cornelio Sommaruga, accompanied by Mr. Moreillon, Mr. Bornet, Mr. Corthésy, Mr. Zeller, regional delegate in Bogotá, and Mr. Bigler, the delegate in charge of dissemination in Latin America.

In the absence of President Febres Cordero, the Conference was officially opened by Dr. José Tohme Amador, Ecuador's Minister of Health. At the opening meeting, President Sommaruga delivered a speech emphasizing the unity which exists and must exist within the Movement—unity in action and in respect for the Fundamental Principles—despite numerous political and economic obstacles; in this connection he pointed to the responsibility incumbent on each of the Movement's components. The appeal for humanitarian mobilization launched by the ICRC in 1985 was also referred to.

Under the Chairmanship of Dr. Hugo Merino Grijalva, President of the Ecuadorian Red Cross, the Conference dealt mainly with the concerns of National Societies in the region; these centred on assistance for refugees, disaster relief operations, voluntary services, primary health care, drug abuse, development, international humanitarian law, the Movement's Fundamental Principles, dissemination and the place of young people in Red Cross activities.

In his report, Mr. Jean-Marc Bornet, delegate general for Latin America and the Caribbean, stressed the ICRC's general concern about civilians, who have become the pawns of modern conflicts and who suffer their direct consequences: on the one hand, the displacement of persons, and on the other the phenomenon of forced disappearances. The speaker emphasized the Movement's responsibility in that connection.

Under the agenda item on dissemination, Mr. Jacques Moreillon, ICRC Director-General, recalled the importance of the Additional Protocols and the need for the largest possible number of States to become party to them. Mr. Bigler then gave a talk on the ICRC's objectives in the sphere of dissemination and how they could be achieved.

Amongst its conclusions, the Thirteenth Inter-American Conference of the Red Cross launched an earnest appeal for the victims of armed conflicts and internal disturbances to be protected. It also underlined the need for establishing a development strategy for National Societies in Latin America and the Caribbean, especially within the context of long-term national planning.

The Quito conference provided an opportunity for the new President of the ICRC and the new delegate general for Latin America to introduce themselves to the National Societies of the Americas and to have discussions with their leading members.

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# MISCELLANEOUS

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## INTERNATIONAL HUMANITARIAN LAW

### ● *IN MOSCOW*

#### **Fourth International Seminar on International Humanitarian Law in the Contemporary World**

Organized jointly by the Alliance of Red Cross and Red Crescent Societies of the USSR, the International Institute of Humanitarian Law of San Remo, and the Patrice Lumumba Peoples' Friendship University of Moscow, the Fourth International Seminar on International Humanitarian Law in the Contemporary World was held in Moscow from 3 to 7 June under the auspices of the Office of the United Nations High Commissioner for Refugees and the ICRC. It was attended by representatives of the governments and National Societies of Bulgaria, Czechoslovakia, Denmark, Finland, the German Democratic Republic, Hungary, Norway, Poland, Romania, Sweden and the USSR.

The United Nations High Commissioner for Refugees, Mr. Jean-Pierre Hocké, who was accompanied by Mr. Ghassan Arnaout, Director of the UNHCR's Division of Refugee Law and Doctrine, took part in the seminar. The ICRC was represented by Mr. Michel Veuthey, Delegate-General for Europe and North America, and Mrs. Cristina Kruck, Dissemination Delegate for Europe and North America. The International Institute of Humanitarian Law was represented by its President, Professor Jovica Patnogie, and its Secretary General, Dr. Ugo Genesio.

The place and role of international humanitarian law in the contemporary world and respect for the fundamental human rights of refugees and displaced persons were discussed. The participants emphasized that international humanitarian law is an important instrument for the humanization of international relations and the protection of human rights, life and security, particularly in the nuclear age.

Mr. Veuthey presented a report on the difficulties of applying humanitarian law. Following a communication by Mrs. Kruck the delegates stressed the particular role of the International Red Cross and Red Crescent Movement in disseminating humanitarian law, the standards of which, embodied in the mottoes *Inter Arma Caritas* and *Per Humanitatem ad Pacem*, should, they said, be universally accepted, particularly by those who control weapons and other means of mass destruction.

Discussing respect for the fundamental human rights of refugees and displaced persons, participants noted the magnitude of the problem and the importance of international co-operation in resolving it. The role of Red Cross and Red Crescent Societies and non-governmental organizations in promoting such respect was emphasized.

The International Institute of Humanitarian Law will publish a record of the seminar's reports and discussions.

● *IN GENEVA*

**International colloquium:  
The 1977 Protocols additional to  
the 1949 Geneva Conventions—Ten years later**

To mark the tenth anniversary of the adoption of the Protocols additional to the Geneva Conventions, the Geneva University Faculty of Law organized an international colloquium from 11 to 13 June entitled: "The 1977 Protocols additional to the 1949 Conventions—Ten years later".

Some 50 legal specialists from all over the world participated in this colloquium which was headed by Professor Luigi Condorelli, professor of public international law at the Geneva University Faculty of Law. The colloquium was also attended by several members of the ICRC: Mrs. D. Bindschedler, Mr. M. Aubert, Vice-Presidents, Mrs. A. Petitpierre, Mr. P. Bernasconi and Mr. D. Schindler; and by ICRC legal experts, Mrs. S. Junod, Mr. Y. Sandoz, Mr. H.-P. Gasser, Mr. R. Kosirnik, Mr. M. Veuthey and Mr. B. Zimmermann.

At the opening session at Geneva University on 11 June speeches were made by the Rector of the University, Mr. M. Guenin, the President of the ICRC, Mr. C. Sommaruga, the Director of Public International Law at the Swiss Confederation Department of Foreign Affairs, Mr. M. Krafft, and the Dean of the Faculty of Law, Mr. A. Dufour.

The President of the ICRC said that he was happy to note that international humanitarian law was now being taught as part of the curriculum at the Faculty of Law. While the merit was largely due to the former Vice-President of the ICRC, Mr. Jean Pictet, the ICRC President stressed Professor Condorelli's current commitment to the teaching of humanitarian law and the steps he had taken to encourage it.

Mr. Sommaruga mentioned that on the Protocols' tenth anniversary he had sent a personal message to each of the 165 Foreign Ministers of States party to the Geneva Conventions to encourage them to ratify the Protocols or to remind them of their responsibility to work towards this end with governments not yet party to the instruments. He then described the ICRC's efforts to make the Protocols a universally accepted body of law. Mr. Sommaruga concluded with the hope that the colloquium, the purpose of which was to promote understanding of the Protocols, would be instrumental in disseminating knowledge of humanitarian law.

Three major themes had been selected for the colloquium. Each was discussed by the participants on the basis of written reports briefly presented by their respective authors.

The first topic was "The degree of acceptance of the 1977 Protocols ten years later: ratifications, accessions, reservations, decisions not to become a party". Since 1977, ratifications and accessions had increased quite regularly, so that by 1987 the total number of parties to the two instruments could be considered significant. Nevertheless, the absence from the list of certain countries or groups of countries was a cause for concern; similarly disturbing was the discrepancy between the two Protocols with regard to ratification and accession.

In her introductory talk, *Mrs. Rosemary Abi-Saab* pointed out that the rate of ratification of and accession to the Protocols did not differ greatly from what had occurred in the case of other instruments, such as the 1925 Geneva Protocol or human rights legislation. Considering that the texts had been adopted by consensus, even the number of reservations could not be thought surprising. On the other hand, it was disturbing to note that certain States or groups of States had failed to ratify or had taken a negative stance vis-à-vis the Protocols. The speaker went on to outline possible reasons for non-ratification, in particular the reluctance already expressed during the Diplomatic Conference (1974-1977) with regard to certain fundamental provisions of the Protocols (wars of national liberation, the new definition of combatant status, methods and means of warfare and the prohibition of reprisals, with reference to Protocol I; and the field of application of Protocol II). But, as *Mrs. Abi-Saab* observed, changes in governments and political affiliations or delays affecting decision-making could also explain why accession to the Protocols was not universal.

