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INTERNATIONAL REVIEW OF THE RED CROSS

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Sources of the recognition of belligerent status

By Charles Zorgbibe

Part One

Recognition by the Government

“Whenever a large organized group believes it has the right to resist the sovereign power and considers itself capable of resorting to arms, war between the two parties should take place in the same manner as between nations...” This statement by de Vattel in the 19th century seemed destined to take its place as a part of positive law, constituting part of what was known as recognition of belligerency, tantamount to the recognition by the established government of an equal status for insurgents and regular belligerents. When a civil war became extensive enough, the State attacked would understand that it was wisest to acknowledge the existence of a state of war with part of the population. This would, at the same time, allow the conflict to be seen in a truer light. The unilateral action of the legal government in recognizing belligerency would be the condition for granting belligerent rights to the parties. It would constitute a demonstration of humanity on the part of the government of the State attacked and would also provide that government with prospects for effective pursuit of the war. By admitting that it was forced to resort to war, it would at least have its hands free to make war seriously.

In their eagerness to demonstrate the advantages of recognizing belligerency, 19th century authors obviously failed to consider the psychological circumstances in which belligerent status would be granted.

Declining to recognize an insurgent government even partially and contemptuously, the State attacked would do no more than recognize that war existed in fact and that the international rules of war should apply to relations between the two parties. It was painful for a State even to go this far since recognition of the insurgents as belligerents amounted to a formal confession of its own temporary impotence and carried with it the risk of strengthening the authority of the rebels.

The seriousness of the step explained the characteristics it assumed. Recognition was not subject to any other fundamental condition than the discretion of the government in question. It was always an optional action and was seldom expressed in a categorical and formal manner, being essentially an expression of the particular nature of the legal government. It was often no more than tacit.

At the end of the 19th century, some authors nevertheless maintained the so-called theory of "obligatory recognition of belligerency", arguing that it was not only a right but a duty of the established government; that a formal act of recognition was not even necessary since the mere existence of a civil war conferred the right of belligerency upon both parties. In his work on the theory and practice of international law, Calvo stated: "Genuine civil war confers upon both parties involved the characteristics and rights of belligerents". Fiore also argued, in his *Nouveau droit international public*, "that quite apart from recognition of the belligerent status... we cannot dispute the *de facto* personality of a political party... nor can we escape from regarding it provisionally as a separate and distinct state." He proposed that executive and judicial authorities accept the exercise of certain sovereign rights by the rebels. It is obvious that these authors refused to regard recognition as a creative act establishing the status of belligerency, but treated it as a declarative act recognizing existing circumstances, both *de facto* and *de jure*. Their view of the matter, however, was not well suited to the nature of conventional interstate society. How was it possible to force a State to recognize the existence on its own territory of a belligerent community, in an international climate characterized by the quasi-monopoly and the unconditional character of State power? Even supposing that such recognition were unnecessary, how would it be possible to define the "state of civil war" which would, in itself, confer the rights of belligerency? Calvo acknowledged the difficulty of answering these questions, noting that it was equally difficult to define absolute

limits and to set forth general rules since "everything depends on the circumstances of time and place, on the extent and duration of the insurrectionary movement, the seriousness and the complication of the interests involved, the principles of law and the general concept put forward by the party which has taken up arms..." In practical terms, the imprecision of the criteria left the legal government discretion to decide whether or not to recognize the existence of conflict.

Recognition of belligerency by another State could not, in law, influence the decision of the legal government. Such recognition of course might have political consequences; the established government might be inclined to consider it as an indication of international public opinion or, more commonly, as motivated by political or economic considerations. Legally, however, foreign powers could well grant insurgents the status of belligerents and enter into relations with them; the government of the divided State would nevertheless remain sovereign and therefore free to apply the provisions of internal penal law to the rebels and to deny them any rights inherent in war between States. On the other hand, once a legal government has granted recognition to its adversaries, it must logically bear the consequences of its decision. When such recognition is freely decided, it creates a new juridical situation and can only be withdrawn after the defeat of the insurgents.

When a legal government intends to accord recognition, its decision is not subject to the fulfilment of certain conditions by the rebel party. The established power cannot lay itself open to the suspicion of weakness; it will certainly not be inclined to treat as serious enemies a handful of rioters. If it considers it to its own advantage to assume belligerent rights, it is free to do so in the light of the sovereign right to make war which is accorded to it by classic theoreticians.

Some authors argue, however, that the government, in making its own sovereign judgement, should take a number of elements into account. In the opinion of de Martens, "the rebel party must be regularly organized, genuinely independent and must respect the laws and customs of war". Bluntschli specifies three conditions, stating that the rebel community can only be recognized if: (a) it is recognized as a military force, (b) it observes the laws of war in the conduct of hostilities and (c) it believes in good faith that it is fighting as a substitute for the State in the defence of its rights. These conditions may serve two different pur-

poses. First, they may prevent the legal government from according precipitate recognition—but this concern is superfluous since, as Wehberg wrote, it is impossible to point to any case of recognition of insurgents by a legitimate government before revolt had assumed the dimensions of civil war. Secondly, fulfilment of the three conditions confers upon insurgents a moral right to recognition. Bluntschli appears to have had this in mind when he cites the conflict of the southern Confederate States as an example of a civil war in which the insurgent party met all the required conditions and obtained the status of belligerent from the established government.

Since it constitutes a confession of impotence, the state of belligerency is seldom explicitly recognized by the established power. For a long time the only example of this form of recognition was a statement on 4 July 1861 by the American Congress that the Union Government was at war against eleven Southern States. More recently—and this second example also relates to a war of secession involving a federal State—we may refer to the “declaration of war” addressed on 12 August 1967 by the Nigerian Executive to the secessionist State of Biafra, prior to which time the federal authorities had admitted to nothing more serious than a “police operation”. Most of the time, recognition of belligerency is only implied, consisting in the adoption by the legal government of measures quite incompatible with a state of peace, as if to protect by a purely tacit admission the last shreds of pretence that peace still exists.

It remains to determine what acts amount to a formal recognition of belligerency and leave no doubt as to the intentions of the legal government. The Institute of International Law took up this question in drafting its Neuchâtel Regulations of 1900. While it set aside certain applications of the laws of war made purely for humanitarian reasons and which could not therefore be interpreted as a recognition of belligerency, it required not one but a series of acts. In his quest for a criterion for recognition, Rougier quite properly concentrated not on the number of acts but on their character. Citing concrete examples, he pointed out that one act alone, such as the conclusion of an armistice like that signed by the Netherlands in 1830, and especially the establishment of a blockade against ports controlled by insurgents, like that decreed by President Lincoln on 19 April 1861, could eliminate any doubt. These necessarily implied recognition of a belligerent community, since one could conclude

a treaty with an enemy but not with persons subject to trial in court, and one could not impose a blockade, even on the supposition that this was a peaceful act, against one's own ports.

The theses of these authors nonetheless left open to doubt a wide range of questions as to the real intentions of the party mainly concerned—the established government. From the outset, events during the Spanish Civil War were the subject of divergent interpretations. In July 1936, the Madrid government declared that Spanish Morocco, the Canary Islands and other African possessions were “war zones” and “subject to blockade”, these measures being extended on 11 August to the southern coast of Spain and the Balearic Islands. Other powers refused to respect the blockade by using force to prevent their ships being inspected. In the opinion of Padelford and O'Rourke, the Spanish Government had indeed decreed a blockade and in doing so had recognized from the beginning of the conflict the nationalist insurgents as belligerents, the refusal of other States to respect the blockade being due to the inability of the Madrid Government to make it effective. Schulz, by contrast, believed that the declaration of July 1936 did not constitute a genuine declaration of blockade inasmuch as it had dealt mainly with the establishment of “war zones”, noting that it did not prevent the issuance of a decree on 27 July 1936 characterizing the cruiser *Almirante Cervera* as a pirate ship. He argued that the Madrid Government had simply wished to claim certain rights unilaterally and had not intended to recognize the rebels as belligerents. The same contradictory points of view appeared during the civil war in Algeria, with a spokesman for the rebel organization interpreting French actions in stopping ships on the high seas and seizing their cargoes as a tacit recognition of belligerency, whereas the French Government appeared to justify these operations on the theory of “legitimate self-defence”. Prof. Rousseau expressed regret that such boarding of vessels had not been made entirely legal by explicit recognition of belligerency. The fact is that an insurgent party will always be tempted to interpret certain acts of government authorities as implicit recognition, while the legal government will maintain its own conviction, even by its silence, that it has in no way recognized the rebels as a belligerent group.

Recognition of belligerency discloses a division between the State and a group of its citizens. The respective supporters of the legal government and the insurgents appear suddenly to be going in different

directions as the common ties of allegiance are provisionally undone and the rights of belligerency are conferred upon both parties. The conflict then appears as it really is; the juridical stage has been set.

In according recognition, leaders have not always been aware of the rights which they were granting to the adverse party and the obligations they themselves were assuming. It does not appear, for instance, that President Lincoln in 1861 wished by his declaration of blockade to grant belligerent rights to the Southern States. Some authors have supported the misconceptions of governments. In 1881, in his draft international code, Dudley-Field still argued that recognition conferred belligerent rights only upon the legal government. He went so far as to add that a nation might, without renouncing its rights of jurisdiction over the insurgents, treat them as belligerents.

Most authors, however, have laid stress on the sacrifices imposed upon itself by the established government. In particular, they have contrasted the recognition of belligerency and the application of penal law. When the ties of allegiance have been shed, the captured insurgent is no longer subject to trial but is a prisoner of war. It is true that civil war cannot be entirely comparable to international war, being limited by the circumstances of war and by acts of violence occurring in the course of the armed struggle. If the insurrection is overcome and the ties of allegiance reconstituted, there is nothing to prevent prosecution of the leaders of the rebel party for conspiracy against State security. Lieber made this clear in his Instructions: "Treating, in the field, the rebellious enemy according to the law and usages of war has never prevented the legitimate government from trying the leaders of the rebellion or chief rebels for high treason, and from treating them accordingly, unless they are included in a general amnesty".

On the other hand, the same authors perceive an advantage for a State attacked in suspending the ties of allegiance of its nationals who belong to the belligerent community since it discharges the State of responsibility for acts by the insurgents vis-à-vis all other States. The attitude of the Washington Government after the War of Secession seems indeed to support this point of view in that it rejected all the claims for indemnity addressed to it as a result of actions carried out by the Southern troops, since as regular belligerents their activities did not incur the responsibility of the Union Government. It must be noted however that this refusal by the Federal Government was in every case the response to

the powers which had recognized the belligerency, as in the case of France whose claims were rejected by the Joint Commission set up on 15 January 1880. The American example does not make it possible therefore to postulate, as Rougier does, that the responsibility of the State which has granted recognition ceases *erga omnes*. Logically, the legal government should not be able to escape from its responsibility except towards those States which have granted belligerent status to the rebel party.

The major effect of recognition so far as the attacked State is concerned rests in the fact that it acquires the right of belligerency, that is, to use means of action which are more energetic than those it would derive from the simple application of criminal laws. In the classic era, this right of the State was not disputed either in doctrine or in international practice since *jus belli* appeared to constitute one of the main attributes of sovereignty. If a State decided to declare a state of war with the insurgents, neither the latter nor any third States had the right to refuse to admit this attitude. The fact that the capacity to engage in war was not exercised against another subject of international law but against a community which had hitherto lacked any juridical personality did not appear to disturb the classic authors. Rougier expounds that “the State is recognized by the other powers as a person under the law of nations; from the moment it declares that it is in a state of war, the other nations are aware that its belligerent rights might well conflict with their own rights”; the State may, therefore, exercise its authority to make war against whomever it pleases. Likewise, Strupp comments simply that rebels and the mother country are in the situation of two belligerent States; while, for Lawrence, the important fact is that only the State possesses the legal competence necessary to declare a state of belligerence—the insurgents do not have such competence. The attitude of other governments is also revealing: when Lincoln ordered the blockade of the ports held by the forces of the South, Britain interposed, not to contest the acquisition of belligerent rights by the federal government—a position which would have allowed Britain to maintain its economic relations with the southern States—but to draw the President’s attention to the various legal consequences of his decision.

