

MAY-JUNE 1987

TWENTY-SEVENTH YEAR — No. 258

**SPECIAL ISSUE
PROTOCOLS**

international review of the red cross



INTER ARMA CARITAS

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

GENEVA
INTERNATIONAL COMMITTEE OF THE RED CROSS
FOUNDED IN 1863

INTERNATIONAL COMMITTEE OF THE RED CROSS

- Mr. CORNELIO SOMMARUGA, Doctor of Laws of Zurich University, Doctor h.c. *rer.pol.* of Fribourg University (Switzerland), *President* (member since 1986)
- Mrs. DENISE BINDSCHIEDLER-ROBERT, Doctor of Laws, Honorary Professor at the Graduate Institute of International Studies, Geneva, Judge at the European Court of Human Rights, *Vice-President* (1967)
- Mr. MAURICE AUBERT, Doctor of Laws, *Vice-President* (1979)
- Mr. ULRICH MIDDENDORP, Doctor of Medicine, head of surgical department of the Cantonal Hospital, Winterthur (1973)
- Mr. ALEXANDRE HAY, Honorary doctorates from the Universities of Geneva and St-Gall, Lawyer, former Director General of the Swiss National Bank, *President from 1976 to 1987* (1975)
- Mr. RICHARD PESTALOZZI, Doctor of Laws, former *Vice-President* of the ICRC (1977)
- Mr. ATHOS GALLINO, Doctor h.c. of Zürich University, Doctor of Medicine, Mayor of Bellinzona (1977)
- Mr. ROBERT KOHLER, Master of Economics (1977)
- Mr. RUDOLF JÄCKLI, Doctor of Sciences (1979)
- Mr. DIETRICH SCHINDLER, Doctor of Laws, Professor at the University of Zürich (1961-1973) (1980)
- Mr. HANS HAUG, Doctor of Laws, Honorary Professor at the St-Gall School of Advanced Economic and Social Studies, former *President* of the Swiss Red Cross (1983)
- Mr. PETER ARBENZ, Bachelor of Political Science (1983), (*on leave of absence since March 1986*)
- Mr. PIERRE KELLER, Doctor of Philosophy in International Relations (Yale), Banker (1984)
- Mr. RAYMOND R. PROBST, Doctor of Laws, former Swiss Ambassador, former Secretary of State at the Federal Department of Foreign Affairs, Bern (1984)
- Mr. ODILO GUNTERN, Doctor of Laws, former member of the Swiss Council of States (1985)
- Mr. ANDRÉ GHELFI, former Central Secretary and *Vice-President* of the Swiss Federation of Metal Workers (1985)
- Mrs. RENÉE GUISAN, General Secretary of the International "Institut de la Vie", member of the Swiss *Pro Senectute* Foundation, member of the International Association for Volunteer Effort (1986)
- Mr. DANIEL FREI, Professor of Political Science, University of Zurich (1986)
- Mr. ALAIN B. ROSSIER, Doctor of Medicine, former Professor for the rehabilitation of paraplegics at Harvard University, lecturer at the Medical Faculty of Geneva University, *President* of the International Medical Society of Paraplegia (1986)
- Mrs. ANNE PETITPIERRE, Doctor of Laws, barrister, graduate of the Interpreters School of Geneva (1987)
- Mr. PAOLO BERNASCONI, Barrister, LL. L., lecturer in economic penal law at the Universities of St-Gall and Zurich, former Public Prosecutor at Lugano, member of the Swiss *Pro Juventute* Foundation (1987)

EXECUTIVE COUNCIL

- Mr. CORNELIO SOMMARUGA, *président*
Mr. MAURICE AUBERT
Mr. RICHARD PESTALOZZI
Mr. ATHOS GALLINO
Mr. RUDOLF JÄCKLI
Mr. PIERRE KELLER
Mr. ANDRÉ GHELFI

INTERNATIONAL REVIEW OF THE RED CROSS

CONTENTS **MAY-JUNE 1987 – N° 258**

TENTH ANNIVERSARY OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS (1977-1987)

Cornelio Sommaruga: The Protocols additional to the Geneva Conventions: a quest for universality	243
<i>The new President of the ICRC gives his personal assessment of what progress has been made in ratification of the Protocols and respect for humanitarian law</i>	

Jean de Preux: The Protocols additional to the Geneva Conventions	250
<i>A former ICRC legal adviser outlines the content of the Additional Protocols. By taking a close look at some of the more striking features of the Protocols' provisions, he brings home their humanitarian spirit</i>	

Hans-Peter Gasser: Steps taken to encourage States to accept the 1977 Protocols	259
<i>The work done to encourage States party to the Geneva Conventions also to become party to the Protocols is part of the humanitarian mobilization. The legal adviser to the ICRC Directorate describes the institution's efforts to this end</i>	

**The 1977 Additional Protocols and the National Red Cross
and Red Crescent Societies 267**

*GERMAN RED CROSS IN THE FEDERAL REPUBLIC
OF GERMANY*

Andreas von Block-Schleiser: The efforts made by the German Red
Cross in the Federal Republic of Germany to have the Additional
Protocols ratified 269

BELGIAN RED CROSS (French-speaking community)

André Andries: The implementation of the Additional Protocols
in Belgium 272

BELGIAN RED CROSS (Flemish section)

Carl Vandekerckhove: Dissemination of International Humanitarian
Law — The Belgian situation 277

RED CROSS SOCIETY OF CHINA

Su Wei: The 1977 Geneva Protocols and the development of
international humanitarian law 282

JAPANESE RED CROSS SOCIETY

Sumio Adachi: The Geneva Conventions and Additional Protocols
as a cornerstone of peace-loving Japan 288

JORDAN NATIONAL RED CRESCENT SOCIETY

Dr. Ahmad Abu-Goura: Tenth Anniversary of the 1977 Additional
Protocols — A Jordanian View 293

MEXICAN RED CROSS

Antonio López de la Rosa: The Protocols additional to the 1949
Geneva Conventions in relation to Mexico 297

THE NETHERLANDS RED CROSS

Frits Kalshoven: The Protocols of 1977 and The Netherlands Red
Cross 305

NORWEGIAN RED CROSS

Bjørn Egge: Norway and the 1977 Additional Protocols to the 1949
Geneva Conventions 310

*Officials from National Red Cross and Red Crescent
Societies give their opinions on the Protocol's
provisions and describe what their Societies
have done in their respective countries
to promote the Protocols among the general
public and in government circles*

INTERNATIONAL COMMITTEE OF THE RED CROSS

Presidency of the International Committee of the Red Cross . . .	313
Cornelio Sommaruga takes office as ICRC President — Tribute to Alexandre Hay	315

Two new members of the ICRC	316
---------------------------------------	-----

EXTERNAL ACTIVITIES:

Africa — Latin America — Asia — Europe — Middle East	317
--	-----

IN THE RED CROSS AND RED CRESCENT WORLD

Death of Mr. Henrik Beer	326
Message from Mr. Cornelio Sommaruga to mark 8 May, World Red Cross and Red Crescent Day 1987	328
Meeting of the Standing Commission of the Red Cross and Red Crescent	329
Thirty-first award of the Florence Nightingale Medal	331

MISCELLANEOUS

Declaration by the Kingdom of Belgium	338
The Republic of Iceland ratifies the Protocols	339
Seminars and colloquium on International Humanitarian Law	340
States parties to the Protocols of 8 June 1977 (as at 8 June 1987)	344

BOOKS AND REVIEWS

Modern wars (Mohammed Bedjaoui)	348
Conduct of hostilities, the law of armed conflicts and disarmament (Mohammed Arrassen)	350
The aid industry under attack (Reports on the African famine)	353
Disappeared!	356
New publications	359

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

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

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

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

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

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

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

in French: REVUE INTERNATIONALE DE LA CROIX-ROUGE

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

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

EDITOR: Jacques Meurant, doctor of political science, editor-in-chief

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

SUBSCRIPTIONS: one year, Sw. frs. 30.—; single copy Sw. frs. 5.—.

Postal Cheque Account: No. 12 - 1767 Geneva

Bank account No. 129.986 Swiss Bank Corporation, Geneva

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

THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS: A QUEST FOR UNIVERSALITY

Ten years ago, on 8 June 1977, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts adopted two Protocols additional to the Geneva Conventions of 1949, one relating to the protection of victims of international armed conflicts and the other to the protection of victims of non-international armed conflicts.

Everyone believed at that time that these new legal instruments constituted a very important stage in the codification of international humanitarian law because they completed the provisions of the Geneva Conventions, while adapting the humanitarian standards then in force to present-day realities.

In spite of the high hopes prevailing at the time, the incidence of armed conflicts did not diminish—far from it! Some conflicts did come to an end, of course, but others continued, and new wars broke out in nearly every part of the world.

Now, ten years later, even if this codification did not reduce the number of conflicts, it is nevertheless reasonable for us to ask ourselves if it did not at least encourage the opposing parties to show greater respect for the rules of humanitarian law.

Perhaps not enough time has yet elapsed to warrant final conclusions, but the tenth anniversary of the adoption of the Protocols should certainly be the occasion for a serious analysis of the status of ratifications and an investigation of the attitude of the States towards humanitarian law and of those responsible for promoting respect for it, notably the ICRC.

These questions have always been matters of constant concern to the ICRC. They have given rise to some personal thoughts which I should like to share with readers of the Review at this time, as I take over as President of the ICRC.

The drafting of the Protocols, up to the moment of their adoption, was a more arduous undertaking than the negotiation of the 1949 Conventions. International legislators had to take into account several factors which, since the 1950s, had profoundly changed the whole international system. First, there was the massive participation of newly independent States in the activities of the world community, which transformed the process of creating international law. Next, there was a proliferation of localized and internal conflicts, circumventing the dissuasive fear of nuclear war. Finally, there was a polarization of ideological positions which favoured the development of antagonistic political blocs, while the gap widened between the rich industrialized countries, some of them overarmed, and the developing countries.

The States still prevail, of course, but we must now also reckon with national liberation movements, guerrilla organizations, peoples and individuals who are already recognized by some experts as legal entities.

Humanitarian action has been greatly affected by this situation. Earlier, when it was based on a certain conception of the conduct of warfare, with clear distinctions between combatants and non-combatants, such action could proceed normally with clear references to the laws of war. The situation became more confused, however, during the 1960s, when the spread of the myth of revolutionary war appeared to justify in the eyes of some the use of any and all means of combat, again calling humanitarian law into question. How can we really distinguish between different categories of victims? Who is entitled to protection? What is a prisoner of war?

The existence and continued development of weapons of mass destruction make it difficult and perhaps impossible to draw a clear distinction between civilians and soldiers and threaten the very foundations of humanitarian law. How can we maintain a human dimension in wars marked by total destruction? How can we regulate manifestations of violence which threaten the functioning of the international system? How can we resolve the fundamental contradiction between the illegitimacy of the principle of recourse to violence and the rules we nevertheless try to establish to govern such violence in armed conflicts?

These were the issues that largely dominated the proceedings of the Diplomatic Conference of 1974-1977.

*
* *

Despite the efforts of the ICRC and the Swiss Confederation as the host country, it was not possible to keep politics completely out of the Diplomatic Conference. We already knew, however, that "humanitarianism is not chemically pure," for although protection is humanitarian, putting it into effect raises political and military problems. History repeats itself, and the Protocols, like the Geneva Conventions, could not eliminate the tensions between matters of State policy and the demands of humanity.

Are the States then prepared to give more protection to human beings and submit to better control of hostilities? This is a fundamental question; but for some States it cannot be applied to nuclear war, while others wish to restrict to a minimum the protection given to dissident forces in the event of internal conflicts.

Third World countries, entering the scene in force, succeeded in having wars of national liberation considered as international conflicts and in extending the concepts of combatants and prisoners of war to include, subject to certain conditions, guerrilla fighters. Doubts were expressed, even at the time, as to whether these new provisions could be accepted without problems, especially by countries directly involved!

However, the spectre of "just war" was avoided; that is, the temptation to include in humanitarian law different rules depending on the cause for which a war is fought. It is obvious that such an approach would have dealt a fatal blow to humanitarian law. Consensus was reached on the essentials: protection of civilian populations against the dangers of indiscriminate warfare; the banning of mass or indiscriminate bombing and reprisal bombing. To these fundamental accomplishments, we would add the increased protection for medical and civil defence personnel, material and transports, for the natural environment, cultural objects, etc., and notably provisions limiting the right of belligerents to choose the methods and means of conducting military operations.

Is there any room left for doubt that the protection of the individual was one of the primordial objectives of the Protocols, when the States agreed to strengthen the rights accorded to the individual and the minimum fundamental guarantees of humane treatment for all individuals in times of armed conflict, both international and internal?

Finally, a praiseworthy effort was made to strengthen the mechanisms for control and sanctions.

I believe today that the Conference finally adopted—by consensus, we should remember—two sound texts. The fruits of wise

compromise, these two Protocols considerably enhance the protection afforded to the victims of armed conflict.

*
* *

Ten years after the adoption of the Protocols, 67 States are party to Protocol I and 61 to Protocol II, about one-third of the number which are party to the Geneva Conventions.

This is a total which might look encouraging, but it is really very small if we bear in mind that the instruments of international humanitarian law are meant to be universal. Universality has not been attained. Of the five permanent members of the United Nations Security Council, only China has ratified both Protocols; and France has only ratified Protocol II. The historic burden which weighed upon the Geneva Conventions, rightly or wrongly, because of their Eurocentric character, was removed by the adoption of the Protocols, but the universality of these new standards remains to be achieved.

We have to recognize that the obstacles to the universal acceptance of humanitarian law are closely related to the political and ideological motivations underlying the law, now more than ever. Generally, during the drafting of law, each State tries to impose rules which correspond most closely to what it regards as its own interests. Then, when the law must be applied, the unilateral interpretation by the State continues to prevail, in the name of national sovereignty. Unhappily, humanitarian law is no exception. In the confrontation between power and law, respect for humanitarian principles is too often subject to considerations of State sovereignty. With regard to implementation, the States continue to sin by omission—or knowingly. It is good to know that humanitarian law has been enriched, that it is adapted to every kind of armed conflict and has adequate provisions for implementation, but experience has shown that when implementation is most needed, “governments are tempted... to relegate humanitarian considerations to the background”.

There is no doubt that obstacles to accession to the Protocols and difficulties in applying humanitarian law are both accentuated by the international situation, which is more disturbing than it was ten years ago. Violations of the law multiply in proportion to the proliferation, prolongation and violence of local wars. The strategy of “total war” is one that totally disregards humanity! It encourages an alarming decline of the rule of law. The ICRC, through the voice of my

predecessor Alexandre Hay, has unceasingly denounced the repeated violations of humanitarian principles: "Every pretext is put forward to justify these unjustifiable actions: military imperatives, State security and the last means resorted to by oppressed peoples".

The truth is, beyond all the legal quibbling, that the fundamental difficulty in promoting international humanitarian law—and hence in obtaining ratification of the Protocols—is too often the lack of genuine political desire on the part of the States to apply the law.

When they adopted the Geneva Conventions in 1949 and their Protocols in 1977, the States undertook not only to respect humanitarian law but to ensure respect for it. This means that they accepted responsibility not only for violations of which they might be guilty but also for violations committed by other parties to the Conventions and Protocols. If we stop to think of what this implies, it is breathtaking in its audacity! There is a strange paradox indeed between this acceptance by the States of extensive humanitarian obligations and their prudence—indeed their reticence—about putting them into effect; between their adhesion to humanitarian values and their lack of political will to defend them. These humanitarian values are the material basis for humanitarian law, which depends upon the will of States. We cannot refer too often to the words of another of my predecessors, Max Huber, when he said: "From a strictly legal point of view, a true law of Humanity came into being, under which the human person, his integrity and dignity, are defended in the name of a moral principle, which goes far beyond the bounds of national law and of politics".

*
* *

The challenge in the decades to come will be in the attempt to reconcile humanitarian values and the political will of States, in other words to establish the complementarity of these values and State sovereignty so that States will fully and willingly accept them as principles of reference in their policies and actions. What we must do is to mobilize the community of States in order to enhance the role of the humanitarian reflex in political decision-making.

This humanitarian mobilization has an impressive arsenal of rules at its disposal which cover the essential legal points. It must also appeal to traditional, religious and ethical principles and must gain the support of public opinion.

This is the conviction of the ICRC, repeated many times in recent months and especially during the Twenty-fifth International Conference of the Red Cross, which addressed a solemn appeal to States not yet party to the Protocols to ratify or accede to them "as rapidly as possible".

The ICRC will continue to encourage States to accede to the Protocols until they are universally accepted. It is desirable and indeed imperative, however, that its efforts obtain widespread support. We are already gratified by the awareness of this need displayed by the United Nations and a number of other international and regional institutions in recommending ratification of the Protocols and in supporting the ICRC in its efforts.

The ICRC will indeed be in a better position to urge States to ratify the Protocols and to insist publicly that they be applied if it is not the only organization to do so. States not involved in conflicts can serve as relays to other States. We may recall in particular the role played by Switzerland, as depositary of the Geneva Conventions, which has made its voice heard amidst such conflicts as the Iran-Iraq war and the strife in Lebanon to seek the universal application of humanitarian law, whatever the origin of the conflicts and the ideological motives of the parties. This had previously been the case during the Diplomatic Conference of 1974-1977, when the Swiss authorities provided the States with a setting propitious for the negotiation of the Protocols. Switzerland's permanent policy of armed neutrality, its experience as a Protecting Power during the Second World War (and on some unfortunately rare occasions since the 1950s), and its sense of proportion have given it a universally recognized authority. Faithful to this line of conduct, I trust that Switzerland will continue its special efforts to induce States to accept the Protocols. The ICRC takes the opportunity on this tenth anniversary of the adoption of the Protocols to express its gratitude to Switzerland.

Finally, the National Red Cross and Red Crescent Societies, whose role was strengthened by the Protocols, can continue their endeavours vis-à-vis their governments on behalf of ratification and accession to the Protocols, for example as part of their programmes for dissemination of humanitarian law. We are particularly pleased, on the occasion of this tenth anniversary of the adoption of the Protocols, to open the columns of the Review to some of these Societies.

Ratification of the Protocols and respect for international humanitarian law is of concern to all of us. It is vital that the States

party to the Geneva Conventions should respect and ensure respect for international humanitarian law; it is of primordial importance that the Protocols should be universally accepted. As Professor Pictet said: "The survival of humanity is at stake".

Even beyond the respect due to the fallen enemy and the innocent civilian, which is the very essence of humanitarian law, we should like to see the commitment of the International Red Cross and Red Crescent Movement on behalf of the Protocols as a concrete step towards the establishment of a world at peace.

Cornelio Sommaruga
President of the ICRC

The Protocols additional to the Geneva Conventions

by Jean de Preux

The world now has a population of 5 billion, as against 1 billion in 1863 when the Red Cross was founded and the codification of the law of armed conflicts was initiated. For almost a century, the Red Cross concerned itself successively with soldiers wounded in action, victims of naval warfare, prisoners of war and civilians abandoned in wartime to the arbitrariness of foreign rule.

Today, without disowning what has been accomplished to date, we must look further afield and turn our attention towards other victims, the victims of present-day conflicts and the potential victims of future conflicts: the civilian population. This cannot be done without concern for the conduct of those who do the fighting. Weapons proliferate while diverging views take root and limited armed conflicts grow in number, very often with no foreseeable outcome.

With huge sums being spent every year on armaments and countless human lives at stake, we must see to it that dramatic losses are prevented, or at least kept to a minimum. That is the purpose of the Protocols additional to the Geneva Conventions. Not that States are less inclined now than in the past to safeguard first and foremost what they consider to be their national interests; but they must realize that by protecting the civilian population they protect themselves. By promoting regulations concerning the conduct of combatants, they provide the conditions that are necessary to ensure respect—even, and especially, in times of armed conflict—for a modicum of legal rules and a nucleus of human society.

In one sense, Protocol I, applicable to international armed conflicts, appears to be a collection of disparate texts: Part II deals with the wounded, sick and shipwrecked, with missing and dead persons, and with medical services, that is with the victims of war. Part III deals with the definition of “combatants” and with their conduct, i.e., with combat. Part IV governs the conduct of hostilities as such, yet it also mentions civil defence, relief, and matters directly related to human rights. This heterogeneous collection demonstrates that the distinction between the Law of Geneva (law for the protection of victims of conflicts) and the Law of The Hague (law relative to the conduct of hostilities and the administration of occupied territories) is artificial and outdated. The law of armed conflicts is a single entity. It consists of rules governing space and of rules governing time. The former—covering where it is allowed (under *jus in bello* exclusively) and where it is not allowed to strike—deal mainly with the conduct of hostilities. The rules governing time fix the point in time when the duty of implementation, or even the obligation of providing assistance, starts to arise. They concern the victims of war. There is a constant correlation between the two types of rules.

*
* *

Yet it was not the need to amend the 1949 Conventions which gave rise to the Protocols, but the need to supplement them, owing to the gradual emergence of two major factors: first, the new forces appearing in the conduct of hostilities tend to extend the battlefield *ad infinitum*, which engenders tremendous risks for the civilian population; secondly, armed conflicts take on new forms which it is impossible to ignore or to pass over in silence.

The protection of the civilian population against the effects of hostilities is the crucial question. It is expressly dealt with not only in Part IV but also in Part II—indeed, in the whole Protocol. Since the end of the First World War, aerial weapons can strike virtually anywhere in the enemy’s territory, and their use is subject to hardly any regulations. Today, their technological sophistication is such (missiles, for instance) that nothing can stand in their way—save law. This fact at least has the advantage of reminding us that, when all is said and done, the survival of any society rests on law: *ubi societas, ibi jus*. Despite the terrible air raids of the Second World War, the issue was not broached by those who drafted the 1949

Conventions. But even worse than the bombings were the atrocities committed against certain categories of civilians in occupied territories and in the territories of the Parties to the conflict. Consequently, the primary object of the Geneva Convention relative to the protection of civilian persons in time of war (Fourth Geneva Convention of 1949) is to protect civilians against abuses of power and arbitrary measures by foreign rulers. It deals with civilians in enemy countries and the inhabitants of occupied territories. Protocol I merely supplements the provisions relative to protection with rules for the safety of the most vulnerable categories of civilians, without any adverse distinction. It also comprises a list of fundamental guarantees amounting to a summary of human rights, to which anyone affected by a situation of armed conflict should be entitled.

Just as those defending a fortress must man the most exposed section of the battlements, so those who drafted Protocol I were drawn inevitably to consider the lack of protection of civilians against the effects of hostilities. To make up for the deficiencies, Protocol I features three types of provisions: basic rules, rules of application and assistance measures.

*
* *

The fundamental principles enshrined in customary law are set forth in Part III, generally in an updated form. At a time when technical advances make it possible to cause virtually unlimited losses and damage, Art. 35 very appropriately reaffirms that the right of the parties to the conflict to choose methods or means of warfare is not unlimited. Although it does not take a definite stand on weapons, it does establish a ban on superfluous injury (in relation to the military operation in progress and the military objective to be neutralized) and affirms the need to protect the environment. Fairness and humanity have from time immemorial distinguished combatants from bandits and highwaymen. Protocol I does not fail to confirm the main rules in the matter. Thus, all States party to the Conventions are invited to join in the reaffirmation of principles recognized by all armies throughout the world.

Yet the protection of the civilian population against the dangers of modern warfare calls for more. It implies that States must be fully aware of their responsibilities in the matter. Consequently, Protocol I states that “the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives”. In wartime, States must make this distinction even as regards their own population, since only on this condition will Parties to a conflict be able to “direct their operations only against military objectives”. Part IV lays down all the provisions necessary to ensure respect for this obligation, which constitutes the essence of Protocol I as it concerns the protection of the civilian population. In the process, it reaffirms some traditional rules, develops and supplements them where necessary and even creates new ones.

*
* *

In addition to reaffirming these fundamental principles, Protocol I states that attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which could be excessive in relation to the concrete and direct military advantage anticipated” are prohibited. This reaffirms the principle of proportionality and the prohibition of indiscriminate attacks which have always been deemed forbidden and are now explicitly banned. The same applies to attacks intended to spread terror among the civilian population: The definition of civilians, civilian population and civilian objects (as opposed to armed forces and military objectives, which alone are legitimate targets) is essential for the application of the principle of distinction.

The Protocol provides detailed definitions of these terms. Finally, it goes beyond the established rules in that it prohibits attacks against the civilian population and civilian objects by way of reprisals, provides unequivocally for the protection of objects which constitute the cultural or spiritual heritage of peoples, states that starvation of civilians as a method of warfare is prohibited, forbids the use of methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environment and thereby to prejudice the

health or survival of the population, and bans attacks against works and installations containing dangerous forces. Those in charge of military operations must take the necessary precautions to ensure respect for these provisions and ascertain that attacks are directed against the adversary and not against civilians.

These aims may well be ambitious, but they are justified by the fact that vast numbers of human beings are helpless against the tremendous arsenal of modern means of destruction. Science advances by leaps and bounds, driven by the imagination, the tenacity and rigour of its researchers. But there is no reason why it should monopolize intelligence and progress. Good faith—that tenet which is to lawyers what rigorous regard for the facts is to scientists—must enable the law to catch up with the growing dangers engendered, for the civilian population, by the progress of modern technology.