To remedy such delays and especially to change the negative attitude of certain States—frequently stemming from an erroneous interpretation of the texts—approaches to governments, encouraging them to accede to the Protocols, had to be stepped up. In recent years the ICRC had been acting along those lines and from time to time its efforts had been supported by the United Nations and regional organizations. The Twenty-fifth International Conference of the Red Cross had laid particular emphasis on the importance of ratifying the Protocols. However, the speaker felt that equal priority should be given to highlighting the customary nature of humanitarian law, or at least of its most basic provisions.

On the same subject, *Professor Henry Meyrowitz* acknowledged that what was new in Protocol I, and at the same time what caused difficulty, was the fact that “to the traditional sphere of the Geneva Conventions are appended a body of regulations which do not confine themselves to reaffirming the regulations stemming from the Law of The Hague but which include certain new rules with very significant military implications”. He cited a few well-chosen examples of stumbling blocks to accession to the Protocols.

The speaker also emphasized that perhaps legislators had not made sufficiently clear in the texts the difference between “reaffirmation” of the law and “development” of the law. He added: “The authorities who are responsible for applying Protocol I and its commentators are left with the task of working out which of its provisions must be deemed as affirming pre-existing laws and which provisions embody new law.” This task was of decisive importance; at the same time it was a delicate task because “with regard to all the articles of the Protocol, it is not easy to determine the demarcation line between rules that reaffirm existing law and those that are new”. The speaker also gave examples of so-called “mixed” rules. Although his point of view was shared by other experts there was common agreement that, in the long term, such considerations would not really hinder accession to the Protocols. The customary nature of certain rules in Protocol I gave rise to a lively discussion: most of the participants did not favour the idea that efforts should be focused primarily on defining and explaining the customary part of Protocol I rather than on working for its ratification; moreover it was felt that the Protocols were well on their way to being accepted by the community of States.

The second topic dealt with by the colloquium was the application of the Additional Protocols and their impact on general international law relating to humanitarian matters. During the ten-year period from 1977 to 1987 many conflicts had taken place where one or other of the Protocols could or should have been applied. Were they in fact applied and, if so, to what extent? What were the obstacles? What could be done to improve

respect for humanitarian principles? To what extent were certain provisions in the Protocols likely to be considered as substantially codifying general international law? These vital questions were dealt with by *Professor Christopher Greenwood*. He considered whether Protocol II was applicable to the conflict in El Salvador and analysed cases where the Protocols had been referred to even if they were not formally applicable: the Gulf war, the conflict in the South Atlantic, the conflicts in South Africa, the conflict in the Middle East, etc.

Examining the Protocols' impact on general international law relating to humanitarian matters, the speaker believed that the reaffirmation of existing principles in humanitarian law had strengthened some of them by making them accessible in written form and enabling many newly emergent States to identify with them; examples were the distinction drawn between civilian objects and military objectives and the prohibition on attacking the civilian population. Such reaffirmation also proved that the value of those humanitarian principles as a basis for establishing rules had in no way been lessened by the excesses of the Second World War nor by subsequent conflicts over the previous forty years. The Protocols also made for clarifying and developing some basic humanitarian principles and, more especially, elucidated how traditional principles could be applied to modern forms of war, such as guerrilla warfare.

The speaker highlighted the elements in the Protocols which, in his opinion, were truly innovative and those which clarified or codified existing law. Codification and development were quite frequently intertwined, which made it difficult to determine what effect they had on customary law. That was the case as regards the provisions dealing with wars of national liberation (Protocol I, Article 1 (4), combatant status (Articles 43 to 47) and reprisals (Articles 51 to 56). After mentioning some difficulties encountered in the application of humanitarian law, the speaker concluded that the Protocols had had an evident impact on the reaffirmation and clarification of basic legal principles: several innovations had become an integral part of general international law or at least reflected a trend towards development of that law. Even if the most controversial provisions of Protocol I could not be looked upon as customary law, they did affect general international law.

The third part of the colloquium was devoted to an assessment of the Protocols ten years after their adoption and an examination of prospects for the future. It was proposed first of all to draw up a reliable list not only of the instruments' merits but also of their defects and lacunae; then to consider whether further codification of humanitarian law was desirable and feasible; and lastly to identify instruments which might be used for that purpose.

*Professor Konstantin Obradovic* believed that the 1987 Protocols came up against the fundamental problem of modern and general international law, i.e., the discrepancy between actual practice and legal theory, between international life and the system of law which is supposed to govern it. He pointed to the area where, in his opinion, the main weaknesses of the Protocols lay: the connection between humanitarian law and the law of human rights had not been established clearly in the texts and this had given rise to a degree of confusion in people's minds; in Protocol II the lack of rules governing the conduct of hostilities; the complex and at times obscure wording of the Protocols; and, finally, shortcomings in verification procedures and in the system for implementing their provisions. However, the speaker also brought out the positive aspects of the Protocols when he concluded that "they illustrate the spirit and general trends of contemporary international law and fulfil the fundamental aim of the law of armed conflicts: complete protection, in so far as legally possible, for the individual in relation to all the dangers of war". While their deficiencies were open to criticism, that did not prevent the Protocols from being generally appreciated simply because, in the speaker's view, such shortcomings were apparently not a decisive factor in the implementation of the new law. In actual fact, the true problem did not lie in the law itself but in the lack of the political will to put it into effect.

The great challenge in the years to come would be not to draw up new regulations but rather to bridge the gap between legal rules and actual practice; international public opinion must be made aware of violations via the mass media and dissemination programmes must be expanded to ensure a better knowledge of, and to promote respect for, humanitarian law.

The experts present agreed with that conclusion. They pointed to the effects already exerted by the adoption of the Protocols—not only in terms of legal commitments but also as regards teaching, dissemination, the preparation of military manuals, etc.

● *AT SAN REMO*

**Round Table of Experts  
on International Humanitarian Law  
Governing Armed Conflicts at Sea**

The Round Table of Experts on International Humanitarian Law Governing Armed Conflicts at Sea convened by the International Institute of Humanitarian Law in co-operation with the International Law Institute of Pisa University and Syracuse University, USA, was held at San Remo from 15 to 17 June and attended by some forty participants from the academic circles and Ministries of Foreign Affairs and Defence of several countries.

The ICRC was represented by Professor D. Schindler of Zurich University, who is a member of the ICRC, and by Mrs. L. Doswald-Beck, Mr. R. Eberlin, Mr. M. Cauderay and Mr. A. Bouvier of the Legal Division. Mr. Bouvier presented a report on technical methods of identifying protected vessels.

The purpose of the meeting was to pinpoint the present main legal and technical aspects of armed conflicts at sea. Several experts presented introductory reports.

It was noted that most of the rules relating to the laws of war were made before the prohibition of resort to force and became formally applicable only after a declaration of war. The participants pointed out, however, that most of the existing rules had acquired the force of customary law and were still applicable except when obviously obsolete. In the final document the participants took care to emphasize the relevance of the principles of international law applicable in armed conflict to armed conflict at sea parties to a conflict do not have an unlimited choice of methods and means of warfare; the employment of weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering is prohibited; parties to a conflict shall at all times distinguish between civilian objects and military objectives; persons *hors de combat* and shipwrecked are entitled to respect for their lives and their physical and moral integrity.

The effect of the law of the sea on war at sea was examined and showed the possible implications of the 1958 Convention on the law of the sea and the 1982 Convention on the laws of war at sea.

