



REVUE
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SUPPLEMENT

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RED CROSS PRINCIPLES

XIII

7. Equality of the National Societies

All National Societies have the same international rights.

As we have seen, National Red Cross Societies vary very greatly in importance from one country to the next: they may be rich or poor, have many members or few, they may or may not possess hospitals or run certain services. From the material standpoint, Red Cross Societies are not equal, any more than men are all the same.

Nevertheless, the Societies were from the first established on a footing of equality, equal rights at the international level making up for their actual inequality. This point of view was accepted automatically, and there was no need for a specific rule on the subject; for a long time the question was not even raised¹.

In 1921, however, the International Committee of the Red Cross deliberately referred to the "equality of the National Societies" when introducing a summary of its fundamental principles into its Statutes. That reference remains to this day in the various documents in which the "summary" appears. Although the principle which we are considering was thus placed among the institution's basic principles, it is nevertheless of a

¹ In 1869, however, the IInd International Red Cross Conference passed the following singular resolution: "The Central Committee of a small State may place itself, in respect to a larger one, in a relation similar to that which exists between Provincial Committees and the National Central Committee". This resolution does not seem to have ever been put into practice, we are glad to say.

purely organic character. Why then did the International Committee wish to give it such weight? It must be remembered that at that time the League of Red Cross Societies had just been formed on a very different basis; as in the case of the League of Nations, the five great victorious Powers played a leading part in the federation, membership of which was limited to the Societies of those Powers and of their allies during the First World War. Many people felt that this arrangement showed a partisan spirit and was incompatible with the ideals of the Red Cross movement. The system was changed shortly afterwards when the League opened its doors to all Red Cross Societies on a footing of equality, thus paving the way to the universal solidarity which is today its greatest source of strength. The principle of the equality of Red Cross Societies was but enhanced as a result of this experience.

Only one feature of the former system has been retained: the Societies of the Great Powers have nearly always been represented on the League's Executive Committee¹ which has the direction of affairs in its hands in between the Sessions of the Board of Governors. This cannot be said to infringe the principle of equality of rights, however, as it does not follow from any statutory provision, but represents the freely expressed will of the Societies which elect the Executive Committee. It is doubtless felt, not without reason, that the experience and resources of the more prosperous Societies will be useful to the community and that the way they have developed is in itself a reason for placing them in control.

In interstate relations, it may well be legitimate to seek some sort of compromise between the individualistic conception and the power factor. A great nation has, admittedly, more power to organize the world than a small country has, and in a federation of States a solution which is considered very sound is for the legislative power to be shared by two chambers, one formed of representatives of States without regard to the latter's size, the composition of the other being in proportion to the numbers of inhabitants represented.

¹ This is also true of the Standing Commission of the International Red Cross, the institution's co-ordinating body.

But what holds good in one sphere does not necessarily apply to another. Equality of rights appears to be the most suitable rule for an institution which is not moved by the same motives or interests as the State, but devotes itself wholly and exclusively to the human being, taking no account of his strength or weakness. There would otherwise be a danger of introducing politics into the Red Cross, and of a struggle for influence taking place within the movement. The equality of the Member Societies of the International Red Cross reflects the great principle—adopted unreservedly by the Red Cross movement—of the equality of all men in the face of suffering. The Red Cross is essentially individualistic in its approach. The equality of the National Societies is also a consequence of their desire for independence. For how could a Society be considered as fully independent, if others had more say than it in international matters? This equality must, finally, be regarded as a consequence of the spirit of universalism which imbues the Red Cross. The knowledge that new Societies will immediately become the equals of those formed at an earlier date, will encourage the formation of Red Cross Societies in all countries where they do not yet exist.

8. Unity

In each State there can only be one Red Cross Society, directed by one central body. The activities of the Society must embrace the whole country.

Under this heading we shall consider three things: the first two—that the Society must be the only one of its kind and that it must be centrally controlled—relate to the form of the Society; the third point—that its action must embrace the whole territory—concerns its actual object.