However, just before the outbreak of the Second World War, the Spanish Civil War—an intermediate phase, it is true, in the evolution of the notion of civil war—saw the beginnings of a new theory, namely,

that other governments must approve before a sovereign government may consider insurgents as belligerents and regard itself as being in a state of war. But this requirement, far from being the expression of a concern to prohibit civil war, turned out to be no more than the reflection of the confusion prevailing in international relations—as was to be proved by the intermittent efforts made by the legal government and some other powers to find a legal “third way” which would be neither the recognition nor the fictitious non-existence of the insurgents. In complete contrast, Georges Scelle maintains that a State’s competence to take military action is distinct from its competence to wage war, that military action forms part of police powers which the legal government holds in its constitutional character, and that such action is an obligation since the legal government has the duty towards the international community to keep order within its own zone of territorial authority. This conception is undoubtedly more in keeping with the author’s cherished view of an international executive power based on division of functions between States, rather than with international practice.

Part Two

Recognition by other States

The recognition of belligerency by other States was established as a practice only gradually: for a long time it was regarded as a preliminary to recognition as a State, in civil wars of secession, of the territory held by the insurgents. For example, in the American War of Independence, France and Spain declared that they considered the rebels as possessing “factual independence”. The revolt of the Spanish colonies in America was, indeed, the opportunity for the government of the United States to try to define the theory of recognition of belligerency: “The United States have recognized the existence of a civil war between Spain and its colonies, and have stated their intention to remain neutral, granting to

each of the two adversaries the same rights of asylum and of passage. In our view, each of the belligerents is equally entitled to be treated as a belligerent; both possess sovereign rights of war and the capability of exercising those rights". In 1868, G. B. Lawrence, in his Commentaries on the works of Wheaton, emphasized the distinction between the recognition of the rights of war of a colony or a part of a State and the recognition of its complete independence. But in the following year, during the first war of Cuban independence, Venezuela, Peru and Bolivia recognized the Cuban insurgents both as belligerents and "as a government". At the end of the century, the recognition of belligerency was still not always dissociated from recognition of the independence of the territory controlled by the insurgents, even if the outlines of the two practices were becoming more clearly delineated: on 28 February and 6 April 1896, the Senate and House of Representatives of the United States Congress urged the Washington government to recognize the Cuban insurgents as belligerents and to create the conditions required for Cuba to obtain its independence. The doubt subsisting, from the beginning, as to the true nature of the recognition of belligerency explains the hesitations and shifts in the attitudes of States concerned, afraid for a long time that any attribution of legal status to the insurgents would be taken as formal recognition of their independence. Up to the time of the American Civil War (War of Secession), United States practice was very accessible to the notion of belligerency. While Great Britain limited itself to recognizing the Greek insurgents in 1825 and the civil war in Portugal in 1828, the Washington government invoked the precedent of the Spanish colonies in America to grant belligerent status to Texas when it revolted against Mexico in 1836, to mere rioters in Canada, without any real organization or political aims, in January 1838, and even to the rebel military faction of General Vivanco in 1858, the last-mentioned giving rise to a protracted disagreement with the government of Peru. But the Civil War engendered a sharp change of principle in the United States. The Confederates in the South were recognized as belligerents by Britain after they captured Fort Sumter, and subsequently by France, Spain and the major European powers. The United States made energetic protests and began a long debate with Britain which ended in the arbitration court in Geneva. From that time, the doctrine of recognition seemed to be more clearcut, but the practice became more strict. The Polish uprising in 1864 brought argument on

the question, as did the Cuban rebellions in 1869 and 1895, and the civil wars in Chile and Brazil in 1891 and 1894, but the result was usually negative. In 1927 Noel-Henry, writing on the subject, noted the total decline in the recognition of belligerency, and the practice lay dormant until 1967, during the civil war in Nigeria, when it again showed signs of life.

The polemics on the subject are understandable. The recognition of belligerency is the decisive act in the relations between the rebels and outside governments. It almost always has the effect of establishing precedents; it concedes a number of specialized powers to the insurgent group, conferring on it a functional personality. Nevertheless, there is one case in which recognition by third parties has only a declarative effect, that is when belligerent status has already been conferred on the insurgents by the legal government. It is true that each recognition has only a limited scope, and obviously other States are not legally bound by the decision of the legal government. But if they recognize the rebels in their turn—and to do otherwise would be to wilfully complicate international legal relationships, once the principal party concerned has declared its standpoint—they are doing no more than noting the factual relinquishment of authority already decided on by the legal government. On this subject, the draft of the rules submitted to the Institute of International Law in 1900 was very clear: it stated that another power was not bound unless it had associated itself with the recognition of belligerency.

Defined in this way, recognition of belligerency by another State appears as a very serious act. In dignifying the insurgent group with the status of a new subject, albeit secondary and short-lived, of the law of nations, the other State lays itself open, obviously, to the accusation of interference in the internal affairs of the State affected by the conflict. The very origin of the new practice is in contrast with the procedure in the 16th and 17th centuries, the prevailing custom at that time being to stipulate in peace treaties that if one of the contracting States should be confronted by a rebellion, the other States would refuse any kind of aid to the rebels, would stop all trade with them and would deliver them into the hands of their sovereign government. Recognition of belligerency reflected a greater flexibility in intergovernmental relations, which became less restricted by the rigid principle of legitimacy. At least, international society in the 19th century still remained very homogeneous. Recognition of belligerency by another State was indubitably a form of

intervention in the affairs of the divided State, but it was a means of avoiding intervention, an affirmation of neutrality.

International public opinion in the 19th century, confirmed by the practice of States, did not permit the recognition of belligerency by other States to be effected completely at will. A statement by a third party that civil war existed in a State had to correspond to reality: if belligerency did not in fact exist, or if it lacked the magnitude attributed to it, then the third party was guilty of unfair interference to the prejudice of the legal government. Publicists therefore attempted to define the conditions to be fulfilled by a rebel group in order to deserve recognition.

These conditions were set out in 1900 in Article 8 of the Regulations of the Institute of International Law. They were three in number: the rebels had to control a specific part of the national territory; they had to set up a regular government exercising, if only in appearance, sovereign rights over that part of the territory; they had to carry on the conflict with an organized army observing the laws and customs of war. The existence of a belligerent community, characterized by a combination of factual elements relating to population, territory, government and political objective, are indeed the constitutive elements of a State, even though they might be incompletely developed. As expressed by Bluntschli, these elements were the measures of the insurgent party's capacity to constitute a new State, or, as Holtzendorf put it, the criteria for regarding the party as a belligerent in anticipation of the final organization to which it aspired. This need for the emergence of a "virtual State" in order to make obvious to third parties the conflict taking place within a State community was recognized by countries asked to grant recognition around the middle of the 19th century. When France in 1864 refused to admit the Polish insurgents' belligerent status, President Stourm explained to the Senate:

"The Poles in arms have no government, not even a *de facto* government, for one cannot accord this title to an assembly of a few men whose names are a mystery and whose location is unknown. Neither is it possible to regard as an army those bands and parties who fight, sometimes in one place and sometimes in another, always courageously but without common direction, under a variety of chiefs who do not recognize a single superior. As for territory, we must recognize that these unhappy Poles

have none, except for the places where they temporarily find themselves, places which change every day as they are forced to move, either to seek out or escape from their enemy”.

In the same way, the United States in 1869 refused to recognize the Cuban insurgents as belligerents. Senator Sumner, chairman of the Senate Foreign Affairs Committee, explaining this to the Republican Convention in Massachusetts, said: “The Cuban insurgents are bearing arms. I am aware of this, but where are their cities, their strongholds, their provinces? Where are their ports, their law courts, their maritime prize tribunals? Where then is the fact of belligerency?”

It must again be emphasized that the combination of elements required to constitute a belligerent community imply simply a certain degree of organization on the part of the insurgents. In this connection, there is some danger that Bluntschli’s formula will be misinterpreted. Reference to the concept of a State may lead some authors to postulate very restrictive conditions, leading in effect to the exclusion of any recognition by third States. Olivart, for example, insisted that the insurgent party must “present the appearances of a State”, in which one can already discern the future State and its complete political, administrative and financial structure. There is a more serious risk; that reference to the idea of a State may lead to confusion between belligerency and independence, thus limiting recognition of belligerency to an insurgent party which aims at secession. This confusion is particularly apparent in Dudley-Field, whose position is as follows: when a nation exists within a country, and when the insurgents have an established government in a position to maintain relations with other nations, any other nation is free to recognize them as independent and at the same time to maintain its neutrality.

The position is more qualified among such authors as Lapradelle and Politis who propose to limit the recognition of belligerency to secessionist movements. In 1891, the Colombian Foreign Minister even incorporated this erroneous thesis in instructions issued to officials in his ministry concerning the attitude to maintain concerning the Chilean civil war: “The insurgents do not at all propose to divide the Republic of Chile and establish a new State, independent of the one now existing in that country, but rather to replace the present government of the Chilean nation. This is therefore not a war of independence but a simple insurrectionary movement. On the basis of current opinion, a govern-

ment defending itself against insurrection has the right to expect that other governments will continue official relations with it alone. In wars of independence, on the contrary, foreign States may, under certain conditions, recognize the new government without doing injury to the divided nation.”

Recognition of belligerency should not be linked to the probability of eventual success by the insurgents. In practice, of course, the contrary principle has sometimes prevailed in inter-State relations, as illustrated in a message by President Monroe on 8 March 1822. Monroe said that when a movement was strong and consistent enough to make its success probable, the rights provided under international law to equal parties in a civil war would be extended to it. Such an interpretation appeared primarily in the works of authors who wished to be very strict in stating the conditions for recognition. Olivart for example, when the Cuban insurrection was at its peak, wrote at the request of the Madrid government: in reality, it is a matter of establishing, through recognition, that a genuine civil war is taking place, that the limits of simple rebellion have been surpassed. In law, the judgement is not at all related to the prospects of success for either party at the time of recognition... even though the final decision of a third government may be influenced by a degree of apprehension about the future in the event of a victory by the insurgents. While it is wrong to postulate a strong position for the insurgents as a prerequisite for recognition, it is also true, on the contrary, that an extreme deterioration in the position of the rebel party may lead to withdrawal of recognition by a third government—at least when the insurgents have been defeated, disorganized and driven from their territory, and the belligerent community constituting the juridical basis for recognition has disappeared.

On the other hand, the need for insurgents to respect the laws of war is unanimously affirmed. The insurgents must earn recognition by their conduct. They may indeed have all the attributes which constitute a belligerent community, but to grant them the status of belligerents would nevertheless be a serious error, if they sought victory by violating the laws of war, by violence, terror and crime. Failure to observe the laws of war however must be systematic and “isolated minor infractions” may be tolerated. In granting, and possibly in withdrawing, recognition, some discretion in assessing whether the insurgents have complied with the laws of war is therefore left to the third State.