Discussion of ways and means of combat clearly showed that new weapons technology renders meaningless many of the legal rules applicable to armed conflict at sea, including those on blockade, which are made virtually inapplicable by submarine warfare; or the rules regulating the rights of neutrals and merchant vessels, which can no longer be applied because of the use of missiles. Similarly, the question was raised whether the very long range of present weapons makes it possible to respect the fundamental principle of distinguishing between combatants and non-combatants.

Thus, at every mention of the problems raised by the use of mines, missiles, damage to the environment, exclusion zones and submarine warfare the question arose whether existing rules could be applied and/or whether new rules should be adopted.

The examination of humanitarian protection in armed conflicts at sea led to recapitulation of the principal technical developments relating to identification, starting with the rather summary procedures instituted by the Second Geneva Convention of 1949. The important gains made at the Diplomatic Conference of 1974-1977, and the instruments adopted by the competent international organizations, were also discussed.

Lastly, the participants discussed mechanisms for the implementation of the law of armed conflict at sea. It was urged that basic humanitarian regulations should be added to the "rules of engagement" forming the essential part of the instructions to be followed by officers commanding naval units.

To sum up, the Round Table meeting made a preliminary inventory of matters relating to the law of armed conflict at sea and singled out areas appearing to require further study.

In the final document, adopted by consensus, the group of experts pointed out the applicability of certain humanitarian principles to conflict at sea and stressed the need for further research in preparation for the difficult task of revising the law of armed conflict at sea.

## ● *AT HAMMAMET*

### **First North African Symposium on International Humanitarian Law**

The first symposium to be held on international humanitarian law in the Maghreb area took place at Hammamet (Tunisia) from 6 to 12 July 1987. The meeting was arranged by the Tunisian Red Crescent, with the active co-operation of Professor Habib Slim, the Tunis University Law

Faculty, the ICRC and an American Foundation, which sponsors training programmes in the Middle East and North Africa.

The symposium was organized for the staff of the Ministries concerned, the universities and National Societies of the Maghreb and was attended by dissemination officers from the Algerian, Moroccan and Tunisian Red Crescent Societies, by representatives of the Ministries of Foreign Affairs in Tunis and Algiers, the Ministries of the Interior and Health in Tunis and by lecturers from the Law Faculties of Tunis, Algiers and Oran. The International Committee of the Red Cross was represented by Mr. René Kosirnik, Head of the ICRC's Legal Division, and by Mr. François Gillioz, who is the ICRC's dissemination officer for the Middle East and North Africa desk.

Lecturers from European and North African universities were asked to present various topics of international humanitarian law, ranging from studies of relations between international humanitarian law and human rights, Moslem law or refugee law, to the protection of medical doctors in international humanitarian law, wars of national liberation and international humanitarian law, combatants in armed conflicts, internal disturbances and tensions, and the dissemination of international humanitarian law.

Several lecturers from European universities responded to the Tunisian Red Crescent's invitation: Professor Antonio Cassese, Director of the Florence Public Law Institute, Professor Maurice Torrelli of Nice University, Professor Pierre Bringuier of Clermont-Ferrand University, and Professor Jean Mallein from Brest University Law Faculty. Mrs. Rosemarie Abi-Saab and Mr. Mohammed El Kouhène, who are the authors of two outstanding doctoral theses in the field of international humanitarian law, also took part in the meeting.

All the participants were impressed by the quality and high academic standard of the lectures and discussions and by the excellent contacts they had established during the meeting.

The outcome of this symposium will be the creation of two study and documentation centres to be set up at Tunis and Oran Universities. There are also plans to organize two local seminars covering more specialized subjects and open to all concerned by the dissemination of international humanitarian law. The first seminar will be held in Tunis in February 1988 and the second in Algeria in the course of 1988.

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## **The Kingdom of The Netherlands ratifies the Protocols**

On 26 June 1987, the Kingdom of the Netherlands ratified (for the Kingdom in Europe, the Netherlands Antilles and Aruba) the Protocols additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Non-international Armed Conflicts (Protocol II).

The ratification was accompanied by interpretative declarations and a declaration in accordance with Article 90 of Protocol I whereby the Kingdom of the Netherlands accepts the competence of the International Fact-Finding Commission.

The Kingdom of the Netherlands is the tenth State to make such a declaration. The International Fact-Finding Commission will be created when twenty States have declared that they accept its competence.

The following is the text of the aforesaid declarations:

1. *With regard to Protocol I as a whole:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that the rules introduced by Protocol I relating to the use of weapons were intended to apply and consequently do apply solely to conventional weapons, without prejudice to any other rules of international law applicable to other types of weapons;*
2. *With regard to Article 41, paragraph 3, Article 56, paragraph 2, Article 57, paragraph 2, Article 58, Article 78, paragraph 1, and Article 86, paragraph 2 of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that the word "feasible" means that which is practicable or practically possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations;*
3. *With regard to Article 44, paragraph 3 of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that the words "engaged in a military deployment" mean "any movement towards a place from which an attack may be launched";*
4. *With regard to Article 47 of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that Article 47 in no way prejudices the application of Articles 45 and 75 of Protocol I to mercenaries as defined in this Article;*

5. *With regard to Article 51, paragraph 5 and Article 57, paragraphs 2 and 3 of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that military advantage refers to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack;*
6. *With regard to Articles 51 to 58 inclusive of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that military commanders and others responsible for planning, deciding upon or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is available to them at the relevant time;*
7. *With regard to Article 52, paragraph 2 of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that a specific area of land may also be a military objective if, because of its location or other reasons specified in paragraph 2, its total or partial destruction, capture, or neutralization in the circumstances ruling at the time, offers a definite military advantage;*
8. *With regard to Article 53 of Protocol I:*  
*It is the understanding of the Government of the Kingdom of the Netherlands that if and for so long as the objects and places protected by this Article, in violation of paragraph (b), are used in support of the military effort they will thereby lose such protection;*
9. *In accordance with Article 90, paragraph 2 of Protocol I:*  
*The Government of the Kingdom of the Netherlands recognizes ipso facto and without special agreement in relation to any other High Contracting Party accepting the same obligation, the competence of the International Fact-Finding Commission to enquire into allegations by such other Party, as authorized by this Article.*

In accordance with their provisions, the Protocols will come into force for the Kingdom of the Netherlands on 26 December 1987.

The Kingdom of the Netherlands thus becomes the 68th State party to Protocol I and the 62nd to Protocol II.

## The Paul Reuter Prize

The Paul Reuter Fund was created in 1983, thanks to a donation made to the ICRC by Professor Paul Reuter, Honorary Professor of the University of Paris and member of the Institute of International Law. Its purpose is twofold: its income is used to encourage a work or an undertaking in the field of international humanitarian law and its dissemination, and to finance the *Paul Reuter Prize*.

The prize, in the amount of 2,000 Swiss francs, is awarded for a major work in the field of international humanitarian law. It was first awarded in 1985 to Mr. Mohamed El Kouhène, Doctor of Laws, for his doctoral thesis entitled. "Les garanties fondamentales de la personne en droit humanitaire et droits de l'homme" (Fundamental guarantees of the individual under humanitarian law and in human rights).<sup>1</sup> The next award is due to be made on 12 February 1988. As provided in the Regulations of the Paul Reuter Prize, to be considered for the next award, the applicants must fulfil the following conditions:

1. The work submitted must be aimed at improving knowledge or understanding of international humanitarian law.
2. It must either be still unpublished or have been published recently, i.e., in 1986 or 1987.
3. The authors who meet the above requirements may send their applications to Mr. J. Pictet, Chairman of the Commission of the Paul Reuter Fund, International Committee of the Red Cross, Geneva, by *15 November 1987* at the latest.
4. Applications may be submitted in *English, French or Spanish*, and must include:
  - a brief curriculum vitae;
  - a list of the applicant's publications;
  - three unabridged copies of the work submitted to the Commission.

The Statutes of the Fund and the Regulations of the Paul Reuter Prize were published in the November-December 1983 issue of the *International Review of the Red Cross*.