As early as 1869, the IInd International Red Cross Conference laid down that “in each country, relief to the military wounded

and sick should, as far as possible, be centrally directed ” and that “ all local Societies of a country should be united through a national Central Committee ”. The same Conference added “ The effective union of all Relief Societies in a country by close and practical co-operation should be sought, in order to ensure that the best use is made of their potentialities in time of peace or of war ”. When Gustave Moynier formulated four organic principles in 1874, he referred in the following words to the one with which we are concerned here, the principle of centralization : “ All the National Societies recognize that unity of direction is required in order to make good use of relief supplies in time of war. They therefore include in their sphere of action the whole territory of the State to which they belong, and they have at their head a single central or higher body . . . Centralization is also necessary from the point of view of the relations of the National Societies with one another, such relations being a matter for the Central Committees alone.”¹

Ten years later the International Committee of the Red Cross included the above ideas among the conditions for the recognition of new National Societies. They appear in the following form in the most recent version of the “ Conditions for Recognition ”, which, as we know, were revised in 1948 : “ Be the only National Red Cross Society of the said State² and be directed by a central body which shall alone be competent to represent it in its dealings with other members of the International Red Cross . . . Extend its activities to the entire country and its dependencies.”

The reasons why there must be only one Red Cross Society in each country are of a practical nature, but are none the less imperative ; the efficiency of the Society’s relief action depends on it. Just try, for a moment, to imagine the confusion which would soon reign in a country where several charitable bodies, appealing to the very same principles, tried to carry out the same duties independently !

¹ *Ce que c'est que la Croix-Rouge*, Geneva, 1874.

² An independent State where the Geneva Convention is in force.

Centralized control is also necessary, and for similar reasons. If there must be only one Red Cross Society, it must, by the same token, receive all its orders from a single Central Committee, just as an army can only obey one General Staff. It is essential to concentrate all available forces and resources in the same hands, in order to achieve proper co-ordination. This applies to all levels of the administrative machine. Owing to the improvised nature of certain humanitarian activities, and from a commendable desire not to discourage voluntary effort and individual initiative, there is too often a tendency to tolerate indiscipline, constant consultations and vaguely defined powers ; conception is too often confused with execution, and decisions on questions of principle with particular cases. The result is a lack of authority, a very harmful dispersal of responsibilities. "Amateurism" is the bane of charitable organizations.¹ The advantages of a form of organization with clearly defined ranks and grades can be very well combined, as we shall see later, with the system of territorial decentralization.

Although the work of the Red Cross has widely varying aspects, it is nevertheless characterized by a spiritual unity which cannot be ignored. In the mind of the public, activities carried out under one flag and in the name of the same ideal are inseparable : they affect one another and only assume their full significance when considered as a whole. The effect of success or failure at one particular point will therefore be felt by the whole organization. This is also true of the activities, of such a varied nature, carried out by the International Committee in countries which are at war. Whether one is visiting internment camps, informing families of the fate of a relative or distributing relief, one always finds a connecting link, some common point of contact ; and one's left hand must know what one's right hand is doing.

Yet another reason for centralized control is that a Red Cross Society can only be represented by a single body in its relations with the outside world and with other members of the International Red Cross.

¹ Just as "red tape" is. They are the two extremes.

The rule of uniqueness has not always been strictly enforced, however. In France, for example, there were for a long time—and for very sound reasons—three different societies, whose activities were coordinated, from 1892 on, by a single Central Committee. They were amalgamated in 1940.

In the federative nations a distinct tendency towards decentralization is to be noted, the local branches often receiving very wide powers. Similarly, in unions of States, the Societies of individual States generally have certain distinguishing features, or may even be completely independent. This, incidentally, is merely a reflection, on the Red Cross level, of the situation on the political plane.