The fundamental requirement set forth by a great many of the classic theoreticians now appears to have little basis: the interests of third States. This narrow conception of recognition, linked to the selfish interest that a third State might have in redefining its relations with the parties to a conflict, was expressed for the first time in 1866 by Richard Henry Dana in his edition of Wheaton's *Elements of International Law*. As Prof. Garner pointed out, Dana's opinion was greatly influenced by his disapproval of the recognition of the Confederates as belligerents by England in 1861 and by his desire to prove that the British attitude ran counter to the law. Subsequently, the Washington government appeared to adopt this idea, first with regard to Great Britain, as evidenced by the letter sent on 15 May 1869 by Secretary of State Fish to the American ambassador in London concerning the Alabama affair. The same was true during the two Cuban wars of independence. In the face of public opinion which favoured recognition of the insurgents, Presidents Grant and McKinley, at an interval of 22 years, in their messages of 7 December 1875 and 6 December 1897, justified their refusal to recognize the Cuban rebellion by the absence of "necessity" on the grounds that the interests and rights of the United States were not affected by the events. Nevertheless, although numerous authors in the following years cited Richard Henry Dana as their authority in reiterating the condition he had formulated, inter-State practice did not, on the whole, support their position. In 1869, Peru recognized the Cuban insurgents, not on any grounds that the conflict was taking place on its borders or at sea and that it was unable to avoid becoming involved, but simply because of its openly proclaimed intention to cause trouble for Spain, with which it was then in conflict. When the Institute of International Law was drafting its Regulations of 1900, it excluded the requirement of a particular interest of the third power. In plenary session, it rejected by a large majority Article 9 of the draft proposal which stated that, even then (when the insurgents meet the required conditions), a third power is not entitled to grant recognition unless this is required for a proper reason, that is, a reason which is essential for the safeguard of a national interest. While Rougier, two years later, as if automatically, restated the condition of a particular interest, he deprived it in practice of any real meaning. To the economic and commercial imperatives which, according to the first restrictive arguments, were the only ones which could justify recognition, he added pure

political interest, and indeed simple moral interest, going so far as to state that the readiness with which the United States had always recognized American civil wars was derived from the preponderant political influence that State had in the two Americas. The author in this case does not seem to require a particular interest of the third State to justify recognition but his intention seems rather to explore the various kinds of interest which induced the State to grant recognition. In any event, the war in Spain provided the occasion for a definite, though implicit, repudiation of the doctrine of "special interest". When the London Non-Intervention Committee discussed the possible according of belligerent rights, the debate was concerned with the supposition of a general recognition by all the twenty-seven European States represented, and not only by those States whose interests were particularly affected. One might of course reply to this that it is in fact the States which perceive that their interests are deeply involved in a civil war which grant the belligerent status to insurgents. Non-recognition of the insurgents in the Polish and Hungarian revolts of 1830 and 1848 can certainly be explained in part by the fact that these wars were carried out only on land; it was not in any event motivated by the absence of one of the conditions required for recognition.

Beyond the mere listing of the conditions required, who is to judge whether they have been met or not? This will obviously be a matter of independent choice by the government doing the recognizing. This reality, born of the anarchy of traditional inter-State society, serves undoubtedly to minimize the rigid requirements drawn up by the various authors.

The insurgents in every civil war, in their desire to gain recognition attended not only by legal but also by moral benefits, tend to claim a veritable right to be recognized. Their supporters have often cited the instruction sent by the British Foreign Office to Stratford Canning, ambassador at Constantinople, on the occasion of the Greek uprising of 1825, to the effect that a certain level of strength and consistency achieved by any large mass of a people engaged in a war conferred upon that population the right to be dealt with as belligerents. The doctrine of obligatory recognition has gained little respect by the authors however, with the exception of such classic writers as Bluntschli, who wrote in his *Codified International Law (Droit international codifié)* that "... when a political party seeks the achievement of certain public objectives and

organizes itself as a State... the laws of humanity require that the status of belligerent be accorded to that party". So far as practice is concerned, it is impossible to dispute the clarity of the British declaration of 1825—although one must note that it was made in order to defend the British point of view on a specific matter and that, after more than a century and a half, it has not been followed by any similar official statement. The fact is that the history of civil wars, for the most part, is the history of unrecognized insurrectionary movements. The comment by the American Secretary of State Fish in a letter to Ambassador Motley on 25 September 1869 expressed the reality more accurately than did the declaration by the Foreign Office. Fish wrote that it was up to every sovereign power to decide for itself, on its own responsibility, whether or not it wished at any given time to accord belligerent rights to insurgents who were the subjects of another power. During the war in Spain, the attitudes of third States were quite typical. All the conditions required for recognition of the military party as belligerents had long since been met when the twenty-seven powers participating in the Non-Intervention Committee refused to grant them this status.

The Spanish war also provided the occasion for reverting to the theory of obligatory recognition, which suddenly reappeared not only in the works of authors favouring the military rebellion but also in those of jurists who sought to convert international law into a coherent system, making for an equitable international order. For the latter, whose views were often expressed by Georges Scelle, international legal doctrine might just as well have continued to adhere to the thesis of optional recognition. In reality, they maintained that it had done no more than record positive law, a law which had developed in a period when the development of international standards was influenced only by the selfish interests of States and not by the interests of the international community. For them the time had come for a reform of positive law, and not simply for codifying it. When insurgents had established their power over part of the territory of a State, provisionally exercising administrative functions and exerting their *de facto* authority over that segment of the nation, international law had to reckon with the facts. Recognition, if accorded, should have a declaratory and not a constitutive character. Even further, it was to be hoped, once civil war had genuinely been made subject to regulation through the automatic attribution of certain rights to insurgents, that the specific act of recognition would become unnecessary;

and, when the rule of international organization and of fundamental standards had been assured, that the distinction between a simple insurrection and a civil war would be made collectively and would be consistent with the general interest of international society.

This doctrinary thesis was hardly destined to have any effect upon the juridical aspects of the Spanish war. It did at least find expression, following the Second World War, in humanitarian law; in Article 3 of the Geneva Conventions of 1949. To this extent, by minimizing interest in the concept of belligerency, it created at least a small breach in the classic law on recognition of insurgents.

Charles ZORGBIBE

Dean of the Faculty of Law
and Economic Sciences at
the University of Paris-South

HUMANITARIAN LAW IN ARMED CONFLICTS : THE DOCTRINE AND PRACTICE OF POLISH INSURGENTS IN THE 19th CENTURY

by Professor R. Bierzanek

Did Poland, whose territory was divided up between Prussia, Russia and Austria at the end of the 18th century and which did not regain its independence until 1918, contribute in the 19th century to the ideas underlying humanitarian law applicable in armed conflicts ?

The political conditions under which the Polish people were then living, while they devoted all their energies to the fight for independence, encouraged them to study and consider various aspects of wars of national liberation. Their thinking was marked by much originality, with some special characteristics that are worth recalling.

After the failure of the insurrection of 1830-1831, many Poles emigrated to France, England and Belgium, where they set to work preparing for a new uprising. The members of the Polish Democratic Association, in particular, devoted themselves to the study of the political and military problems of wars of national liberation and especially of the conduct of guerrilla warfare. The main question they discussed and sought to resolve was: "how could a people having no standing army fight against oppressors who did?" They analyzed in detail the cumulative experience of history, taking into account the previous Polish insurrections, the war of the Vendée during the French revolution, the Spanish guerrilla war at the beginning of the 19th century and even the Hussite wars in the Middle Ages. Military problems were obviously the first of their concerns, and their discussions led to the publication of a number of manuals on

guerrilla warfare, some of which became widely known.¹ Other problems of a legal and humanitarian character were also considered by the authors of these works and by the Polish Democratic Association in its periodical publications.

Among the legal questions which aroused great interest was that of the very legality of the insurrectionary movement, from the point of view of both Polish constitutional law and international law. The Polish authors expressed violent opposition to the ideas of those who regarded wars of national liberation as acts of high treason or rebellion.

Szaniecki, who had been a member of the Polish Diet during the insurrection of 1830-1831, expressed his attitude this way: "Revolution is a violent and terrible means but—sadly for humanity—it is the only means available to oppressed people to fight against their oppressors." Writing of the partitions of Poland, and citing the views of Grotius and de Vattel on treaties, he sought to demonstrate that the partition treaties were null and void, consistent with the principle, *Si belli causa est injusta injustos esse omnes ejus actus etiamsi sollemnissime suscipiantur*, asserting that the partition of Poland had "wronged the community of European nations and mankind itself". He declared himself opposed to principles which made it possible, after a conquest, to incorporate different peoples into the same state structure, since "the conquering people regard themselves as superior while the conquered people resent their degradation", so that "conquests are of use neither to the conquerors nor to a country which annexes conquered territories".²

Another author, H. Kamienski, regarded a people's war as "the ultimate recourse of a mistreated people . . . and the means to correct and redress the distorted and corrupted course of human affairs".³

In their reflections upon the legality of insurrectionary movements, the Polish authors took as their initial premise a distinction between "normal conditions" and "abnormal conditions" in the life of a people. Under

¹ General Chrzanowski, *The War of the Partisans* (in Polish), Paris, 1835. German translation: *Über den Parteigänger-Krieg*, Berlin, 1846.

K. B. Stolzman, *The War of the Partisans, or the Most Effective War for Peoples in Revolt* (in Polish), Paris and Leipzig, 1844. Part of this work was published in French by the French underground in 1943 under the title, *L'Insurrection est un art*.

A. Jelowcki, *Concerning the Insurrection* (in Polish), Paris, 1835.

XYZ (pseudonym for H. Kamienski), *The People's War* (in Polish), Bendlikon 1866.

² From the magazine *Poland*, Paris, 1835, No. 1, p. 27 *et seq.*

³ XYZ, *The People's War*, *op. cit.*, p. 79.

“normal conditions”, legality is demonstrated by the fact that people vote, whereas they do not vote under “abnormal conditions”. When a people has been deprived of its independence by force, all of its rights and obligations are assumed by those who first take action to restore that independence. Consequently, a conspiracy to restore a people to “normal conditions” is “completely legitimate and bears within itself the attributes of the highest majesty”. Conspiracy therefore has the same status for an insurrection as a constitutional assembly has for people living under “normal conditions”. In conclusion, “the establishment of public authority in a democracy may be brought about by one of two means, under “normal conditions” by a vote and under “abnormal conditions” by conspiracy”, for there is a close link between the insurrectionary movement and the national aspirations of the people.¹ This juridical proposition was designed to justify the claims of national liberation movements to represent their respective peoples as legitimate authorities. It was also intended to back up the claim of these movements and of peoples fighting for national liberation to be legal entities under international law.—A comparable problem was destined to exercise the minds of jurists specializing in international relations in the middle of the 20th century.

Opinions differed as to whether insurgents should conform to the usages and customs of war. Some people, representing an extremist point of view, said they should not, arguing that guerrilla warfare by its very nature was a desperate struggle by the oppressed against their oppressors, in which guerrilla forces were sometimes compelled by military necessity to refuse to grant quarter. Others made a distinction between insurgents who were recognized by their enemies and those who were not; they considered that an insurrection which was not protected by the law was not required to observe its provisions; that they would only become subject to it from the moment they were recognized by the enemy state.² Some authors went beyond this, insisting upon the need to inculcate in the captured soldiers of Czarist Russia “a hatred for tyranny and a zeal for the ideas of free peoples”. They went so far as to demand that “efforts be undertaken to set up a Russian battalion under the command

¹ See article, *Concerning Revolutionary Power under Revolutionary Conditions and under Normal Conditions* in the magazine *The Polish Democrat* (in Polish), vol. VI, 1843-1844, p. 14 *et seq.*

² K. B. Stolzman, *The War of the Partisans*, *op. cit.*, p. 47.

of liberal Russians, explaining to them that we are fighting for their liberty as well as our own". They added that if the insurgents should treat prisoners of war badly this would become known to the Russian soldiers "and might incline the enemy toward a desperate resistance which would increase their strength".¹

During the insurrection of 1863-1864, known as the January Insurrection, which had all the characteristics of guerrilla warfare,² the doctrine that the armed insurrectionary forces should conform to the usages and customs of war was adopted and put into effect.³ The humanitarian attitude of the insurrectionary governmental authorities was clearly demonstrated in the Instructions⁴ for doctors in the field, dated 14 April 1863, issued at Krakow by the War Division of the Provisional National Government.