*
* *

Assistance measures are to be found primarily in Part II concerning the wounded, sick and shipwrecked. The Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces in the field (First Convention of 1949) provides for the protection of the wounded and sick in the armed forces, medical and religious personnel attached to the armed forces, their establishments, units, equipment and means of transport. The Geneva Convention for the amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea (Second Convention of 1949) establishes similar protection in the maritime sphere. As the civilian population and civilian individuals are not legitimate objects of attack, there was basically no need to provide for the protection of civilian wounded, sick and shipwrecked. However, experience has shown that civilians become casualties of military operations, and it is primarily to keep the number of civilian victims to a minimum that the rules relative to the conduct of hostilities were drawn up. However, with the weapons available nowadays, we must admit that even if the provisions of the Protocol are implemented, incidental civilian losses are unavoidable.

Thus it is to assist the victims of unintentional acts difficult to prevent that the Protocol extends the protection laid down in the

First and Second Geneva Conventions to all sick and wounded persons, that is, including wounded and sick civilians and civilian medical services which, under the supervision of the State, may henceforth also display the red cross or red crescent as a protective emblem. Also under the Protocol, wounded members of the armed forces are now entitled to be helped by the use of medical aircraft. Humanitarian work on behalf of the civilian population is further promoted by provisions concerning the search for missing persons, the relief operations that must be permitted under suitable supervision, the preferential treatment to be given to women and children, and the civil defence services.

With all these rules, the Protocol confirms that war—if war there must be—should be waged against the enemy, which literally means against those who try to do harm, and not against defenceless people. Even so—and this is of paramount importance—suitable measures must be taken.

*
* *

Present-day armed conflicts are characterized not only by the emergence of new forces, but also by new forms of warfare. Guerrilla warfare is to be seen on most modern battlefields. It is fluid, light, flexible, mobile, invisible and elusive. It puts down its roots in the population, which is nowadays—at least potentially—threatened by modern weapons. This means that the old patterns have become blurred. The Third World considers the international humanitarian law system to be heavily tainted by European centrist attitudes. Under customary law and the Third Geneva Convention (Art. 4), the guerrilla fighters of a Party to the conflict are entitled to combatant status, and therefore to prisoner-of-war status, only if they fulfil the following conditions: being commanded by a person responsible for his subordinates, having a fixed distinctive sign recognizable at a distance, carrying arms openly, and conducting their operations in accordance with the laws and customs of war.

In the event of an invasion, civilians may temporarily (i.e. until they can form themselves into regular armed units) take up arms to resist the invading forces “provided they carry arms openly and respect the laws and customs of war” (this is the “mass uprising”).

As for combatants who do not fulfil these conditions, they are not outlawed, but remain at all times “under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience” (Martens clause).

In today’s armed conflicts, guerrilla fighters very seldom comply with the obligation to wear a uniform at all times, or a fixed distinctive sign recognizable at a distance. Consequently, those who do not comply are not entitled to prisoner-of-war status if captured. However, this penalty has never dissuaded guerrilla fighters from pursuing their struggle. Furthermore, it is unlikely to induce them to respect the laws of war since these laws deny them combatant status. Consequently, the Protocol relaxed the obligation for combatants to wear a distinctive sign at all times, something which guerrilla fighters consider an obstacle to successful operations. The Protocol requires combatants to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. What is more, in particular instances (occupied territories, so-called asymmetric conflicts setting regular armed forces against guerrilla fighters), it suffices for guerrilla fighters to distinguish themselves from the civilian population by carrying their arms openly (i.e. visibly) during military engagements and before launching an attack. Guerrilla fighters who fail to meet these requirements, either by not carrying their arms openly or by taking unwarranted advantage of the possibility to limit themselves solely to this distinction—the exercise of which must be supervised by the authority to which they are answerable—forfeit their combatant status. They are civilians liable to prosecution for illegally carrying arms and for any hostile act they may have committed, but nevertheless entitled to the safeguards accorded to prisoners of war if and when they are tried and punished.

Thus, the law does not come after the event, but attempts to regulate it. Although guerrilla fighters are recognized by the Protocol, they are subject to an internal disciplinary system which must enforce compliance with the rules of international law applicable in armed conflicts. They are answerable for any breach of that law. They are not entitled to wage war in an individual or private capacity. They must belong to organized armed forces which are under a command responsible for the conduct of its subordinates to the Party to the conflict concerned, which cannot shed its obligation to respect the law of armed conflicts without incurring dis-

qualification for the forces which represent it, and possibly even for itself.

Rejecting these rules would not stop guerrilla warfare. Accepting them and implementing them in good faith, always taking care not to jeopardize the lives of the civilian population, is currently the only way to put an end to the prevailing chaos.

Even a Party to a conflict “represented by a government or an authority not recognized by an adverse Party” may be called on to comply with these rules. This provision refers in particular to national wars of liberation launched in the exercise of peoples’ right of self-determination as enshrined in the Charter of the United Nations and recognized, in the Protocol, as international armed conflicts. In the present-day international community, there are still many instances where a new State was recognized only after an armed struggle, and not following a democratic process. It follows that the inclusion of national wars of liberation in the scope of the Protocol was requested—and obtained—by most of the members of the Diplomatic Conference.

Finally, Protocol I supplements the 1949 Geneva Conventions in several other fields: it refines the procedures for the designation of Protecting Powers, invites National Red Cross and Red Crescent Societies to train qualified personnel in international humanitarian law, and requests the Parties to a conflict to grant these Societies all the facilities they need to perform their humanitarian tasks on behalf of conflict victims. It provides for legal advisers in armed forces, it specifies the duties and responsibilities of military commanders, in particular as regards the failure to act when under a duty to do so, it provides for the establishing of fact-finding commissions in the event of alleged violations, and lists the grave breaches of the Protocol which should be prevented.

*
* *

Additional Protocol II, relating to the protection of victims of non-international armed conflicts, supplements Article 3 common to the four Geneva Conventions. The principles enshrined in Article 3—which are also to be found, for instance, in Lieber’s Instructions—are virtually all derived from customary law applicable in international armed conflicts. Thus, should a dispute arise

over the qualification of a conflict (i.e. whether it is international or non-international), the Parties to the conflict are always bound to apply, as a minimum, the provisions of Article 3 which, in all internal armed conflicts opposing organized armed forces, has rendered invaluable services since 1949. But the scale, proliferation and violence of these conflicts required the adoption of more detailed rules.

In this respect, Protocol II provides major improvements. It establishes fundamental guarantees for all persons who take no direct part in hostilities, in particular those deprived of their liberty and those against whom penal prosecutions have been instituted. Special protection is afforded to the sick, wounded and shipwrecked, as well as to medical and religious personnel, medical units and transports allowed to display the distinctive emblem of the red cross or red crescent. Medical activities as such are granted general protection. The civilian population, objects indispensable to survival, works and installations containing dangerous forces, cultural objects and places of worship are also the subject of special provisions meant to protect them from the effects of hostilities. Except in special circumstances, forced transfers of civilians are prohibited. Protocol II paves the way for relief work of an exclusively humanitarian and impartial nature, conducted without any adverse distinction.

The requisite concessions were doubtless obtained from governments at the cost of a relatively limited field of application. Concern to safeguard the State's sovereignty, the fear of being hampered in fighting insurgent or dissident elements, meant that it was not possible to give Protocol II a field of application comparable to that of Article 3 common to the four Geneva Conventions, although, from a humanitarian point of view, this would have been highly desirable. However, it sets forth, for non-international armed conflicts, standards recognized by the international community. On this count, it is a step forward and its effects should be felt not only in situations where its applicability is formally acknowledged, but in all non-international armed conflicts.

Jean de Preux

*Former Legal Adviser
ICRC*

Steps taken to encourage States to accept the 1977 Protocols

by Hans-Peter Gasser

It is not enough simply to draw up a new international treaty—the States must also agree to respect it. A State demonstrates its willingness to respect new obligations first and foremost by ratifying or acceding to a treaty.¹

On 8 June 1977, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, 1974-1977) adopted the two Protocols additional to the Geneva Conventions and then, on 10 June, the conference ended. During the 10 years that have since passed, the Red Cross made considerable efforts to have the two Protocols accepted. The purpose of this article is to relate what the International Committee of the Red Cross (ICRC) has done to promote the Protocols. Several other articles describe the activities of certain National Societies to this end. Questions concerning the interpretation of the Protocols will not be dealt with in this text.²

Before a treaty can be fully effective, the draft must have passed through different stages:

Stage 1 — preparatory work is done (for example, consulting experts, drawing up preliminary drafts);

¹ A State which signs a treaty must then *ratify* it whereas a State which has not signed the treaty must *accede* to it. The legal effect is the same—in both cases the State *becomes party* to the treaty.

² See Sandoz/Swinarski/Zimmermann (editors), “Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949”, International Committee of the Red Cross and Martinus Nijhoff Publishers, Geneva, 1987.

- Stage 2 — the treaty is negotiated at a diplomatic conference;
- Stage 3 — the diplomatic conference adopts the treaty;
- Stage 4 — the States sign the treaty;
- Stage 5 — the States ratify (or accede to) the treaty;
- Stage 6 — each State party enacts national regulations to implement the treaty's provisions;
- Stage 7 — knowledge of the treaty's provisions is disseminated.

It is necessary to pass through all these stages in order to ensure that obligations under the treaty are met and that sanctions are applied when violations are committed. A new body of law is created with the ultimate aim of its *provisions* being *respected*; it therefore goes without saying that the various steps which make this respect possible are of prime importance.

When the Diplomatic Conference ended on 10 June 1977, the ICRC immediately got down to its task, as was its mandate under the 1952 Statutes of the International Red Cross (Article VI.7) which require it to work for the "continual improvement and diffusion of the Geneva Conventions".³ This mandate surely covers all promotional activities; only treaties *adopted* by the States could be said to constitute an 'improvement' of international humanitarian law because only they are binding instruments of that law.

From the beginning, the ICRC adopted a two-pronged approach, on the one hand, inviting the National Red Cross and Red Crescent Societies to launch promotional activities in their respective countries and, on the other, making its own contacts with the governments. A great many National Societies took this commitment very seriously and their contribution to the ratification of the Protocols was all the more effective for their detailed knowledge of how the wheels of state turn, whom to contact and what to do on the national level. The National Societies were also an asset to the ICRC in its own approaches to governments.

³ The (new) Statutes of the International Red Cross and Red Crescent Movement, adopted in October 1986, use different words to describe the same task (Art. 5[2/g]). See the *International Review of the Red Cross (IRRC)*, No. 256, January-February 1987, starting on p. 25.

ICRC activities to promote ratification of the Protocols

After the Diplomatic Conference ended on 10 June 1977, the Additional Protocols were submitted for the consideration of the *Twenty-third International Conference of the Red Cross* (Bucharest, 1977). The favourable discussions held in Bucharest were particularly important for the future of the Protocols in that representatives of the governments were present. The Conference adopted by consensus a resolution strongly urging the States to ratify the Protocols.⁴ It may be recalled that the ICRC's report to the Conference went into such detail in describing the improvements represented by the two Protocols that it was used as an initial commentary on them.⁵

The state of ratification of the Protocols was also discussed at the *Twenty-fourth Conference* in Manila in 1981. The resolution adopted by that Conference is very similar to the Bucharest resolution.⁶

The Protocols were naturally also dealt with by the *Twenty-fifth International Conference of the Red Cross* held in Geneva. For the first time, there was a note of discord when some government delegates announced that their governments had decided not to ratify one of the Protocols, referring to the 1977 instruments in less than flattering terms. The text of the Conference resolution naturally reflected their reservations. In the end, after difficult negotiations conducted mainly by the delegate of the Danish government, the Conference adopted by consensus a text less forceful than previous resolutions but still positive in its wording,⁷ and this resolution will be useful in promoting the Protocols.

To complete this survey of measures taken by the Red Cross, it should be pointed out that the *Council of Delegates* also turned its attention to the Protocols on several occasions.⁸

⁴ Resolution III of the Twenty-third International Conference of the Red Cross, *IRRC*, No. 201, December 1977, p. 508.

⁵ Report on the Diplomatic Conference, Twenty-third International Conference of the Red Cross, CPA/III/I.

⁶ Resolution VII of the Twenty-fourth International Conference of the Red Cross, *IRRC*, No. 225, November-December 1981, p. 323.

⁷ Resolution II of the Twenty-fifth International Conference of the Red Cross, *IRRC*, No. 255, November-December 1986, p. 342.

⁸ Resolution 2 of the Council of Delegates (1979), *IRRC*, No. 213, November-December 1979, p. 330 and the Resolution of the Council of Delegates (1985), *IRRC*, No. 250, January-February 1986, p. 11.

Almost simultaneously with the Twenty-third International Conference, the *General Assembly of the United Nations* took note of the new humanitarian treaties at its 32nd session in 1977. It expressed its satisfaction at the positive outcome of the Diplomatic Conference and invited its member States to ratify the Protocols.⁹ Since then, the General Assembly has from time to time examined the extent to which the Protocols have been accepted, notably in 1979,¹⁰ 1982,¹¹ 1984¹² and 1986.¹³ Each time, the UN Secretary-General prepared a brief report containing information on the state of ratifications made, and submitted it to the General Assembly's 6th Committee, the Legal Committee. Several delegates to that Committee then took the floor to describe their government's intentions concerning ratification. As is the custom at the United Nations, the discussion ended with a resolution. Draft resolutions have regularly been proposed by Nordic countries (Scandinavian countries and Finland) and on each occasion they have succeeded in having them adopted by consensus, first by the Committee itself and then by the General Assembly in plenary session. The various resolutions adopted by the United Nations are very similar. They are all quite uncoercive in tone, inviting the States to examine the possibility of ratifying the Protocols.

The ICRC, which has consultative status in the UN Economic and Social Council, has been represented in the debates of the 6th Commission either by a staff member from its New York office or by its legal advisor responsible for co-ordinating promotion of the Protocols. By courtesy of the Commission's chairman, the ICRC representative had the privilege of directly addressing the members of the Commission with an appeal for ratification.

In addition to the United Nations and the International Conference of the Red Cross, both worldwide organizations, several regional governmental organizations have done much to promote the Protocols. The advantage of promotion by such organizations is that they take into account the conditions specific to their region. For this reason, it is important that they should take an interest in humanitarian law. For example, the resolution on ICRC activities adopted by the Council of Ministers of the *Organization of African*

⁹ Resolution 32/44 of 8.12.1977.

¹⁰ Resolution 34/51 of 23.11.1979.

¹¹ Resolution 37/116 of 16.12.1982.

¹² Resolution 39/77 of 13.12.1984.

¹³ Resolution 41/72 of 3.12.1986.

Unity (OAU) in July 1986¹⁴ among other things invites the OAU member States to ratify the Protocols. In the same spirit, the *Parliamentary Assembly of the Council of Europe* recommended that the Protocols be ratified.¹⁵ Within the Red Cross and Red Crescent Movement itself, the *Conference of Arab Red Crescent and Red Cross Societies* has regularly sent appeals to member Societies urging them to take up the question with their respective governments.

The *non-governmental organizations (NGOs)* have become indispensable to the smooth conduct of international relations. Some of them, such as the Inter-Parliamentary Union¹⁶ and the World Veterans Federation, have taken an interest in the development of international humanitarian law. However, it is not easy to obtain support from non-governmental organizations for projects such as the promotion of the Protocols. This is understandable as each NGO has its own area of activity which is often quite specialized and it tends to concentrate on its own objectives.

Although all the above-mentioned contributions are the work of organizations other than the ICRC, our institution has in many cases done much to bring them about. In some cases the ICRC came in at the start, suggesting that the organization deal with the ratification issue. It has often provided the information necessary to draw up a report or resolution and extremely useful working relationships have been established between ICRC representatives and various organizations.

Let us now consider *measures taken by the ICRC itself*. After the Diplomatic Conference, the ICRC initially adopted a fairly discreet approach. Indeed, after almost ten years of uninterrupted work it was necessary for all concerned to 'catch their breath' and take stock. It was above all necessary to become familiar with the new body of law as it had been adopted—even for those who had been present at its birth. Meanwhile, ICRC legal experts began writing a commentary on the Protocols¹⁷ which was modelled on the famous "Pictet Commentary" on the 1949 Conventions. It was

¹⁴ CM/Res. 1059 (XLIV).

¹⁵ Recommendation 945 (1982); see also Recommendation 823 (1984) concerning the ICRC's activities in general.

¹⁶ See the resolution adopted by the Seventy-sixth Inter-Parliamentary Conference (Buenos Aires, 1986), *IRRC*, No. 255, November-December 1986, pp. 410-411.

¹⁷ See above Note 2.

not until the beginning of this decade that the ICRC embarked on major activities to promote the Protocols' ratification.

The decision to grant a breathing space to the governments—and to the ICRC itself—was perhaps a mistake. One now wonders whether it would not have been better to strike the iron while it was hot; whether there would not have been a greater number of ratifications if the ICRC had mobilized all its forces immediately. But how was it possible to talk about the ratification issue with ministries which in many cases no longer had the qualified people together in one team? Indeed, many of the diplomats and legal and military experts involved in the work of the Conference, in Geneva or in their respective capitals, had changed posts after 10 June 1977 and were no longer concerned with the Protocols. The new arrivals were not familiar with the material and tended to have other priorities. By the end of 1980, only 17 States were party to the Protocols.

It was then that the ICRC decided to institute a campaign aimed at the States. Since then, it has been using the entire range of diplomatic means at its disposal:

- Letters to all the States sent through diplomatic channels.
- Personal letters.
- Bringing up the Protocols with officials at all levels in meetings held mainly to discuss other topics, both in the field (through ICRC delegations) and at ICRC headquarters.
- Missions to various countries to discuss the Protocols with government representatives and the ministries concerned.
- Contacts with government officials at international fora, for example the United Nations, and with diplomats posted to Geneva.

The steps taken by the ICRC have always been directed at different government levels. It is important to bring the matter to the attention of heads of government or foreign ministers, that is, those responsible for taking political decisions. But it is also important to motivate the civil servants to do the preparatory work which will lead up to a political decision. Even in this age of instant telecommunications, personal contact has proved to be the best means of advancing a cause such as the ratification of the Protocols. For these reasons, ICRC representatives have visited about one hundred national capitals where they have had meetings with key officials who are either highly placed in government or have considerable expertise in the matter. Very often, these visits have

been repeated, even several times, mainly because crucial posts had changed hands. The frequency with which civil servants and especially diplomats change posts causes serious difficulties for a sustained effort of this kind.

ICRC officials at all levels have bent their backs to the task and continue to do so: from the ICRC President who has always raised the subject of the Protocols in his meetings with government officials to the delegates posted across the world who have to bring up the issue periodically with the people they deal with. Since 1983, a legal advisor specially assigned to the task spends a great deal of his time instigating and co-ordinating the ICRC's efforts. He has himself carried out many missions to promote the Protocols.

Results achieved: the present situation

At the time of writing (April 1987), 67 States are party to Protocol I and 61 to Protocol II. It would be simplistic to say that their decision to ratify the Protocols was the direct result of steps taken by the ICRC. The ICRC is certainly not responsible for each ratification or accession. There can nevertheless be no doubt that ICRC activities have had a positive effect in a great many cases and that this will continue to hold true. What these effects are, and what response ICRC activities can elicit in the capital of a sovereign State, is discussed below.

First, approaching a government in writing or through the visit of a delegate can impress on the ministries dealing with the matter the political, legal and psychological importance of ratification. Government administrations require such urging from the outside because, inundated as they are by an overwhelming number of issues, they do not always manage to establish a scale of priorities; the steps taken by the ICRC help them to do this with respect to humanitarian law.

Sometimes, the ICRC can also provide the information and explanations necessary to understand this body of law. There is only a limited number of major States which have experts in international humanitarian law on the staff of their ministries of Foreign Affairs, Defence or Justice. In other countries, it is a 'general practitioner' who must wade through the complexities of the two Protocols. The ICRC specialist can help by sending documents and, above all, by maintaining a dialogue with the govern-

ment jurists. This tends to make them feel comfortable with a hitherto unfamiliar subject.

The decision to ratify the Protocols is also a political act in the context of international relations. Governments want to know who has already ratified the Protocols and for what reasons, just as they want to know what has prompted others to hesitate or to reject the Protocols. The delegate can supply this information and, at the same time, impress on them the importance of ratification.

Final comments

In several countries the two Protocols are encountering political and legal obstacles to a greater degree than was the case with the 1949 Geneva Conventions. But it would be a mistake to make comparisons and jump to conclusions. Times change; there are shifts in the attitude of governments to international law; the number of treaties has increased enormously, etc. And let us not forget that the Protocols very directly concern areas as sensitive as national defence and State security, which is less true of the 1949 Conventions. It is not surprising, then, that each decision to ratify the Protocols represents a major accomplishment.

In April 1987, 67 States had ratified Protocol I and 61 had ratified Protocol II. In the light of the above-mentioned difficulties, this result is satisfactory. But such satisfaction is no reason to rest on one's laurels as there is still much work to be done. We have to reach our objective, that is, *to make the 1977 Protocols as universal a body of law as the Geneva Conventions*. The ICRC continues to strive toward this goal and, to attain it, needs the active support of the National Red Cross and Red Crescent Societies.

Hans-Peter Gasser

*Legal Advisor
to the ICRC Directorate*

THE 1977 ADDITIONAL PROTOCOLS AND THE NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

On the occasion of the tenth anniversary of the adoption on 8 June 1977 of the Protocols additional to the 1949 Geneva Conventions by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, the Review wanted to involve National Red Cross and Red Crescent Societies in the preparation of a special issue; the intention is to reflect as wide a variety as possible of views from National Societies throughout the world with regard to the Protocols and to show what the Societies have done to have them ratified and ensure that they are more widely known.

Hence the Review contacted several National Societies asking them to submit contributions for this issue. They were requested to give particular emphasis to the following points:

- What is the significance of the 1977 Protocols for your National Society and what is your Society's judgement on them ten years after their adoption?*
- Taking into account your country's specific situation, which provisions of the Protocols do you consider the most important?*
- What specific role does your National Society play vis-à-vis the authorities in your country, whether it has ratified the Protocols or has not yet done so, and in what way is your Society seeking to influence the media and public opinion in this respect?*

By 20 May the Review had received contributions from the National Red Cross and Red Crescent Societies in the following countries: Belgium (French-speaking branch and Dutch-speaking branch); China; Federal Republic of Germany; Japan; Jordan; Mexico; The Netherlands and Norway. The articles submitted are published in this issue. Clearly any items arriving later from other

National Societies which have been asked to contribute will appear in subsequent issues of the Review.

The articles are a rich source of information on many aspects of the subject: in several cases they analyse the legal procedures leading to ratification of, or accession to, the Protocols, from their examination by ad hoc consultative committees up to accession by the governments; in other cases an effort is made to explain the obstacles to be overcome before ratification or accession is possible. All the articles describe the approaches that the National Societies have made to their respective governments and show how closely the Societies monitor the legal procedures set in motion once the Protocols have been adopted. A few National Societies also examine the legal impact of different provisions in the Protocols on internal legislation.

The articles also bring out the significance of various provisions of the Protocols for the National Societies, against the background of the social and political climate of their respective countries. The history of the country, the effect of international agreements or indeed the pressures resulting from situations of conflict; all these are particularly decisive in this connection.

The reader will also find very interesting details and comments about dissemination programmes organized by the National Societies for various target groups.

This miscellany of articles is not the last word. The Review will examine, with the greatest interest, for publication in its forthcoming issues, other articles which National Societies might wish to submit on this subject.

The articles in this issue clearly reflect only their authors' views.

The efforts made by the German Red Cross in the Federal Republic of Germany to have the Additional Protocols ratified

by **Andreas von Block-Schlesier**

The German Red Cross in the Federal Republic of Germany (FRG) has attached great importance to the further development of international humanitarian law since the Second World War. The outcome of the Diplomatic Conference, which in 1949 led to the four Geneva Conventions, was understandably of special interest because of the situation in an occupied postwar Germany with millions of its countrymen missing or held prisoner of war. This interest was pursued after the German Red Cross in the Federal Republic and the German Red Cross of the German Democratic Republic were newly formed in 1950 and 1959. International law experts from the National Society in the FRG, in particular Walter Bargatzgy, its former President, and Dr. Anton Schlögel, the former Secretary General, not only played a key part in promoting its development at the International Conferences of the Red Cross which preceded the 1974-77 Diplomatic Conference on the reaffirmation and the development of international humanitarian law applicable in armed conflicts but also closely followed the proceedings of that Conference and advised the Federal Republic's delegation to it. During the Diplomatic Conference, a working group composed of high-ranking officials from research and academic circles and government was formed by the National Society and still exists today. Specialists from the ICRC have regularly addressed the group.

Immediately after the 1977 Additional Protocols were signed, Walter Bargatzgy, then President of the German Red Cross in the Federal Republic of Germany, called on the Federal Government to proceed with ratification of the Protocols at the earliest possible date. The National Society was aware that, as with the Geneva Conventions, ratifying the Additional Protocols would take some time as there were naturally political dimensions to the decision.

Towards the end of his term of office in 1982, the appeals of the National Society's President became more and more forceful and, when he was awarded the Henry Dunant Medal at the Council of Delegates of the International Red Cross in Geneva, he made a fervent speech to the assembled delegates calling on States to ratify the Additional Protocols and, further, to outlaw weapons of mass destruction.