Applications should be addressed to:

Mr. Jean Pictet  
Chairman of the Commission  
of the Paul Reuter Fund  
ICRC  
17, avenue de la Paix  
1202 Geneva  
Switzerland

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<sup>1</sup> See the *International Review of the Red Cross*, N° 257, March-April 1987, pp. 231-232.

## Death of Professor Waldemar A. Solf

It was with great sorrow that the ICRC learned of the death of Waldemar A. Solf on 20 June last in Alexandria, Virginia (USA). With his passing, the world of international humanitarian law has lost one of its great figures.

Dr. Solf was born in Zurich in 1913 and went to the United States while still a child. After receiving a doctorate in law from the University of Chicago, he embarked on a military career in 1941 and held a succession of important posts, culminating in that of Chief of the Military Justice Division in the Office of the Judge Advocate General of the United States Army, before retiring with the rank of Colonel in 1968.

He went on to teach international law at American University in Washington. In 1970, he went back to the U.S. Army Judge Advocate General's Corps, this time as a civilian, and served there for over 10 years, ultimately becoming Chief of the International Affairs Division.

During this period, Dr. Solf was the American delegate to the meetings of government experts on international humanitarian law organized by the ICRC and head of the U.S. delegation to the ICRC's meeting of experts on the signalling and identification of medical transports on land and sea. He was also a member of the U.S. delegation to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (1974-1977).

When Dr. Solf went into permanent retirement in 1979, he was one of the world's leading authorities on the law of armed conflict. After retiring, he remained active as a consultant in humanitarian law, a writer on legal matters and an adjunct professor of law at Washington College of Law, American University, in Washington.

During his lifetime, Dr. Solf wrote many authoritative books and articles on humanitarian law, including *New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949* (1982), prepared in collaboration with Profs. Bothe and Partsch. He also did invaluable work promoting humanitarian law in American academic circles and the armed forces.

With the many meetings in which he participated, Dr. Solf had a close working relationship with the ICRC. He had recently collaborated with J. Ashley Roach in the preparation of an index for the Geneva Conventions and their Additional Protocols which is due to be published shortly.

The ICRC will remember with gratitude this great champion of the humanitarian cause.

## PRIMARY HEALTH CARE

*A joint WHO-UNICEF report presented at the International Conference on Primary Health Care held at Alma Ata (USSR) in 1978 invited governments to reconsider their health policies, with a view to enabling the communities to participate in the establishment of their own health priorities. Thus a certain autonomy would be created, in particular among third world populations, which have benefited but little from health care.*

*This approach, termed "primary health care", involves the mobilization of multiple sectors and fields of specialization: health, social assistance, education, agriculture, public works, transport and public information, which signifies a readjustment in the allocation of material, financial and human resources within development programmes.*

*The international seminar on primary health care held at Frunze (USSR) in May 1979 examined the practical implications for the Red Cross of this concept. The National Red Cross and Red Crescent Societies were invited to collaborate closely with the health services of their countries so as to achieve common and co-ordinated action, which would involve re-examination of current programmes in order to adapt them to local situations.*

*Since then, numerous resolutions adopted by International Conferences of the Red Cross and the statutory bodies of the League have confirmed the National Societies' commitment in this sector of activity.*

*With the aim of being able to offer the entire world population accessible and financially feasible health care, governments and non-governmental organizations are more and more interested in primary health care. The Review, with the kind permission of the International Nursing Review, offers its readers an account of an experiment carried out in Kenya by the Maua Methodist Hospital, which is concerned with the health of the Maua Via Meru (Kenya) communities. The article, written by Ms. Mattie Tolley, ASN, MS, Nurse Adviser on Community Health, Maua Via Meru, seemed to us to be of interest for the National Societies, owing to the methods used to develop the communities' participation in their primary health care.*

## Use of the Innovative Decision-making Process in Primary Health Care

In an effort to provide accessible and affordable health care to the populations of the world, governments and non-governmental organizations have turned to primary health care. The Maua Methodist Hospital in the community health Maua Via Meru, Kenya, gives us an example of such efforts.

As the Alma Ata Declaration (WHO, 1978) <sup>1</sup> has become a more widely accepted guideline for health care priorities greater emphasis and effort have been placed on providing primary health care. Training and use of paramedical community health workers are common in many developing countries. The ability of the non-professional community health worker to be of assistance as a health educator, motivator, and minor treatment provider has been demonstrated in a number of studies (Fournier, 1975;<sup>2</sup> Djukanovic, 1975,<sup>3</sup> Maru, 1983).<sup>4</sup> A means of developing a primary health care programme with a solid base in the community and in which the community health worker rather than the professional health care provider is recognized and supported by the community has been more difficult to accomplish (Skeet, 1985).<sup>5</sup>

Maua Methodist Hospital has been involved in searching for a workable community-based approach to primary health care since 1977.<sup>6</sup> Slowly

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<sup>1</sup> World Health Organization, Alma Ata Conference on Primary Health Care. (1978). Declaration of Alma Ata, *WHO Chronicle*. Geneva, 1978.

<sup>2</sup> Fournier, G. & Djermaoye, I., "Village health teams in Niger (Maradi Department)". In K. Newell (ED), *Health by the people*, Geneva, World Health Organization, 1975, pp. 128-144.

<sup>3</sup> Djukanovic, V. & Mach, E. (eds.), *Alternative approaches to meeting basic health needs in developing countries*. Geneva, World Health Organization, 1975.

<sup>4</sup> Maru, R., "The community health volunteer scheme in India: an evaluation". *Social science of medicine*, 17(19), 1983, pp. 1477-1483.

<sup>5</sup> Skeet, M., "Community health workers: promoters or inhibitors of primary health care?" *International Nursing Review*, 32(2), 1985, pp. 55-58.

<sup>6</sup> United Nations International Education Fund for Children. (1982). *Evaluation of Maua hospital community-based health care project*. Report No. 20/82. 1982.

a model that appears to be workable has evolved. Analysis of the model reveals that the framework closely follows the collective innovative decision-making process described by Rogers (1971). Using this framework as an evaluation tool, it is easy to spot the weak areas in individual community programmes and to provide corrective education or motivation.

Rogers' framework, as applied to community-based primary health care, follows five steps which mid-level nurses have found no difficulty understanding. These steps have also been successfully communicated in a more familiar language style to community leaders and health workers of rural Kenyan communities.

Stimulation of the community is the first step of the process. This activity is not a time of telling the community its health needs or of giving solutions; rather it is a time of raising the awareness of the community to their health needs and problems through data-gathering questions and the presentation of the gathered data back to the community in a concise and creative way. Community mirroring activities are presented to established groups and meetings in that community using plays, songs, stories, games and drawings. The health provider who acts as the stimulator facilitator does not name the problem or suggest any solutions, but is content to trust the community members to identify their own problems and priorities, whether or not they coincide with her own assessment. Stimulation is complete when community leaders or groups recognize the need to make changes which will lead to the improved health of their community members.

Expansion of the need to change and the reason for change into the social consciousness of the total community is the second step, a step Rogers calls initiation. A specific plan of action is made by the community or its selected leaders to meet a particular health care need. Community organization and support for community designated leaders is essential to the success of this step. The role of the health care provider is to provide education and encourage organization of successful group activity. Planning and decision-making must be left to community members. Community initiators will be those people with some creativity and imagination and are often not the appointed or elected official leaders of the community. Commonly we have observed them among the educated: teachers, preachers, business persons, women's leaders and other service-minded literates. Community initiators in the Maua project have taken their concerns to grassroot organizations of their specific community, such as churches, cultural and self-help groups, and finally to full community meetings.