This document, which appeared more than a year before the final draft of the Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field, contained the following provision: "The enemy's wounded must be treated with the same care as our own; after dressing their wounds they must be transported to the nearest locality where a doctor can be found."

The Instructions had recommendations concerning the means of transport for the wounded and provided protection for transports by a distinctive emblem: "During the battle, the ambulances and the wagons required for the transport of the wounded shall be kept near the reserve corps, in a place protected as well as possible against projectiles. A black ambulance flag shall be displayed on each wagon."

¹ XYZ, *The People's War*, *op. cit.*, p. 41 *et seq.*

² Numerous requests by the Provisional National Government for recognition by western powers of a belligerent status for the insurgents were fruitless. The French Government refused to recognize the insurgents after the Senate noted that they did not control a clearly defined territory. In a statement to the French press on 29 October 1863, the Provisional National Government declared: "For eight months we have been unable to obtain from the civilized world satisfaction of the single request we have made, the request for recognition of our right to defend ourselves against oppression."

³ Following exactions by the Russian troops, the Central Committee, acting as the Provisional National Government, in a decree on 18 February 1863, acknowledged the practice of reprisals "against all those who committed atrocities... since the Moscow invaders, despite the humanitarian treatment accorded them by the insurgents, have shown no improvement in their conduct". The text of this decree is in *The January Insurrection, Documents of the Central Committee and the National Government* (in Polish), "Wroclaw", 1968, p. 54.

⁴ The text of the Instructions is in *The January Insurrections, Documents of the War Division* (in Polish), "Wroclaw" 1973, pp. 23-26.

In the same Instructions, along with detailed provisions concerning the protection and treatment of the wounded, there were others dealing with the organization of the medical service and the duties of doctors. It was recommended that relatively small units, unless operating far away from towns, should not be accompanied by ambulances since these would impede the movements of the insurgents. Larger units, with 500 to 800 insurgents, should be followed by at least one ambulance equipped with a pharmacy and drawn by four horses to enable it to move rapidly. One of the duties of the doctor in charge was to draw up a list of the wounded as soon as possible after the battle, with a pencil if necessary, and to send it with his report to the military commander to whom he was responsible, keeping a copy for himself.

Professor Remigiusz BIERZANEK
President, United Nations
Association of Poland.

INTERNATIONAL COMMITTEE OF THE RED CROSS

NEW STRUCTURE FOR ICRC MEDICAL DIVISION

The ICRC has reorganized its Medical Division.

Under the Chief Medical Officer, Dr. R. Käser, medical function is increasingly prominent in the work of the International Committee. The Chief Medical Officer has, first of all, to examine all problems of a medical and paramedical nature and to deal with them in the light of ICRC's thought and of its humanitarian mandate, to follow and to promote the development of humanitarian law and its dissemination in the field of health services, then to take all practical measures required by the medical aspects of the ICRC's traditional duties of protection and assistance.

In order to accomplish this, the Chief Medical Officer, who is directly responsible to the Executive Council, must not only work closely with the various services of the ICRC but has to maintain contact with other international humanitarian bodies, with the medical directors of National Red Cross Societies and the medical services of armed forces, with medical associations, universities, and so on. Only by so doing will he be able to arrange for the recruitment and instruction of medical staff and to draw up long-term plans and streamline the medical activities of the ICRC.

The implementation of the Chief Medical Officer's decisions and the co-ordination of the medical programmes of the ICRC delegations in the field rest with the Medical Division, headed by Dr. R. Russbach. The Division is linked with the Operations Department of the ICRC, while technically under the supervision of the Chief Medical Officer. Its task will be to recruit, choose and instruct doctors for missions in the field, current or future, either in protective duties (visiting prisoners of war or political detainees, for example) or in assistance operations (treating casualties in a hospital during hostilities, running a clinic in refugee camps, etc.). All these activities require auxiliary staff also, who have to be trained.

The Medical Division also has the responsibility for planning every operation before it starts: it must find out what the needs are, how many people require help, and how and where the ICRC can best provide it, bearing in mind available local resources and the actual situation.

The pharmaceutical section, attached to the Medical Division, has to gather together the supplies needed for the actions undertaken, and to deal with the purchase and storage of drugs and medical supplies; transport of this material to the delegations and recuperation of any surplus are effected in co-operation with the Relief Division.

EXTERNAL ACTIVITIES

Africa

Madagascar

On 20 December 1976, there were a number of serious clashes in Majunga, in the north-west of Madagascar, between Malagasy citizens and immigrants from the Comores who had been resident in Madagascar for many years. As a result of these incidents, the Government of the Comores decided, with the agreement of the Malagasy authorities, to repatriate the Comorian community in Majunga, numbering some 16,000 persons, who, in the interim, had been concentrated in camps provided by the army. The Government of the Comores called for international assistance, including that of the ICRC, to enable it to carry out this task.

The ICRC sent a delegate to Madagascar and to the Comores to size up the situation. In Madagascar he found on 12 January about 15,000 persons in six camps in Majunga. The Malagasy Red Cross, with the help of the armed forces and the police, was looking after the refugees and providing them with food and medical supplies. The Malagasy Government had made available a ship to carry the Comorians back to their homeland and some seven or eight thousand persons had already set off. The ICRC delegates brought with him ICRC relief supplies—consisting mainly of foodstuffs—to a value of 10,000 Swiss francs. In addition, the ICRC in Geneva was trying to find further funds to enable it to continue helping the refugees until their departure and to procure medical supplies and clothing for them.

In the Comores, the ICRC decided to help the Government which was facing considerable difficulties in coping with the influx of refugees. A campaign to help the Comorians in their country of origin does not really come within the purview of the ICRC's activities but is more the concern of United Nations specialized agencies. For this reason, the ICRC will limit itself to providing temporary emergency aid until other bodies take over. On 26 January, an ICRC mission, composed of a medical delegate and a nurse, arrived at Moroni in the Comores. It soon saw that the refugees from Madagascar were in need of help. The United Nations High Commissioner for Refugees provided the ICRC with funds to finance this emergency operation.

Meanwhile, in Madagascar, the Malagasy and Comorian authorities had completed the repatriation of the refugees from the camps to the Comores. By the end of January, the ICRC delegate considered that ICRC help in Madagascar was no longer necessary, but that the medical delegate and the nurse sent to the Comores should continue to assist the new arrivals who, on disembarking, were immediately lodged with families. The work of the ICRC representatives mainly involved the organization, in co-operation with the authorities, of the distribution of relief supplies rather than medical aid.

A representative of the League of Red Cross Societies arrived in the Comores on 9 February. In consultation with the ICRC delegates he will consider how the League can best continue the work started by the ICRC.

Rhodesia/Botswana

On 30 January, some 400 black children of the Munama mission school in Rhodesia crossed the nearby border into Botswana. The Rhodesian authorities asked the ICRC to intervene to have the children returned to their families, while the Botswana authorities announced that they would have no objection to a visit from ICRC delegates aimed at finding a solution to the matter.

An ICRC delegate went to Botswana on 5 and 6 February and met some of the children in Francistown. On 6 February a group of parents saw their children and those children who so desired—53 in all—returned home with their parents.

South Africa

In January, the ICRC regional delegate for Southern Africa once again visited the three Cuban prisoners of war held in Pretoria.

Djibouti

The ICRC Regional Delegate for East Africa went to Djibouti on 10 February. With the agreement of the French authorities he visited the inmates of the Djibouti Central Prison, 16 of whom claimed political detainee status.

During the next few days, he also spoke with the representatives of different groups who will be called upon to assume various tasks when the French Territory of the Afars and Issas becomes independent on 1 July of this year.

Mauritania

Between 19 and 25 January, two ICRC delegates in the Islamic Republic of Mauritania, accompanied by representatives of the Mauritanian Red Crescent Society, visited 126 prisoners belonging to Polisario (the Popular Liberation Front of Saquiet El Hamra and Rio de Oro).

The delegates also had talks with the Mauritanian authorities, in the course of which they discussed the humanitarian problems raised by the situation in the former Spanish Sahara. They informed the authorities of the action undertaken by the ICRC in favour of Mauritanian prisoners held by the Polisario forces. Family messages were exchanged through the good offices of the Mauritanian Red Crescent.

Middle East

Lebanon

Mr. M. Naville, former President of the ICRC, went on a mission to Lebanon from 22 to 28 January, accompanied by Mr. M. Convers, delegate general for the Middle East, to assess the situation and study the current problems and future activities of the ICRC. Mr. Naville had meetings with the President of the Lebanese Republic, H. E. Mr. Elias Sarkis; the Prime Minister; the Minister for Social Affairs; the President of the Lebanese National Red Cross Society, Mrs. Issa el Khoury; and Dr. Arafat of the "Palestinian Red Crescent". He also visited the ICRC delegation and establishments.

Prisoners. — The situation in southern Lebanon remains tense and confrontations between the opposing factions took place on several occasions during January and February. Those taken prisoners were

generally detained for only a short time and ICRC delegates visited them during their detention.

Relief supplies. — During January and up to 15 February, the ship Kalliopi, chartered by the ICRC, made several journeys from Cyprus to Lebanon, transporting more than 1,200 tons of aid. The cargoes comprised mostly medical supplies, provisions, blankets and clothing. As is customary, this aid will be distributed as and where the need is found to be greatest.

Tracing Agency. — The Agency continues searching for the missing and transmitting family messages, co-operating as far as possible with the Lebanese Red Cross and the “Palestinian Red Crescent”.

Medical Assistance. — The ICRC is co-operating in the setting up of several modern rehabilitation centres for the disabled and has received various proposals from National Red Cross Societies who are offering to take on one or other of these projects. The difficulty is to find qualified personnel who can free themselves to go and work in Lebanon. Nevertheless, the ICRC was able to send a specialist in ocular prostheses to Beirut at the end of February.

The programme for distributing medical supplies to clinics continues, particularly in the rural areas. Furthermore, the ICRC delegation is taking a census of the wounded needing prostheses and rehabilitation.

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On 3 February 1977, the League of Red Cross Societies launched an appeal to all National Societies to provide the Lebanese Red Cross with material and financial help to enable it to recover from its heavy losses and to resume its humanitarian activities as before.

Israel and the Occupied Territories

The ICRC delegate general for the Middle East, Mr. M. Convers, went to Israel from 10 to 18 February to study all the current activities and problems together with our delegation and the Israeli authorities.

In January, demonstrations took place on the West Bank of the Jordan and these were followed by arrests. This further aggravated the problem of over-population in the prisons, a problem to which the ICRC delegates have drawn the attention of the authorities time and time again, and which was partly responsible for the hunger strike by the inmates of Ashkelon prison in December 1976 and at the beginning of 1977.

The ICRC delegates visited this prison at the end of December and noted the strikers' demands, which they passed on to the Israeli authorities. These demands called for better treatment during detention, particularly as far as medical, cultural and family matters were concerned, and about which the ICRC had previously presented recommendations to the authorities concerned. ICRC delegates again visited the Ashkelon prison from 8 to 10 February and interviewed 97 detainees without witnesses.