Botho Prince of Sayn-Wittgenstein, his successor as President, intensified the National Society's campaign for ratification by taking practical steps which were unprecedented in the history of the German Red Cross and probably the entire Movement. On 26 May 1983 he sent a summary of the Protocols' provisions to all members of the Bundestag (the Federal German lower house of parliament), all senior party and government leaders as well as other organizations such as churches and trade unions which have political influence in the Federal Republic. In an accompanying letter, he stressed the importance of these agreements for the protection of the civilian population—especially in a region such as central Europe—the advantages resulting for the National Society from their provisions and the necessity of further developing and consolidating the basic humanitarian principles.

Reaction to this initiative was widely favourable but no ratification followed. On 14 March 1985 he wrote once again to the same people emphasizing that the National Society's commitment to ratification of the Protocols could never constitute a violation of the Fundamental Principles of the Red Cross, even if the Protocols' provisions aroused political controversy. The German Red Cross in the Federal Republic of Germany feels duty-bound to speak up for more humanity, even if it causes discomfort for politicians by doing so.

In addition, in March 1985, the National Society organized an information meeting for Bundestag members at which Professor Ipsen explained the effect in international law of the declaration which the Federal Republic intends to make upon ratifying Additional Protocol I.

The President took advantage of yet another opportunity to call for ratification when he addressed the parliamentary group of the "Sozialdemokratische Partei Deutschlands" (Social Democratic Party) in September 1985.

The Society has been a source of discomfort, as mentioned above, beyond its national borders as well by demonstratively displaying and distributing posters calling for ratification, especially posters issued by its youth section. This was done, for example, at the international "Red Cross, Youth and Peace" seminar in Moscow and the Second World Red Cross and Red Crescent Conference on Peace held in Aaland/Stockholm in September 1984.

The National Society's President is continuing intensive discussions with his own government on ratification of the Additional Protocols, reminding each government that putting off problems does not make them go away. The Society's list of requests to the new Federal Government once again includes a call for immediate ratification of the Additional Protocols.

Ten years have passed since the signing of the Protocols, and the impatience of the members and friends of the German Red Cross in the Federal Republic of Germany is growing day by day. More and more of the Federal Republic's allies and other States with close political affinities to it have meanwhile ratified the Protocols, and it has thus virtually become an island of disparity in the development of international humanitarian law. At the same time, the United States has declared that it will not ratify Additional Protocol I. The German Red Cross in the Federal Republic of Germany would consider it a serious setback for the development of international humanitarian law if the major powers in East and West were not to accept the Protocols. Its President has therefore seized every opportunity to urge his opposite numbers in West and East to bring their influence to bear upon their own governments towards this end. In doing so, he has met with broad agreement, not least from the Presidents of National Societies in the socialist countries.

The President of the Federal German National Society intends to remain a thorn in the side of his own government for however long it takes to ratify the Additional Protocols. There is the encouraging fact that declarations of intent to ratify the Protocols have been made by the highest political representatives of the Federal Republic of Germany. On an international level, it is also encouraging that the Seventy-sixth Inter-Parliamentary Conference, held in Buenos Aires in October 1986, as well as the Forty-first Session of the General Assembly of the United Nations, in November 1986, reached a broad consensus in favour of ratification and that the Twenty-fifth International Conference of the Red Cross was also able to adopt a common stand on the issue.

Andreas von Block-Schlesier
*Director of the Office
of the President of the German
Red Cross in the Federal
Republic of Germany*

The implementation of the Additional Protocols in Belgium

by André Andries

In November 1977 the Belgian Government appointed an interdepartmental commission to study questions relating to the ratification of the Protocols additional to the Geneva Conventions. This was done even before the Protocols, which had been adopted on 8 June of that year, were open for signature. The commission's work at that point was both to determine whether there was cause for Belgium to make an interpretative declaration or even announce a reservation when ratifying the Protocols, and to draft a bill for a law approving that ratification. This required consultation not only between the various ministerial departments concerned with implementing the Protocols but also between the Belgian Government and the governments of member countries of the military alliance to which Belgium belongs. It will be noted that the two NATO countries which ratified the Protocols before Belgium¹ had decided not to make an interpretative declaration accompanying their ratification and did not therefore have to await the result of that consultation. The only reservation formulated by Denmark related to a question of judicial procedure in its national law.

The interdepartmental commission's work lasted almost four years (until September 1981) and resulted in a technically complete preliminary draft law. The Government was then able to enter the political phase of the ratification procedure.

In the meantime, a number of legal and humanitarian associations took action to help prepare the implementation of the Protocols in Belgium.

The 1980-1981 session of the Seminar on military penal law and the law of war devoted itself to preparing the Ninth International Congress of the International Society of Military Law and the Law of War, held in Lausanne, Switzerland from 2 to 6 September 1982 on the theme "Armed forces and the development of the law of war".

The questionnaire sent by the organizers of the Congress to the various national delegations contained, among others, the following question: "What changes of your penal law does the Protocol make necessary?" It

¹ Norway (on 14 December 1981) and Denmark (on 17 June 1982).

should be pointed out that the Belgian Parliament had not yet fulfilled the commitment it had made when it passed, on 3 September 1952, the bill ratifying the 1949 Geneva Conventions, each of which requires States to “enact any legislation necessary to provide effective penal sanctions” for persons committing grave violations of the Conventions.

To begin with, the Belgian Government took an innovative step in this area by submitting to the International Committee of the Red Cross a draft model law which could be proposed to all signatory States to ensure that the provisions of the Conventions received uniform integration into the national penal legislation of those countries.² When nothing came of this proposal, it placed Bill 577 before the Chamber of Representatives on 27 May 1963. However, this bill, which dealt with the repression of grave violations of the Conventions, was withdrawn when it was announced that there would be a diplomatic conference on the reaffirmation and development of international humanitarian law. This was because the government wished there to be a single law integrating into Belgian penal legislation all of the provisions relating to violations of humanitarian law which might be included in international instruments.

As a result, the Seminar on military penal law and the law of war took the initiative of assigning a group of specialists to look into the question of what technical changes to Bill 577 would be implied by the ratification of Additional Protocol I and the general development of international law.

This working group was made up of members of the standing committee which had drawn up Bill 577, the committee established to revise the Penal Code, the interdepartmental commission for the ratification of the Additional Protocols and the interdepartmental commission set up to revise the Code of Military Penal Procedure. The Minister of Justice delegated a legal adviser attached to the Ministry’s legislative service to attend their sessions as an observer.

The document amending Bill 577, which was adopted unanimously both by the working group and by the Seminar’s plenary meeting, was forwarded to the Minister of Justice on 11 February 1982.

After being informed of the amendment, the Belgian Red Cross asked its legal committee, assisted by several university professors, to examine the Seminar’s text. When this had been done, its central committee voted unanimously to support the amended version of Bill 577. His Royal Highness Prince Albert, in his capacity as National President of the Belgian Red Cross, wrote letters to the Prime Minister and the Ministers of Justice and Foreign Affairs urging them to promote the adoption by Parliament of

² Dautricourt, J. Y., «La protection pénale des conventions internationales humanitaires — Une conception de loi-type», *Revue de droit public (R.D.P.)*, 1953-54, p. 191.

those penal provisions which Belgium's international humanitarian obligations had made indispensable.

The legislative service of the Ministry of Justice forwarded this letter to the Judge Advocate General of the Military Court requesting any suggestions he might have for promoting the legislation.

On 18 January 1983, the Judge Advocate General replied with what he felt were the reasons why the Protocols additional to the Geneva Conventions should be ratified. In addition, he pointed out that the United Nations General Assembly had adopted Resolutions 32/44 and 34/51 and the Parliamentary Assembly of the Council of Europe had adopted Recommendation 945 in order to expedite their ratification. Moreover, he stated that, with several minor corrections, the Seminar's text was one he could support.

In May 1983 the law faculties of all the country's universities made a solemn appeal to the Minister of Foreign Affairs requesting Belgium's ratification of the instruments of humanitarian law in armed conflicts which it had signed in Geneva in June 1977. This appeal was the result of a campaign begun on "University Peace Day" in the month of March of that year.

On 6 June 1983 the Minister of Foreign Affairs replied, stating "I am pleased to inform you that I will very shortly be able to present the bill for the ratification of these Protocols to the Cabinet. In addition, I have raised with the Minister of Justice the question of submitting a bill to the Chamber of Representatives and the Senate concerning the repression of grave violations of the Geneva Conventions and Additional Protocol I".

The Minister of Justice replied on 17 August 1983 that the text drawn up by the Seminar on military penal law and the law of war had been studied by his Ministry. "It was among other things a matter of determining whether a bill along the lines of the text proposed by the Seminar should be drawn up at the present time or whether it is better to wait for Protocol I to be ratified before tabling such a bill. I have given instructions for the ratification of the Protocol and the adaptation of national law to be combined in a single bill".

The ratification bill received Cabinet approval on 7 September 1984. Article 3 of the bill contained the authorization necessary for the executive to sign a declaration recognizing, in the name of Belgium, the competence of the International Fact-Finding Commission provided for in Article 90 of Protocol I. The annex to the statement of grounds contained the interpretative declarations which the government intended to make when it deposited the instruments of ratification. There are seven of them and they concern:

1. limitation of the purpose of the Protocol to increasing the protection afforded by humanitarian law exclusively in conventional warfare;
2. missions assigned to the Belgian police in periods of armed conflict under Article 43 of Protocol I;
3. interpretation of the expression “*précautions utiles*” (“feasible precautions”) in Article 41;
4. the conditions for the application of Article 44 and the interpretation of the term “deployment” therein;
5. interpretation of the term “military advantage” in Articles 51 and 57;
6. the criteria on which military commanders must base decisions concerning the protection of civilians;
7. the concept of authority within the meaning of Article 96, paragraph 3.

On 8 October 1984 the Council of State rendered an opinion on the bill. On the subject of the first interpretative declaration, it stated the following:

“The consensus on this point which has formed between the great powers possessing nuclear arms, which have often been termed a “*case apart*”, must be interpreted as relating exclusively to the new rules set out in Protocol I. The rules contained in other international instruments, such as The Hague Conventions of 1899 and 1907 and the Geneva Conventions of 1949, are not affected by it and thus retain all their validity.”

The bill was presented to Parliament on 9 January 1985 and was adopted without amendment. The Act of Parliament, dated 16 April 1986, that ratified Protocol I was published in the “*Moniteur*” of 7 November 1986. The instruments of ratification were deposited on 20 May 1986 in order for the Protocols to enter into force in Belgium on 20 November of that year. One week later, on 27 and 28 November, the Belgian Red Cross held a symposium on the implementation of these new rules of international humanitarian law.

Both the general press and publications specializing in military or legal affairs reported on the event, which brought together a number of experts and representatives of public authorities concerned with implementing this law.

At the inaugural ceremony, HRH Prince Albert, President of the Belgian Red Cross, congratulated the government for the action it had taken to bring about ratification. Mr. Alexandre Hay, President of the ICRC, described experiences from other countries which demonstrated the necessity for governments permanently to co-ordinate all implementation measures. Mr. Eric Suy, then Director-General of the Office of the United Nations at Geneva, spoke about the main contributions of the Protocols.

Finally, in a much-applauded speech, Prime Minister Wilfried Martens expressed the government's determination to take the decisions necessary to ensure that Belgium met its international commitments. Indeed, after 20 February 1987, the Council of State appointed an interdepartmental commission, chaired by General A. Everaert, for the application of the Protocols.

In organizing its symposium, the National Society assigned three commissions to study three main issues. The first commission, chaired by Mr. A. Vanhee, administrative director of penal legislation, examined and recommended the draft text on repression at the national level of grave violations of the Geneva Conventions and their Additional Protocols mentioned above. Mr. Vanhee had been assigned by the Minister of Justice to finalize the text of the ratification bill.

The second commission, chaired by General A. Bats, Commander of the Royal Defence Institute, studied possibilities for appointing legal advisers to the armed forces. General Bats has since reported on this matter to the Chief of Staff, who has instructed his staff to submit to him the information required for a decision by the end of June 1987.

The third commission was chaired by Professor B. De Schutter of the Flemish-speaking University in Brussels. It defined the various aspects of the obligation to disseminate knowledge of humanitarian law in the designated circles.

The liveliness of the debates in the closing plenary meeting, which benefited from the vigorous chairmanship of Mr. R. Legros, the Royal Commissioner for the reform of the penal code, reflected the participants' personal commitment on the issue of controlling the spread of armed conflicts, as the very survival of civilization is today at stake.

Since the symposium, the dissemination of knowledge of humanitarian law in the armed forces has been aided by the inclusion of the Royal Military Academy in the annual lecture tour of Belgian universities by an ICRC delegate. Much, however, remains to be done in this area, according to a report by Major J. P. Blondieau presented in May 1985 to the Royal Defence Institute.

André Andries
Advocate General
of the Military Court of Belgium
President of the
Humanitarian Law Dissemination
Commission
(French-speaking community)

Dissemination of International Humanitarian Law The Belgian situation

by Carl Vandekerckhove

Since 20 November 1986¹ Belgium has been committed to comply not only with the obligations contained in the 1949 Geneva Conventions, but also with those included in the two Additional Protocols of 1977. Everybody in our country must therefore make necessary preparations for putting into effect the obligations falling within their responsibilities.

By ratifying the Protocols Belgium has committed itself to respect the above mentioned law and to ensure respect for it in all circumstances². Therefore it is obvious that the preventive means, which should be put into action before international order is violated, are essential. The *dissemination of international humanitarian law* will undoubtedly be the key-stone of these preventive means.

We do not have the intention of going into the legal or moral considerations that led to the adoption of Articles 46, 48, 127 and 144 of the First, Second, Third and Fourth Conventions respectively and of Article 83 of Protocol I, the provisions which make up the core of the dissemination mandate.

We shall, however, try to review the present dissemination activities in the Belgian Kingdom, dealing with each of the *eight target groups, proposed by the International Committee of the Red Cross*³.

¹ The two Additional Protocols were adopted with the Law of 16 April 1986 and published in the "Moniteur belge—Belgisch Staatsblad" on 7 November 1986. Since the Belgian instruments of ratification were deposited in Bern on May 20th 1986, the Protocols did not enter into force until 20 November 1986.

² See Article 1, Protocol I.

³ See document C. I/2.4/1 of the 25th International Red Cross Conference, Geneva, 1986: "Dissemination of international humanitarian law."

There is no doubt that, in accordance with the above-mentioned regulations of the Conventions and Protocol I, *the Member-States* should ensure the dissemination of these instruments on as wide a scale as possible. Nevertheless the Belgian Red Cross accepts full responsibility within the framework of the resolutions of the International Red Cross Conferences⁴, to co-operate with the Government as auxiliary to the public authorities by contributing to this dissemination.

This has led the Belgian Red Cross to the organization of the *Symposium on the "Implementation of the Protocols additional to the Geneva Conventions"* on 27 and 28 November 1986, in Brussels. In his speech at the opening session the Belgian Prime Minister, Mr. W. Martens, held that the Authorities should take account of the signs of goodwill, shown by the Red Cross, to be a "focal point" for all initiatives for the implementation of the obligations imposed by the Conventions, without, however, exempting the State from its primary responsibility.

It was his wish, said the Prime Minister, "that the Authorities give due consideration, to the most suitable means of co-operating with the Red Cross, naturally with due observance of this organization's autonomy, "and that the latter do all it can to complement the Government's action or even take action on behalf of the Government.

The Belgian Red Cross has in fact taken dissemination amongst its volunteers to heart since the early seventies. So, please allow us to discuss the *dissemination within the Red Cross* before the other target groups. Reality confirms our conviction that, as J.-J. Surbeck puts it⁵, knowledge of humanitarian law amongst Red Cross volunteers is obviously of reference value with regard to all other target groups.

For lectures and training courses in international humanitarian law to local and regional branches—staff members as well as volunteers—in the Flemish section of the Belgian Red Cross, the Juridical Committee (an advisory body composed of representatives of the Civil and Military Magistrature, the Ministry of Foreign Affairs and the Universities) can appeal to lawyers, who volunteer for these jobs. The latter give adequate documentation to the volunteers and they can also select tapes (with Dutch translation) from a video library to illustrate their conferences. At Headquarters, a permanent Humanitarian Law Service with a full-time lawyer

⁴ See Resolution IV of the Twenty-fifth International Red Cross Conference: "Dissemination of international humanitarian law and the principles and ideals of the Movement in the service of peace", Geneva, 31 October 1986.

⁵ Surbeck, J.-J., "La diffusion du droit international humanitaire, condition de son application" in *Studies and essays on international humanitarian law and Red Cross principles in honour of Jean Pictet*, ICRC, Martinus Nijhoff Publishers, 1984, p. 545.

takes care of the training of the speakers. He supports and co-ordinates the entire dissemination activity of the Belgian Red Cross in the Flemish section.

Dissemination within the Belgian Armed Forces is based on a Directive by the Minister of Defence addressed to the Head of the General Staff (1972) and to the Commander of the State Police (1973). In summary, this Directive charges the unit commanders with giving instruction on humanitarian law at the troops' level. This instruction should be recapitulated during exercises.

Non-commissioned officers are to be informed of their responsibility regarding their subordinates, who infringe humanitarian law. Emphasis is put on the need for co-operation between the School Commanders, the General Military Command and the Military Magistrature. Military magistrates should regularly consult the officers' staff in order to analyse the psychological and juridical problems involved in the training of combatants. Furthermore, apart from the number of hours, also the instruction level per target group is made explicit in the Directives to the Staffs and Military Schools.

In spite of the above-mentioned Directives, instruction in humanitarian law among the Belgian Armed Forces remains fairly problematic ⁶:

- the military command still lacks a useful guide-book that clearly explains the Belgian Army doctrine concerning humanitarian law;
- the instruction is disparate, academic and non-integrated in military reality. Besides, it is limited to the private's training;
- there are no adequate teaching aids;
- information on humanitarian law (for the military press) is quasi non-existent;
- there is no procedure for the evaluation of this knowledge.

With respect to *dissemination in the government administration*, we ascertain that not a single specific measure has been taken, although in our opinion the civil defence and the diplomatic corps should be interested in a good knowledge of humanitarian law in the event of a conflict.

There is no general directive in *educational circles* for the integration of humanitarian law in the curricula. *Dissemination among Belgian youth* has not been started either, apart from a number of very specific activities of

⁶ See also Major Blondieau, J.-P., «Droit de la guerre et droit humanitaire en Belgique», *I.R.S.D.*, Brussels, 1985. In this dissertation for the Royal Defence College, Major Blondieau analyses the observance of the Ministerial Directives. By means of a number of random tests, he comes to the (alarming) conclusion that "the theoretical knowledge of the interviewed officers is insignificant. Their reactions to possible combat situations would often be incorrect".

Red Cross Youth ⁷. Nevertheless, we are convinced that a sustained policy of dissemination, adapted to the various age groups, would create possibilities for the future (military service, profession...) and could be a first attempt towards making the general public more aware, a domain in which nothing has yet been realized.

In the *universities* a chapter on "Red Cross Conventions" is provided only in the curricula of the Faculty of Law, and to a lesser degree in those of the Schools of Criminology; no other disciplines even mention humanitarian law. In order to introduce humanitarian law as a definite and attractive part of the legal training, the Flemish section of the Belgian Red Cross annually invites a foreign professor to devote a two-hour lecture to this matter in the four largest universities. For the university professors involved, the initiative of a lecture by a visiting professor seems to be the most advisable method of raising interest for a subject which has no immediate significance for the future professional career of the students.

In the deontological training of *medical and para-medical personnel*, indeed some notions of humanitarian law are taught, yet also here a systematic and thorough instruction on this matter is non-existent. In the Flemish part of the country we do not know of any school for nursing personnel which takes action in this respect. The Belgian Red Cross seldom receives requests for documentation. Nevertheless, we should mention that civilian and military doctors regularly participate in humanitarian law seminars of the ICRC or the Henry Dunant Institute. Moreover, each year some military doctors attend the Courses on the Law of War in San Remo.

Making the *mass media* aware of problems regarding the application of international humanitarian law is done only on a voluntary basis in Belgium. Neither the authorities, the journalists themselves nor their professional associations seem to be inclined to discuss—let alone to propagate—the principles of humanitarian law in their coverage of concrete situations in which this law is applied. Therefore the Belgian Red Cross seizes every opportunity of bringing one or more journalists to the source of information or to counsel them. In this way a real information campaign was set up on the occasion of the latest International Red Cross Conference, the Belgian ratification of the Additional Protocols, the lectures given on international humanitarian law at the universities and the Red Cross Symposium.

⁷ In its teaching programmes for "International Understanding and Global Education", Red Cross Youth in the Flemish Section trains its leaders to acquaint all members with the Red Cross ideals and principles of respect for the human being in times of conflict.

The *general public*, finally, is still an unknown factor: at this moment, neither the State nor any other institution professes to take any action for the dissemination of international humanitarian law towards this all-embracing target-group. Nevertheless this group, through initiatives aimed at the above-mentioned specialized target-groups can be reached—be it only very partially and occasionally.

*
* *

Considering this short analysis of the Belgian situation in the field of the dissemination of international humanitarian law, we can *conclude* with the hope that in this field imagination and goodwill go hand in hand to strive for feasible and, at the same time, effective solutions. It leaves little doubt that few countries in the world open more convincing perspectives with regard to the problems with which we are dealing.

Nevertheless, this cannot be a reason for Belgium to leave it like that.

The decision of the Red Cross Symposium of November 1986, that it would be desirable to set up a permanent mechanism for the implementation of the humanitarian Conventions, has already yielded its first remarkable result after three months. On 20 February 1987 the Council of Ministers decided to set up an interdepartmental commission. It falls under the direct authority of the Prime Minister and it is chaired by the President of the Commission for National Defence Issues.

It is the express wish of the Belgian Red Cross to achieve well-organized and efficient dissemination of international humanitarian law in co-operation with the competent authorities, mindful of the aim of Henry Dunant who gave shape to one of the most beautiful, dignified ideals. And we end with another great man from our region: "It is not necessary to have high hopes to take action, nor to succeed to persevere" (Willem van Oranje).

Carl Vandekerckhove

*Director-General
Belgian Red Cross
(Flemish-speaking community)*

The 1977 Geneva Protocols and the development of international humanitarian law

by Su Wei

Ten years ago, two Protocols additional to the Four Geneva Conventions were adopted in Geneva: one relating to the protection of victims of international armed conflicts, the other to the protection of victims of non-international armed conflicts. This marked a forward step in the development of international humanitarian law applicable in armed conflicts. The most outstanding problem confronting international humanitarian lawyers in the postwar years has been the protection of civilians in circumstances of armed conflicts, particularly in a period characterized by wars of national liberation. The two Protocols scored achievements on two points. First, provisions were elaborated aiming at protecting civilians from the effects of hostilities as opposed to simply protecting civilians in occupied territories as had been the case of the Fourth Geneva Convention of 1949. Secondly, the scope of the application of humanitarian law was greatly widened so as to bring a greater number of victims of armed conflicts under the protection of humanitarian law. This should in turn facilitate the observance and implementation of humanitarian law in conflicts. It is attempted in this paper to make some comments on the achievements of the Protocols, especially Protocol I relating to international armed conflicts.

1. Widened scope of application

Protocol I, as provided in Article 1 paragraph 3, "shall apply in situations referred to in Article 2 common to those Conventions", thus constituting a supplement to the 1949 Geneva Conventions. Here it reaf-

firmly the achievements of the 1949 Geneva Conventions, which taking into account the experience of World War II, extended the application of humanitarian law to all cases of declared wars and other armed conflicts disregarding whether a state of war is recognized or not by the Parties concerned, and also to cases of armed resistance in occupied territories. In addition, the Protocol contains a new provision on the scope of application, i.e. Article 1 paragraph 4, which makes the Conventions and Protocol I applicable in “armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations”. Such a provision has the effect of recognizing a legal standing to national liberation movements so far as the application of humanitarian law is concerned. As by definition the national liberation movements are not states as such, a special procedure of application should be established. Thus, Protocol I provides in Article 96 paragraph 3 that the authority representing a people engaged in a war of national liberation could bring the Conventions and the Protocol into operation by means of a declaration addressed to the depositary. These provisions enable the national liberation movements to render humanitarian law applicable in the conflict. In practical terms, the national liberation movements have found in these provisions greater access to the protection of humanitarian law and must themselves act in compliance with the humanitarian rules in their military operations. In this way, the scope of application of humanitarian law has been greatly broadened, bringing about the progressive development of humanitarian law.

2. Protection of the wounded, sick and shipwrecked

Protocol I reaffirms the general protection of the wounded, sick and shipwrecked provided for in the 1949 Geneva Conventions. One significant development in this respect lies in redefining the terms “wounded”, “sick” and “shipwrecked”. By “wounded” and “sick”, the Protocol refers to any persons, whether military or civilian, who are in need of medical assistance or care and who refrain from any act of hostility; the protection includes maternity cases and newborn babies and other persons who may be in need of immediate medical assistance or care. By “shipwrecked”, it means persons, military or civilian, who are in peril at sea or in other waters as a result of misfortune and who refrain from any act of hostility. As to

medical protection, the Protocol adds new provisions concerning the respect for and protection of medical duties and medical transports. The Protocol provides that “under no circumstances shall any person be punished for carrying out medical activities compatible with medical ethics, regardless of the person benefiting therefrom”¹. Medical transportation is of great importance in the protection of the wounded, sick and shipwrecked. The 1949 Geneva Conventions had already prohibited attacks on medical aircraft. But only when flying at heights, time and on routes agreed upon by the belligerents concerned could such aircraft be respected. In practical terms, only minimal protection was provided as such ideal conditions would hardly exist in actual armed conflicts. The rapid development of technology since 1949 and particularly the widespread use of helicopters in evacuating the wounded, sick and shipwrecked to medical facilities far from the battle zone called for an improvement in the provisions. Articles 21 to 31 of the Protocol, together with the technical provisions concerning distinctive signals and communication in Articles 5 to 13 of Annex I, provide substantial protection for medical aircraft. In and over areas controlled by friendly troops or in and over sea areas not physically controlled by an adverse party, the respect and protection of medical aircraft of a party to the conflict is not dependent upon an agreement with an adverse party. Even when flying in and over contact zones, medical aircraft should be respected and protected subject to prior agreement between belligerents concerned. Moreover, the Protocol still provides limited protection for a medical aircraft flying without, or deviating from the terms of such an agreement in and over areas controlled by an adversary in that the adverse party, once it recognizes it as a medical aircraft, is required to “make all reasonable efforts to give the order to land... before resorting to an attack against the aircraft”². The signalling system for the identification of medical aircraft improves the chances of protection as, once identified, a medical aircraft should be given substantial protection against attacks.