In certain countries other charitable bodies are affiliated to the Red Cross Society, which allows them to make use of the emblem without, however, losing their own identity. Although one is glad to see the Red Cross become the rallying point of men and women of good will, such a system is not without its risks. It will therefore be well for the Society to fix its relationship with the affiliated associations in the most precise fashion, in order to ensure that the Central Committee does not lose any of its authority and that the principles of the Red Cross are always respected.

A National Red Cross Society is thus master in its own house, in its own special sphere. The International Red Cross Conferences¹ have laid down very clearly that a National Society cannot establish a section in a foreign country or send a mission there without permission from the Red Cross of the country concerned.

Since there can only be one Red Cross Society in a country, the activities of that Society must clearly embrace the whole of the territory and its dependencies. The principle of universality, which applies to the international sphere, becomes on a national level, the principle of total or all-embracing action. It is then universalism within geographical limits, universalism adjusted to the requirements of the National Societies but

¹ Geneva, 1921, XI; London, 1938, XII; Stockholm, 1948, XV.

essentially the same as that on which the worldwide movement is based. We shall not, therefore, revert to the subject here. For the same reason, as we shall see further on, a National Society must undertake all the activities for which the Red Cross is traditionally responsible, unless they are already carried out by other organizations. It will be seen that the combined effect of these rules is to permit the Red Cross to be present everywhere. It can thus endeavour to ensure that no suffering remains unrelieved within its own particular sphere.

In order to cover the whole national community, the system most widely adopted is that of territorial decentralization. It is undoubtedly the best one. Local branches are formed in all the provincial centres and in all large towns. These branches may sometimes have smaller sub-branches in localities of minor importance, in urban districts or even in blocks of flats. This enables the Red Cross to "infiltrate" by degrees among the population, penetrating into all circles, carrying out its traditional mission and finding the necessary helpers there.

9. Solidarity

Having the same aims, Red Cross Societies have established mutual relationships and recognize that it is their duty to help one another.

We have already spoken of the fellowship which exists among men. We are now concerned with the solidarity or sense of fellowship which unites the Red Cross Societies. As we have seen, they are completely independent and have equal rights. But while remaining their own masters and retaining their freedom to act as they like, they are at the same time linked by a community of aims and interests.

Solidarity has two meanings so far as the Red Cross is concerned. It is in the first place a fact. Red Cross Societies have the same end in view, are engaged in similar activities, follow the

same principles and have the same emblem ; there is therefore a bond between them ; they are to some extent members of the same body, so that any failure or success on the part of one of them affects them all. In this sense of the word, "solidary" is indeed the opposite of "solitary".

But solidarity is not only an existing fact ; it is also a tendency, an ideal. Realizing that cooperation is better than isolation, the Societies cultivate mutual aid, each of them working in the general interest, in order that all may prosper. That is the difference between humanitarian action and individual charity. The latter is free from all idea of reciprocity, it is a gesture for which no charge is made, no return expected ; that is the cause of its greatness, but also a source of weakness. The Red Cross, for its part, has taken root in an organized world, in a world endowed with a memory.

Solidarity in the ideal sense has been one of the institution's firmly established principles from the beginning¹. One reads, for example, in the resolutions of the Conference which founded the Red Cross in 1863 that : "The exchange of communications between the Committees of the various countries shall be made for the time being through the intermediary of the Geneva Committee", and in 1874 Gustave Moynier expressed the principle of solidarity in the following words : "The Societies of nations which are not engaged in a war must come to the help of those of the belligerent nations". At the same time he described the care given by the National Societies of both sides to the wounded of the adverse party, as "mutuality". In 1877 Moynier published a most interesting plan for a "Red Cross Federation"—a plan which might be termed prophetic². After emphasizing the independent character and diversity of the National Societies, he goes on as follows : "Nowadays... no

¹ Having witnessed the suffering in the war in Italy, Henry Dunant started a charitable movement in Switzerland, a neutral country, with the result that medical supplies and even doctors were sent to the Transalpine battlefields. This was four years before the Red Cross was founded.