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Some cases of cholera were reported last December in the occupied territory of Gaza. The operations which had allowed visitors and students to travel from the Nile Valley to the occupied territories of Gaza and Sinai (or vice-versa) under the auspices of the ICRC were suspended from December at the request of the Egyptian authorities.

Syria

Over the last few months, the ICRC delegation in the Syrian Arab Republic has been engaged in helping Lebanese refugees in Syria. From the credit account opened by the ICRC in favour of the delegation in order to aid these refugees, the delegation has spent approximately 50,000 Swiss francs, mainly to buy blankets and mattresses. In cooperation with local branches of the Syrian Red Crescent, distributions were made to the refugees in Damascus and the surrounding areas in November and to those in the Homs-Tartous region in December. In the Homs-Tartous region, Palestinian refugees arriving from Lebanon also received aid from the ICRC. These Lebanese refugees do not generally remain long in Syrian territory but return to Lebanon as soon as the situation permits; consequently, their numbers often vary.

Latin America

In carrying out a reorganization of its delegations in Latin America, the ICRC has established, in addition to its Caracas regional delegation whose sphere of activity extends to the countries of the Andean region, two other regional delegations: one in Guatemala for Central America and the other in Buenos Aires for the southern part of South America.

The delegation in Chile continues to deal exclusively with ICRC work in that country and has now been attached to the regional delegation in Buenos Aires.

The work of ICRC delegates throughout Latin America is mainly concerned with persons detained for reasons or offences of a political nature, and with members of their families. The delegates also maintain contacts with National Red Cross Societies and governments of Latin American countries.

Guatemala

On 18 January 1977, an agreement was signed by the Guatemalan Government and the ICRC on the setting-up, in Guatemala City, of an ICRC regional delegation whose sphere of activity will cover all the Central American States from Mexico to Panama and those in the Caribbean.

On 2 February, Mr. V. Umbricht, Vice-President of the ICRC Executive Board, and Mr. R. Chevalley, the ICRC's new regional delegate, went to Guatemala to attend the official opening of the regional delegation, which operates from premises kindly made available to the ICRC free of charge by the Guatemalan Red Cross.

At the opening ceremony, attended by representatives of the authorities and of the Red Cross, Mr. V. Umbricht underlined the understanding shown by the Guatemalan Government towards the ICRC and the valuable co-operation which the latter received at the hands of the authorities and the National Red Cross Societies. In this address, Mr. Umbricht said:

“... the request submitted by the International Committee to the Guatemalan Government (to open a regional delegation on Guatemalan territory) was dealt with in a manner which showed that the Government not only understood, but that it genuinely shared the ICRC's concern. In the past, the ICRC has opened regional delegations in several countries but nowhere was an agreement concluded so swiftly as in Guatemala. I would like to express my deepest thanks to the Government of Guatemala for all the facilities offered to us.

I also wish to stress the very important part which the President of the Guatemalan Red Cross played in the fulfilment of our plans. Dr. Augusto Bauer Arzu and his colleagues are inspired by the “faith that moves mountains”, and it is certainly thanks to the excellent relations between the authorities and the Guatemalan Red Cross that we were able to set

up our regional delegation in Guatemala in such a short time. The ICRC knows now that it can count not only on the National Society's co-operation but also on relations of deep friendship which lead to efficient co-operation.

The cordiality with which our regional delegate has been received in this land and the generosity of the Guatemalan Red Cross in handing over to us free of charge two splendid fully equipped offices constitute ample proof of the high esteem with which the ICRC is regarded here. . . .”

Argentina

When the ICRC President was in Buenos Aires in December 1976, he received from the government authorities all the assurances he had asked for concerning humanitarian action in Argentina. As a result, the ICRC delegation in Buenos Aires has already begun making visits to places of detention.

Since 17 January, ICRC delegates have visited various penitentiary establishments in the capital and in other towns, paying particular attention to the detainees' state of health, their living and sanitary conditions, and their treatment.

Concomitantly with the programme of visits to places of detention, the ICRC delegation is considering ways and means of setting up a plan of assistance.

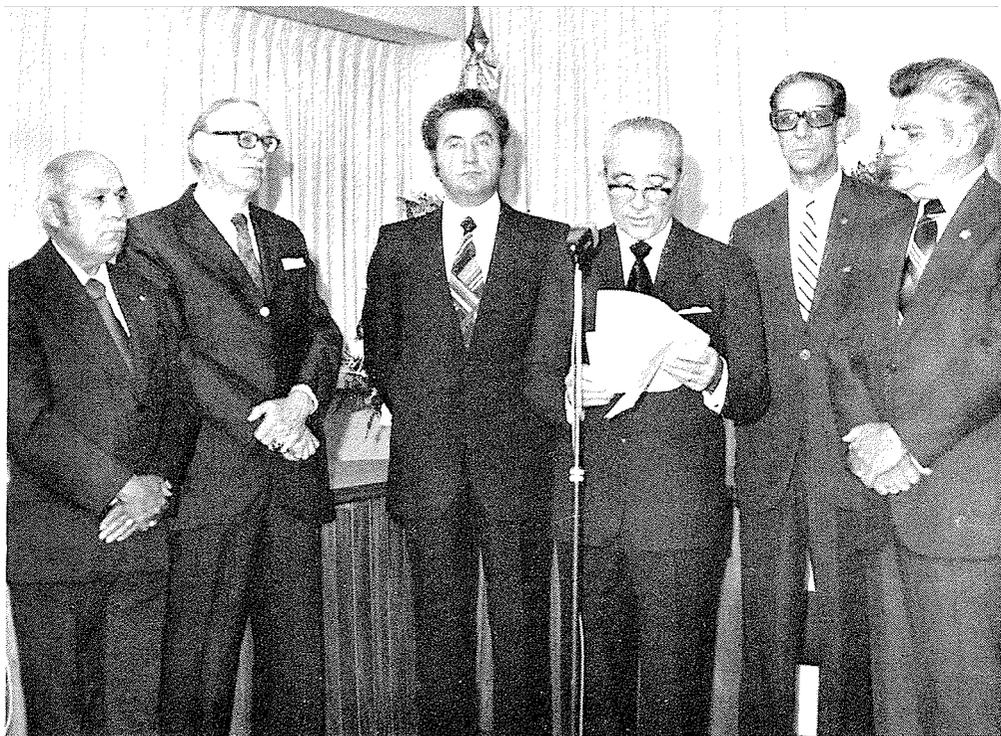
Chile

In December 1976, ICRC delegates visited seven places of detention in the provinces, holding altogether 71 detainees, and in January 1977, they visited 23 places of detention containing 226 detainees.

Relief supplies to a value of about 6,900 dollars were distributed in the places of detention in December; in addition, medicaments were sent to five places of detention. Also in December, 485 detainees' families in Santiago and 940 detainees' families in the provinces received assistance to a value of about 84,300 dollars.

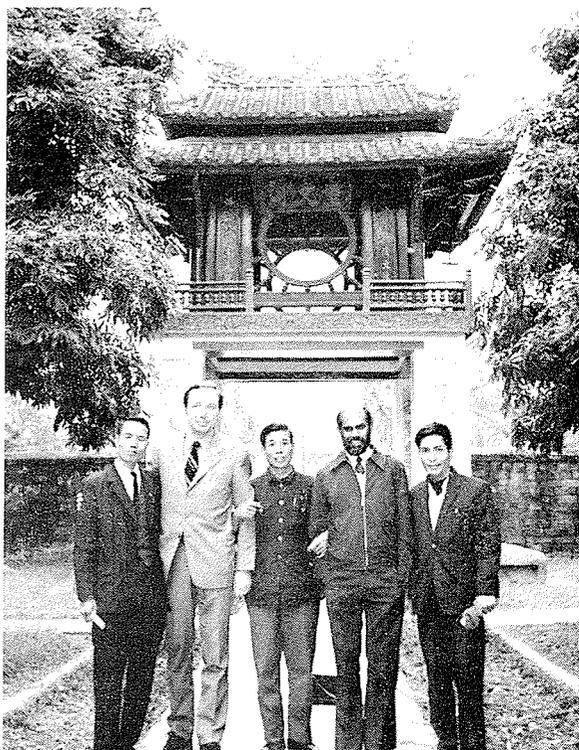
A number of detainees having been released from time to time during the past year, the ICRC's organization was trimmed in proportion to the new situation and its delegation staff in Santiago reduced.

Its delegates will continue to visit persons still in detention, convicted or still on trial. It will also continue providing aid to needy families of



Guatemala: Mr. V. Umbricht, ICRC Vice President, speaking at the ceremony for the opening of the ICRC regional delegation for Central America and the Caribbean. (From right to left) General L. Vassaux, representative of the President of the Republic; Dr. A. Bauer Arzu, President of the Guatemala Red Cross Society; Mr. R. Chevalley, ICRC regional delegate; Mr. Gut, Swiss Ambassador; Mr. Enrique Cañas, representative of the League of Red Cross Societies.

Photo Galiano-Guatemala



Viet Nam: Mr. J. P. Hocké, ICRC Director of Operations, and Mr. K. Seevaratnam, League representative, with members of the Viet Nam Red Cross, in Hanoi.

detainees and will carry on with its other activities, such as enquiries concerning missing persons, the forwarding of family messages, the issue of travel documents, and so on.

Nicaragua

The Vice-President of the ICRC Executive Board, Mr. V. Umbricht, accompanied by Mr. R. Chevalley, ICRC regional delegate for Central America, went to Nicaragua on a mission which started on 27 January. In a long interview with Nicaragua's President, Mr. Umbricht obtained authorization for the ICRC to visit places of detention. At the end of this meeting, two centres of detention were visited by the ICRC representatives in conformity with the ICRC's standard directives. In particular, they spoke with detainees, without witnesses. As customary, reports on the visits will be sent solely to the authorities concerned.

Paraguay

In November 1976, the ICRC regional delegate for the southern section of South America ("Cono Sur"), went on a short mission to Paraguay, accompanied by a medical delegate.

He met National Red Cross Society officials and, with the medical delegate, visited two places of detention where he spoke with more than 350 detainees, without witnesses.

Asia

Viet Nam

The National Red Cross Society of the Socialist Republic of Viet Nam was host to a delegation from the International Red Cross which visited Hanoi from 11 to 20 January.

During the visit, Mr. J.-P. Hocké, Director of the Operations Division of the International Committee of the Red Cross, and Mr. K. J. Seevaratnam, regional representative of the League of Red Cross Societies for Asia and the Pacific area, had talks with the leading personalities of the National Society: Dr. Nguyễn Văn Thu, President, Dr. Nguyễn Văn Tin, Vice-President, Mr. Truong Xuân Nam, General Secretary, and Mr. Nguyễn Duc Bâ, Head of External Relations.

The discussions examined in detail the work accomplished during 1976 under the International Red Cross programme of aid to Viet Nam.

After this, the Vietnamese Red Cross emphasized that it needed continuing help from the International Red Cross, and put forward various public health projects: provision of equipment for a medical centre and four auxiliary centres to care for the population of Ho Chi Minh Ville; the construction of hospitals with 60 to 100 beds, completion of a 250-bed hospital, equipment of a blood bank. Assistance on a large scale was also requested for the manufacture of medicaments in Viet Nam itself.

In addition, the Red Cross Society of Viet Nam urgently required large quantities of cereals, to be distributed to the needy population in the southern part of the country. Finally, the Society asked for support in promoting the Junior Red Cross and in building new headquarters for the Society in Hanoi.

The International Red Cross is prepared to start these projects off by a first contribution of one million dollars. The remaining sum required will be sought among other National Societies.