3. Protection of civilians

The civilian population and individual civilian should enjoy general protection against dangers arising from armed conflict. The dangers produced by military operations are of two different kinds, one resulting from recourse to arms and the other inherent in the power which the enemy

¹ Protocol I, Art. 16.

² Protocol I, Art. 27.

authorities may exercise over human beings³. The Fourth Geneva Convention of 1949 has dealt with the power which the enemy authority is able to exercise over civilians. But it does not touch upon the first category, which is considered to fall into the field of the law of The Hague rather than the law of Geneva to which the Geneva Conventions have been narrowly restricted. The 1977 Protocol breaks such a distinction between The Hague Law and Geneva Law, by introducing provisions within the scope of the former into that of the latter. In order to achieve effective protection of the civilian population, the Protocol sets various limitations on the conduct of belligerents with regard to the choice of means and methods of combat. In addition to reaffirming the fundamental rules, the Protocol develops new rules such as, that civilians and civilian objects shall never be the object of attacks or reprisals; the starvation of civilians as a method of warfare is prohibited; objects indispensable to the survival of the civilian population must be respected and protected; the use of means or methods of warfare which are intended or expected to cause damage to the natural environment thereby prejudicing the health or survival of the population is forbidden, and attacks on works and installations containing dangerous forces, whether they are military objectives or civilian objects, are prohibited. In short, constant care should always be taken by all belligerents concerned to spare the civilians, the civilian population and civilian objects.

As to humanitarian rules protecting civilians, the civilian population and civilian objects in the power of a Party to the conflict, the Protocol combines the humanitarian law of armed conflict with human rights in time of peace. This is a new feature of the Protocol, which takes the protection of fundamental human rights as a common goal to be sought both in peacetime and in armed conflict. In human rights law, the existence of armed conflict may be an excuse for derogating from legal obligations, but there are fundamental human rights which should be respected and protected even in armed conflict. Article 75 of the Protocol, which may be called a “mini-treaty” of human rights in armed conflicts, rightly falls into such a category. The Protocol also provides special protection to women and children as well as journalists engaged in dangerous professional missions.

4. Implementation of humanitarian law

Protocol I has strengthened the system of implementation. In 1949, the Protecting Power system was given an important role in the implementa-

³ Jean Pictet, *Humanitarian law and the protection of war victims*, A. W. Sijthoff, Leyden, Henry Dunant Institute, Geneva, 1975, p. 116.

tion of humanitarian law. The 1949 Geneva Conventions provide that "The present Convention shall be applied with the co-operation and under the scrutiny of the Protecting Powers whose duty it is to safeguard the interests of the Parties to the conflict"⁴. But unfortunately such a system has been put into effect only rarely and partially since 1949. One inadequacy of the system seems to be that no designating procedure was provided. The Protocol adds new provisions concerning the appointment of Protecting Powers and their substitute. The ICRC is designated to play an important role in the appointment of Protecting Powers by offering good offices with a view to their designation, and even if necessary by acting as substitute. All these provisions will help to make the Protecting Power system practicable.

Dissemination constitutes an important aspect of the implementation of humanitarian law, for the law can only be implemented in so far as it is known to those bound by it and benefiting from it. While reaffirming the obligations of States Parties to disseminate humanitarian law in time of peace as in time of armed conflict, the Protocol further provides that the military authorities responsible for the application of the law in armed conflict should be fully acquainted with the law.

One more issue to be addressed concerns respect for the activities of the International Red Cross and Red Crescent Movement. The Movement, by its nature and origin, is bound to promote humanitarian law. The unique role played by the Movement in the application of humanitarian law has been consolidated in the relevant Conventions and Protocols. The 1977 Protocol makes much improvement in this regard. It provides a general legal basis for the activities of the Movement and obliges the States Parties to allow all possible facilities necessary for it to carry out its humanitarian activities.

The Red Cross Society of China has always exerted itself to promote the dissemination and teaching of humanitarian law, with the support and co-operation of the Government and the authorities of the armed forces. In China, the dissemination of the Conventions and the Protocols are included in national education programmes and military training courses. The fundamentals of humanity have been taking root in the hearts of the people all over the country. The Society maintains constant consultation and communication with government officials and experts from universities and research institutes. It supports wider accession to the Protocols, and China's accession to the Protocols is mainly due to her persistent peace policy and humanitarian ideals.

⁴ Article 8 common to Conventions I, II and III, and Article 9 of Convention IV.

*
* *

In concluding this short review, it should be noted that the number of States Parties to the Protocols is not broad enough as there are only 67 States Parties to Protocol I and 61 to Protocol II. Those which are not yet Parties to the Protocols include some major powers which should have greater influence on the implementation and promotion of humanitarian law. As the world has been witnessing constant violations of humanitarian law in the course of armed conflicts, it is time for the world community to take effective and concrete measures to stop such violations.

Su Wei
Legal adviser
of the Red Cross Society
of China

The Geneva Conventions and Additional Protocols as a cornerstone of peace-loving Japan

by Sumio Adachi *

International humanitarian law is, so to speak, a legal measure for moral enforcement which in turn bridges the gap between law and politics. It prescribes minimum duties of contending parties in case of an international or non-international armed conflict.

As the Japanese Constitution has been uniquely and strictly limiting use of its forces against others, the Japanese Government in 1970 clarified its political defence posture as “exclusive self-defence”. Hence the protection of its own civilian population, as well as defence of its territory and sovereignty, forms the nucleus of its national defence. This is the political and military posture of Japan as a peace-loving country.

The two Additional Protocols are mainly devoted to the protection of the civilian population in case of an international or non-international armed conflict. Considering the political and strategic position of Japan, the provisions of the Additional Protocols are of the highest practical value not only for the amelioration of conditions of war victims but also for the earlier restoration of peace between nations. However, taking into account our specific situation and lessons learned after the end of the Second World War, we shall here pay special attention, among other matters, to the following provisions of Additional Protocol I: (1) appointment of Protecting Powers and role of humanitarian organizations, (2) methods and means of warfare affecting the civilian population, and (3) identification of medical transport by means of modern technology. We will refer to these one by one.

* The views expressed herein are presented by the author in his personal capacity.

*
* *

Soon after the end of the Second World War there were some six million Japanese soldiers and civilians left overseas. The Japanese Red Cross Society provided invaluable humanitarian support to those who had been repatriated to their homeland. However, there were still a sizable number of Japanese left in China, the Soviet Union and Viet Nam while formal diplomatic relations had not yet been opened. The Japanese Red Cross Society took the initiative to get information on missing persons, to bring about family reunions and their repatriation with the co-operation of the respective National Red Cross Societies concerned during 1946-1956. In addition to those humanitarian activities relative to war victims, the Japanese Red Cross Society undertook the rapatriation of Korean residents in Japan to the Democratic People's Republic of Korea (North Korea) because of the absence of formal diplomatic relations between the two countries. From 1959 to 1986, more than 93,000 North Koreans returned to their home country under the auspices of the Japanese and North Korean Red Cross Societies.

Present international humanitarian law has established the existence of a right to intervene or mediate to protect war victims by an international and/or a national humanitarian organization. Furthermore it has been shown that the activities of national humanitarian organizations have developed into peace-time transnational humanitarian activities and those activities will evolve into customary international law. These trends are endorsed, for instance, by the Resolutions of the Seventeenth (No. XXVII) and Twenty-first (No. XXI) International Conferences of the Red Cross. The Japanese Red Cross Society has been carrying out a truly independent function in many humanitarian fields with the co-operation of Government authorities and other social bodies.

Common articles of the four Geneva Conventions relative to Protecting Powers and humanitarian organizations (in the case of the First Convention, Articles 8-11) and Article 5 of Additional Protocol I should be highly praised. In fact, the role of the International Committee of the Red Cross and National Red Cross and Red Crescent Societies (Article 81 of Protocol I) would certainly bridge the gap between law and politics in the present and foreseeable complicated political and social environment.

*
* *

Next we will refer to certain methods and means of warfare affecting the civilian population. During the last five months of the War, more than fifty-six major cities in Japan suffered heavy damage from air raids during which a total of 154,000 tons of bombs were dropped. 330,000 citizens were killed, 430,000 injured and 9,700,000 became homeless. Article 51 of Additional Protocol I prohibits indiscriminate attacks on the civilian population. According to current geo-political statistics, more than sixty per cent of our total population occupies the rather narrow land area between Tokyo and Northern Kyushu along the coastline of the Pacific Ocean extending about ten miles by six hundred miles. Military science and technology have drastically upgraded attack capabilities. Therefore attacks on cities should be carefully avoided.

During the last few months of the War, the Japanese mainland was blockaded by some 12,000 air-dropped sea mines which could not be regulated by The Hague Convention No. 8 of 1907. At that time Japan had been relying on food imported from Manchuria (now North-East Province of China). Imports dropped to one tenth before pre-attack. Consequently the Japanese Government could not maintain a daily ration of 1,400 calories per capita and most of the civilian population suffered starvation.

The Geneva Conventions and their Additional Protocols do not uphold military strategy and tactics whose purpose is to starve the civilian population. On the contrary, Article 17 of the Fourth Geneva Convention modified the customary law of siege, permitting the passage of medical supplies and personnel. Article 23 of the same Convention emphasized the obligation of High Contracting Parties to allow the free passage of all consignments of medical supplies, food and clothing. Article 54 of Protocol I prescribes the protection of objects indispensable to the survival of the civilian population. These provisions as well as Article 70 of Protocol I should be interpreted as intending to spare the civilian population from starvation. As for specific means of warfare, the Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons of 1980 in its Protocol II regulated the use of land mines. But the question of modern, scattered types of sea mines is left open. It is hoped that as soon as possible some restrictions on the use of sea mines, as well as other important aspects of sea warfare, will be adopted.

*
* *

Lastly we will refer to the identification of medical transport by means of modern technology. The Japanese mainland consists of four major

islands extending about 2,000 kilometres from north to south. In the event of armed conflict, rapid evacuation of the sick and wounded should be carried out, partly by air and mostly by sea. Articles 21-22 of the Fourth Geneva Convention, supplemented and strengthened by the provisions of Part II, Section II of Additional Protocol I, are of utmost importance in saving lives in densely populated areas. Medical transport, whether operating independently or in convoy, should have modern means enabling their clear identification. The above provisions are limited in scope to the sick and wounded and the shipwrecked as defined by Article 8 of Additional Protocol I. However, the evacuation of the civilian population in general from a threatened theatre of operations must also be carried out by land, sea and air. There are no special safeguards. During the last war, our civilian vessels came under enemy attack while evacuating children, women and the aged from areas imminently threatened by military operations. Without sufficient naval escort, children, women and the aged would certainly be exposed to danger in spite of the fact that the Geneva Conventions are specifically devoted to the protection of such persons. It seems to us that the Fourth Geneva Convention and the Additional Protocols have been drawn up mainly with land warfare in mind. Therefore, it is hoped that the provisions for sea- and air-warfare should be improved as soon as possible.

*
* *

In spite of the fact that international humanitarian law seeks to ensure respect for the individual and protect his well-being even in case of an armed conflict, and that its character is universal and of a mandatory nature, there is imperfect knowledge or even some misunderstanding of it among Japanese people in general, because they have been exposed to a political ideology of merely evading war or of the so-called "war allergy" for the past forty years. Some Japanese people even preclude the idea that international humanitarian law is ultimately designed to maintain world peace and to solve disputes between nations.

On the other hand, Japanese people are well informed that the Government, the Japanese Red Cross Society, the media and other social bodies have been sending relief supplies, medical and rescue teams, and financial resources to foreign people who had been subjected to hardship due to armed conflict, disaster, or political disturbances. Japanese people are increasingly aware of foreign efforts and are contributing sizable amounts in voluntary donations. Thus the sense of international co-operation in humanitarian fields is deeply felt among the public.

The Japanese Red Cross Society has been undertaking step-by-step dissemination of the Geneva Conventions. In the military field, the Defence Agency, quite naturally, strengthened the teaching of humanitarian law to junior officers and cadets.

The Japanese Government has not yet acceded to the Additional Protocols. It seems to us that there are no true technical obstacles except for a widespread desire of merely wanting to avoid matters relating to war. Therefore dissemination of international humanitarian law, most urgently of the Additional Protocols, should be accelerated as an immediate necessity among government officials, the media and scholars. We hold the unshakeable belief that the Geneva Conventions and the Additional Protocols are the product of the conscience of mankind.

Sumio Adachi

*Former professor
at the National Defence
Academy of Japan*

Tenth Anniversary of the 1977 Additional Protocols

A Jordanian View

by Dr. Ahmad Abu-Goura

Twenty years after the adoption of the four Geneva Conventions in 1949, the concerned world humanitarian organisations and in particular the ICRC, felt the need to develop these humanitarian treaties. After several preliminary meetings with experts from various governments and National Societies, the ICRC came to the conclusion that it would not be appropriate to revise the 1949 Conventions, but that two additional Protocols should be drawn up. The first should deal with "international armed conflicts" and the second with "non-international armed conflicts". Both Protocols were intended to complement and supplement the Geneva Conventions. They are the outcome of prolonged and diversified discussions among high-ranking Red Cross and Red Crescent officials and government representatives who all attempted to find new solutions for gaps in the Geneva Conventions, thereby taking into account developments on the world political scene.

Some people might wonder: "What happened between 1949 and 1970?". During this period, the number of independent states increased, as did the membership of the United Nations. New regimes appeared, as the colonial era declined.

It is interesting to note that only about half of today's sovereign states took part in drawing up the Geneva Conventions of 1949. However, some countries failed to gain independence; and their peoples had to suffer a lot, due to the confiscation of their land by some occupying power. Hence, we started to hear about enormous movements of people; we started to hear about the dispersed, the displaced, the refugees, the expellees and deportees. Under such circumstances, liberation movements began to emerge on

the world level; people deprived of their legitimate rights supported these movements. For those people, these movements represented the proper expression of resistance. Nowadays, some of these movements are engaged in international armed conflicts and others in internal conflicts.

*
* * *

The Hashemite Kingdom of Jordan ratified the two Protocols in 1979. For Jordan, the two treaties represent highly important legal instruments of a humanitarian character. However, we realize that they have not yet been accepted worldwide and that they are not implemented or observed in different ongoing armed conflicts. Israel, as a party to the Arab-Israeli conflict, has not yet ratified them. Besides, Israel states that the Fourth Geneva Convention is not applicable in occupied territories.

The Jordan National Red Crescent Society thinks that Protocol I in particular, is of great relevance. Part of our lands is under occupation and our brethren there suffer a lot. This Protocol provides an additional legal basis for our humanitarian work. The relevance of Protocol I to the occupied territories is important, not only for Jordan, but also for other neighbouring Arab countries, as this treaty grants security and protection for the civilians who are so often the target of attack and abuse. We should also appreciate the relevance of this particular Protocol, as an instrument to better protect the indigenous civilian population from expulsion from their homeland by the occupying power.

The current situation in our region has given rise to several liberation movements. They act to exercise their peoples' right to self-determination and self-defence, and also to safeguard the territorial integrity of their countries; this belongs to the scope of Article 1 of Protocol I.

Protocol I also introduces articles which greatly improve the pre-existing law. As an example, Article 74 entitled "Reunion of families" is extremely important. The new rule strengthens considerably the law of the 1949 Geneva Conventions. Indeed, in our world today, there are numerous dispersed families suffering because of lack of contact with their kin. This reminds me of attempts made by our Society to arrange the reunification of some families separated as a result of the 1967 War. Applicants under 18 years of age were turned down, while the elderly were permitted to spend the rest of their lives in their homeland.

Taking into account the persistent denial, by the occupying authorities, of the applicability of the Fourth Geneva Convention of 1949, Article 75 of Protocol I is also extremely important. This rule grants fundamental guarantees to all persons affected by an armed conflict. Meanwhile the

provisions relating to “Measures for execution” (Article 80) and to the activities of the Red Cross (as described in Article 81) are considerable steps forward with respect to the Geneva Conventions.

Among the other outstanding new provisions of this Protocol are Articles 85 and 86 which deal with the repression of breaches of the Protocol, Article 90 which establishes an “International Fact-Finding Commission”, as well as the provisions on Civil Defence and on the protection of objects and installations containing dangerous forces. In addition to the aforesaid articles, Article 1 (4) in particular, is the most important of all provisions; it has a very special significance.

Acting upon its firm belief in humanitarian work, and always consistent with its policy to respect all humanitarian rules and laws, the Jordanian Government, as I mentioned before, ratified the two Additional Protocols with goodwill. By doing this, it aimed at ensuring a better protection to the Arab civilian population and detainees in the occupied territories. Both the Jordanian government and the Jordan National Red Crescent Society consulted each other step by step before and after the ratification of the Protocols.

On the local scene, the Jordanian National Society is deeply concerned with the dissemination of international humanitarian law and has assumed a major role in this respect. Its dissemination programmes make use of the media: T.V., radio stations as well as the local newspapers. Up to now, it has organised two regional seminars on dissemination: the first in 1981 in cooperation with the ICRC, and the second in 1986 in cooperation with the ICRC, the League of Red Cross and Red Crescent Societies and the General Secretariat of Arab Red Crescent and Red Cross Societies. I seize this opportunity to recall that during the 18th Arab Red Crescent and Red Cross Regional Conference held last March in Doha/Qatar, Jordan was selected as the site for “The Permanent Arab Red Crescent and Red Cross Centre for Studies and Research”.

It is widely known that the international humanitarian law is part of public international law. On this basis, the Jordan Red Crescent submitted to the previously-mentioned conference a proposal that international humanitarian law be taught at the law faculties of all universities and also in schools.

*
* *

International humanitarian law is not more than 120 years old—it is therefore still new. Thus, I think we should make use of experiences from armed conflicts in ancient history. We could deduce general rules and

principles from history which would help us to better understand present-day humanitarian law. I believe it is our duty to collect, classify, and document these rules. Such an undertaking could be very useful and helpful for us should we consider another development of international humanitarian law.

Sometimes I ask myself: "Why would some states refuse to ratify the Protocols, though their delegates actively participated and contributed to their development?". Protocols I and II in their present shape were adopted as a compromise acceptable to all parties who attended the Diplomatic Conference between 1974 and 1977. When I meditate about the reasons why some states would refrain from ratifying them, I am disappointed. The reasons for their inaction should be thoroughly examined and analysed because the Protocols pertain to humanitarian issues and not to political ones. Frankly, I find it rather absurd and unreasonable that governments should act against not only their own good but also against the good of humanity in general. Against this background, I think we, as National Societies, should help to speed up the ratification process. I admit that I often go very far with my imagination. In some parts of the world, the law of the jungle is predominant. "Power" and "authority" in these communities are dominant. Despite this, we still claim that our world is a civilized one. It is true that technology and science have made huge progress, but regretfully they are often invested in developing various tools of destruction and degeneration.

Man still lacks respect for the rights and dignity of his fellow men. Violations continue to be perpetrated with indifference. Given all this, how can we describe some countries as civilized?

Finally, I think the only way out for this world is through proper and well-organised dissemination and promotion of international humanitarian law on all levels, and through creating a powerful body to supervise its application and implementation everywhere. After all, security and peace in the world are our goal.

Dr. Ahmad Abu-Goura, M. D.

*Chairman of the Standing Commission of the
Red Cross and Red Crescent*

President of the Jordan National Red Crescent Society.

The Protocols additional to the 1949 Geneva Conventions in relation to Mexico

by Antonio López de la Rosa

Introduction

On the occasion of the coming celebration of the tenth anniversary of the Protocols additional to the Geneva Conventions of 12 August 1949, the editor of the *International Review of the Red Cross* has very kindly invited the Mexican Red Cross to prepare an article on this event, bringing out the importance of these legal instruments for the Society, the measures it has taken to promote the dissemination of the Protocols and, perhaps more important, the work done by the National Society in favour of their ratification.

We feel that the efforts made to promote the dissemination, study and application of international humanitarian law in Mexico should be presented together with an analysis and evaluation of our work in this field.

1. Legislation in force in Mexico pertaining to international humanitarian law

Our judicial system, based on the Political Constitution of the United States of Mexico, promulgated in 1917, favours the signing and enforcement of all agreements entered into by the Mexican Government internationally.

This appears in *Article 133*, which provides that the Constitution, the laws of the Congress of the Union that emanate from it and all treaties in accordance with its provisions that have been or will be agreed by the

President of the Republic, with the approval of the Senate, shall have the status of Supreme Law throughout the Union. The justices of each State shall comply with the above-mentioned Constitution, laws and treaties, notwithstanding any contrary provisions that may appear in State constitutions or laws.

In addition to *Article 133*, two others should be mentioned:

Article 76 provides that one of the duties of the Senate is to analyse the foreign policy of the Federal Executive on the basis of annual reports submitted to Congress by the President of the Republic and the Secretary of the corresponding department, and to approve international treaties and diplomatic conventions agreed by the Executive of the Union.

Article 89 defines the powers and duties of the President; these include conducting diplomatic negotiations and making treaties with foreign powers, subject to ratification by the Federal Congress.

Mexico has been a party to the Geneva Conventions since the revision and development of the original Convention in July 1906, according to a presidential decree of 2 August 1907.

The constitutional provisions quoted above date from the end of the first decade of this century and thus postdate the coming into force of the first instruments of international humanitarian law in our country; it should be noted, however, that there was already a spirit of international co-operation favouring the signing of treaties at that level.

The very history of Mexico is an illustration: it is interesting to note that when the Mexican Revolution broke out in 1910, protection of the victims of that internal armed conflict was based on the humanitarian spirit of the Convention to which, a few years previously, the Mexican Government had acceded. That may have been the first interpretation and application of the provisions of international humanitarian law in a situation of internal armed conflict.

Since then, Mexico has adhered to all the changes, modifications and adaptations of the Geneva Conventions of 1929 and 1949. The Geneva Conventions of 12 August 1949 were ratified on 29 October 1952. In the words of our Constitution, since that date they have enjoyed the status of Supreme Law in the country.

Since the Geneva Conventions came into force in Mexico, fortunately no circumstances have arisen requiring recourse to them; as mentioned above, the last situation of conflict experienced by the country was in fact during the events of the Mexican Revolution.

Nevertheless, Mexico has always contributed to the development and reaffirmation of international humanitarian law, particularly when work

began in 1974 on its development based on drafts of the Additional Protocols that the International Committee of the Red Cross later presented to the international community. On that occasion, the Mexican delegation was led by Mr. Miguel Marín Bosch and Mr. Antonio Eusebio de Icaza, nominated as rapporteurs for Committee I of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. With regard to the Additional Protocols approved on 8 June 1977, Mexico is party only to Protocol I relating to the protection of victims of international armed conflicts, to which it acceded on 10 March 1983.

2. Situation in Mexico with regard to international humanitarian law

In Mexico, the lack of concrete examples of situations calling for the direct application of international humanitarian law explains the fact that in many cases its use and effectiveness and the validity of its concepts are questioned.

The absence of any connection between the content of international humanitarian law and recent or current situations is relevant to this attitude. In terms of prevention, that is, development of an awareness leading to the setting up of an infrastructure allowing international humanitarian law to come into operation when necessary, it could be a disadvantage that there is no real point of reference or anything that brings out the importance of international humanitarian law, making it relevant to all levels of the population. Fortunately, actual situations calling for the direct application of international humanitarian law seem far from likely to occur in Mexico, in view of the effects of the country's foreign policy, the prevailing pacifist trends in education and conscience and the concept of peaceful co-existence among all peoples, principles which form part of the ideology that Mexicans have developed over the years.

On the subject of the articles relative to the undertaking by the States party to the Geneva Conventions to «... respect and to ensure respect for» the Conventions (common Article 1) and those relative to the dissemination of the Conventions and, in the case of Mexico, of Protocol I (Articles 47, 47, 127 and 144 respectively of the four Conventions and Article 83 of Protocol I), we can make the following remarks:

- a. With regard to the first undertaking mentioned above, **the principles of respect for self-determination on the part of peoples and non-interference**

in the internal affairs of other countries have to some degree inhibited statements pointing to countries where observance of the article is necessary, although statements have been made regarding the peaceful settlement of disputes, the limitation of the use of force, the choice of methods and means of warfare, peace and international co-operation. Such statements never cite international humanitarian law as a reference; they refer rather to human rights and other international treaties.

- b. With regard to **dissemination**, we cannot say that there is full and adequate knowledge of international humanitarian law even within the Government. For example, in the armed forces the content of the Geneva Conventions and their Additional Protocols is becoming known, but in an informative rather than an educational sense. This situation is aggravated when such information is imparted only to superior officers and not to the lower ranks.