² *Bulletin international des Sociétés de secours aux militaires blessés*, Geneva, January 1877, p. 12 et seq.

one denies that mutual aid is a duty, but it is regarded as a matter for one's own decision; now a pact would transform vague professions of faith into formal promises... There would then be a contract, in the form of a mutual guarantee, each party to which would, in exchange for his commitments, know for certain that he would not be without the help of his confederates should he need it... The true interests of the Societies, just as much as their generous sentiments, should therefore lead them to affirm solemnly their solidarity in the face of misfortune". The writer then observes that solidarity is only possible if the Societies mutually inspire one another with confidence not only in the spirit which animates them but in their resources and ability to act effectively. He concludes as follows: "The interests of the federation would demand that it should not be left with no one to represent it in the intervals between its sessions. Surely someone should be there, at his post, to ensure, in a general way, that the members of the federation do not neglect the obligations they have contracted".

A reference to solidarity it also to be found in the texts which specify the conditions for the recognition of new National Societies. The latest version is worded as follows: "Adhere to the Statutes of the International Red Cross, share in the fellowship which unites its members—the National Societies and the international bodies—and keep in close touch with them. Honour the fundamental principals of the Red Cross..."

The International Red Cross Conferences have, for their part, adopted a great many resolutions on the subject of solidarity. They speak of mutual collaboration, regular contacts and friendly agreement.

How were the first seeds of solidarity sown in the world of the Red Cross, and what form does that solidarity take? The Societies first came into contact with one another in connection with the care given to the wounded of other nationalities, and also when disabled members of the services and medical personnel were repatriated. The profit to be gained by a mutual exchange of experience in these fields was soon realized. But

the extent to which such relations exist today between different Red Cross bodies is certainly due above all to the development of the movement's peace-time activities. The idea of federation, originally conceived by Gustave Moynier, was not brought up again until after the First World War. The League of Red Cross Societies was then founded, and grew steadily in size and importance¹. At the same time the practice of mutual aid was adopted to a greater and greater extent. When a country is afflicted by war or civil war, by a natural disaster, like an earthquake or floods, or by a social scourge, such as a famine or epidemic, and the National Society is unable to cope with it, it is customary for the Societies of neighbouring countries to lend willing assistance in the form of personnel, equipment and stores. This side of the Red Cross' work has become of such importance today that it is well to consider it for a moment.

As we have seen, Red Cross Societies are constituted on a territorial basis. Their help is given primarily to the inhabitants of their own country and they are not expected to distribute their resources all over the world. It is, as a rule, the international Red Cross bodies which endeavour to apply on a worldwide scale the principle of the equality of all men. But the Societies also enter the international field when they lend their voluntary aid to the Red Cross of a country stricken by disaster. The help they bring may not always be as abundant as that received from other sources, but it is nevertheless of great significance, of great symbolic value, because it is disinterested. When a Red Cross Society ministers to the citizens of its own country, it is carrying out its duty, but it is not doing anything out of the way, or showing itself to be different in any essential respect from other charitable organizations. On the other hand, when it spreads its benefits beyond the frontiers of its country, freeing itself from the influence of national interests and undertaking a work of charity which

¹ In the words of the circular announcing its formation, "the aim of the League is to apply in practice that principle of spiritual fellowship and international mutual help which is one of the fundamental ideas of the Red Cross, and one of its characteristic and generous features".

may even be unpopular, it is, in the words of Max Huber, a truly "Red Cross" body.

National Red Cross Societies usually refer to each other as "sister societies". And these are more than mere meaningless words. Fellowship in the face of suffering makes the Red Cross a real family and is closely akin to the original gesture of the man who, moved by pity, approached an unknown sufferer to soothe his pain—to the gesture of Henry Dunant on the evening of a great battle, a very simple gesture which changed the face of the world.