Many great ideas perished because of a bureaucratic veto; therefore, innovations must be approved by the community power structure. Rogers

calls this step legitimation. The initiators, who are engrained in the system of that community, will be better equipped than the health provider to get the necessary approval from the power structure. The initiators know exactly who among the government officials, institutional administrators, and power elite families can bless or kill an idea or action with their support or lack of same. Detailed knowledge of these powerful people also helps them to know how to overcome any blocking actions. In the Maua pilot community an obstructive government official was sidelined by making him “patron” of the committee, a position in which he gained community recognition and political credit for “leading” the committee but actually took no part in decision-making and action. He could not criticize a committee that was “his”.

It is wise to have the most widespread community involvement that is possible in the next step: decisions to act. The health care provided may assist innovators to explore various methods of involving the community in the decision-making. That person may provide the technical assistance with any paperwork needed. The specific method should be decided by the innovators since it is important that the decisions be made in a way appropriate to the culture. In developing countries where illiteracy is high, verbal communication through community meetings or other public meetings is common. As our project has evolved, several methods of reaching community consensus and/or decisions have been used. Churches and women’s groups have been channels for gathering or passing information. Major decision-making has been done at a “baraza”, a total community meeting called by the area assistant chief. Health committees selected at the baraza carry out the decisions and oversee the progress of the work, including the work of the community health workers. Co-ordination and co-operation between communities and with the health care providers in areas such as fund-raising, training, and requests to the government have been worked out through the Igembe Health Council. The Council has representatives from each of the communities involved in primary health care in that governmental area regardless of which health care provider is assisting in the project. Presently, it appears that the Health Council will become a recognized part of the government structure for implementing primary health care, truly joining the efforts of the community and the formal health care providers. The Maua Community Health Department staff have trained health committees in the problem-solving process and act as consultants to the Igembe Health Council.

Only when the community has become deeply involved and committed is it time for the final step of the process: action. It is essential that action is carried out by community members. This is the time for community health workers to be selected and trained. The health care provider may assist the

community to identify characteristics which they want to have in their workers, but selection is made through the community process. The health care provider then takes the role of a trainer. In the Maua project, short-listing of community health workers is usually done by the health committee from a list of volunteers. Volunteers are often solicited through churches, women's groups, youth groups and the official political party. Final approval of the short-list of community health workers is done at a baraza. The health care provider then works with the community, or a group selected to represent the community, to identify priorities for a training programme. The provider facilitates a team to prepare the technical training which gives the community health workers the ability to deal with these priorities. At Maua, training is done by enrolled community nurses with assistance from student nurses. Specific resource persons are invited to aid with topics in their area of expertise.

Agriculturalists, health educators, experienced community health workers, public health officers, community development assistants, water development officers, and local elected officials have all been resource persons. After the initial preparation, a member of the training team becomes a consultant to the local health committee as well as a technical supervisor of the community health workers.

Whoever holds the pursestrings, holds the power; therefore, the community should be actively involved in financial and back-up services such as housing, food and training materials before training begins. Maua training is done in the community at facilities arranged by the health committee. The health committee also takes full responsibility for food and lodging of the trainers as well as lunch and tea for the trainees. Trainees return home at night. Initial teaching materials are supplied by the training team but equipment or supplies left in the community must be paid for from community funds. Cost of transport for the training team to the community is negotiated, as well as transport for follow-up supervision visits and continuing education for community health workers.

Evaluations of the use of this framework demonstrates that over a five-year period the pilot community, which had no health services when the project began, developed well-used monthly maternal-child health services within a radius of 3-4 miles of most of the population.

Twenty-eight community health workers visited 5-8 families per week providing health education, encouraging use of health services, and screening for communicable diseases. Malnutrition dropped from 8% to 4% and bolderline malnutrition from 41% to 24%. Immunizations dramatically increased: numbers of children under 5 years immunized for measles increased by 37% and BCG by 46%. Fifty-three per cent of the children had completed primary immunizations. Environmental factors related to

health also improved. In 1977, 91% of the families had no toilets. By 1982, 55% had completed toilets, of which 37% were clean and in use (UNICEF, 1982). Presently fourteen communities are involved in the Maua project. Although not all have progressed as rapidly as the pilot community, similar trends are seen.

Using the collective innovative decision-making process as a framework has not made implementation of community involvement easier, but it has made identification of weak areas possible and facilitated planning of appropriate action. In the Maua project, we have learned that if we want the community to claim the project as their own, and sustain it, we must be thorough in building the foundation of community involvement before moving to the action stage. Results may be slower and less dramatic, but after 8 years, we believe we can say they are lasting because the community is committed and in control. Use of Rogers' framework has facilitated the development of a flexible model of primary health care which can be tailored to the specific cultural, social and economic circumstances of any community.

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## ROUND TABLE ON THE STATUS OF PERSONNEL AND VOLUNTEERS OF INTERNATIONAL AND NATIONAL ORGANIZATIONS IN HUMANITARIAN ACTIONS

The San Remo International Institute of Humanitarian Law, the Red Cross of Monaco and the Monaco Medico-Legal Commission organized a Round Table in Monaco from 22 to 24 April 1987 on the status of staff and volunteer workers in international and national organizations engaged in humanitarian work.

Some 40 participants from National Red Cross and Red Crescent Societies, the ICRC, the League, governmental and non-governmental organizations and universities discussed this subject, which has assumed particular importance at a time when humanitarian work is continually increasing throughout the world.

The Round Table was opened by H.R.H. Prince Albert of Monaco, President of the Red Cross of Monaco; speeches were delivered by Dr. A. Abu-Goura, Chairman of the Standing Commission of the Red Cross and Red Crescent, Mr. E. de la Mata, President of the League, Mrs. M. Fanfani, Vice-President of the League, Mr. J.-C. Marquet, President of the Monaco Medico-Legal Commission, and Professor J. Patnogie, President of the International Institute of Humanitarian Law. The ICRC was represented by Mr. J. D. Biéler, Mr. A. Bouvier, Mr. J. Meurant, Dr. R. Russbach and Mr. Y. Sandoz. Mrs. Y. Camporini and Mr. J. Vittani were present for the League.

In his introductory report, *Professor E. Suy*, former Director-General of the United Nations Office at Geneva, stressed the problems encountered in providing protection for people from humanitarian organizations engaged in assistance operations, both in time of conflict and in peacetime. After reviewing the various legal instruments and procedures which could provide safeguards, the speaker demonstrated that international protection was still inadequate and that it did not cover every type of situation. He went on to suggest various possibilities for solving these problems.

Although the participants reaffirmed the usefulness of conferring a precise legal status on both personnel and volunteer workers, they also recognized that such a status would not guarantee the effectiveness of the aid given; this is especially true since the question is closely bound up with complex and much debated problems concerning the right to humanitarian assistance, the right to undertake humanitarian activities and to offer such assistance, as well as the obligation to undertake humanitarian work.

*Mr. Y. Sandoz*, head of the ICRC's Principles and Law Department, dealt with the question of the status of staff in times of armed conflict, referring in particular to existing law and ICRC practice. He recalled the circumstances in which this law may be applied and noted the difficulties encountered in practice. In any case, humanitarian activities must be impartial and neutral and have government approval; it is of primary importance for non-governmental organizations to enter into and sustain a dialogue with the authorities concerned, to demonstrate their capability and thereby show they can be relied upon in assistance operations.

*Mr. G. Saab* (Lebanese Red Cross) and *Mr. T. Buruku* (Uganda Red Cross) then went on to relate the experiences of volunteers from their respective National Societies.

These experiences had shown that respecting the principles of impartiality and neutrality was every bit as important as abiding by legal doctrine, the tenets of which were frequently little known. Hence the need for teaching the armed forces, the police and government officials about humanitarian law.

The participants keenly stressed the value of principles and rules as regards humanitarian work in situations of conflict; however, such principles and rules must not only be clarified, they must also be respected. On this depended both the credibility and the acceptability of the organizations concerned. Turning to the problem of official exposure of serious violations of the law, the participants as a whole felt that denunciation was not compatible with effective action: the latter must be based on proper relations between non-governmental organizations and the authorities. Abuses must be denounced but this should be left to specialized bodies such as Amnesty International.