During their stay in the Socialist Republic of Viet Nam, the members of the delegation were received by the Vice-President of the Republic, by the Minister of Health, and by the Deputy Minister of Foreign Affairs.

Thailand

At the end of January, ICRC Director of Operations, Mr. J.-P. Hocké, visited Thailand. He introduced to the authorities there the new head of the ICRC delegation, Mr. F. Amar, and discussed the various problems related to the work of the International Committee in that country.

In past years, in 1975 in particular, the ICRC carried out many and varied activities in favour of Indochina refugees in Thailand. Since then, the regional office for south-east Asia of the High Commissioner for Refugees, and other bodies, have begun work there, and the ICRC has concentrated on helping refugees in detention, whom it has visited repeatedly, and on trying to trace missing persons. The ICRC will undertake activities only in fields where no other humanitarian body is engaged, and the delegation carries out surveys and census-taking in all areas where there are refugees, in order to assess the situation, draw up plans for the future and set lines of demarcation for ICRC activities.

After discussion of this very general problem, the talks went on to deal with specific questions, particularly the repatriation from Viet Nam of certain foreign nationals, with a stopover in Thailand.

The Bangkok delegation no longer forms part of the group known as the Indochina Bureau, set up in April 1975. Henceforth it will be engaged in specifically ICRC activities.

Laos

The head of the ICRC delegation in the Socialist Republic of Viet Nam and the League of Red Cross Societies' regional representative for Asia and the Pacific were the guests of the Ministry of Public Health of the Lao People's Democratic Republic in Vientiane, from 21 to 24 January.

In discussions which took place during the visit, the International Red Cross undertook to provide medicines and supplies for a period of three months to three hospitals in Vientiane. A further period of aid of a year or more would be requested from National Red Cross Societies.

It was agreed that the International Red Cross would contribute to developing the Lao Red Cross, which would have to be reorganized in order to accomplish, at national and regional levels, its role as auxiliary to the public authorities, under the Ministry of Public Health.

Various projects in the field of social medicine—a blood transfusion service, first aid, pre-disaster planning, help for victims of social evils, for lepers, for the homeless—will be studied together with WHO and other UN agencies, which the International Red Cross delegation has already consulted.

Sri Lanka

The ICRC regional delegate for the Asian sub-continent carried out a mission to Sri Lanka from 26 January to 10 February. He visited five places of detention containing a total of about 300 political detainees. He also saw a sick detainee in the general hospital in Colombo. He was permitted to talk to the detainees without witnesses.

With the collaboration of the National Red Cross Society, he gave the detainees books, writing materials and sports articles, bought locally.

After the visits, the regional delegates had talks with the representatives of the authorities in charge of the detainees and discussed his initial findings; as is customary, detailed reports in writing will be sent to the Sri Lanka Government.

Preparation of the 4th session of the Diplomatic Conference

From 3 to 20 January 1977, a group of experts, convened by the Secretary-General of the Diplomatic Conference, met to prepare—in the various languages—the texts of the articles already adopted by the Conference Committees.

The ICRC was, of course, also represented, in the person of Mr. Claude Pilloud, who was in permanent attendance, while the Head of the Legal Division and some of its staff joined in the discussion of certain specific articles.

The preparation of the work had been undertaken in September 1976 by the Conference Secretariat with the help of ICRC experts.

Drafting the same texts in four different languages—English, French, Spanish and Russian—is no easy matter. Furthermore, the fact that the work of the Diplomatic Conference is being shared between three Committees, working independently of each other, does not facilitate the standardization of the terminology used in the various texts adopted.

The Secretary-General of the Conference will send the results of the work done by this group to all States participating in the Diplomatic Conference and these documents will provide the basis for the work of the Drafting Committee which is to meet in Geneva from 17 March to 7 April 1977. The Drafting Committee consists of 15 members, but any delegation may participate in its work and comment on points of particular interest to it.

The Director of the ICRC Department of Principles and Law, Mr. J. Moreillon, left Geneva on 27 January 1977 with Mr. Veuthey, on a two-week mission to Africa which took them to Algiers, Lagos, Lusaka, Nairobi, Addis Ababa and Cairo.

Mrs. D. Bujard, Head of the Legal Division, and Mr. Surbeck went on a mission to Moscow from 7 to 12 February. Both missions entailed preparatory consultations for the 4th session of the Diplomatic Conference, during which the two draft Additional Protocols should be adopted.

IN THE RED CROSS WORLD

NEPAL

The National Red Cross Society of Nepal, which was recognized by the ICRC in October 1964, is now just over twelve years old. It has the warm support of the Nepalese royal family—indeed, it was Her Royal Highness Princess Princep Shah, a dynamic and much-loved figure in the country, who founded the Society and who is today its President.

The Kingdom of Nepal is a long strip of territory between the tropical valley of the River Ganges and the icy peaks of the Tibetan frontier. It has very varied climatic conditions, ranging from the steamy heat of the southern plain, with its thriving crops and lush jungle, through the temperate climate of the central region, where lie Katmandu and other cities, to the aridity and bitter cold in the Himalayan foothills which fill the north and west of the country. It is in the mountains that living conditions are especially harsh: the immense height of the mountain barriers causes some communities to be completely cut off for several months each year, and sometimes the only means of communication between one valley and another is through Indian territory. Roads are few throughout the country, and goods are moved from place to place on the backs of men and women, caravans of porters who walk with their loads for days and weeks at a time. These are the obstacles which the National Red Cross Society has to overcome in its relief operations.

The population numbers approximately eleven million, made up of two main ethnic groups, the Tibeto-Nepalese and the Indo-Aryans. But the geographical barriers dividing up the country have led to the formation of numerous sub-groups, each with its own language and culture. The official language, Nepalese, the national religion, Hinduism, strongly influenced by tantric Buddhism, and the essential occupation, agriculture, which engages ninety per cent of the population, supply a cohesive force between the very divergent groups of Nepalese.

In this country where life is a perpetual struggle against the difficulties of climate and topography, a National Red Cross Society was created and is growing. In addition to the headquarters in the capital, Katmandu,

there are already 62 Red Cross branches in the 75 administrative districts of the kingdom. The Society has about 14,000 members, and 30,000 young Nepalese belong to the Junior Red Cross.

The Nepalese Red Cross is at present trying to set up an organization on a national scale to take action in the event of natural disasters. It has the help of an expert on loan from the League of Red Cross Societies and the Swedish Red Cross. In a country like Nepal, where the terrain is so rugged, and where the summer monsoon and the winter gales are of great violence, natural disasters are frequent and their victims numerous. For example, in 1976, there were floods followed by landslides in 27 districts, and 309 people lost their lives. In 22 provinces, forests, crops and villages were ravaged by fire. To the victims of these catastrophes, the Red Cross of Nepal brings medicines, clothing, blankets, sometimes tents, and extra food in the form of milk powder. The district committees, under the general direction of the Katmandu headquarters, take charge of the distribution of relief in their own regions.

The Nepalese Red Cross set up a blood bank in Katmandu in 1966, the first establishment of the kind in the country. It has proved its value and efficacy, and the Society has plans to open other blood banks in the provinces.

In 1965, the Society launched an ambulance service in the capital, and this has now been extended to nine other cities. Mobile clinics operate in various parts of the country, providing a much-needed service to isolated communities. These clinics also accompany the major religious pilgrimages which take place in Nepal. Each mobile clinic has a team of doctors, nurses and para-medical staff. In areas remote from any urban centre, the Society also runs "eye camps" in which thousands of people suffering from various eye troubles are treated each year.

The ICRC had its school book, "The Red Cross and My Country", printed in Nepalese in 1971. Since that date several tens of thousands of copies have been sent to the Ministry of Education in Nepal. As a complement to this work of spreading knowledge of the Geneva Conventions and humanitarian principles, the Nepalese Red Cross organizes public courses of instruction in these subjects, and includes discussion of them in the bulletins it publishes for the information of the general public.

All these activities require a large amount of funds. The National Red Cross Society of Nepal has to make great efforts to collect the money: it organizes campaigns to collect funds from the population, and a monthly lottery provides a regular source of income. In addition, the takings from certain football matches, film shows, etc., are given to the

Society. It receives financial aid from the Royal Nepalese Government; finally, many National Societies have come to the help of the Nepalese Red Cross over the years, to contribute to its development. The Society has many plans and projects which it has not yet been able to carry out, and depends on the continuing support of other Societies.

TRAINING SEMINAR FOR FUTURE DELEGATES OF THE FINNISH RED CROSS

The Finnish Red Cross organized a training seminar for future delegates to be made available to the International Red Cross (the ICRC or the League of Red Cross Societies) for relief work abroad. The seminar was held at Keuruselkä, about 300 km north of Helsinki, from 31 January to 4 February 1977.

All 30 participants were volunteers, most of them members of medical or para-medical professions, and prepared to make themselves available on a voluntary basis to the Red Cross for several months at a time. Some of them had already taken part in an International Red Cross mission for the ICRC, in Lebanon or Angola, for example. Others were about to go to Bangladesh for the League of Red Cross Societies. Each of the Scandinavian National Societies had sent a representative to the Keuruselkä seminar.

Courses were given by Mr. Kai Warras, Secretary General of the Finnish Red Cross and director of the seminar, by Mr. Philippe Grand d'Hauteville of the ICRC, and by Mr. Jürgen Weyand and Mr. Hiroshi Higashiura of the League of Red Cross Societies.

The programme included lectures on the ICRC, the League, the Geneva Conventions, the various bodies which constitute the International Red Cross, their functions and activities, and a number of practical exercises based on recent operations. In addition, Finnish specialists, a doctor, an anthropologist, a delegate recently returned from mission, and an officer of the Finnish Army described their experiences with the Red Cross.

An identical seminar was organized by the Finnish Red Cross last November, and was a great success. The participants in the January course were greatly impressed by the few days of study and practical exercises. The Finnish Red Cross has therefore decided to organize more such seminars.

PGH

LEBANON

There have been quite a number of accounts in recent issues of *International Review* of the efforts to bring assistance to the victims of the hostilities in Lebanon. This time, it would like to pay tribute to the members of the Lebanese National Red Cross Society for the work, often on a modest scale but always worthy of the greatest admiration, which they carry out, despite great danger and enormous difficulties, in remote places cut off from the larger centres. These activities are an eloquent testimony to the splendid Red Cross spirit which the Lebanese Red Cross, fired by the zeal of its President, Mrs. A. F. Issa el-Khoury, instilled in its members, even before the clashes had begun.

We also wish to extend this tribute to the members of the "Palestinian Red Crescent". This organization has not been accorded recognition but, under the leadership of its President, Dr. Fathi Arafat, its members have been showing extraordinary devotion and efficiency.

Here are two instances of their activities described by a press attachée of the ICRC, Miss F. Bory, who was lately in Lebanon.

* * *

There were joyful scenes in the local branch of the Lebanese Red Cross at Antelias, a village near Jounieh and not far from Beirut, in a predominantly Christian area.

Its members were getting ready the blankets, donated by the ICRC, for distribution to about one hundred and twenty needy families who sorely needed protection against the cold. This was already cause enough for joy, but the main reason was the unexpected arrival of another member of the Lebanese Red Cross, a Muslim, come to join the Christian members in their task. Only a few days before, such an event would have been unthinkable. Could this be a good omen of peace to come?

In the area east of Beirut, near Jounieh, many thousands of displaced Christians live in distressful conditions. When fighting flared up in southern Lebanon, they fled their villages and settled down where danger seemed less likely. At first they were housed in schools, but now that the situation is returning gradually to normal and classes are



Photos G. Leblanc / ICRC

RELIEF SUPPLIES IN LEBANON





Tracing missing persons and reuniting them with their families is one of the main tasks of the ICRC Tracing Agency.