In Mexico, education, which the State must provide under Article 3 of the Constitution, does not include at any level instruction in international humanitarian law. Some universities offering courses such as law and international relations are familiar with international humanitarian law, but in an informative rather than an educational sense; some institutions offer a special course on human rights, but only at postgraduate level. This is mentioned because in such courses international humanitarian law is dealt with under the heading of human rights.

3. The Mexican Red Cross

Perhaps the most important role in promoting knowledge and implementation of international humanitarian law in Mexico is that played by the Red Cross as an auxiliary to the public authorities and, in this case, as an agent for dissemination. In many ways this work is quite recent, in comparison with the dates of coming into effect of the Geneva Conventions and Additional Protocol I.

Activities in this field began formally in 1982, with the launching of the National Programme for the Dissemination of International Humanitarian Law and the Fundamental Principles of the Red Cross and the Red Crescent. The programme's manual of activities lists seven essential levels of dissemination, based on the outline used all over the world:

Level I – National Society; Level II – armed forces; Level III – government officials; Level IV – the academic community; Level V – medical circles; Level VI – the general public; Level VII – dissemination in times of emergency.

Sometimes, depending on the activity to be undertaken and the time available, the different groups listed above receive information or training. This is relatively simple, but it takes time.

The first group mentioned is the National Society itself; even here knowledge of international humanitarian law and the fundamental principles was not widespread at all levels.

It is possible that even now full and thorough knowledge of these two subjects has not been achieved within the Mexican Red Cross (387 branches spread out over the 2,000,000 km² of the Republic of Mexico), but we can state that enough material is now available to enable us to reach a more advanced stage.

Our activities in this field have been intensive: two national seminars; a one-week programme of dissemination (with ICRC participation); a national course and a national meeting of specialists in the dissemination of international humanitarian law; an inter-American course organized in co-operation with the ICRC; and a large number of courses and seminars on the local, state and regional levels.

Moreover, an infrastructure has been set up enabling us to go further afield: we have worked with the Navy and the universities and this work is to be extended to the Army in 1987. We have also organized courses for diplomats and students of diplomacy.

One very relevant aspect has received much attention from the Mexican Red Cross: the study of international humanitarian law. Since the educational and training establishments in Mexico offer no specific courses in international humanitarian law, there is a temporary shortage of specialists in the subject, both within and outside the Red Cross. This lack of specialists, a deficiency in human resources, clearly accounts for many of the problems encountered in this field, particularly in relation to the Additional Protocols.

Mexico does have specialists working for the Government who have taken part in international conferences on international humanitarian law, but they are not permanently resident in the country. There is no technical link between official departments and the private sector for the purpose of studying the Conventions and the Protocols. We have begun to form such relations, at the prompting of the Mexican Red Cross, but they are not yet stable and constant.

Another factor that must be borne in mind is that in Mexico the only comprehensive source of literature on international humanitarian law is the

Mexican Red Cross library; moreover, that is where the people knowing most about the subject meet.

The road we must take to achieve the permanent establishment of international humanitarian law in Mexico will depend upon the social and political conditions prevailing in the country. We feel that the only way to make progress in that direction is through dissemination, which must be developed on the basis of more direct promotion among the public, advice to persons wishing to do research (to date we have helped with only seven degree theses on the subject) and efforts to associate the relevant authorities with our efforts. This is quite a difficult and ambitious undertaking. It is now under way, and we shall continue along these lines, encouraging further academic studies.

4. Additional Protocol II

Fully aware of the *raison d'être* of Protocol II which, in our eyes, is a necessary complement for the protection of victims of armed conflict, we should like to make some pertinent remarks on the subject. We shall not deal with Protocol I, which is already in force in the country; we only hope that should the time come or the circumstances arise for its application, it will be seen to be effective.

Let us begin with the words of the second paragraph of the Preamble to Protocol II:

“*Recalling* furthermore that international instruments relating to human rights offer a basic protection to the human person,”

On the basis of this provision, we feel that Protocol II should be compatible with the Mexican judicial system.

Chapter I of the Mexican Constitution contains a whole series of provisions concerning individual guarantees which, implicitly and explicitly, constitute a true declaration on the human rights that were confirmed almost thirty years later in international and regional agreements reached in the framework of the inter-American system.

There is also a whole series of treaties and conventions that in one form or another have to do with Protocol II; Mexico is party to most of these. For example, the international conventions and those of the inter-American system regarding human rights; and the Declaration against torture and other cruel, inhuman or degrading treatment.

According to our interpretation, the provisions of all the agreements mentioned in the previous paragraph appear and are generally consolidated in Protocol II, although there they have a specific scope of applica-

tion. We consider that there is a very important common ground between Protocol II and such agreements (here, of course, we concur with the thesis of complementarity between human rights as a whole and international humanitarian law).

We support the view that a clearly humanitarian interpretation should always be given when studying the possibility of accession, not only to Protocol II but to any instrument of international humanitarian law. Since in Mexico there is a whole system that endorses this compatibility between the international standard (Protocol II) and the Constitution, which provides full humanitarian protection based on respect for the person, we feel that there should be no reason for delaying accession.

A considerable period of time elapsed between the signing of the Protocols and Mexico's accession to Protocol I. It may be even longer until Mexico accedes to Protocol II. Several reasons may be given for this: insufficient dissemination; lack of an adequate academic body that would support and help argue in favour of ratification; and the shortage of serious studies that would enrich bibliographical sources, from a specifically Mexican point of view.

One thing that must not be overlooked is that Mexico ratified the Conventions and acceded to Protocol I without reservations.

Our insistence on the desirability of Mexico acceding to Protocol II is based on a completely humanitarian concern arising from the need to have all the instruments necessary to ensure that when the moment comes, full protection and assistance will be provided. Since Mexico supports principles such as the limitation of the use of force and limitations as to the choice of methods or means of warfare, it is not surprising that the country has an instrument that implicitly expresses the same concern; moreover, the protection afforded is basically the same.

In insisting on this point we do not anticipate that the fact of acceding to Protocol II might be taken as an acknowledgement of certain situations of an internal nature, or might change or affect some judicial provision on the individual or group level. This is not possible, since when Mexico acceded to and ratified the instruments of international humanitarian law, it was on the understanding that this would not affect its legal status in any way (Article 3 common to the Geneva Conventions and Article 4 of Protocol I).

Conclusion

Ten years after the coming into effect of the Protocols additional to the Geneva Conventions of 12 August 1949, the Mexican Red Cross still sees them as a body of complementary humanitarian provisions necessary to ensure full assistance and protection for the victims of ever more intense and widespread armed conflicts.

Evidently they contain a series of technicalities that require constant and untiring study on the part of all who support their establishment and enforcement. We should like to see more countries acceding to them since, for us also, they are a force for the peace in the world for which we all long.

Antonio López de la Rosa

*National Director of International
Humanitarian Law
Mexican Red Cross*

The Protocols of 1977 and The Netherlands Red Cross

by Frits Kalshoven

1. The Netherlands and the Protocols of 1977

The Netherlands contributed vigorously to the drafting of the Protocols of 1977, and it was among the States that signed these instruments at the first opportunity, on 12 December 1977 in Berne. Yet, up to the present day, it has not ratified the Protocols. Why the delay?

There are several reasons for this. For one thing, The Netherlands is a member of the North Atlantic Treaty Organization, or NATO, and that organization needed a considerable amount of time to evaluate the Protocols in the light of its military defence plans. Then, according to constitutional rules and practice, whenever the Dutch Government wishes to ratify a treaty it must first obtain the agreement of both Chambers of Parliament; and in the case of important and fairly complex treaties such as the two Protocols, even the submission to Parliament (which is done in the form of a draft bill approving the treaty) requires thorough preparation and, hence, time.

The total amount of time required for these various departmental, interdepartmental and international preparations was just under seven years: on 3 March 1984, the Government finally submitted the draft bills approving both Protocols, as well as the Conventional Weapons Convention of 1980, to Parliament. (As the latter Convention is not relevant to the present article, it shall not be mentioned further. Suffice it to indicate that it shared entirely the fate of the Protocols).

As always in the parliamentary treatment of draft legislation, the Second Chamber was called upon to deal with the draft bill approving the Protocols first. It took this Chamber another two years, till 11 March 1986, to arrive at a unanimously positive verdict. To understand why this phase of the procedure had again taken so much time, it may suffice to recall that

the period in question was characterized by heated debate about the possible installation of certain new American weapons (viz., nuclear missiles of intermediate range) in various European countries, with The Netherlands among them. In the Second Chamber, the matter of acceptance of the Protocols unfortunately became entangled with this nuclear issue, and it was only after long and difficult debate that the vote could finally be taken.

With that, the matter went to the First Chamber. Here, the Protocols did not meet any serious obstacles of a substantive order. The only problems this time were procedural in character: this Chamber of Parliament meets far less frequently than the Second Chamber, and it simply proved difficult to find time on its crowded agenda for the required debate, first, in committee, and then in a public session of the full Chamber and in the presence of the (frequently absent) Minister of Foreign Affairs. Ultimately, on 10 March 1987, also the First Chamber expressed itself in favour of the Protocols.

With this, the road lays open for the Government to take the final steps leading to ratification of the Protocols. It should be noted that even after such a positive verdict of both Chambers of Parliament, ratification of a treaty still requires an express decision to that effect of the Government, and in practice it takes this decision only after a final, careful scrutiny of all relevant political and legal aspects of the treaty in question. In the case of the Protocols, it appears entirely justified to expect a positive outcome of this final examination and, as a consequence, ratification on a date not too far-removed from the tenth anniversary of the Protocols.

2. Role of The Netherlands Red Cross with respect to ratification

As may be evident from the above exposé, most factors leading to the delay in ratification of the Protocols were beyond the control of The Netherlands Red Cross. Yet, over the years, it has taken a variety of steps to influence the authorities and public opinion in a positive manner. Thus, the President and others repeatedly approached responsible persons in governmental and parliamentary circles, asking them to speed up the procedure for parliamentary approval of the Protocols to the best of their ability. Particular activity was developed in this respect in the months preceding the recent Twenty-fifth International Conference of the Red Cross, in hopes of achieving ratification prior to that event. Unfortunately, these efforts failed to bring the desired result.

One specific contribution, not by the Red Cross but on its behalf, was the statement made by the present author in a committee meeting of the Second Chamber of Parliament. As mentioned before, questions had arisen in that forum with respect to the implications of nuclear warfare for the application of Protocol I, and it was argued in certain quarters that ratification of that instrument would be incompatible with NATO's nuclear defence posture. The statement successfully defused this argument.

Efforts to create and maintain an interest for the Protocols, and humanitarian law in general, among public opinion were repeatedly undertaken throughout this past ten-year period. Thus, already in September 1978, the National Society held an international symposium under the title "The New Humanitarian Law in War and Conflict". In 1980 followed a conference (this time in Dutch) about the international legal aspects of the use of nuclear weapons. And in 1984, the Belgian and Dutch Societies together held a symposium in Antwerp, Belgium, about "Guerrilla and International Humanitarian Law". The attempts made each time to attract the attention of the media were more successful in Belgium than in The Netherlands: in the latter country, it proves very difficult to interest the media in any matter that does not appear to be of immediate concern.

Besides these major events, The Netherlands Red Cross introduced in its bi-monthly review a regular column devoted to topical questions of humanitarian law. Although this review is technically an internal Red Cross publication, it reaches very many people in The Netherlands. Also, the present author has contributed articles on the same type of subjects to a variety of Dutch publications.

3. Importance of the Protocols for The Netherlands

As a country not actually involved in, or threatened by, armed conflict, The Netherlands is in the fortunate position that it can regard the Protocols, as, indeed, the whole body of international humanitarian law applicable in armed conflicts, with a certain equanimity. In particular the actual application of Protocol II seems difficult to visualize: although the country obviously has its share of political and social unrest, the outbreak of an internal armed conflict seems a very remote possibility indeed.

Although an international armed conflict appears no more imminent, The Netherlands, both individually and as a member of NATO, maintains a level of preparedness for its military defence. This means that in fact the greater part of the provisions of Protocol I is of direct concern to those involved in these defence preparations. Indeed, it seems easier to identify those few parts of the Protocol that one may regard as of less immediate

interest to this country: they are, mainly, the provisions on, or relating to, “war of national liberation”, those on non-defended localities, and those relating to occupied territory.

Particular importance attaches, on the other hand, to the majority of the provisions relating to the protection of the civilian population, including those on civil defence, as well as to those on combatant and prisoner-of-war status. The relevance of the latter rules arises in particular from the circumstance that the ministry of defence employs numerous people, mostly in technical functions, who as yet are not incorporated in the armed forces but who in time of armed conflict might have to perform their duties in situations where without further provision an adversary might be inclined to regard them as “civilians taking a direct part in hostilities”, in the sense of Article 51, paragraph 3. Various ways to avoid this consequence are presently under consideration.

4. Significance of the Protocols for The Netherlands Red Cross

The primary significance of the Protocols for The Netherlands Red Cross resides probably in the fact that their adoption and subsequent signature by the Netherlands Government made it acutely aware of the need to start a serious dissemination effort. In this context it should be mentioned that the Society was the initiator of the Chair of International Humanitarian Law, established in the University of Leiden and occupied by the present author since 1975. Obviously, however, even in a country at peace, dissemination of knowledge on the academic level could not suffice.

Equally obviously, the dissemination of knowledge of humanitarian law is first and foremost a Government responsibility. As the Government thus far shows very little inclination to discharge its responsibility in this respect towards the civilian population, the Red Cross has in the past few years developed several dissemination activities aimed at this category. Mention was already made of the symposium it (co-)organized and the publicity efforts it is making. Besides these efforts, it also has started teaching programmes aimed at various categories of its workers and volunteers. In this respect, a point of particular interest is that in a recent revision of its Statutes, a provision has been introduced which makes it obligatory for the local chapters to contribute to the dissemination of humanitarian law. Evidently, it will take some time to give effect to such a drastic innovation.

Protocol I has gained particular significance for The Netherlands Red Cross Society in a totally different manner as well, viz., through the role assigned to it in disaster preparedness. Until quite recently, civil defence in the event of armed conflict was a task allotted to a special branch of the public services. When the authorities decided some time ago to dissolve this organization, they also decided that the various functions of civil defence would be distributed among other existing organizations. In that context, the Government formally requested The Netherlands Red Cross to assume responsibility for a specific part of the task of collecting and caring for the wounded among the civilian population, and the Red Cross, conscious of its history and primary purpose, accepted this challenge.

Obviously, even the decision to accept this role in time of armed conflict, and to prepare for it in time of peace, could hardly fail to evoke strong reactions among Red Cross volunteers, who suddenly, and for many of them quite unexpectedly, saw themselves confronted with the need to evaluate the possible impact of international armed conflict on their functioning in such a situation. Humanitarian law, and in particular the provisions in Protocol I on the protection of the civilian population and the treatment of the wounded and sick, thus became a matter of prime interest, even for a National Society in a country at peace. The process of adaptation to the new situation, initiated by the decision to accede to the Government request, has certainly not come to an end.

Frits Kalshoven

Legal Adviser

The Netherlands Red Cross

Norway and the 1977 Additional Protocols to the 1949 Geneva Conventions

by Bjørn Egge

Norway took an active part in the discussions which led to the 1977 Additional Protocols. The Diplomatic Conference on the Reaffirmation and the Development of International Humanitarian Law Applicable in Armed Conflicts (Geneva, 1974-1977) as well as the meetings of experts which preceded it were attended by numerous representatives from Norway.

The outcome of the Diplomatic Conference was very carefully scrutinized by three different Ministries—the Ministry of Defence, the Ministry of Justice and the Ministry of Foreign Affairs—before being submitted to the National Assembly of Norway (the *Storting*).

The International Relations Committee of the *Storting* put forward a proposal to the plenary session of this Assembly. The Right Honourable Mrs. Grethe Vaernø presented the proposal and pointed out the importance of ratifying an international treaty which would at least bring the hope of attenuating the horrors of war.

Mrs. Vaernø emphasized the fact that the two Protocols implied extending the essential aspects of the Law of War. Greater protection, she argued, would be given to the civilian population in armed conflicts and the right of participants in national liberation wars would be recognized.

On 23 November 1981 the motion to ratify the Protocols was adopted by the plenary session of the National Assembly. No debate followed. Ratification was confirmed by the King's Council on 27 November 1981.

Norway was thus the first NATO country to ratify the Protocols and was soon followed by Denmark and, later on, Belgium.

Norwegian official authorities are very favourably disposed towards disseminating the rules and regulations of the 1949 Geneva Conventions and the 1977 Additional Protocols. However, a formal advisory commis-

sion to ensure the implementation of the internationally legally binding provisions of the Protocols has still to be established. The Norwegian Red Cross very much wishes to follow the good example set by Denmark and Sweden in this connection.

From the Norwegian Red Cross point of view, the Additional Protocols represent a tremendous advance in international humanitarian law. The rapid development of weaponry technology brings with it new methods of warfare. The Protocols have managed to update the 1949 Geneva Conventions to the 1970s.

However, this rapid development would seem slowly to have overtaken the provisions in the present Protocols and render it necessary for a new round of discussions. It appears that sooner or later a permanent commission will be necessary to keep abreast of events in the technological arms race which becomes ever more inhuman.

In the realm of armed conflict a long-term prospective is called for. To protect the individual human being against the worst horrors of war it is of paramount importance never to relax in the struggle against ways and means of warfare which cause unnecessary suffering and which strike indiscriminately. The long way from blind slaughter to a more restrained use of armed violence can be achieved only through a never tiring conscious effort to make weapons and their use less indiscriminate and constantly less necessary.

It seems almost to be a law of nature that States insist on possessing a physical deterrent against armed aggression. This physical force should, however, be of a defensive nature and should only be used in defence of their own territory. When used in this capacity, the weapons should only be used against military targets and applied only in situations of absolute necessity. This process should be promoted as a permanent procedure and the Additional Protocols are a good step in this right direction.

The relevance of the provisions of the Protocols for Norway can easily be understood against the background of recent history. During the Second World War, Norway experienced severe violation of international law and also suffered from the lack of legal provisions. Consequently, the articles on the protection of the civilian population rank high in our estimation.

With our experience of the Resistance Movement against the occupying forces in Norway we feel it absolutely essential that the Additional Protocols now provide for the legal rights of members of national liberation forces.

The provisions which outlaw mercenaries who take part in armed conflicts only for their own benefit are also important. It is to be hoped that these provisions will deter the illegal recruitment of adventurers.

The ratification of the Protocols has meant that Article 108 of the Norwegian Penal Code has had to be amended. The amendment provides a legal basis for prosecuting and punishing those who have committed criminal offences by violating the provisions of the Protocol. This is an extension of the legal instruments in the 1949 Geneva Conventions.

In order to secure ratification of the Protocols, the Norwegian Red Cross played an active role *vis-à-vis* the official authorities concerned. The Norwegian Red Cross repeatedly sent recommendations to the various Ministries urging that the process of ratification be speeded up.

Through the media, the Norwegian Red Cross gradually prepared public opinion so that the public at large would support ratification. Press conferences were held and articles written in newspapers and relevant professional periodicals.

The Norwegian Red Cross has also been instrumental in having a knowledge of the Protocols included in the curriculae of military schools and in the training of conscripts for the armed forces in Norway. This also applies to the Norwegian contingents of the UN Peace-Keeping Force in the Middle East and in other parts of the world where Norway has been requested to support the UN.

As a follow-up to the Norwegian Red Cross initiative, a course lasting one full week on the 1949 Geneva Conventions and the 1977 Additional Protocols is being conducted by the Norwegian armed forces for military legal experts and senior officers.

The appropriate departments in the Secretariat of the Norwegian Red Cross maintain close contact with Norwegian Military Academies and lend them information material for their courses.

In conclusion, Norway's record as regards the 1977 Additional Protocols is fairly good.

However doubts still linger in the minds of some representatives of the official authorities. In the hypothetical case that Norway should be attacked by a State which has not ratified the Protocols, Norway would still be bound by their provisions. Likewise, problems could arise if Norway accepted military assistance from a State which had not ratified the Protocols.

We hope, however, that this hypothetical situation will never materialize. More and more States are ratifying the Protocols and we are convinced that, in itself, this process has a restraining effect on the will to use arms in order to achieve political aims.

Bjørn Egge
*President of the
Norwegian Red Cross*

INTERNATIONAL COMMITTEE OF THE RED CROSS

Presidency of the International Committee of the Red Cross

Geneva, 7 May 1987

CIRCULAR NO. 547

*To the Central Committees of the National Red Cross
and Red Crescent Societies*

LADIES AND GENTLEMEN,

Mr. Alexandre Hay today retires from his post as President of the International Committee of the Red Cross. The Institution would like to pay public tribute to the great moral and intellectual qualities which he has unfailingly demonstrated throughout his term of office and to express its profound gratitude for the services which he has rendered to our Movement as a whole.

Mr. Hay, who was elected to the International Committee in 1975, has been its President since 1 July 1976. He will continue to be a member of the Committee and Chairman of the Commission on the Red Cross, Red Crescent and Peace.

Mr. Cornelio Sommaruga has been a member of the ICRC since November 1986. Today he takes office as its twelfth President.

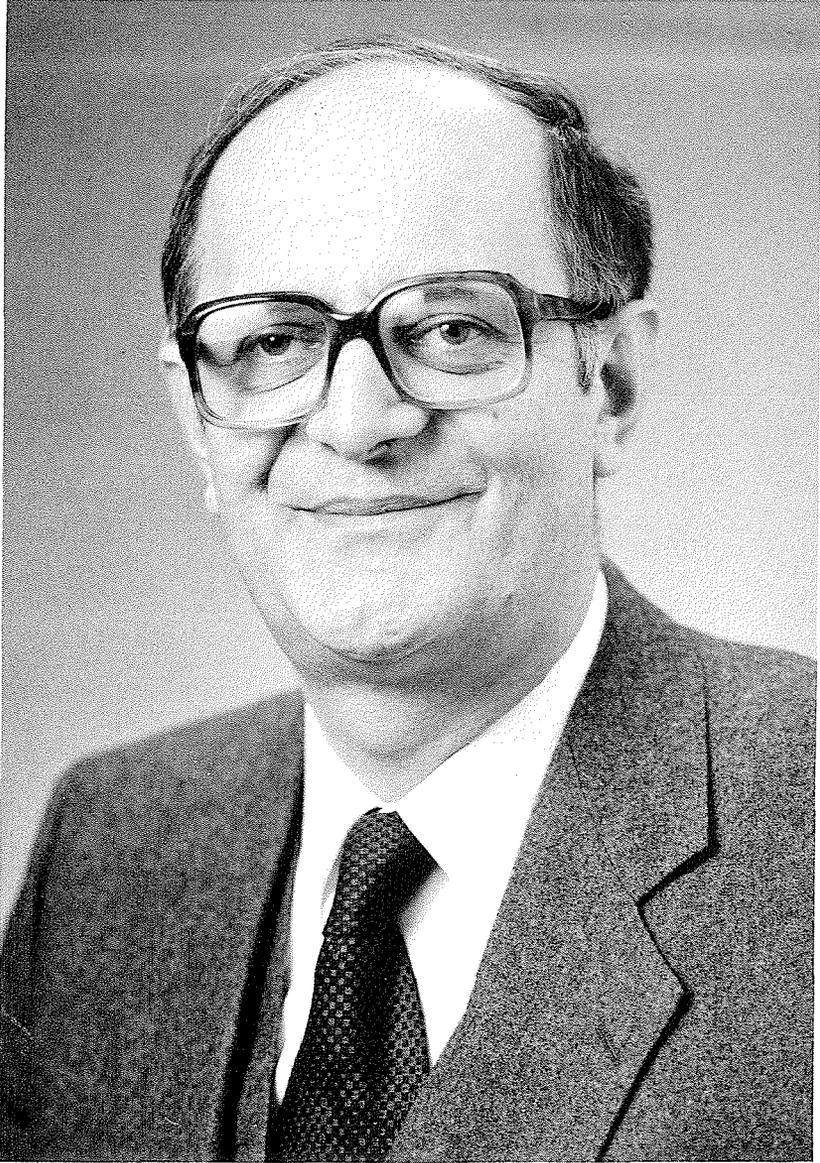
*
* *

Mr. Cornelio Sommaruga, a citizen of Lugano in the Canton of Ticino, was born in Rome in 1932. He graduated with a doctorate in law from the University of Zurich in 1957, entered the service of the Swiss Confederation in 1960 and until 1973 held various diplomatic posts. Mr. Sommaruga was appointed Deputy Secretary General of the European Free Trade Association in Geneva in 1973. Three years later, he joined the staff of the Swiss Federal Office for External Economic Affairs. He served first as Ambassador and then Delegate for Trade Agreements and, in 1984, he became State Secretary for External Economic Affairs.

*
* *

Under the leadership of its new President, the ICRC will continue striving to defend the victims of the conflicts raging in so many countries, and working to spread the humanitarian ideals of the Red Cross and the Red Crescent. These objectives are shared by all the members of our Movement. It is therefore sure that Mr. Sommaruga will enjoy the same invaluable support which you have always given to his predecessors.

INTERNATIONAL COMMITTEE
OF THE RED CROSS



Cornelio Sommaruga
who became President of the International
Committee of the Red Cross on 7 May 1987

Cornelio Sommaruga takes office as ICRC President Tribute to Alexandre Hay

The new President of the International Committee of the Red Cross (ICRC), Mr. Cornelio Sommaruga, took office on 7 May 1987. The official handover took place the previous day during the ICRC's meeting in Assembly.