Following reports presented by *Mr. J. Meurant*, *Mr. J. Vittani* and *Mr. B. Jakovljević*, the participants examined the status of personnel and volunteers in peacetime, particularly in case of natural disaster. Rules governing humanitarian operations in such circumstances were manifestly inadequate and that made the work of the staff involved all the more difficult. As for volunteer workers, their status was practically inexistent.

The participants came to the conclusion that it was necessary to adapt existing regulations (such as the Principles and Rules for Red Cross and Red Crescent Disaster Relief) so as to improve the legal standing of staff and to improve their training; ways should be found to improve the co-ordination of international relief work.

Thanks to the fruitful discussions that took place during this Round Table, the main problems were identified and existing law was reaffirmed; shortcomings in the law and obstacles in the way of its application were also examined. The International Institute of Humanitarian Law declared its willingness to continue studying problems connected with humanitarian aid and the status of the personnel and volunteer workers of the organizations involved.

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## BOOKS AND REVIEWS

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### RESCUING NATIONALS ABROAD THROUGH MILITARY COERCION AND INTERVENTION ON GROUNDS OF HUMANITY \*

The controversy of the legal standing of humanitarian intervention and defence of nationals abroad has been tackled by Professor Ronzitti in this book in an admirably clear and cogent fashion. Unlike all too many writers, he begins by making the essential distinction between these two types of intervention and then considers the arguments in favour of the legality of each type of intervention based on different writers' interpretations of the United Nations Charter. Ronzitti refutes all these arguments and then correctly points out that international law has developed since the conclusion of the United Nations Charter, in particular with an increase in the number and scope of exceptions to the prohibition in Article 2, para. 4. The rest of the book is thus a study of the situation in customary law of these two types of intervention: for this he surveys actual interventions undertaken, the justifications given, State reaction and any other diplomatic statements.

His conclusion with regard to defence of nationals abroad is that there is insufficient State practice to support the legality of such intervention, but the extent of State practice in favour and the relatively limited amount of protest mean that such intervention may become legitimate *de lege ferenda*. The result of this conclusion is that such intervention is not contrary to a peremptory norm nor aggression and, basing himself on practice thus far, he outlines the likely features of such a possibly-emerging right. His conclusion with regard to humanitarian intervention is that State practice simply does not support the legality of this, but States sometimes nonetheless recognize the result of such intervention by means of a type of "amnesty" (e.g. Indian intervention in Bangladesh 1971, Tanzanian intervention in Uganda 1979). The relevance of consent to both types of intervention is considered, especially in connection with Article IV of the Treaty of Guarantee of Cyprus.

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\* Natalino Ronzitti, *Rescuing Nationals Abroad through Military Coercion and Intervention on Grounds of Humanity*. Martinus Nijhoff Publishers, 1985, xix + 216 pages.

Finally, different types of intervention at sea are analysed—in the territorial sea, exclusive economic zone and high seas—taking into account State practice and the law relating to piracy, self-defence and necessity.

It should be appreciated, however, that although Ronzitti's assessments are carefully made and convincing, the legality of these types of intervention remain controversial. The problem of defence of nationals abroad is particularly difficult: Ronzitti assumes that the United Nations Charter eliminated this right, thus requiring the development of a new customary rule allowing such intervention. One could, however, argue that a sufficiently large number of States, on concluding the Charter, did not intend to extinguish this right and that Article 51 did not embody the sum total of the right of self-defence but rather should be seen in its context of Chapter VII. Although it is true that Ronzitti's opinion that self-defence is only allowed after an "armed attack" is supported by the majority opinion of the ICJ in the *Nicaragua v. U.S.A.* case, the dissenting opinions refuting this of Judge Schwebel (quoting Waldock para. 173) and Sir Robert Jennings cannot be ignored. The same is true with regard to the definition of "armed attack": Ronzitti states that "armed attacks" within the meaning of Article 51 can take place only against symbols of state sovereignty i.e. territory and military craft, and yet appears to later contradict this, when considering intervention at sea, by including merchant vessels. Are nationals of a State, therefore, less important than a boat or a plane, even though the population is one of the constituent elements of statehood?

Another difficult subject is that of the Treaty of Guarantee of Cyprus which allows for "action" to be taken by the guarantor powers to protect the Constitution. Amongst several arguments, Ronzitti states that the consent of Cyprus to the treaty precludes the wrongfulness of military intervention. This, however, would be tantamount to saying that a bilateral treaty authorizing intervention in one of the parties can never be void for *jus cogens* because of the consent of one of them. Ronzitti finally supports the validity of the treaty by saying that it is not contrary to, but indeed supports, the right of self-determination. This is not so self-evident as it was imposed on Cyprus as a condition for independence and, in United Nations practice, self-determination is less concerned with a representative government in a recognized territorial unit. Further, Ronzitti pays very little attention to the fact that the Security Council disapproved of Turkish intervention in 1974 although there was in fact good reason for Turkey's initial action, and the fact that subsequent events there have illustrated the problem of treaties allowing unilateral military intervention.

Other difficult issues are the existence of the defence of "necessity" for intervention at sea, the legality for which Ronzitti provides only one secondary source, and the conclusion that liberation movements have no rights of naval warfare, which may well be questioned by those characterizing such conflicts as international.

Apart from these minor reservations, however, the book as a whole is very well written, clearly presented and thoroughly researched. The book was obviously written before the intervention of the U.S.A. in Grenada in 1983 and does not include this event. However, this in no way detracts from the validity of Ronzitti's conclusions which are, in the main part, carefully considered and convincing.

*Louise Doswald-Beck*

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## THE LAW OF NON-INTERNATIONAL ARMED CONFLICT<sup>1</sup>

When H. S. Levie's *Protection of War Victims: Protocol I to the 1949 Geneva Conventions*<sup>2</sup> was published in 1981, we presented its four volumes and supplement in which he described the preparatory work carried out for Protocol I.

His new work, *The Law of Non-International Armed Conflict* proceeds in the same way for Protocol II, i.e. documents which are sometimes difficult to find in the *Official Records of the Diplomatic Conference (CDDH 1974-77)* which adopted the Protocol are arranged in alphabetical order. This is useful because the *Official Records* order the documents not according to their subject but according to their type and according to the body which dealt with them during the Conference.

The book does not cover the preparatory work for the final provisions of Protocol II.

On the other hand, this work contains various additional documents which reflect the particular process whereby the Protocol was created and which will certainly prove useful. There is a table of cross references for article numbers, an index according to States, an index listing speakers and a subject index.

This book will no doubt be as much of a boon as Levie's previous works to all those doing research on Protocol II.

*Bruno Zimmermann*

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<sup>1</sup> Howard S. Levie, *The Law of Non-International Armed Conflict: Protocol II to the 1949 Geneva Conventions*, xiii + 635 pp., Martinus Nijhoff Publishers, Dordrecht/Boston/ Lancaster, 1987.

<sup>2</sup> Oceana Publications, Dobbs Ferry, New York, 1979-1981. For reviews of this book see the *International Review of the Red Cross*, No. 220, January-February 1981, p. 56; No. 221, March-April 1981, p. 118 and No. 250, p. 74.

## REFUGEES: DYNAMICS OF DISPLACEMENT \*

In their introduction, the authors of this report state that their aim is to discuss the problem of involuntary migration, show how the international community deals with it and suggest what could be done to anticipate and obviate the necessity for such movements.

The report is divided into two parts, one dealing with refugees and the other with displaced people.

In their discussion of refugees, the authors point out that with 13 million refugees around the world the problem has now attained unprecedented proportions. Indeed, it has become a global problem, although most refugees are to be found in poor countries. Their situation is all the more precarious in that those who flee by boat fall prey to pirates, while those held in camps along borders are subject to military attack. And a refugee arriving in Hong Kong, for example, is faced with the depressing prospect of spending long years in a closed camp.