LEBANON

In the artificial limb workshop of the "Palestinian Red Crescent".



Photos
G. Leblanc
ICRC

reopening, after two years; they will have to go elsewhere. Some families find accommodation with relatives, others in homes abandoned by their former occupants. For them all, the winter is harsh; not for many years has Lebanon gone through a period of such severe cold. The blankets will therefore be extremely welcome.

As soon as the ICRC lorry drew up in front of the Lebanese Red Cross station, willing hands started to unload the bales of blankets and carry them into a large room—in normal times the dispensary's waiting-room—where five tables had been set up, with notice boards bearing the names of the recipients' villages. Soon the room was filled with a bustling crowd: old men wearing baggy trousers and sporting impressive-looking mustachios, women swathed in large shawls surrounded by children. For the remainder of the time, there was a continuous chatter of repeated explanations, cheerful talk and information, as the Red Cross volunteers, their faces wreathed in smiles, went on handing out the blankets until they were all distributed.

* * *

At the edge of Chattila Camp, near Beirut's international airport, the "Palestinian Red Crescent" hospital kept open all the time the fighting continued. At present, it is being extended to house departments of other hospitals destroyed in the fighting. In one of the recently-built wards, a workshop for the production of orthopedic prostheses has been opened, with a complete set of physiotherapy equipment. All the equipment has not yet been fitted but work is already in progress.

On the day of our visit we found several patients in the waiting-room. The "Palestinian Red Crescent" gives free treatment to all who come, Palestinians, Lebanese, Muslims, Christians, without distinction of any sort.

In the prosthesis workshop there may still be a shortage of tools and materials but there is certainly plenty of enthusiasm. About a dozen young men were working away, with their unsophisticated equipment, with planes and other handtools, making artificial arms and legs, and turning out two to three artificial limbs a week.

The craftsman at the head of the team is a Lebanese who worked for twenty years in an orthopedic centre in the mountains above Aley. "When the place where I worked was destroyed in the war", he said, "I came to Beirut and asked at the hospital here if I could be of any use".

His request to make himself useful will certainly be fulfilled: about a dozen amputees come every day to the centre for measurements to be taken, casts to be made, or for trial fittings.

The number of patients is expected to rise; announcements are being broadcast on radio and television for all disabled to come forward. At the same time, various kinds of material, mainly surgical plastic and resin and other equipment, will soon be sent by the ICRC, and specialists to reinforce the Lebanese team.

ICRC aid will be extended to the paraplegics, who are in need of wheelchairs and medical care. There is also a demand for artificial eyes which, while they do not restore sight, at least give the patient a more natural appearance and help him to have more confidence in life.

APPEAL TO NATIONAL RED CROSS SOCIETIES

The International Review *wishes to give its readers every month, under the heading "In the Red Cross World", reports on the organization and principal activities of the National Red Cross Societies.*

To do this, the editor uses the documents he has available, such as reports by delegates and brochures and periodicals published by the Societies.

The Review would like to go beyond this and publish texts written by the Societies themselves. It therefore asks Red Cross Societies to send texts, and if possible photos, dealing with their main activities, their problems and their plans for the future. The Review is convinced that its readers would be greatly interested in such material, which would certainly contribute to the exchange of ideas and enable each Society to benefit from experience elsewhere.

TWENTY-THIRD INTERNATIONAL CONFERENCE OF THE RED CROSS

In its January 1977 issue, the International Review of the Red Cross published the provisional programme and agenda of the twenty-third International Conference of the Red Cross, to be held at Bucharest from 15 to 21 October 1977. Previously, starting on 4 October, various other meetings will take place: the Board of Governors, the Council of Delegates and other bodies of the League of Red Cross Societies.

In January, the Red Cross of Romania sent notices of convocation to the States signatories to the Geneva Conventions, to recognized National Societies, and to the International Committee of the Red Cross and the League of Red Cross Societies, all of which are full members of the Conference. Invitations were also sent to a number of observers.

The Romanian National Society, at the end of its letter of convocation, expressed the earnest hope, which will be shared by all, that the Conference would achieve significant advances in the work of the Red Cross throughout the world and contribute to the reinforcement of fellowship and peace among all nations.

WORLD RED CROSS DAY

The world in which we live is a world of violence and aggression between States and between individuals. Every day the information media bring us further examples of violence.

The Red Cross, now more than a century old, was founded to assist war victims, but over the years its role grew to cover any activities aimed at easing human suffering. It is natural, therefore, that it should draw the attention of public opinion to the perpetual drama of collective and individual violence, and it has chosen the theme "Red Cross: Peace through people" for its 30th World Red Cross Day.

In this way, it wishes to make each individual fully aware of the practical and permanent role he can play in this universal action for the cessation of all aggressivity and all hostility, the prelude to that genuine and deeply anchored peace that every human being desires for the world and for himself.

Such awareness will certainly promote the development of a "spirit of peace". This will begin with the individual in his private life and at work, then will extend to the community to which he belongs, leading finally to a lasting peace not only between people, but also between governments and States throughout the world.

The cry "Tutti fratelli" that rang out after Solferino sums up admirably the worldwide struggle of the Red Cross against suffering, poverty, hunger and other evils.

The very fact that the Red Cross strives continually to gather and unite mankind under the flag of active universal solidarity serves the cause of peace, and it can truly put itself across to public opinion as a factor and symbol of peace.

On this World Red Cross Day, anniversary of the birth of Henry Dunant in Geneva, an appeal is made to the conscience of each one of us to adopt as an intimate conviction the words of the Red Cross founder: "... To encourage the idea of solidarity between nations in doing good is to oppose war. By seeking the most appropriate means of overcoming obstacles to mankind's well-being we promote ideas of peace and humanity."

M I S C E L L A N E O U S

TWENTY-FIFTH ANNIVERSARY OF ICEM

In November 1976 a ceremony to commemorate the twenty-fifth anniversary of the Intergovernmental Committee for European Migration (ICEM) took place in the United Nations building in Geneva.

ICEM is the only intergovernmental organization which attends to the operational aspect of migration. Its membership comprises thirty-six governments, and many international organizations co-operate in its programmes. The ICRC has frequently worked with ICEM, particularly during the last few years. The two organizations have worked together to settle the difficult and urgent problems occasioned by the sudden exodus of refugees from Uganda (1972), Chile (1973), Indochina (1975) and other countries.

ICEM is directed by a Council of delegates from all member governments, observers from other interested governments, and representatives from other governmental and non-governmental organizations. The Council is the supreme body determining policy, programmes and plans for future activities which are implemented by the Executive Committee, consisting of delegates from nine member governments.

ICEM has its headquarters in Geneva and discharges its functions through missions, offices and representatives in twenty-nine countries.

The budget is in two parts: the administrative part made up of mandatory contributions from member governments, and the operational part, made up of voluntary contributions. Some of the operating expenses are covered by payments made by migrants themselves or by their sponsors and by voluntary agencies concerned with migrants and refugees.

In its twenty-five year existence, ICEM has moved more than two million people to other countries. It has acquired technical and practical experience which enables it to assume a range of activities from aid to individual migrants to advice and specialized assistance to member governments for the planning of their own migration programmes.

At the request of these governments, ICEM provides services such as recruiting, selecting, advising, medically examining, receiving, and placing migrants, assisting them to integrate and teaching them languages.

In addition, ICEM arranges modern transport for immigrants and refugees. It pays fares for those who cannot do so themselves.

Preparation for emigration and the transport of refugees to countries offering asylum and the means of leading a new life constitute another major task undertaken by ICEM. Since 1952, it has helped more than a million people who for political, religious or ethnic reasons have had to leave their countries.

One obligation undertaken by ICEM is to see that no refugee is prevented from emigrating for lack of advice or funds.

Another aspect of its humanitarian programme is its help to "handicapped" refugees, i.e. those who for reasons of ill-health, age or social problems are not eligible for resettlement under normal migration programmes.

ICEM activities are not limited to such programmes. Various U.N. agencies frequently call on it to provide transport for victims of natural disasters and other crises, or to organize the efficient and inexpensive transport of relief goods.

The ICRC, whose activities are often carried out in parallel to those of ICEM, expresses its thanks for the assistance it has received from ICEM on many occasions, and joins all those who have conveyed to ICEM their congratulations and good wishes for its twenty-fifth anniversary.

THE INTERNATIONAL INSTITUTE OF HUMANITARIAN LAW OF SAN REMO AND COURSES ON THE LAW OF WAR

The International Institute of Humanitarian Law of San Remo was founded in 1970 by a number of legal experts who judged it essential, in view of developments in the world, that a centre should be available where they could study scientifically ways and means of ensuring more efficiently the observance of human rights and the rules of humanitarian law.

It counts among its members a considerable number of eminent university teachers and several organizations whose activities, in a general way, are concerned with human rights or international humani-

MISCELLANEOUS

tarian law (United Nations, International Red Cross, Council of Europe, etc.).

The Institute has organized a number of congresses, round table meetings, seminars and colloquiums, attended by many experts. These have included: a congress on humanitarian law (1970); a colloquium on spiritual and intellectual assistance in time of armed conflicts, and one on humanitarian rules and military instructions (1971); a seminar on the teaching of humanitarian law to the armed forces (1972); and round table meetings on several topics such as the information released to the press during armed conflicts (1972), the reuniting of dispersed families (1973), and international humanitarian law and telecommunications (1973). In addition, the work of each of the first three sessions of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law held in Geneva was assessed at round table meetings organized by the Institute. Since the majority of the participants in the round table meeting had taken part in the Conference sessions, they were perfectly familiar with the proceedings.

More recently, the Institute has developed its structure by increasing from one to five the number of its scientific commissions, each one dealing with a specific subject: (I) Development of international law and human rights, (II) Military instructions, (III) Protection of persons in cases of natural disaster, (IV) International protection of refugees and displaced persons, and (V) International medical law.

In connection with the activities of the Second Commission, Mr. de Mulinen, adviser at the ICRC, gave a course entitled "the law of war in three lectures", on 19 and 26 January and 2 February, at the request, and in the premises, of the "Société militaire de Genève". Mr. de Mulinen's lectures were founded on a one-week course for officers which he had conducted at San Remo in June 1976. In them Mr. de Mulinen sought to show that military objectives and humanitarian needs, far from being incompatible, often converged, owing to the requirements of order and discipline which no army could afford to overlook. A similar course will next be held at San Remo from 15 to 22 June 1977.

J. J. S.

BOOKS AND REVIEWS

LE DÉFI DE LA GUERRE — DEUX SIÈCLES DE GUERRES ET DE RÉVOLUTIONS (1740-1974)¹

War has often been presented as the great force which is the expression of societies, which transforms them and provides the ultimate solution for their conflicts, and which can never be totally abolished. Can we accept these notions in the nuclear age when developments of war are unpredictable and threaten the very existence of mankind?

The authors of this book, Mr. Gaston Bouthoul and Mr. René Carrère, of the *Institut français de Polémologie*, have attempted to reform concepts of this kind about war. To that end, they have drawn up a list of 366 major conflicts over a period of more than two hundred years, from wars of succession of rulers to wars of succession of nations, from wars of colonization to wars of decolonization; they have analysed and interpreted them, ending with a study of terrorism, the nuclear problem and the contemporary geopolitical world of parlous maritime frontiers, prone to engender conflicts, a world in which the fronts of collective aggressiveness move from place to place.

The book provides a veritable classification of the causes, effects and evolution of armed conflicts and abounds in short and long-term retrospective views and hypothetical projections.