Twelfth President of the ICRC, Cornelio Sommaruga replaces Alexandre Hay who led the institution from 1 July 1976 to 6 May 1987.

Marking the occasion, the members of the Committee and the Directorate paid tribute to the outgoing President, recalling in particular the profound humanity and determination with which Alexandre Hay carried out his responsibilities throughout a decade fraught with innumerable disasters that struck each and every continent. They were pleased to find that Mr. Hay will remain a member of the Committee; as such he will preside over the "Commission on the Red Cross, Red Crescent and Peace."

In his allocution the new President stated that he wants to be guided, in the performance of his duties, by three principles: steadfastness, integrity, humility. **Steadfastness**: to show the determination that must sustain all members of the institution and prevent them from becoming discouraged. **Integrity**: particularly in the areas of respect for international humanitarian law, implementation of ICRC doctrine and monitoring the use of funds granted to the institution by governments and National Red Cross and Red Crescent Societies. **Humility**: to illustrate the ICRC's position side by side with National Societies and numerous organizations working, with remarkable results, in their own specific humanitarian domains; and also to recall the constant efforts that the ICRC must make to bring assistance to all victims of conflict.

Two new members of the ICRC

The International Committee of the Red Cross (ICRC) has just elected two new members—Mrs. Anne Petitpierre and Mr. Paolo Bernasconi. They took up their posts on 1 May 1987.

Mrs. Anne Petitpierre has a doctorate in law from the University of Geneva. In addition, she has a degree from the School of Translation and Interpretation in Geneva. She has been a member of the Geneva Bar Association since 1970 and has carried out much research at the Faculty of Law, is the author of numerous legal publications and has taken part in many learned seminars. She was for nine years a member of the Swiss Committee of the World Wildlife Fund, serving as Chairman for six of those years. She was also a member of the Geneva cantonal parliament (“Grand Conseil”).

Mr. Paolo Bernasconi studied law at the Universities of Bern and Fribourg. He was admitted to the bar in Lugano and also obtained his qualifications as notary public there. In 1969 he joined the Lugano (Canton of Ticino) Public Prosecutor's Office, which he headed from 1971 to 1986. In addition, Mr. Bernasconi is a member of the Pro Juventute Foundation and the Ticino foundation for assistance to drug addicts and founded the Ticino association for aid to people living on the margin of society.

With the election of these two new members, the ICRC, which is composed exclusively of Swiss citizens, now has 21 members.

*EXTERNAL ACTIVITIES**March-April 1987***Africa****Ethiopia**

In December 1986, the Ethiopian authorities issued new directives concerning the conduct of the ICRC relief operation in the country's northern provinces (Eritrea, Tigre, Gondar and Wollo). The directives effectively subjected ICRC activities to decisions taken by the National Red Cross Society and the Ethiopian authorities, thus calling into question the principles of independence and neutrality which must at all times and in all circumstances guide ICRC action on behalf of victims covered by its assistance and protection mandate.

Following several months of talks with the authorities—during which time all activities in the field were suspended—in May four delegates were authorized to return to the north of the country; the assistance operation should be resumed gradually from early June.

Somalia

In Mogadishu on 19 March, ICRC delegates registered 15 Ethiopian prisoners of war recently captured in the Ogaden conflict. As in the case of other persons detained in Somalia, ICRC delegates were not authorized to talk to each prisoner without witnesses, contrary to the terms of Art. 126 of the Third Geneva Convention.

Sudan

In southern Sudan, the ICRC's programme of distributing seed and farming implements in the Narus region (some 20 km from the Kenyan border) ended on 12 March, after 107 tonnes of seed had been distributed to about 24,000 displaced persons.

In view of the improvement in the food situation noted by the delegates, and in order to encourage members of the Toposa ethnic group to return to their native regions and plant crops there using the seed provided by the ICRC, food distributions organized in Narus by the ICRC were stopped in early March.

Burundi

Four ICRC delegates, including a doctor, carried out a series of visits to the country's main penitentiaries between 17 March and 4 April. The previous visits had been made in November 1986.

South Africa

On 23 March, the Ministry of Foreign Affairs authorized the ICRC delegation to increase its staff from five to eight members.

On the same day the third training course for "community organizers", organized jointly by the South African Red Cross and the ICRC, began with the participation of 22 persons. In all, there are now 63 community organizers working among the country's black communities; their tasks include assessing needs within the scope of the Red Cross, taking the necessary initiatives to meet those needs, disseminating knowledge of Red Cross principles, and promoting more extensive humanitarian activities and the establishment of local Red Cross branches.

The ICRC delegation based in Pretoria continued its contact, co-ordination and supervision work regarding assistance to Mozambican refugees in Gazankulu and Kangwane.

By the end of April, 16,271 and 6,006 people respectively had benefited from the assistance programme in these two regions. In April the delegates went to Kwazulu province, where refugees from Mozambique were also arriving.

Missions were also carried out in Cape Province, Orange Free State and Natal to follow the situation in the main townships affected by the disturbances.

Mozambique

Following a serious security incident on 31 July 1985 at Luabo (Zambezia province), in which a pilot and an ICRC nurse were seriously injured, the ICRC had to suspend its field activities in the country.

Concerned about the situation in Mozambique, the ICRC again contacted the authorities and the Mozambican Red Cross with a view to drawing up a plan of action. The project is taking shape, thanks to surveys carried out in March and April by an ICRC team (four delegates, including a doctor, a nutritionist and a nurse) in the provinces of Zambezia, Sofala, Niassa, Tete and Nampula.

Latin America

Colombia

Between 9 March and 14 April 1987 three delegates, one of them a doctor, carried out a series of visits to security detainees in places of detention under the control of the Ministry of Justice. A total of 131 detainees were visited in 10 prisons in Bogotá and in the provinces (Cali, Bucaramanga, Popayan, Tunja et Ibagué).

Paraguay

A mission was carried out in Paraguay from 24 March to 1 April 1987, mainly in order to make further visits to security detainees, with the participation of an ICRC doctor. Seven places of detention (five controlled by the Ministry of the Interior and two by the Ministry of Justice) were visited in Asunción and in the Alto Paraná area; the delegates were able to interview five security detainees.

*
* *

During the period under review, apart from the series of visits mentioned above, the ICRC continued its action in favour of security detainees in the following countries: *Chile* (visits to prisons administered by the Ministry of Justice and interrogation centres of the Security Corps), *El Salvador* (visits to the penitentiaries and to the detention centre of the Armed Forces and the Security Corps), *Nicaragua* (second annual visit to the Tipitapa prison) and *Peru* (visits to penitentiaries and police centres in Lima and in the provinces, with the exception of the Ayacucho emergency zone).

*
* *

In *Nicaragua* and *El Salvador*, the usual activities of the ICRC continued, in addition to visits to detainees: assistance to detainees and the civilian population in regions affected by the current events, dissemination of international humanitarian law, the work of the Tracing Agency and the orthopaedic programme in Managua. In *Nicaragua*, a team of delegates made a preliminary survey in March 1987 of the situation and needs of the civilian population living along the upper reaches of the Rio Coco (in the north of the country, near the border with Honduras); this evaluation mission revealed the need for the regular presence of the ICRC in the area. In *El Salvador*, 20 war disabled of the FMLN were evacuated by air on 4 March to host countries, under ICRC auspices. Three civilians held by the FMLN were released and handed over to the ICRC by the Front.

Asia

Kampuchea conflict

Following the Thai government's decision to move the population of Khao-I-Dang closer to the Khmer-Thai border, two groups of refugees were transferred to Site "B" on 1 March (230 people) and 17 April (175 people) respectively.

At the end of April, the ICRC presented to the Thai authorities a memorandum reminding them of the ICRC's role within the context of the Kampuchea conflict, reaffirming its concern with

regard to the protection of the civilian population against the effects of the fighting, and pointing out that the ICRC's mandate covers all the civilians assembled along the border and all persons captured in connection with the conflict.

Viet Nam

On 23 April, 156 persons of Chinese origin were repatriated to Taiwan, via Bangkok, on a flight organized by the ICRC. A Korean who had been held in Viet Nam since 1975 also left the country on the same flight to return to the Republic of Korea.

Indonesia

On 20 March, the eleventh group of officials of the former Portuguese administration of East Timor was repatriated to Lisbon; this group comprised three former officials and their families (24 persons in all). On the same day, four other persons returned to Lisbon to be reunited with their family, under the auspices of the ICRC.

The ICRC carried out another series of visits to persons detained in connection with events in East Timor: between 18 March and 3 April, 228 detainees were visited in four places of detention in Dili and Jakarta. This was the first series of visits in 1987.

Hong Kong

In April 1987 the ICRC opened a permanent regional delegation in Hong Kong, covering Hong Kong, the People's Republic of China, Taiwan, Macao, the Republic of Korea and the Democratic People's Republic of Korea.

Philippines

During March and April, ICRC delegates continued visiting persons arrested in connection with the events, in the Muntinlupa penitentiary (Manila) and in regions 5 (Leyte, Samar) and 8 (Bicol). In all, they visited 109 persons.

In close co-operation with the Philippine Red Cross, the ICRC delegation also pursued its activities for displaced persons, mainly on the island of Mindanao. Each month about 22,000 people benefited from general distributions of rice and oil; and at the same time some 2,000 people were given medical consultations by the ICRC.

In April, a first-aid course was organized for 19 members of the medical staff of MILF at Cotabato, under the auspices of the local branch of the National Society.

Conflict in Afghanistan

In accordance with the agreement reached between the Afghan authorities and the ICRC in January 1987, a team of five delegates, including a doctor, began its visit to Pul I Charki prison in Kabul at the beginning of March. After a general tour of the prison, however, talks were resumed with the authorities on practical arrangements for the visit which, as a consequence, was suspended.

In the border region between Pakistan and Afghanistan, ICRC delegates had access at the beginning of April to Afghan prisoners held by a commander of one of the opposition parties. Some of the prisoners had already been seen twice in 1986, and others were registered by the ICRC in the course of this visit.

In Pakistan, the ICRC continued its medical activities for victims of the conflict. ICRC surgical hospitals at Peshawar and Quetta took in 136 and 90 wounded respectively in March, and 117 and 102 wounded in April.

Sri Lanka

Deeply concerned by the situation in Sri Lanka, the ICRC reminded the Sri Lankan authorities of its offer of services made in May 1986 and explained once again what activities it wished to undertake in order to protect and assist all the victims of the conflict.

Europe

Missions by the President of the ICRC

Mr. Alexander Hay, President of the ICRC, accompanied by Mr. Moreillon, Director General, Mr. A. Pasquier, Director of Operations and Mr. M. Veuthey, delegate-general for Europe and North America, visited *Moscow* from 1 to 4 April 1987 at the invitation of the Alliance of Red Cross and Red Crescent Societies. During talks with Mr. Shevardnadze, Soviet Foreign Minister, M. Hay raised a number of operational, legal and financial matters. The contribution of the Peace Movement was one of the points discussed with Dr. D. Venedictov, President of the Alliance. The welcome extended to Mr. Hay was a very warm one: he was presented with Dr. Pirogov's medal and a diploma from the Soviet Red Cross.

President Hay was in Paris on 14 and 15 April 1987, accompanied by Mr. Cornelio Sommaruga, President-elect of the ICRC, and by Mr. Pasquier and Mr. Veuthey, for discussions with the French Government and the National Red Cross Society. The ICRC delegation met Mr. François Mitterrand, President of the Republic, Mr. Jean-Bernard Raimond, Minister of Foreign Affairs, Dr. Claude Malhuret, Secretary of State attached to the Prime Minister and responsible for Human Rights, as well as a number of high-ranking officials of the Ministry of Foreign Affairs, and Ambassador Louis Dauge, President of the French Red Cross, and senior members of his staff. The conversations dwelt on the main ICRC operational activities under way and the financing of the institution.

At the invitation of the President of the Turkish Red Crescent, the President of the ICRC went on a mission to *Ankara* and *Istanbul* from 21 to 25 April 1987, accompanied by the delegate-general for Europe and North America. This first visit to Ankara by a President of the ICRC provided an opportunity for a very thorough and cordial exchange of views at the highest level with the Turkish Government and Red Crescent. The President of the ICRC met Mr. K. Evren, President of the Republic, Mr. Güzel, Acting Minister of Foreign Affairs and Mr. Nushet Kandemir, Under-Secretary of State at the Ministry of Foreign Affairs.

Middle East

Iran/Iraq conflict

On 17 March, 76 disabled or sick Iraqi prisoners of war were repatriated under the auspices of the ICRC. The prisoners, who were accompanied by two doctors, two nurses and an ICRC delegate, left Teheran aboard an aircraft chartered by the ICRC and flew to Baghdad, where they were handed over to officials representing the authorities of the Republic of Iraq.

Visits to prisoners of war continued in Iran. Delegates went to two camps in March and April, i.e. the sixth and seventh camp since visits were resumed in Iran in December 1986. The delegates saw some 5,000 Iraqi prisoners of war in the two camps.

In Iraq, ICRC delegates continued their visits to Iranian prisoners of war. From early March to early April, they carried out a complete series of visits to ten camps and one hospital, seeing 12,750 prisoners in all. At the end of April, they began a fresh series and revisited 1,612 prisoners in two camps.

Lebanon

Throughout March and April, delegates continued to attend to the needs of the civilians affected by fighting whenever it occurred in the country, but especially those living in villages situated along the line demarcating the "security zone". Foodstuffs, blankets and cooking utensils were distributed to those most affected. Finally, mobile clinics were organized jointly by the ICRC and the Lebanese Red Cross to provide medical consultations for civilians living in villages along the "security zone" boundary which have no medical facilities.

During these two months, the ICRC had access to the Palestinian camps, both in the south of the country and in Beirut. Delegates thus assessed the situation in the *Rashidiyeh* camp near Tyre on 12 March and thereafter entered the camp once a week, essentially to distribute and collect Red Cross messages and provide some medical supplies. A medical evacuation was carried out on 28 April. ICRC delegates also entered the camps in the Beirut area. On 8 April, 25 injured or sick people plus others accompanying them

were evacuated from *Shatila* by the ICRC and the Lebanese Red Cross. The next day, 57 persons, 47 of them injured, were evacuated from *Borj-el-Brajneh*.

Visits to persons detained by various parties to the conflict were also continued.

Conflict in the Western Sahara

The new regional delegate and his predecessor carried out a mission to Algiers and the Sahara from 16 to 22 March to re-establish contact with leading representatives of the parties involved. The two delegates were received by Mr. Mohammed Abdelaziz, secretary-general of the Polisario Front, with whom they reviewed ICRC activities in the context of the conflict in the Western Sahara. During their meeting, the delegates renewed the ICRC's offer of its services to visit all of the prisoners captured since the beginning of the conflict and held by the Polisario Front. They obtained a very positive reply in principle. The delegates also met Mr. Habiballah, President of the "Sahrawi Red Crescent". In Algiers, the delegates had talks with Dr. Belaouane, President of the Algerian Red Crescent.

People's Democratic Republic of Yemen

From 22 to 30 April, a team of three ICRC delegates visited 89 security detainees arrested in connection with the events of January 1986. The visit, carried out in accordance with the ICRC's normal criteria, was the first made to those detainees.

IN THE RED CROSS AND RED CRESCENT WORLD

Death of Mr. Henrik Beer

The International Red Cross and Red Crescent Movement is in mourning. Henrik Beer, former Secretary General of the League of Red Cross and Red Crescent Societies, died in Geneva on 24 May at the age of seventy-one.

Of Swedish nationality, Henrik Beer was born in 1915 in Stockholm and went to university there. He came into contact with the Red Cross during the Second World War, when he was responsible for co-ordinating Swedish relief work for war victims. In 1947 he became Secretary General of the Swedish Red Cross and in 1960 was elected Secretary General of the League of Red Cross Societies, a post which he held until he retired in 1981. In the same year he was appointed Honorary Secretary General and in 1982 he was made an honorary citizen of the Republic and Canton of Geneva.

After his retirement, Henrik Beer devoted himself to humanitarian and ecological issues. He was adviser to Dr. Mostofa K. Tolba, Executive Director of the United Nations Environment Programme, and to Mr. Maurice Strong, at that time Director of the United Nations Office for Emergency Operations in Africa.

In 1983 he became a member of the Independent Commission on International Humanitarian Issues, which was established and jointly chaired by the Crown Prince of Jordan and Prince Sadruddin Aga Khan, and participated actively in its work.

It is an understatement to say that Henrik Beer identified himself with the destiny of the League, for under his sure guidance the Federation of National Red Cross and Red Crescent Societies expanded in an unprecedented manner. The League's membership rose from 86 to 126 National Societies, and the number of adult and junior members throughout the world increased from 157 million to 230 million.

True to the Movement's principle of universality, he promoted mutual assistance by National Societies in aid for the victims of natural disasters and to help less developed Societies.

In brief, Henrik Beer imbued the work of the League with a universal dimension through his dynamic approach, his courage and influence, whilst being largely instrumental in making National Societies truly “Sister Societies”.

The ICRC always appreciated the relationship of confidence and trust which it enjoyed for more than twenty years with Henrik Beer and his secretariat. That active co-operation, enhanced by personal contacts, was particularly fruitful when drafting in the 1950s the new Statutes of the International Red Cross and the Agreements between the ICRC and the League and when undertaking large-scale relief work.

Those members and staff of the ICRC who knew Henrik Beer well will always remember him as a valued friend, with affection, esteem and gratitude for his great service to humanity.

Representatives of the international community in Geneva joined ICRC officials, the Genevese authorities and League staff, in St Peter’s Cathedral on 2 June, to pay a last homage to Henrik Beer. A gathering of over 200 heard tributes to his inspirational leadership and international repute in humanitarian services from Jean Pictet, on behalf of the Red Cross and Red Crescent Movement, M’hamed Yssafi, UNDRO Coordinator, on behalf of the international organisations, Börje Wallberg, President of the Swedish Red Cross, and Hans Høegh, League Secretary General.

**Message from Mr. Cornelio Sommaruga
to mark 8 May, World Red Cross
and Red Crescent Day 1987**

“Our undertaking must be international in scope, for it is universal in nature. It is the task of all for the sake of all; it should be the concern of every human being”. These are the words of Henry Dunant, founder of the Red Cross, whose birthday on May 8 is commemorated each year as World Red Cross and Red Crescent Day.

His undertaking has indeed become universal. Today, the International Red Cross and Red Crescent Movement has some 250 million members. May this symbolic date remind us once again of Dunant’s humanitarian message!

There are still too many countries where war strikes innocent victims every day, inflicting physical and mental injuries on men, women and children who thus swell the ranks of the wounded, the sick, prisoners and refugees.

Since its creation, the International Committee of the Red Cross has sought to improve the lot of victims of war through law and direct action. The International Committee initiated the Geneva Conventions and remains their champion and guardian. Though almost all of the world’s States have by now become party to the Geneva Conventions of 1949, far fewer have ratified the 1977 Protocols additional to the Geneva Conventions. The work of Henry Dunant must be continued and extended. That is the duty of governments, just as it is the duty of every one of us.

It is within the power of each of us to further the cause of humanity, whether by ratifying a treaty or simply by lending a helping hand to those in need.

But we wish to go beyond respect for the fallen enemy, which is the essence of humanitarian law, and help to create, through the action of the Red Cross, the world of peace to which our humanitarian ideals lead us. Born of war, the Red Cross is Peace.

Meeting of the Standing Commission of the Red Cross and Red Crescent

The Standing Commission of the Red Cross and Red Crescent met on 8 April 1987 in Geneva; its new composition is as follows:

Chairman: Dr. A. Abu Goura (Jordan);

Vice-Chairman: Botho Prince of Sayn-Wittgenstein-Hohenstein
(Federal Republic of Germany);

Other elected members: Dr. A. Hantos (Hungary);

Mrs M. Harmon (Brazil);

Mr. B. M. Hove (Zimbabwe).

The ICRC was represented first by Mr. A. Hay, President, then by Mr. M. Aubert, Vice-President, and by Mr. J. Moreillon, Director General. Mr. C. Sommaruga, President elect, attended part of the meeting.

The League was represented by Mr. E. de la Mata, President, and by Mr. H. Høegh, Secretary General, replacing General R. Espino who was unable to attend.

The nine members of the Commission examined the various points on the agenda, some of which merited in-depth consideration.

The Standing Commission agreed to place the *revision of the regulations on the use of the emblem* on the agenda for the next meeting of the Council of Delegates. It also *adapted its own regulations to the new Statutes of the Movement* and drew up the *provisional agenda for the Council of Delegates* to be held in Rio de Janeiro in November 1987.

The Commission examined the nominations for the award of the *Henry Dunant Medal* and selected the following people: *Mr. J.-J. Vega Aguiar* whose candidature had been submitted by the Cuban Red Cross, and *Mrs. M. J. Burnier* who had been proposed by the ICRC. Three medals were awarded to people who have given distinguished service to the International Red Cross; the first two had also been engaged in activities in the field: *Mr. K. Warras*, Finnish Red Cross, *Dr. A. Schlögel*, German Red Cross in the Federal Republic of Germany, and *Princess Gina of Liechtenstein*. A sixth medal was awarded posthumously to *Mr. O. Niskanen*, a

former Secretary-General of the Ethiopian Red Cross; he was of Swedish origin and his candidature had been put forward by the Ethiopian Red Cross Society.

The Commission also considered the *follow-up to be given to the Twenty-fifth International Conference of the Red Cross*; at its next session it will continue its discussions on the Twenty-sixth International Conference planned to take place in Colombia and, in particular, it should decide on the date.

Finally, both the representatives from the League and those from the ICRC informed the members of the Commission about the respective activities of the two institutions and those jointly conducted by them.

On behalf of the members of the Commission, Dr. Abu Goura warmly thanked Mr. Hay, who was representing the ICRC there for the last time, for everything he had contributed to the Commission's work.

The Commission will meet again in Rio de Janeiro in November 1987.

Thirty-first award of the Florence Nightingale Medal

GENEVA, 12 MAY 1987

CIRCULAR NO. 546

*To the Central Committees of National Red Cross and
Red Crescent Societies*

LADIES AND GENTLEMEN,

In its Circular No. 537 of 25 August 1986 the International Committee of the Red Cross had invited the Central Committees of National Societies to send in the names of nurses and voluntary aids who are active members or regular helpers of a National Society or of an affiliated medical or nursing institution whom they judged qualified to receive the Florence Nightingale Medal.

The object of this Medal is to honour nurses and voluntary aids who have distinguished themselves in time of peace or war by their exceptional courage and devotion to wounded, sick or disabled persons or those whose health is threatened.

The International Committee, after a careful study of the candidatures submitted by National Societies, has the pleasure of announcing that for the thirty-first distribution the Medal has been awarded to the following nurses and voluntary aids. Since the designation, qualification and duties of nursing personnel do not always have an exact equivalent in the various languages, it seemed to be preferable to leave them as indicated by each Society.

AUSTRALIE — AUSTRALIA

1. *Sister Berenice Nonie Ryan*. Graduate Nurse; Assistant Director of Nursing, Projects and Research, Dandenong and District Hospital, Dandenong.
2. *Mrs. Elizabeth Eleanor Nissen*. Voluntary Aid; Vice-Chairman, Victorian Division, Melbourne.

CANADA

3. *Mrs. Barbara Ann Robinson*. Graduate Nurse; General Duty Nurse, Medical Unit, Hospital, Middleton; Instructor/Trainer and Instructor Red Cross Fun and Fitness.
4. *Mrs. Jane Bryant Lehman*. Graduate Nurse; Registered Nurse; Volunteer Nurse, Indian Reserve, Anahim Lake; Health Service to Native Indian Communities in Rural Isolated Areas Around Anahim.
Medal awarded posthumously.
5. *Ms. Cécile Emilia Grenier, R.N.* Graduate Nurse; ICRC medical relief missions; League disaster relief missions.

RÉPUBLIQUE POPULAIRE DE CHINE — THE PEOPLE'S REPUBLIC OF CHINA
— REPÚBLICA POPULAR DE CHINA

6. *Mrs. Shi Mei Li*. Graduate Nurse; Senior Nurse, Shanghai.
7. *Miss Zhang Yun-qing*. Graduate Nurse; Vice-Head Nurse of Laoning Tumour Hospital, Shenyang.
8. *Miss Chen Lu-de*. Graduate Nurse; Adviser to the First Affiliated Hospital of Tianjin Medical College; Member of the Standing Committee of the Chinese Nursing Association; Chairman of the Tianjin Branch of the Chinese Nursing Association.

RÉPUBLIQUE DE CORÉE — REPUBLIC OF KOREA — REPÚBLICA DE COREA

9. *Mrs. Keumja Choi*. Graduate Nurse; Registered Nurse; Director of Nursing, Sorokdo National Leprosarium, Junnam.

10. *Mrs. Aehyong Cho*. Graduate Nurse; Registered Nurse; Director of Nursing, Sodaemun City Hospital, Seoul.
11. *Mrs. Soonku Kong*. Graduate Nurse; Registered Nurse; Part-time clinical lecturer; Director of Nursing, Chonju Presbyterian Medical Centre, Chonju.

COSTA RICA

12. *Sra. Orfilia Blanco Loaiciga*. Enfermera diplomada; enfermera jefa Centro de Salud, Ciudad Quesada, San Carlos y jefa de enfermeras voluntarias del comité cantonal de la Cruz Roja en San Carlos.