The authors go on to describe the situation of refugees in Western countries. In the 1960s and 1970s these countries adopted magnanimous legislation but today, faced with economic problems and growing racial animosity fed by the media and extremist politicians, these same governments resort to restrictive practices that are eroding the right to asylum.

The fourth chapter emphasizes the inadequacy of existing legislation. People fleeing conflicts do not fit into the narrow definition contained in the 1951 Convention Relating to the Status of Refugees which requires the refugee to provide proof that his fear of persecution is well founded. While it is true that the mandate of the United Nations High Commissioner for Refugees has been extended by various resolutions of the United Nations General Assembly to cover these persons, the issue of protection for Palestinian refugees has not been settled, nor has the question of physical protection for refugees.

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\* *Refugees: Dynamics of displacement*. A Report for the Independent Commission on International Humanitarian Issues (foreword by Sadruddin Aga Khan and Hassan ben Talal) London: Atlantic Highlands. New Jersey, Zed Books Ltd., 1986, 152 pp., annexes. In English. Editions in Arabic, French, Japanese and Spanish to appear later.

Possibilities for lasting solutions are examined in the fifth chapter. Special prominence is given to the conditions that must be fulfilled to ensure that repatriation is voluntary. In cases where refugees are to be resettled, the authors recommend that this should take place within their own region.

In their section on displaced people, the authors begin by pointing out that States have always sought to control the movements of foreign nationals on their territory by passing immigration laws and expelling or internment people who are in the country illegally.

The chapter dealing with mass expulsions recalls that while the principle that a State has the right to expel foreigners is accepted by international law, restrictions are placed on this by international human rights accords.

There are many means of controlling population movements within a country's borders. An entire chapter is devoted to what governments do in this area—relocating city dwellers in rural areas, grouping farmers together in villages, settling nomads and moving people from one part of the country to another.

The penultimate chapter concerns people who have been displaced within a country by armed conflict, whether international or not, or by internal disturbances and tensions. The authors point out that no United Nations agency is responsible for protecting and assisting such people. The HCR's mandate is basically limited to activities on behalf of people who have left their country. Sometimes, at the request of the United Nations Secretary-General or the General Assembly, or the government of the country concerned, the HCR's mandate can be extended to come to the aid of people displaced within their own country. The work done by the ICRC and the National Red Cross and Red Crescent Societies is brought to the fore here. Their role was set out in the statement of policy accompanying Resolution XXI of the Twenty-fourth International Conference of the Red Cross held in Manila in 1981. Protection of people displaced by armed conflict is provided for in the Fourth Geneva Convention of 1949 and the Additional Protocols of 1977.

The final chapter deals with the difficulties encountered in anticipating and preparing for events (access to and exchange of information) and with proposed preventive measures, such as the setting up of an early warning system.

On the whole, the passages about the ICRC reflect well on the institution. We should nevertheless like to provide some clarification of certain statements made in the book. While it is true that the Israeli authorities do not recognize the *de jure* applicability of the Fourth Geneva Convention of 1949 to the Occupied Territories (p. 50, 1st paragraph), the civilians living there are not entirely without protection because the State of Israel in fact allows the ICRC to carry out, by analogy, activities based on that Convention. The same is true in El Salvador, where the ICRC bases its activities on Article 3 common to the Four Geneva Conventions and

Additional Protocol II of 1977 even though the Salvadorean authorities have not formally recognized the applicability of the latter (p. 128, 2nd paragraph). At the time of writing, 68 States have ratified Protocol I and 62 have ratified Protocol II.

The report reviewed here does not claim to provide information new to those whose work it is to deal with the refugee problem. Nor will specialists in refugee law find anything original in it. But that is not the author's purpose; the editorial note following the foreword clearly states that this book is intended primarily for the general public.

We therefore recommend this report to all who take a general interest in the refugee problem or who wish to acquire a broad view of the subject before going more deeply into certain areas.

The problems discussed are illustrated with a wealth of examples and the clear style in which the report is written makes it a pleasure to read.

*Françoise Krill*

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## THE RIGHT TO FOOD \*

Morality and law are not always identical. Whereas the Red Cross, for example, may argue on purely humanitarian grounds that it is wrong to allow populations to starve, it is also important to have a firm legal basis to support such contentions. The book *The Right to Food* will be of interest to the Red Cross and Red Crescent Movement because it shows, perhaps for the first time, the nature of this right as a human right. It also provides guidance of various kinds that may be useful in formulating strategies to try to generate minimum nutritional requirements throughout the world.

This collection of essays arose out of a conference organized by the Netherlands Institute of Human Rights and two other groups in 1984, the year of the tenth anniversary of the Universal Declaration on the Eradication of Hunger and Malnutrition. It begins with a detailed overview of international law and the right to food by Dr. Philip Alston. Alston is realistic: while noting the shortcomings of addressing hunger as a human rights issue, he nevertheless shows the benefits to be gained from doing so. A human rights approach places food issues on the serious political agenda

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\* P. Alston and K. Tomaševski (eds.). *The Right to Food*, Martinus Nijhoff Publishers and Netherlands Institute of Human Rights (SIM), Dordrecht, 1984, 229 pp., £29.95/Dfl. 98.

and most importantly acts as a mobilizing force, a rallying point, both for starving people and, as demonstrated by the success of Mr. Bob Geldof and campaigns such as Live Aid, for a fluctuating proportion of the well-nourished section of the population.

For a Red Cross audience, it may be somewhat curious to note that in his brief reference to the Geneva Conventions and their Additional Protocols, Dr. Alston cites the articles prohibiting the starvation of civilians and promoting relief actions in Protocol II (Articles 14 and 18 (2) respectively), while omitting any reference to the more full provisions of Protocol I (Articles 54 and 70 respectively). He wonders why international legal protection against hunger is stronger in war than in peace. One might answer that international humanitarian law is in large part concerned with persons in the power of the adverse party and that it may be easier to regulate State conduct towards non-nationals, especially during an armed conflict or military occupation. Also it might be noted that the provisions of humanitarian law on relief operations do contain important qualifications. Any legal obligation in this respect remains indefinite. More generally Dr. Alston's query strikes at the root of the distinction between international humanitarian law and human rights law.

Amartya Sen and Henry Shue then examine the right to food from philosophical perspectives: Professor Sen establishes the validity of a basic right not to be hungry and Dr. Shue demonstrates the interdependence of duties arising from the right to food. In the third section, on the role of international law, Dr. Godfried van Hoof looks at the legal nature of economic, social and cultural rights, arguing that they have a legally binding status and recommending a more integrated approach between these rights and civil and political rights. Dr. Guy Goodwin-Gill analyses obligations of conduct and result, again showing that economic and social rights are fully-fledged human rights and the importance of domestic (municipal) legal remedies. Mr. Gert Westerveen discusses the inadequacies of the present supervisory mechanism to ensure State compliance with the right to food and makes suggestions for improved monitoring. Dr. Katarina Tomaševski uses the right to food as a model to show how social indicators may measure the realization of human rights. At one point she asserts that the purposeful starvation of people [by the State] is prohibited by international humanitarian law. However this statement needs to be qualified, for example, by reference to the existence of an armed conflict and to relevant instruments, such as the 1948 Genocide Convention, applicable in peacetime (although the 1948 Genocide Convention and the customary international legal prohibition it confirms are also applicable in time of war).