Readers will welcome the mass of fresh and stimulating information which it contains on men and societies. This volume will provide for sociologists the basic material of the science of wars, while philosophers and moralists may discover in it the path leading towards the demystification of violence and the domination of the experimental mind over the use of force, as well as a means for the “deglorification” of war.

In this respect, it will be of interest not only to those who have devoted themselves more particularly to the humanities and social sciences but to all men and women throughout the world who yearn for a peaceful future for mankind.

M. T.

¹ Presses universitaires de France, 1976, 224 pp.

LAS CASAS AND HUMAN RIGHTS¹

In October 1974, the *Institut d'Etudes politiques d'Aix* commemorated the five hundredth anniversary of the birth of Bartolomé de Las Casas (1474-1566) by organizing a three-day colloquium as a tribute to the remarkable Dominican monk whose name has gone down in history as the impassioned champion of the Indians (of the New World) and as a mediator for human rights second to none. Last year, a substantial volume containing the twenty-nine papers presented at the Las Casas colloquium was published by the *Institut*.

A vast quantity of papers, which had remained buried for centuries in various archives and which were only recently made public, have enabled many learned historians to move towards the discovery of a man whose complex personality has been for a long time the subject of controversy, and towards the knowledge of an immense body of work which is still being studied.

The essays in this volume, the fruits of the research made on Las Casas' work, are primarily of historical interest. What is considerably more interesting is that nowhere else as in the writings of Las Casas has the defence of human rights been presented and put into practice with so much concern for relating closely and intensely the constant efforts of the mind with those of speech, of writing and of action. This idea has led those who took part in the colloquium to study Las Casas in the perspective of present-day conflicts and to see whether he can be considered as a forerunner and a guide for the perfectly balanced creation and practical application of an economic system and of a policy directed towards the respect of the quality of life of nations.

It is in this respect that we find that the essays collected in this splendid book are of such particular interest.

M. T.

¹ Published by *Institut d'Etudes politiques d'Aix* and *Instituto de Cultura Hispánica*, with the co-operation of the *Centre national de la Recherche scientifique*, Paris, 1976, 376 pp.

Preparation of medical students to work in rural areas, *Courrier, Paris* N° 3, 1976.

In developing countries, the physician and the auxiliary personnel should receive during their studies a training permitting their adaptation to work later in rural areas. Physicians must stay in the course of their studies in local health services. Midwives should learn how to pay home visits and teach common care and practices to ensure an effective sanitary action. Public health nurses should also learn how to educate and give first care to wounded people. Besides this personnel, teachers and religious personalities have also a role to play. All these people should never feel isolated in rural areas. Medical schools will help them through regular post-graduate training to increase their knowledge and also sustain their moral. To achieve an effective sanitary action in rural areas, this multi-disciplinary personnel should be animated by the same ardour and never feel discouraged.

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Draft Additional Protocols to the Geneva Conventions of August 12, 1949, Geneva, 1973; 8vo, 46 pp.	10.—
Draft Additional Protocols to the Geneva Conventions of August 12, 1949, Commentary, Geneva, 1973; 8vo, 176 pp. . .	20.—
Conference of Government Experts on the Use of Certain Conventional Weapons, Geneva, (first session) 1975, 106 pp.	15.—
Conference of Government Experts on the Use of Certain Conventional Weapons, Geneva, (second session) 1976, 231 pp.	22.—
Reservations to the Geneva Conventions of 1949, (C. Pilloud) Geneva 1976, 44 pp.	4.—

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

ADOPTED 21 JUNE 1973

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

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

2. It shall be a constituent part of the International Red Cross.¹

ART. 2. — *Legal Status*

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

ART. 3. — *Headquarters and Emblem*

The headquarters of the ICRC shall be in Geneva.

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

ART. 4. — *Role*

1. The special role of the ICRC shall be :

- (a) to maintain the fundamental principles of the Red Cross as proclaimed by the XXth International Conference of the Red Cross ;
- (b) to recognize any newly established or reconstituted National Red Cross society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition ;
- (c) to undertake the tasks incumbent on it under the Geneva Conventions, to work for the faithful application of these Conventions and to take cognizance of any complaints regarding alleged breaches of the humanitarian Conventions ;

¹ The International Red Cross comprises the National Red Cross Societies, the International Committee of the Red Cross and the League of Red Cross Societies. The term "National Red Cross Societies" includes the Red Crescent Societies and the Red Lion and Sun Society.

- (d) to take action in its capacity as a neutral institution, especially in case of war, civil war or internal strife ; to endeavour to ensure at all times that the military and civilian victims of such conflicts and of their direct results receive protection and assistance, and to serve in humanitarian matters, as an intermediary between the parties ;
- (e) to ensure the operation of the Central Information Agencies provided for in the Geneva Conventions ;
- (f) to contribute, in view of such conflicts, to the preparation and development of medical personnel and medical equipment, in co-operation with the Red Cross organizations, the medical services of the armed forces, and other competent authorities ;
- (g) to work for the continual improvement of humanitarian international law and for the better understanding and diffusion of the Geneva Conventions and to prepare for their possible extension ;
- (h) to accept the mandates entrusted to it by the International Conferences of the Red Cross.

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

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

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

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN — Afghan Red Crescent, Puli Artan, *Kabul*.
- PEOPLE'S SOCIALIST REPUBLIC OF ALBANIA — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA — Algerian Red Crescent Society, 15 bis, Boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 122 Flinders Street, *Melbourne 3000*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, *Vienna 4*.
- BAHAMAS — Bahamas Red Cross Society, P.O. Box N 91, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dacca 2*.
- PEOPLE'S REPUBLIC OF BENIN — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BELGIUM — Belgian Red Cross, 98 Chaussée de Vleurgat, 1050 *Brussels*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, *Sofia 27*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross, 42 Strand Road, Red Cross Building, *Rangoon*.
- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95 Wellesley Street East, *Toronto, Ontario, M4Y 1H6*.
- CENTRAL AFRICAN EMPIRE — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA — Red Cross Society of China, 22 Kanmien Hutung, *Peking, E*.
- COLOMBIA — Colombian Red Cross, Carrera 7a, 34-65, Apartado nacional 1110, *Bogotá D.E*.
- CONGO, PEOPLE'S REPUBLIC OF THE — Croix-Rouge Congolaise, place de la Paix, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23 201 esq. N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Ny Vestergade 17, DK-1741 *Copenhagen K*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado Postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia, 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 34 rue Ramses, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 3a Avenida Norte y 3a Calle Poniente, *San Salvador, C.A.*
- ETHIOPIA — Ethiopian Red Cross, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193 Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 17 rue Quentin Bauchart, F-75384 *Paris CEDEX 08*.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 1ª Avenida entre 3a y 4a Calles, N° 313, *Comayagüela, D.C.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca 31, *Budapest V*, Mail Add.: 1367 *Budapest 5*, Pf. 249.
- ICELAND — Icelandic Red Cross, Nóatúni 21, *Reykjavik*.
- INDIA — Indian Red Cross, 1 Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Jalan Abdul Muis 66, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Lion and Sun Society, Av. Villa, Carrefour Takhté Djamchid, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16 Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12 via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76 Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 29-12 Shiba 5-chome, Minato-Ku, *Tokyo 108*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10 001, *Amman*.
- DEMOCRATIC KAMPUCHEA — The new address of the Red Cross Society is not yet known.
- 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, *Pyongyang*.
- KOREA, REPUBLIC OF — The Republic of Korea National Red Cross, 32-3Ka Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1350, *Kuwait*.
- LAO PEOPLES' DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.

- LIBERIA — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB PEOPLE'S REPUBLIC — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 1806, *Luxembourg*.
- MALAGASY REPUBLIC — Red Cross Society of the Malagasy Republic, rue Clémenceau, P.O. Box 1168, *Tananarive*.
- MALAWI — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre* 3).
- MALAYSIA — Malaysian Red Crescent Society, 519 Jalan Belfield, *Kuala Lumpur* 08-03.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent Society, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MEXICO — Mexican Red Cross, Avenida Ejército Nacional nº 1032, *México* 10 D.F.
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of the Mongolian People's Republic, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL — Nepal Red Cross Society, Tahachal, P.B. 217, *Kathmandu*.
- NETHERLANDS — Netherlands Red Cross, 27 Prinsessegracht, *The Hague*.
- NEW ZEALAND — New Zealand Red Cross, Red Cross House, 14 Hill Street, *Wellington* 1. (P.O. Box 12-140, *Wellington* North.)
- NICARAGUA — Nicaraguan Red Cross, D.N. Apartado 3279, *Managua*.
- NIGER — Red Cross Society of Niger, B.P. 386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, Eko Aketa Close, off St. Gregory Rd., P.O. Box 764, *Lagos*.
- NORWAY — Norwegian Red Cross, Parkveien 33b, *Oslo*. Mail Add.: *Postboks 7034 H-Oslo* 3.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, 169, Sarwar Road, *Rawalpindi*.
- PANAMA — Panamanian Red Cross, Apartado Postal 668, Zona 1, *Panamá*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216, *Asunción*.
- PERU — Peruvian Red Cross, Jirón Chancay 881, *Lima*.
- PHILIPPINES — Philippine National Red Cross, 860 United Nations Avenue, P.O.B. 280, *Manila* 2801.
- POLAND — Polish Red Cross, Mokotowska 14, *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, *Lisbon* 3.
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei 29, *Bucarest*.
- SAN MARINO — San Marino Red Cross, Palais gouvernemental, *San Marino*.
- SAUDI ARABIA — Saudi Arabian Red Crescent, *Riyadh*.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6A Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE — Singapore Red Cross Society, 15 Penang Lane, *Singapore* 9.
- SOMALI REPUBLIC — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA — South African Red Cross, Cor. Kruis & Market Streets, P.O.B. 8726, *Johannesburg* 2000.
- SPAIN — Spanish Red Cross, Eduardo Dato 16, *Madrid* 10.
- SRI LANKA — Sri Lanka Red Cross Society, 106 Dharmapala Mawatha, *Colombo* 7.
- SUDAN — Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SWEDEN — Swedish Red Cross, Fack, S-104 40 *Stockholm* 14.
- SWITZERLAND — Swiss Red Cross, Taubenstrasse 8, B.P. 2699, *3001 Berne*.
- SYRIAN ARAB REPUBLIC — Syrian Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA — Tanzania Red Cross Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND — Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok*.
- TOGO — Togolese Red Cross Society, 51 rue Boko Soga, P.O. Box 655, *Lomé*.
- TRINIDAD AND TOBAGO — Trinidad and Tobago Red Cross Society, Wrightson Road West, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA — Tunisian Red Crescent, 19 rue d'Angleterre, *Tunis*.
- TURKEY — Turkish Red Crescent, Yenisehir, *Ankara*.
- UGANDA — Uganda Red Cross, Nabunya Road, P.O. Box 494, *Kampala*.
- UNITED KINGDOM — British Red Cross, 9 Grosvenor Crescent, *London, SW1X 7EJ*.
- UPPER VOLTA — Upper Volta Red Cross, P.O.B. 340, *Ouagadougou*.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.A. — American National Red Cross, 17th and D Streets, N.W., *Washington, D.C. 20006*.
- U.S.S.R. — Alliance of Red Cross and Red Crescent Societies, I. Tcheremushkinskii proezd 5, *Moscow* 117036.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello No. 4, Apart. 3185, *Caracas*.
- VIET NAM, SOCIALIST REPUBLIC OF — Red Cross of Viet Nam, 68 rue Bà-Triệu, *Hanoi*.
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, *Belgrade*.
- REPUBLIC OF ZAIRE — Red Cross of the Republic of Zaire, 41 av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA — Zambia Red Cross, P.O. Box R.W.1, 2837 Brentwood Drive, *Lusaka*.