CUBA

13. *Srta. María Noelia Sánchez Martínez*. Enfermera diplomada; enfermera especializada, La Habana.
14. *Srta. Amada Izquierdo Hernández*. Enfermera diplomada; enfermera especializada, La Habana.

REPUBLIQUE ARABE D'EGYPTE — ARAB REPUBLIC OF EGYPT — REPÚBLICA ÁRABE DE EGIPTO

15. *Mrs. Aleya El Far*. Red Crescent Voluntary Aid; Member of the Board of the Egyptian Red Crescent and Treasurer of the Cairo branch.

ETATS-UNIS D'AMÉRIQUE — UNITED STATES OF AMERICA — ESTADOS UNIDOS DE AMÉRICA

16. *Mrs. Ruthelle Duke Wilson*. Graduate Nurse; Volunteer Nursing Chairman, De Soto, Texas; Disaster Nursing Consultant, Dallas County Chapter; Health Services Consultant Territories 6 and 8; National Disaster Reserve Nurse; Nurse Supervisor, Children's Medical Center, Dallas, Texas.

ETHIOPIE — ETHIOPIA — ETIOPÍA

17. *Sister Legesse Zenebework*. Graduate Nurse; Instructor in Health Assistant School.

18. *Sister Ayana Aster*. Graduate Nurse; Matron in Urael M.C.H. Clinic and Health Centre.
19. *Sister Kebede Berkinesh*. Graduate Nurse; Matron M.C.H. Clinic of Bata.

FINLANDE — FINLAND — FINLANDIA

20. *Miss Ingrid Margaretha Hämelin*. Graduate Nurse; Honorary Fellow, Royal College of Nursing of the United Kingdom; former Planning Officer, Helsinki City Health Department; retired.

FRANCE — FRANCIA

21. *M^{lle} Rose-May Barthomivat de la Besse*. Infirmière diplômée; infirmière en milieu scolaire, infirmière volontaire à la Croix-Rouge française.
22. *M^{lle} Hélène Escoffier*. Diplôme simple d'infirmière; diplôme d'assistante sociale; retraitée; membre bénévole du groupe de recherches historiques de la Croix-Rouge française.
23. *M^{me} Danielle Elisabeth Savina*. Diplôme d'Etat d'infirmière; mission CICR en Angola; supervision des équipes soins infirmiers et nutritionnels; enseignement personnel médical local.
24. *M^{me} Georgette Terray*. Diplôme d'Etat d'infirmière; présidente du comité local Croix-Rouge française de Ris Orangis.

GRANDE-BRETAGNE — GREAT BRITAIN — GRAN BRETAÑA

25. *Miss Phyllis Eileen Edwards RGN SCM HV*. Graduate Nurse; Medical relief missions in Nepal with Save the Children Fund and in Uganda with the ICRC.
Medal awarded posthumously.
26. *Mrs. Annette Kerr RGN*. Graduate Nurse; Work on feeding programmes, with OXFAM in Somalia and with the UNHCR in the Camerouns; Medical Mission with the ICRC, Peshawar Hospital (Pakistan); Medical Practice Nursing Sister.

HONGRIE — HUNGARY — HUNGRIA

27. *M^{me} Jánosné Harmati*. Infirmière diplômée, volontaire de la Croix-Rouge hongroise, retraitée.

ITALIE — ITALY — ITALIA

28. *M^{me} Luigia Faccaro Marocco*. Infirmière volontaire; inspectrice nationale des Infirmières volontaires de la Croix-Rouge italienne.
29. *M^{lle} Maria Rita Orzalesi*. Infirmière volontaire.

JAPON — JAPAN — JAPÓN

30. *Miss Yasuko Otake*. Nurse and Midwife State Diploma; Professor at the Japanese Red Cross Musashino Women's Junior College of Nursing.
31. *Miss Shizui Sakumoto*. Graduate Nurse; Registered Nurse; Retired.
32. *Miss Katsu Hayakawa*. Graduate Nurse; Registered Nurse; Member of the Board of Directors, the Aino Educational Institute.

LIBAN — LEBANON — LÍBANO

33. *M^{me} Hoda Asmar*. Infirmière diplômée; membre du Comité Central, responsable de la section des soins infirmiers.

NOUVELLE-ZÉLANDE — NEW ZEALAND — NUEVA ZELANDIA

34. *Ms Glenys Lorraine Rodger-Checchi*. Graduate Nurse; Registered Midwife; From 1980 to 1986 seconded to ICRC operations in Asia and Africa.

OUGANDA — UGANDA

35. *Miss Catherine Musoke*. Registered Nurse; Volunteer of the Uganda Red Cross.
Medal awarded posthumously.

POLOGNE — POLAND — POLONIA

36. *M^{me} Irena Romanowska*. Infirmière diplômée; retraitée.
37. *M^{me} Helena Rabowska-Witkiewicz*. Infirmière diplômée; retraitée; travail à mi-temps à l'Hôpital (Varsovie) et travail social à l'Association Polonaise des Infirmières.
38. *M^{me} Waleria Peksa*. Infirmière diplômée; retraitée.
39. *M^{me} Magdalena Pusłowska-Owczarek*. Infirmière diplômée; retraitée.

RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE — GERMAN DEMOCRATIC
REPUBLIC — REPÚBLICA DEMOCRÁTICA ALEMANA

40. *Mrs. Maria Elisabeth Seipolt*. State Diploma in Nursing; Retired; Member of the Presidency and of the Bureau of the Presidency of the German Red Cross of the German Democratic Republic; Social worker in care of tumour patients.

TCHÉCOSLOVAQUIE — CZECHOSLOVAKIA — CHECOSLOVAQUIA

41. *Mrs. Marie Soprova*. Voluntary Aid; Retired.

THAÏLANDE — THAILAND — TAILANDIA

42. *Mrs. Nongyao Chotpanich*. Graduate Nurse; Director of Nursing, Chulalongkorn Hospital, Thai Red Cross Society.
43. *Mrs. Oravonna Utaisen*. Graduate Nurse; Director, College of Nursing, Thai Red Cross Society.

U.R.S.S. — U.S.S.R.

44. *M^{me} Maria P. Signekova*. Infirmière diplômée; infirmière de l'hôpital du village Toktogoul, région de Tallass, Kirghizie.
45. *M^{me} Antonina A. Pikhteeva*. Infirmière diplômée; infirmière du service de la santé de l'usine de coton, K-Kourgan, région de Samarcande, Ouzbékïe.
46. *M^{me} Vera V. Shirokaia*. Infirmière diplômée; infirmière à l'hôpital N I de Tsélinograde, Kazakhie.

With the thirty-first award on 12 May 1987, a total of 973 medals have been awarded.

The medals and diplomas, accompanied in each case by a photogravure reproduction of the portrait of Florence Nightingale, will be sent as quickly as possible to the Central Committees. The International Committee of the Red Cross would like to receive acknowledgement of their receipt in due course.

The Committee would be grateful if the Medals could be presented in the course of this year and requests the Central Committees to invest the presentation ceremony with a character of formality in keeping with the founders' wishes.

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Cornelio SOMMARUGA

President

MISCELLANEOUS

Declaration by the Kingdom of Belgium

On 27 March 1987, the Kingdom of Belgium issued the following declaration:

“The Kingdom of Belgium declares that it recognizes the competence of the International Fact-Finding Commission to enquire into allegations by a High Contracting Party relating to grave breaches or other serious violations of the Geneva Conventions of 12 August 1949 or of the Protocol additional to those Conventions which relates to the protection of victims of international armed conflicts (Protocol I) as stipulated in Article 90 of that Protocol.” (Original French – translation by the ICRC).

This declaration came into effect the same day. It should be recalled that on 20 May 1986 the Kingdom of Belgium ratified the Protocols additional to the Geneva Conventions of 12 August 1949. The Protocols relate to the protection of victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II).

The Kingdom of Belgium is the eighth State to make this declaration. The International Fact-Finding Commission will be formed when 20 States have made such declarations.

The Republic of Iceland ratifies the Protocols

On 10 April 1987 the Republic of Iceland ratified the Protocols additional to the Geneva Conventions of 12 August 1949 relating to the protection of victims of international (Protocol I) and non-international (Protocol II) armed conflicts adopted in Geneva on 8 June 1977.

This ratification was accompanied by the following reservation:

“The President of Iceland proclaims:

“That I have seen and examined Additional Protocols I and II to the Geneva Conventions of 12 August 1949 which were opened for signature at Berne on 12 December 1977 and hereby declare that Iceland through this document ratifies the aforementioned Protocols, subject to a reservation with respect to Article 75, paragraph 4 (h), of Protocol I regarding the resumption of cases which have already been tried, the Icelandic law of procedure containing detailed provisions on this matter. Other provisions of the Protocols shall be inviolably observed.

“In faith whereof I have signed this instrument of ratification and caused the Seal of the Republic to be affixed hereunto.” (As the original text is in Icelandic, an official translation into English was submitted by the Icelandic Government.)

The instrument of ratification also contains a declaration in accordance with Article 90 of Protocol I, whereby the Republic of Iceland accepts the competence of the International Fact-Finding Commission. It will be recalled that Iceland is the ninth State to make this declaration; the International Fact-Finding Commission will be set up when twenty States shall have made such a declaration.

In conformity with their provisions, the Protocols will enter into effect for the Republic of Iceland on 10 October 1987.

The Republic of Iceland is the 67th State party to Protocol I and the 61st to Protocol II.

Seminars and Colloquium on International Humanitarian Law

● In Italy

On the initiative of the Italian Red Cross and under the auspices of the Italian Ministry of Defence, a seminar was held in Florence from 31 March to 2 April 1987 on the international humanitarian law applicable in armed conflicts. The seminar was organized for members of the armed forces and university circles and was attended by 32 officers and 36 law graduates and law students. Lectures were given by University professors, general officers and military judge advocates.

The following subjects were dealt with: content and development of humanitarian law; sources of humanitarian law; the definition of a combatant; mercenaries; means and methods of warfare; protection of the wounded, the sick and the shipwrecked; protection of prisoners of war; protection of the civilian population; humanitarian law and war at sea and in the air; humanitarian aspects of the most recent armed conflicts; guarantees with regard to humanitarian law; war crimes; humanitarian law in internal armed conflicts; and present-day aspects of neutrality.

The International Committee of the Red Cross (ICRC) was represented at this seminar by Mr. F. Steinemann, Head of the Public Relations Service, who spoke on ICRC activities in conflict areas.

The seminar concluded with a round table, which discussed the problem of adapting Italian law to make it compatible with humanitarian law, with special reference to military regulations.

● In Benin

The Red Cross of Benin, the Benin National University and the ICRC jointly organized a regional seminar on international humanitarian law, termed "SEDIH 87", in Cotonou (Benin) from 7 to 10 April 1987, on the theme: "The protection of civilian populations in time of armed conflict".

SEDIH 87 was the first seminar of its kind to be organized in West Africa; participants in the four days' proceedings included lawyers, military officers, high-ranking officials of the Ministries concerned and members of the Red Cross of Benin. Some 30 participants were Beninese while 20 others came from Burkina Faso, Côte d'Ivoire, Guinea, Mali, Mauritania, Niger, Senegal and Togo. The ICRC was represented by Mr. Huguelet and Mrs. Contat of the Lomé regional delegation and by Mr. Siegenthaler of the Legal Division.

The programme of SEDIH 87 dealt in the first place with the spirit of international humanitarian law, its principles and basic rules; some humanitarian rules from West African traditions regarding warfare were also examined. The participants were then acquainted by means of lectures and scenario demonstrations with the manner in which the rules of the law of Geneva and The Hague apply during an armed conflict.

The seminar was very favourably received by the participants, who recommended that seminars of this kind should be organized at regular intervals.

● In the United States of America

The 81st annual meeting of the American Society of International Law was held in Boston from 8 to 11 April 1987. The ICRC participates regularly in the work of this association of international lawyers, which is the leading one in North America and which also counts eminent international lawyers from other continents among its members. This year, the ICRC was represented at the meeting by Mr. R. Kosirnik, Head of the Legal Division, Mr. H. P. Gasser, Legal Adviser to the Directorate and Mr. J. J. Surbeck of the New York office.

A number of interesting topics were discussed, including relationships between customary law and Protocol I. The meeting was preceded on 7 April 1987 by a round table on international

humanitarian law in general, led by Professor Theodor Meron of New York University and Mr. Kosirnik.

● In China

A seminar on international humanitarian law and the fundamental principles of the Red Cross was held in Beijing from 11 to 16 May 1987. This seminar, which was the first of its kind in China, was organized jointly by the ICRC and the Red Cross Society of China; the League and the American Red Cross also participated at the invitation of the Red Cross Society of China. The ICRC was represented by Mr. J. Moreillon, Director General, Mr. P. Küng and Mr. J.-F. Olivier, regional delegates for Asia, and Mr. C. Neukomm, delegate in charge of dissemination for Asia; the League by Mr. K. Seevaratnam, officer in charge of the League's Asia and Pacific Department; and the American Red Cross by four representatives.

The opening ceremony took place in the presence of Mrs. Lei Jie-Qiong, Vice-President of the Chinese People's Consultative Conference, and Mr. Zhu Ting-Xun, Deputy Secretary General of the General Political Department of the Chinese Army. The seminar was attended by over 100 participants invited by the Red Cross Society of China. Over 30 of them came from the armed forces, in particular the Political Department of the People's Liberation Army at the central level, as well as from two frontier provinces bordering on Viet Nam. Other participants were from various government departments such as the Ministry of Foreign Affairs and the Ministries of Justice, Security, Education and Health, and from the Universities, the press and the Red Cross Society of China.

The seminar discussed such topics as: international humanitarian law, its history, development and application; the principles of the Red Cross; the ICRC, its role and activities; ICRC dissemination work; the International Red Cross; the League; the American Red Cross and, of course, the Red Cross Society of China.

This seminar revealed the great interest taken by all the participants, and particularly members of the armed forces, in international humanitarian law and the Red Cross.

For this first experiment of its kind, the ICRC arranged for the translation into Chinese of numerous documents (some of which were printed in Beijing in 10,000 copies) and produced Chinese

versions of five ICRC films which were shown during the seminar.

● **In Geneva**

To mark the tenth anniversary of the signing of the Protocols additional to the Geneva Conventions, the Faculty of Law of the University of Geneva is organizing, from 11 to 13 June 1987, an international colloquium entitled: "The 1977 Geneva Protocols additional to the 1949 Geneva Conventions: ten years later".

This colloquium will deal with the following topics: "The degree of acceptance of the 1977 Protocols ten years after their signature: ratifications, accessions, reservations and decisions not to become a party"; "The application of the Additional Protocols and their impact on general international law relating to humanitarian matters"; and "The 1977 Protocols ten years later: balance-sheet and prospects for the future".

A number of experts of world renown will submit reports to introduce each topic.

An account of the colloquium will be published in the next issue of the *Review*.

States party to the Protocols of 8 June 1977

as at 8 June 1987

Below we give the lists, drawn up in chronological order as at 8 June 1987, of all the States party to Protocols I and II additional to the Geneva Conventions of 12 August 1949, adopted on 8 June 1977.

The names of the States are shown in abbreviated form; the numbering of States party to the Protocols has been divided into two columns, the first for States party to Protocol I, the second for those party to Protocol II.

The third column indicates the form of official act received by the depositary, the Swiss Federal Council: R = ratification; A = accession.

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

PROTOCOL			OFFICIAL DATE	TYPE OF ACT	
I	II		OF REGISTRATION	RECEIVED	REMARKS
1978					
1	1	Ghana	28 February	R	
2	2	Libya	7 June	A	
<i>Date of entry into force of the Protocols: 7 December 1978</i>					
3	3	El Salvador	23 November	R	
1979					
4	4	Ecuador	10 April	R	
5	5	Jordan	1 May	R	
6	6	Botswana	23 May	A	
7		Cyprus	1 June	R	Protocol I only
8	7	Niger	8 June	R	
9	8	Yugoslavia	11 June	R	Declaration
10	9	Tunisia	9 August	R	
11	10	Sweden	31 August	R	Reservation; Int. Commission

1980

12	11	Mauritania	14 March	A	
13	12	Gabon	8 April	A	
14	13	Bahamas	10 April	A	
15	14	Finland	7 August	R	Declarations; Int. Commission
16	15	Bangladesh	8 September	A	
17	16	Laos	18 November	R	

1981

18		Viet Nam	19 October	R	Protocol I only
19	17	Norway	14 December	R	Int. Commission

1982

20	18	Rep. of Korea	15 January	R	Declaration
21	19	Switzerland	17 February	R	Reservations; Int. Commission
22	20	Mauritius	22 March	A	
23		Zaire	3 June	A	Protocol I only
24	21	Denmark	17 June	R	Reservation; Int. Commission
25	22	Austria	13 August	R	Reservations; Int. Commission
26	23	Saint Lucia	7 October	A	
27		Cuba	25 November	A	Protocol I only

1983

28	24	Tanzania	15 February	A	
29	25	United Arab Emirates	9 March	A	Declaration
30		Mexico	10 March	A	Protocol I only
31		Mozambique	14 March	A	Protocol I only
32	26	Saint Vincent and the Grenadines	8 April	A	
33	27	China	14 September	A	Reservation
34	28	Namibia *	18 October	A	
35	29	Congo	10 November	A	
36		Syria	14 November	A	Protocol I only; Declaration
37	30	Bolivia	8 December	A	
38	31	Costa Rica	15 December	A	

* Instruments of accession deposited by the United Nations Council for Namibia.

1984

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

1985

49 42	Kuwait	17 January	A	
50 43	Vanuatu	28 February	A	
51 44	Senegal	7 May	R	
52 45	Comoros	21 November	A	
53 46	Holy See	21 November	R	Declaration
54 47	Uruguay	13 December	A	
55 48	Suriname	16 December	A	

1986

56 49	Saint Christo- pher and Nevis	14 February	A	
57 50	Italy	27 February	R	Declarations; Int. Commission
58 51	Belgium	20 May	R	Declarations; Int. Comm.***
59 52	Benin	28 May	A	
60 53	Equatorial Guinea	24 July	A	
61 54	Jamaica	29 July	A	
62 55	Antigua and Barbuda	6 October	A	
63 56	Sierra Leone	21 October	A	
64 57	Guinea-Bissau	21 October	A	
65 58	Bahrain	30 October	A	
66 59	Argentina	26 November	A	Declarations
60	Philippines	11 December	A	Protocol II only

** When acceding to Protocol II, France sent a communication concerning Protocol I.

*** On 27 March 1987.

THE PROTOCOLS: FACTS AND FIGURES

The two Protocols additional to the Geneva Conventions of 12 August 1949 for the protection of victims of war were adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts. Protocol I deals with international armed conflicts, and Protocol II with non-international armed conflicts.

By 12 December 1978 (end of the signature period), 62 States had *signed* Protocol I and 58 had *signed* Protocol II.

The Protocols *came into force* on 7 December 1978, that is, six months after two instruments of ratification or accession had been deposited. For each State concerned, the Protocols came into force six months after it had deposited its instrument of ratification or accession.

At present (8 June 1987),

67 States are party to Protocol I

61 States are party to Protocol II

By way of comparison, it should be noted that on 12 August 1959, 76 States were party to the Geneva Conventions of 12 August 1949.

Of all the States party to the Protocols additional to the Geneva Conventions:

- 17 States made reservations or declarations when ratifying or acceding to the Protocols;
- 9 States recognized the competence of the International Fact-Finding Commission, by making the declaration provided for in Article 90, para. 2 of Protocol I. This Commission will be set up when 20 States have made such a declaration.

BOOKS AND REVIEWS

MODERN WARS

The Humanitarian Challenge *

Mention has already been made in this *Review* of the Independent Commission on International Humanitarian Issues and its work, particularly with reference to contacts between the Commission and the ICRC¹.

Modern Wars is the report submitted to the Commission on one of its major concerns: the application of humanitarian rules in times of armed conflict. The Commission's objective in requesting this report was partly to promote ratification of existing international instruments and partly to propose more appropriate methods of tackling the new problems raised by modern armed conflicts.

Following the general report by Mr. Bedjaoui, there are also papers by recognized experts whose research has been used as a basis for reflection by the Commission.

These experts are:

- Georges Abi-Saab (“Respect of humanitarian norms in international conflicts”);
- Antonio Cassese (“Respect of humanitarian norms in non-international armed conflicts”);
- Asbjørn Eide (“Respect of humanitarian norms in internal disturbances and tensions”);
- Konstantin Obradović (“Enquiry mechanisms and violations of humanitarian law”);
- Igor Blishchenko (“Humanitarian norms and human rights”);
- Jiri Toman (“The socialist countries and the laws of armed conflict”).

* *Modern Wars—The Humanitarian Challenge*, a report for the Independent Commission on International Humanitarian Issues, presented by Mohammed Bedjaoui; foreword by Pierre Graber; Zed Books Ltd., London and New Jersey, 1986, 195 pp. Also available in French: *La Guerre aujourd'hui — défi humanitaire*, Berger-Levrault, Paris, 1986, 291 pp.

¹ See *International Review of the Red Cross*, No. 236, September-October 1983, p. 275; No. 238, January-February 1984, pp. 3-17.

The foreword is by Pierre Graber. The book also includes some basic texts concerning the protection of individuals from torture and, more generally, protection in times of armed conflict and internal disturbances or tension.

The general report emphasizes how great a need there is for international humanitarian law in view of the persistence of armed conflict. This highly developed branch of international law is not, however, complete, since it does not cover such matters as the law of neutrality, or the technical means of ensuring the security of medical transport, for example. More important still, nevertheless, are its "shortcomings". At the top of the scale these are reflected in the current controversies concerning the law applicable to nuclear arms; and at the other end, by the fact that humanitarian law does not apply to internal disturbances and tension. The very nature of the law governing human rights and the possibility of derogation in these situations call for the development of new norms, in a form yet to be decided.

One of the reasons making it difficult to implement the existing instruments even when they are legally applicable is "the sheer intricacy and complexity" of the regulations (para. 29).

Efforts for dissemination, therefore, should be pursued in such a way that, without prejudice to the treaties themselves, the principles they contain, applicable in all circumstances, would be rendered more readable and recognizable.

As far as the content of the law is concerned, the current priority is not a new round of codification and gradual development, but the universal acceptance and effective implementation of existing law. The fact that implementation is frequently inadequate is not for lack of mechanisms provided for this purpose by the treaties. The reason is rather that in the end too many of these mechanisms depend *de jure* or *de facto* on the consensus of the States concerned.

In addition to efforts to disseminate and to implement humanitarian law at national level, there is also a need for greater commitment, in the event of armed conflict, on the part of all States bound by the treaties. Individual States should be made to understand that "the best way... for the State to succeed is for humanitarianism to succeed" (para. 107).

The report and the expert papers evaluate both the state of the law and the difficulties encountered in implementing it. These contributions, completed as they are by a historical review of these two aspects and proposals for action, should effectively arouse a sense of awareness and encourage a general movement towards humanitarian goals.

Bruno Zimmermann

CONDUCT OF HOSTILITIES
THE LAW OF ARMED CONFLICTS
AND DISARMAMENT

Methods and Means of Warfare

This work ¹ which received the prize as the best doctoral thesis awarded by the Faculty of Law of the University of Orléans, France, for 1983, deals in its first part with “The limited character of the choice of methods of war”, and accordingly with the rules of conduct defined in the Geneva Conventions and the Additional Protocols of 1977. The second part, “The limited character of the choice of means of war”, analyses the criteria for choosing the means of war, whether or not they are the subjects of specific regulations.

In his consideration of the conduct of combatants toward their adversaries, the author refers first to Part III of Protocol I. After clarifying the concepts of “combatant” and “belligerent” (pp. 11 and 12), he devotes a close analysis to Articles 43 and 44 and deals more generally with the well-known principle of distinction (pp. 26 to 35), giving extensive bibliographical references. In large part, his analysis is based on the work of the Diplomatic Conference from 1974 to 1977, and in particular the ICRC commentary on its draft proposal.

The author’s study of the conduct of combatants towards military objectives (Part IV) leads him to a positive conclusion: that Article 52 put an end to a long period of legal uncertainty (p. 116). Combatants must take both active and passive precautions (p. 120). The active precautions are objective (identification, choice of means, warning, renunciation) and also subjective (proportionality, choice of objectives). He considers that the rules for passive precautions eliminate a serious deficiency in the law of armed conflicts (p. 130).

Likewise, he notes that the rules of Protocol I concerning the conduct of combatants toward civilian persons and objects filled a virtual “legal

¹ Mohammed Arrassen, *Conduite des hostilités, droit des conflits armés et désarmement*, Etablissements Emile Bruylant, SA, Brussels, 1986, 608 pages. (Preface by Philippe Bretton, former dean of the Faculty of Law of the University of Orléans).

vacuum” (p. 134). However, the definition he gives of civilian persons based on their activities (non-participation in hostilities) and not on their status (not belonging to the armed forces) does not appear to correspond either to the letter or spirit of Article 50 which defines civilians (p. 139). The author also notes that terrorist attacks are forbidden for the first time (p. 151) and that nothing remains of efforts to control reprisals but Article 89, providing for co-operation with the United Nations, which he regards as a pious hope (p. 154).

In his examination of the protection of civilians against the indirect effects of hostilities, the author analyses blockades (pp. 161-172), including operations relating to prevention and the right of hot pursuit. Because the Diplomatic Conference did not deal with the law of the sea, he draws the disputable conclusion that the only protection for civilians is that provided by Article 23 of the Fourth Convention.