The final section concerns the implementation of the right to food. Mr. Pierre Spitz places the subject in historical perspective. He argues persuasively that in the last analysis pessimists, in invoking realism, defend the status quo while history has demonstrated the strength of utopian ideas (no doubt a Red Cross and Red Crescent audience will feel sympathy for

such views!). Mr. Roger Plant looks at agricultural production, land tenure and rural development in Latin American law and practice. In the final essay Mr. Clarence Dias and Professor James Paul discuss "a participatory approach to the development of the human right to food as a means of empowering victim groups (and social action groups [notably non-governmental organizations] working with and for them) to identify and demand protection against man-made practices which produce food shortages, hunger and malnutrition." This approach is somewhat political for Red Cross and Red Crescent organizations but one can imagine a neutral role which these organizations can fulfil to help towards the realization of the human right to food, such as by setting up nutrition education and demonstration programmes. This last essay also illustrates how law can be used as a tool to help achieve social change, and the inextricable link between politics and law.

A short report of the conference held in 1984 by Mr. Rene Guldenmund is annexed.

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For a Red Cross and Red Crescent readership, the book may in parts be rather technical and dry, and the language can be tedious. However the volume does offer practical suggestions for moving from rhetoric to specifying the obligations, largely on States, emanating from the human right to food, in particular under the International Covenant on Economic, Social and Cultural Rights 1966 (Article 11). It will be interesting to see the effect of these essays on the Report of the Right to Food Committee of the International Law Association which has been studying the feasibility of an international legal instrument on the right to food.

And for anyone who thinks of the right to food solely in terms of Third World countries, it is salutary to note that, in a report to the United Nations Economic and Social Council in 1980, the United Kingdom stated "there are no laws, regulations or agreements, nor court decisions bearing on the right of everyone to adequate food in the United Kingdom" (E/1980/6/Add. 16, p. 21). As Dr. Alston observed, "at a time when unconscionably high levels of unemployment have become commonplace, when anti-inflationary policies are pursued at the direct expense of employment, and when more and more governments are embracing austere social and economic policies, it may be necessary to revise earlier assumptions, which in effect take realization of the right to work for granted, and to formulate specific commitments to promotion of the right to food within the framework of regional human rights instruments."

Finally the importance of a right to food as a human right may be seen in the all-too-frequent, tragic situations such as those which existed in southern Sudan in 1986 and in the Shatila and Bourj Al-Barajneh refugee

camps in Beirut in 1987. There may be argument or doubt about the formal applicability of international humanitarian law in such circumstances. However if the right to food is a basic human right, and this book convincingly shows that it is recognized as such by the international community, then it may be said to be applicable in principle at all times, everywhere. Authoritative ethical and legal norms can be powerful ammunition for diplomatic or political efforts to prevent atrocities and to establish a more just social and economic order, nationally as well as internationally.

*Michael A. Meyer*

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## ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic of) — Afghan Red Crescent Society, Puli Hartal, *Kabul*.
- ALBANIA (Socialist People's Republic of) — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, Boulevard Mohamed V, *Algiers*.
- ANGOLA — Cruz Vermelha de Angola, Av. Hoji ya Henda 107, *Luanda*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
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- BANGLADESH — Bangladesh Red Cross Society, 684-686, Bara Magh Bazar, Dhaka-17, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, Chaussée de Vleurgat 98, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (People's Republic of) — Red Cross of Benin, B.P. No. 1, *Porto Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar No. 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10/12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross Society, Red Cross Building, 42, Strand Road, *Rangoon*.
- BURUNDI — Burundi Red Cross, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa, Ontario K1G 4J5*.
- CAPE VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa Maria No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA (People's Republic of) — Red Cross Society of China, 53, Ganmian Hutong, *Beijing*.
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- CUBA — Cuban Red Cross, Calle Calzada 51, Ciudad Habana, *Habana 4*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Société du Croissant-Rouge de Djibouti, B.P. 8, *Djibouti*.
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- ECUADOR — Ecuadorean Red Cross, Calle de la Cruz Roja y Avenida Colombia, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C, Pte y Av. Henri Dunant, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 22 Gorrie Street, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzerstrasse 2, DDR 8010 *Dresden*.
- 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 Society, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 221, *St. George's*.
- GUATEMALA — Guatemalan Red Cross, 3.<sup>a</sup> Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUINEA — The Guinean Red Cross Society, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Sociedad Nacional da Cruz Vermelha de Guiné-Bissau, rua Justino Lopes No. 22-B *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Evc Leary, *Georgetown*.
- HAITI — Haitian National Red Cross Society, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.<sup>a</sup> Calle, 1.<sup>a</sup> y 2.<sup>a</sup> Avenidas, *Comayagüela D.M.*
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- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross Society, Jl Jend Gatot subroto Kar. 96 Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Baghdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, 1-3, Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- 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, Ryonhwa 1, Central District, *Pyeongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San-Dong, Choong-Ku, *Seoul 100*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat, *Kuwait*.
- 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 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.

- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg 2*.
- MADAGASCAR — Malagasy Red Cross Society, 1 rue Patrice-Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross Society, Mahati Magandhi 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 55000*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross Society, Sic Thérèse Street, *Curepipe*.
- MEXICO — Mexican Red Cross, Luis Vives 200, Col. Polanco, C.P. 11510, *México, D.F.*
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217, *Katmandu*.
- NETHERLANDS — The Netherlands Red Cross, P.O.B. 28120, 2502 *KC The Hague*.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, *Wellington 1* (P.O. Box 12-140, *Wellington North*).
- NICARAGUA — Nicaraguan Red Cross, Apartado 3279, *Managua D.N.*
- NIGER — Red Cross Society of Niger, B.P. 11386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, 11 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, Sector H-8, *Islamabad*.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, Zona 1, *Panamá*.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216 esq. José Berges, *Asunción*.
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima*.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803*.
- POLAND — Polish Red Cross, Mekotowska 14, 00-950 *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 *Lisbon*.
- 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 — Rwandese Red Cross, B.P. 425, *Kigali*.
- SAINT LUCIA — Saint Lucia Red Cross, 2, Mongiraud Street, *Castries*.
- SAN MARINO — Red Cross of San Marino, Comité central, *San Marino*.
- SÃO TOMÉ AND PRINCEPE — Sociedade Nacional da Cruz Vermelha de São Tomé e Príncipe, C.P. 96, *São Tomé*.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, *Riyadh*.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6 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 — The South African Red Cross Society, 77, de Villiers Street, P.O.B. 8726, *Johannesburg 2000*.
- SPAIN — Spanish Red Cross, Eduardo Dato, 16, *Madrid 28010*.
- SRI LANKA (Dem. Soc. Rep. of) — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo 7*.
- SUDAN (The Republic of the) — The Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SURINAME — Suriname Red Cross, Gravenberchstraat 2, *Paramaribo*.
- 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 Arab Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA — Tanzania Red Cross National Society, Upanga Road., P.O.B. 1133, *Dar es Salaam*.
- THAILAND — The Thai Red Cross Society, Paribatra Building, Chulalongkorn Hospital, *Bangkok 10500*.
- TOGO — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA — Tonga Red Cross Society, P.O. Box 456, *Nuku'alofa*.
- TRINIDAD AND TOBAGO — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis 1000*.
- TURKEY — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 Kizilay-*Ankara*.
- UGANDA — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UNITED ARAB EMIRATES — The Red Crescent Society of the United Arab Emirates, *Abu Dhabi*.
- UNITED KINGDOM — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X 7EJ*.
- U.S.A. — American Red Cross, 17th and D. Streets, N.W., *Washington, D.C. 20006*.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.S.R. — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., 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-Trिcủ, *Hanoi*.
- WESTERN SAMOA — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN ARAB REPUBLIC — Red Crescent Society of the Yemen Arab Republic P.O. Box 1257, *Sana'a*.
- YEMEN (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P.O. Box 455, Crater, *Aden*.
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, 11000 *Belgrade*.
- ZAIRE — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA — Zambia Red Cross Society, P.O. Box 50 001, 2837 Brentwood Drive, Longacres, *Lusaka*.
- ZIMBABWE — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.