Ideas about the human environment, the natural environment and disturbances of the stability of the ecosystem are discussed in pages 194 et seq, before taking up the problem of protecting cultural property, which should not be weakened by the derogations in the Unesco Convention (p. 199).

In conclusion, he notes that civilian persons and objects, for the first time, have been given broad protection against the direct effects of hostilities, adding however that protection against indirect effects is poorly assured in the event of the use of conventional weapons—and not at all if non-conventional weapons are used (p. 228).

*
* *

The second part of the book has an abundance of technical material but is nevertheless entirely readable. It deals with the criteria for limiting the choice of means of warfare. The author emphasizes that laws governing the use of weapons have never been able to keep pace with technical developments, but that a point has now been reached when the survival of humanity is at stake (p. 231). Stimulated by the Red Cross, a favourable trend seems to be emerging, with the support of the United Nations (p. 232). The basic principle is expressed in Article 35, para 1 of Protocol I, belonging to *jus cogens* (p. 234), from which is derived the banning of superfluous injury and indiscriminate attacks.

Examining specific regulations of the means of warfare, the principle of forbidding superfluous suffering is undisputed, but the author points out that if it were written in more explicit terms than at present it would enable the use of some weapons (small-calibre arms, certain bombs, etc.) to be challenged (pp. 239-241). He then proceeds to discuss, in terms of this criterion, dum-dum and explosive bullets and non-detectable fragments (pp. 242-246).

To sum up, he argues that a more precise text would make it possible to set up a system for a standardized evaluation of weapons and thus reinforce Article 36 of Protocol I—New weapons—with exact data.

The author expresses regret that the rule forbidding indiscriminate attacks was not included in Article 35, para 2. Among the factors that result in indiscriminate attacks, he refers to excessive explosive power, the release of harmful substances, weapons whose detonation is uncontrolled, imprecise delivery systems, poor qualifications of the users of weapons, deficient maintenance of weapons, inaccuracies in localizing targets, the non-observance of precautions, etc. (pp. 262-263).

The author then examines the anti-environmental effects of different means of warfare, including conventional weapons with or without delayed action and ABC weapons, in land or sea areas where ecosystems are particularly vulnerable. This is followed by an analysis of Article 35, para 3 of the Protocol and of the United Nations Convention against geophysical warfare.

In conclusion—and this is important—the author says that what has already been achieved in the field of general rules is far from negligible, but should on the contrary serve as the basis for a major technical codification, specifying precisely what is permissible and what is not.

The second chapter of this part of the book, focusing on specific regulation of the means of warfare, has the particular merit of providing a commentary on the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects and on its Protocols (1980).

Biological and chemical weapons are discussed in the next section, which includes a detailed examination of the Geneva Protocol of 1925 (pp. 368-387). The author concludes that the confusion is so great that in this area, as in others, rules for restricting the means of war should be based on certain measures of disarmament. This leads to an analysis of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction before reviewing current efforts on chemical disarmament. These analyses are supported by excellent documentation.

Finally, the author studies in depth the work of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law and the United Nations Conference on Prohibitions or Restrictions on the Use of Certain Conventional Weapons. He examines points of agreement and disagreement and investigates future prospects—and does not arrive at a negative conclusion. While recognizing that it is impossible to halt the introduction of small-calibre weapons, he believes that attempts could be made to modify their characteristics (p. 433). To increase the protection of the civilian population, the author says that there must be a ban on indirect fire and high-altitude bombing; that effective security zones must be established around civilian areas,

ranging from 500 to 3,000 metres, depending on the weapon system being used (p. 445).

The book ends with a study of radiological and nuclear weapons.

In his conclusion, the author says that much still has to be done to make sure that the international texts on the law of armed conflicts are not limited to efforts "to manage death and suffering with scraps of paper". His image is deliberately pessimistic. It is stated in order to stress the need for unremitting effort, not for surrender.

In this sense, Lieut. Colonel Arrassen's book, abundantly documented, rich in ideas and open to the future, merits the attention of everyone interested in the use of conventional and non-conventional weapons and their legal, diplomatic and military background.

The Review

THE AID INDUSTRY UNDER ATTACK

*Reports on the African Famine **

"Dawn, and as the sun breaks through the piercing chill of night on the plain outside Korem, it lights up a biblical famine, now, in the twentieth century. This place, say workers here, is the closest thing to hell on earth."

(BBC Television, October 1984.)

How can it be, asks the Independent Commission on International Humanitarian Issues in its book *Famine — A man-made disaster?*, that the widespread African famine remained "undiscovered" by world public opinion until the BBC television broadcast of October 1984? And, more important, why was this tragedy, which killed hundreds of thousands in some 20 African countries, not prevented?

The questions as well as the answers provided are devastating for the international aid industry. Together with *Africa in Crisis* from Earthscan, *Famine — A man-made disaster?* has been at the centre of the recent intense

* *Famine — A man-made disaster?*, a report for the Independent Commission on International Humanitarian Issues, Pan Books, London/Sydney, 1985, 160 pp.

Lloyd Timberlake, *Africa in crisis*, Earthscan, London, 1985, 230 pp.

internal and external criticism of traditional North-South assistance. They prove that the social, economic and ecological crisis of African continent is not an unavoidable "natural disaster". It is the terrible man-made consequence of mistaken policies on the part of African governments, the international economic community and governmental and non-governmental aid agencies.

Traditional aid and external "experts" have often aggravated the problems, instead of preventing them. In his foreword to the Independent Commission's book *Famine — A man-made disaster?*, Commissioner David Owen observes that in the years from the famine of the mid-1970s and that of the mid-1980s, the drought-stricken countries in Africa south of the Sahara received more than \$ 44 per inhabitant in external aid (ten times more than, for example, the Asian sub-continent). In the same period there were more than 80,000 Northern "development experts" in Africa.

The willingness of donors, in the words of UN Secretary General Perez de Cuellar, "to seriously reassess previous policies and approaches" has led to new recognition of the potential of indigenous development and humanitarian groups. The new school of thought questions, in particular the centralistic and non-participatory aid policies of the past, because previous generations of policymakers seem to have failed to give serious attention to the ability of indigenous groups to organise. It is, from a Red Cross/Red Crescent viewpoint, interesting to note that *Africa in crisis* concludes:

"The African crisis, while it has highlighted the failure of the governmental and multilateral aid agencies, has also highlighted the success of the NGO approach."

Examples of NGO effectiveness in Africa have also been documented in recent studies on Red Cross and Red Crescent development activities carried out at the Henry Dunant Institute. When widespread famine struck the Sahel region in the early 1980s, several national voluntary organizations took leading roles in the relief efforts. The more than fifty local committees of the Mauritanian Red Crescent Society distributed 12,000 tons of food per year from 1983 to 1985. Receiving supplies from the League of Red Cross and Red Crescent Societies, these indigenous committees knew local conditions and were thus able to reach 250,000 of their most needy countrymen.

Because funds tend to be more readily available for short-term, life-saving disaster relief than for long-term development, most Northern aid organizations specialize in short-term periodic emergency operations rather than disaster prevention and development work. According to the Nairobi-based Environmental Liaison Service, only one-third of all external aid to Africa in 1983-1985 went to long-term development. This is, says an African environmentalist, "a save-me-today-kill-me-tomorrow kind of operation".

It is, of course, important to realize that non-governmental organizations, like the National Red Cross and Red Crescent Societies, cannot and should not replace governments and intergovernmental institutions as the

primary forces for development. The lesson from the development experiences of recent years is that NGOs are underestimated as *complementary* agents in organizing community-based development.

The strength of Third World voluntary organizations is that they not only work with, but also *represent* the local communities in need. They are, to a greater extent than external organizations or central governmental institutions, accountable to the people they serve. That makes them listen, learn and reform. When Third World groups stress almost unanimously the importance of small-scale and long-term development and environmental projects, this is an expression, in the words of the International Coalition for Development Action (ICDA), of:

“...the articulation of the illiterate, the accumulated wisdom of the impoverished and the creativity of those who have survived for generations with a paucity of resources.”

The Mauritanian Red Crescent Society is among the many indigenous organizations which, although known primarily as a disaster relief network, in reality has made long-term development and environmental projects its highest priority. The local committees have been responsible for preventing the desert and the sand dunes from advancing, for reforestation and for the creation of local vegetable gardens. The Society has established an “idea-bank” of more than 200 grass-roots projects for which it seeks external funding.

Most of the increased media interest for NGO assistance still focuses, unfortunately, on the well-funded work of the big international federations and the major Northern relief agencies. National and local Third World groups remain neglected and underrated. However, many external aid organizations now seem to realize that, in the future, they must be more ready to work with and through Third World groups, to avoid repeating the mistakes of the past.

Africa in crisis states that uneducated and poor voluntary development workers often succeed where “highly-paid, well-funded Northern consultants with Ph.Ds in tropical agriculture fail”. Again, the prescription for NGO success would seem to be small-scale, community participation and local management for the projects of indigenous organizations, and the consequent ability to learn from mistakes.

It is a new and promising tendency that books like *Famine — A man-made disaster?* do not merely confine themselves to discussing UN and governmental development policies, but recognize that the great majority of the world’s environmental, development and humanitarian bodies are small, local and informal. There are hundreds of thousands of such self-help groups in the Third World, most of them closely linked to the traditional base of kinship and family interrelationships.

To succeed, community-based development and primary health care projects rely on acceptance and execution by such self-help groups. Based in rural communities, villages and big city slums, such groups are expres-

sions of local initiative to meet pressing socio-economic needs. It is difficult for external aid workers to learn how to work with or in the same way as self-help groups. More harm than good is done when money and materials make previously self-sufficient and informal groups dependent on external assistance and new internal élites.

After only three years of existence, the Independent Commission ended its formal mandate at the end of 1986. In this short period, it has managed to produce a remarkable series of reports on the burning humanitarian problems of our time. Several more reports on specific issues are in press, in addition to the Commission's final report. There is no doubt that these reports will have a lasting positive impact on the thinking of the Commission's main targets : governmental decision-makers, public opinion and ourselves in the humanitarian organizations.

Jan Egeland

DISAPPEARED!

Technique of terror

In recent times, tens of thousands of persons have disappeared, usually in a climate of repression and terror. The United Nations has recorded such cases in more than 40 countries. These disappearances are not mentioned as such in instruments of law dealing with human rights. But that does not make any less grave this violation of the basic principles which require respect for the individual in particular and humanity in general.

In view of the upsurge in the number of disappearances and the deep trauma which they cause, the Independent Commission on International Humanitarian Issues was rightly concerned to bring together in a report all of the existing information—taken from both legal provisions and institutions—in order to provoke reflection and—as far as possible—to encourage action aimed at eradicating this wicked practice.

The Independent Commission's brief report *, published with an introduction by Simone Veil, a Commission member, attempts above all to help defend those whose rights and dignity have been violated. It is not meant as a guide to action, the writing of which would, at this stage, be a risky undertaking. Its aim is to inform the public and to mobilize the international community in order to find solutions to the problem.

* *Disappeared!—Technique of terror*, a report for the Independent Commission on International Humanitarian Issues (with an introduction by Simone Veil), Zed Books Ltd., London and New Jersey, 1986, 107 pp.

The authors have divided the report into three parts:

- I. A description of the phenomenon from its tragic individual aspect to the manner in which it violates the law and international moral standards. There is also a description of the social and political settings in which such events occur.
- II. The mandate and activities of existing organizations (both governmental and non-governmental).
- III. Conclusions and recommendations under the heading "We Can Do Better".

Since 1974 the term "disappearance" has been used systematically by human rights organizations and the media, notably with respect to Latin America. The pattern of events is only too well known: the searches, the secret arrests and the abductions in the middle of the night with all of the hopeless confusion and anguish which follow. Disappearances are a form of torture, a two-fold evil striking both the victim himself and his loved ones, who have no way of knowing what has become of him.

One of the more sinister forms of this practice is the abduction of pregnant women. A child born in such conditions will, if it survives, be anonymous and this lack of identity will make it extremely vulnerable.

There is no strict definition of disappearances. At this stage it would be either too narrow or too wide. The authors nevertheless set out the rudiments of a definition. A disappearance has occurred "whenever acts or omissions are committed by government agents or individuals acting with governmental consent or complicity for purposes of intimidation and repression which violate fundamental human rights, with intent to harm a person or his or her relatives, and in which public authorities conceal the fate of the victim and deny their own involvement". (p. 37)

A regime which employs such methods does so as part of a strategy of deliberate terror which is often born of a shaky dictatorship fearing public protest. For, "in the impenetrable obscurity of a well-established dictatorship, disappearances serve no purpose".

Legal mechanisms are blocked, the principle of *habeas corpus* becomes a dead letter and the press comes or remains under intense surveillance. Law and ethics become eroded.

Since individual acts of protest produce no results and the legal system is incapable of offering proper protection, the families of the victims begin to organize themselves. Thus we have seen many private groups spring up.

Research remains to be done to arrive at a more complete analysis of the various systems which lend themselves to the widespread perpetration of this evil in order to establish the degree of responsibility which can be attributed to the authorities concerned.

The chapters dealing with the role of inter-governmental and non-governmental organizations describe the respective mandates of and work done by 14 organizations, including the ICRC, in the fight against disappearances.

This list is useful because it enables the reader better to understand what machinery exists and why it was created. It also shows that machinery's limits.

This book clearly sets out the obligations which all authorities have as dictated by the law and international ethics. But the means for ensuring that those obligations are met continue to be feeble.

The concluding chapter is entitled "We Can Do Better" and explains how those means should be made more effective.

Apart from the above-mentioned research to find better ways of detecting the social and political contexts which produce a higher risk of disappearances, and how better to prevent them, it is suggested that a system could be set up to keep an international watch on situations in which a government has suspended normal laws and rights.

The authors also consider how appropriate and useful an international convention would be.

For the moment, the authors advocate a strengthening of preventive measures, greater efficiency on the part of the judicial authorities, more stringent standards for court evidence, more effective penalties and a campaign to prevent the practice from becoming a simple commonplace.

These recommendations are set out in such detail that their limits are as obvious as their great promise.

Above all, concludes the report, "it is in awareness, of the individual, of the community, of society as a whole, that the greatest hope lies".

This compact book is an informative and well-written attempt to throw light on a subject still shrouded in darkness.

Clermonde Dominicé

NEW PUBLICATIONS

● **The ICRC Worldwide 1986**

This summary of the ICRC's activities highlights the major operational activities that developed during 1986, in all the regions of the world. With 27 operational delegations capable of meeting the needs arising from emergencies, and 12 regional delegations engaged in longer-term tasks (co-operation with National Societies, dissemination of international law, for example), the ICRC has been active in some 45 countries in Africa, Latin America, Asia/Pacific, Middle East/North Africa and Europe/North America.

This summary does not replace the Annual Report for 1986, which will be published in the summer.

This brochure is available in *French, English, Spanish, German and Arabic*.

● **Fritz Kalshoven, *Constraints on the Waging of War***

This handbook presents, in logical order and clear style, the different stages which led to the framing of international humanitarian law applicable in armed conflicts. The author reviews the development of the Laws of The Hague and of Geneva, and the progress of disarmament; in addition, he summarizes the work of the Diplomatic Conferences, the meetings of experts and the United Nations Conferences. Subsequently, he comments on the main provisions of the instruments forming the different sections of the law of armed conflicts, explaining their method of application and the arrangements for monitoring them. The Review will publish a report on this work in one of its forthcoming issues.

175 pages, format 15.5 × 23 cm, published by the ICRC in *English* only, S.fr. 12.—.

● CTA Guide for National Red Cross and Red Crescent Societies

The *German* and *Portuguese* versions of the CTA Guide have just been published. The *French, English, Spanish* and *Arabic* editions were published at the end of 1985.

In time of international armed conflict, the Central Tracing Agency works in close liaison with the National Information Bureaux (NIBs), the establishment of which by all parties to the conflict is prescribed in the Conventions. Where such NIBs do not exist, or acting as auxiliaries of the NIBs, the National Societies have an important role to play.

It should be recalled that the CTA, wishing to share the fruits of its unique experience gained in the service on numerous victims in many spheres of operations, offered at the Twenty-fourth International Conference of the Red Cross (Manila, 1981) to act as technical adviser and co-ordinator to National Societies and governments. The participants in the Technical Seminar organized by the CTA in Geneva in November 1982 had requested the publication of a Guide so that they could harmonize their activities and standardize their working methods.

● Catalogue of ICRC Publications

This catalogue contains a selection of about 120 titles of publications issued by the ICRC and by other organizations, and directly concerning the Movement. The entry for each title is accompanied by a summary of its content. The catalogue is available in *English* and *French*.

*
* *

● Review 86 of the Activities of the League of Red Cross and Red Crescent Societies

Last year, National Societies, governments and other donors contributed 154 million Swiss francs to 33 international relief operations co-ordinated by the League. The League's 1986 Review, just published, points out that this made 1986 "an almost normal year".

The Review makes a distinction between the emergency aid and the long-term aid provided in Africa; it stresses the difficulties caused by "chronic emergencies", particularly in South America. It also gives an overview of development activities and health policy orientations for emergency cases. It ends by presenting data and figures on the League's finances, selected from a list of the principal donors and beneficiaries.

Copies of the Review, in *French, English, Spanish* and *Arabic* may be obtained from the League Secretariat.

*
* *

To be published

● **Bibliography of International Humanitarian Law Applicable in Armed Conflicts**

A revised and updated second edition of the bibliography first published in 1980. The work now has almost 7,000 titles and a detailed title index replaces the analytical index of the earlier edition.

Published by the ICRC and the Henry Dunant Institute, the bibliography, which will appear in June 1987, may be ordered from the ICRC, price S.fr. 30.

● **Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949**

English edition of the Commentary already published in French in 1986. This collective work, prepared under the auspices of the ICRC, continues the ICRC's programme of interpreting international humanitarian law, especially as a sequel to the Commentary on the four Geneva Conventions of 1949.

The ICRC very much hopes that, apart from its legal and academic significance, the Commentary will become a real working tool.

● **Isaac Paenson, *English-French-Spanish-Russian Manual of the Terminology of the Law of Armed Conflicts and of International Humanitarian Organizations***

This Manual is the continuation of the Manual of the Terminology of Public International Law (Law of Peace) and International Organizations—English, French, Spanish, Russian—, published by Bruylant, Brussels, in 1983 (cf. report in the *Review*, No. 257, March-April 1987, p. 230). It is both a glossary presenting the equivalent in the three other languages of each French term used in the specialized domain of armed conflicts, and a manual, the text of which can be read for itself in each of the languages of the glossary.

The work will be published by Martinus Nijhoff, Dordrecht, and Bruylant, Brussels, for the ICRC, the Henry Dunant Institute and the International Centre for Social Science Terminology.

ADDRESSES OF NATIONAL SOCIETIES

- AFGHANISTAN (Democratic Republic of) — Afghan Red Crescent Society, Puli Hartal, *Kabul*.
- ALBANIA (Socialist People's Republic of) — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, Boulevard Mohamed V, *Algiers*.
- ANGOLA — Cruz Vermelha de Angola, Av. Hoji ya Henda 107, *Luanda*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1039 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross Society, 206 Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, A-1041, *Vienna 4*.
- BAHAMAS — The Bahamas Red Cross Society, P.O. Box N-8331, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 684-686, Bara Magh Bazar, Dhaka-17, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, Chaussée de Vlucgrat 98, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (People's Republic of) — Red Cross of Benin, B.P. No. 1, *Porto Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar No. 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRAZIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10/12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, I, Boul. Biruzov, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross Society, Red Cross Building, 42, Strand Road, *Rangoon*.
- BURUNDI — Burundi Red Cross, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa*, Ontario K1G 4J5.
- CAPE VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidate-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA (People's Republic of) — Red Cross Society of China, 53, Ganmen Hutong, *Beijing*.
- COLOMBIA — Colombian Red Cross Society, Avenida 68, No. 66-31, Apartado Aéreo 11-10, *Bogotá D.E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rica Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CÔTE D'IVOIRE — Croix-Rouge de Côte d'Ivoire, B.P. 1244, *Abidjan*.
- CUBA — Cuban Red Cross, Calle Calzada 51, Ciudad Habana, *Habana 4*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovska 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Société du Croissant-Rouge de Djibouti, B.P. 8, *Djibouti*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorean Red Cross, Calle de la Cruz Roja y Avenida Colombia, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C, Pte y Av. Henri Dunant, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 22 Gorrie Street, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A, Box 168, 00141 *Helsinki 14/15*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzerstrasse 2, DDR 8010 *Dresden*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, 5300, *Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross Society, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 221, *St. George's*.
- GUATEMALA — Guatemalan Red Cross, 3.^a Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUINEA — The Guinean Red Cross Society, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Sociedad Nacional da Cruz Vermelha de Guiné-Bissau, rua Justino Lopes No. 22-B *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Eve Leary, *Georgetown*.
- HAITI — Haitian National Red Cross Society, Place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.^a Calle, 1.^a y 2.^a Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest 1367*, Mail Add.: 1367 *Budapest 5*, Pf 121.
- ICELAND — Icelandic Red Cross, Noatun 21, 105 *Reykjavik*.
- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross Society, Jl Jend Gatot Subroto Kar. 96 Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Baghdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, 1-3, Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Ammann*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, Ryonhwa 1, Central District, *Pyeongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San-Dong, Choong-Ku, *Seoul 100*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.

- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg 2*.
- MADAGASCAR — Malagasy Red Cross Society, 1 rue Patrice-Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross Society, Mahati Magandhi Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre 3*).
- MALAYSIA — Malaysian Red Crescent Society, National HQ, No. 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 55000*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, Avenue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross Society, Ste Thérèse Street, *Curepipe*.
- MEXICO — Mexican Red Cross, Luis Vives 200, Col. Polanco, C.P. 11510, *México, D.F.*
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217, *Kathmandu*.
- NETHERLANDS — The Netherlands Red Cross, P.O.B. 28120, 2502 *KC The Hague*.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, *Wellington 1*. (P.O. Box 12-140, *Wellington North*.)
- NICARAGUA — Nicaraguan Red Cross, Apartado 3279, *Managua D.N.*
- NIGER — Red Cross Society of Niger, B.P. 11386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, 11 Eko Akete Close, off St. Gregory Rd., P.O. Box. 764, *Lagos*.
- NORWAY — Norwegian Red Cross, Drammensveien 20 A, *Oslo 2*, Mail add.: *Postboks 2338, Solli, Oslo 2*.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, Sector H-8, *Islamabad*.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, *Zona 1, Panamá*.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216 esq. José Berges, *Asunción*.
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima*.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803*.
- POLAND — Polish Red Cross, Mokotowska 14, 00-950 *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 *Lisbon*.
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, *Doha*.
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei, 29, *Bucarest*.
- RWANDA — Rwandese Red Cross, B.P. 425, *Kigali*.
- SAINT LUCIA — Saint Lucia Red Cross, 2, Mongiraud Street, *Castries*.
- SAN MARINO — Red Cross of San Marino, Comité central, *San Marino*.
- SÃO TOMÉ AND PRÍNCIPE — Sociedade Nacional da Cruz Vermelha de São Tomé e Príncipe, C.P. 96, *São Tomé*.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, *Riyadh*.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6 Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE — Singapore Red Cross Society, 15, Penang Lane, *Singapore 0923*.
- SOMALIA (Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.
- SOUTH AFRICA — The South African Red Cross Society, 77, de Villiers Street, P.O.B. 8726, *Johannesburg 2000*.
- SPAIN — Spanish Red Cross, Eduardo Dato, 16, *Madrid 28010*.
- SRI LANKA (Dem. Soc. Rep. of) — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo 7*.
- SUDAN (The Republic of the) — The Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SURINAME — Suriname Red Cross, Gravenberchstraat 2, *Paramaribo*.
- SWAZILAND — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN — Swedish Red Cross, Box 27316, 102-54 *Stockholm*.
- SWITZERLAND — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, 3001 *Berne*.
- SYRIAN ARAB REPUBLIC — Syrian Arab Red Crescent, Bd Mahdi Bcn Barakc, *Damascus*.
- TANZANIA — Tanzania Red Cross National Society, Upanga Road., P.O.B. 1133, *Dar es Salaam*.
- THAILAND — The Thai Red Cross Society, Paribatra Building, Chulalongkorn Hospital, *Bangkok 10500*.
- TOGO — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA — Tonga Red Cross Society, P.O. Box 456, *Nuku'alofa*.
- TRINIDAD AND TOBAGO — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis 1000*.
- TURKEY — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 *Kizilay-Ankara*.
- UGANDA — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UNITED ARAB EMIRATES — The Red Crescent Society of the United Arab Emirates, *Abu Dhabi*.
- UNITED KINGDOM — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X 7EJ*.
- U.S.A. — American Red Cross, 17th and D. Streets, N.W., *Washington, D.C. 20006*.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.S.R. — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., 1, Tcheremushkinskii proezd 5, *Moscow, 117036*.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello, N° 4, Apartado 3185, *Caracas*.
- VIET NAM (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Bà-Triêu, *Hanoi*.
- WESTERN SAMOA — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN ARAB REPUBLIC — Red Crescent Society of the Yemen Arab Republic P.O. Box 1257, *Sana'a*.
- YEMEN (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P.O. Box 455, Crater, *Aden*.
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, 11000 *Belgrade*.
- ZAIRE — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA — Zambia Red Cross Society, P.O. Box 50 001, 2837 Brentwood Drive, Longacres, *Lusaka*.
- ZIMBABWE — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.