We do not say, however, that mutual aid has no utilitarian motive. We find here the dual inspiration which we have already met so often when studying the underlying bases of our institution. The Red Cross is not wholly made up of spontaneous bursts of enthusiasm, burning brightly like a fire fanned by the wind; it is also the fruit of deliberate reasoning, of careful reflection and foresight. When a Red Cross Society helps its neighbour in the latter's hour of need, it may well hope to be helped in its turn should it ever meet with misfortune. International relief action has indeed come to be regarded as a form of insurance against adversity. The help given is a premium paid on a reciprocal basis by those who have escaped the calamity. It was, for instance, the idea of covering future risks which led in 1927 to the creation, by an international Convention, of the International Relief Union for the provision of relief in cases of natural disaster. Unfortunately the Union has not achieved the results expected of it, mainly because calamities appear to occur continually in the same parts of the world.

In wartime, there are two different forms of mutual aid: the assistance lent to each other by the Societies of allied countries, directly, without any intermediary, and the help given to the belligerents by the National Societies of neutral countries. We have already discussed this subject and will not revert to it here.

The assistance given to one another by National Societies in the event of a disaster has passed through three successive stages: to begin with relief action was coordinated by the

League ; later on appeals were made to Red Cross Societies by the League, at the request of the Society which had sustained the disaster ; and there are, finally, the agreements on the mutual provision of relief, concluded by the Societies of a given region. This last system, which has only recently been adopted in practice, marks a great advance. Agreements of this kind have been concluded between the Societies of Latin America and also between those of the Scandinavian countries. Although they do not go as far as G. Moynier recommended in 1877, or make the duty of mutual aid an absolute obligation, they nevertheless imply a moral engagement. With the same end in view the Red Cross Conferences have recommended that common funds for the provision of relief should be established.

Mutual aid, a comparatively new branch of Red Cross activity, but in such complete conformity with the ideals of the movement, is making great strides today and promises excellent results in the future. It is earnestly hoped that it will provide National Societies with an opportunity of drawing the bonds of friendship still closer by displaying in day-to-day collaboration the spirit of human fellowship which is one of their finest attributes.

JEAN S. PICTET

(To be concluded.)

**DRAFT RULES FOR THE LIMITATION OF THE DANGERS
INCURRED BY THE CIVILIAN POPULATION
IN TIME OF WAR**

INTRODUCTION

Nearly a century ago the Red Cross was born of the suffering observed on a battlefield. Since that time it has been organized and has grown, and its spirit of self-sacrifice has reached the four corners of the earth. It has, moreover, drafted the rules of humanitarian law, to mitigate the evils engendered by war. It deplores, more than ever, the possibility of recourse being had to war and its constant endeavour must therefore be to improve the peaceful relations which exist between the nations of the world.

There is still a danger, however, of force being used to settle disputes between States.

Since the Red Cross is essentially neutral in political matters, it cannot take direct action to prevent or stop wars, except by rejecting the very idea of war ; but it does at least strive continuously to limit their tragic consequences. It must do more than that, however : it must make every effort to ensure that if violence is used, as is always possible, certain humane rules, implemented by practical measures taken in good time, protect the people who are not taking part in the struggle. The Red Cross must multiply its efforts to achieve this, so long as it cannot, unfortunately, regard an outbreak of war as impossible.

In view of the developments which have taken place in methods of making war, and the continual invention of new weapons, a conflict would today be a catastrophe out of all proportion to the ends it might be hoped to attain. Everyone knows that the extensive use of certain weapons would mean extermination of whole nations and the end of civilization. The greatest courage and devotion would be unavailing under such circumstances, and the recent Geneva Conventions would

themselves be ineffective if the belligerents were unrestricted in their choice of means and methods of warfare.

It is true that certain restrictions do in fact exist. They found expression in the Hague Conventions of 1899 and 1907. But those rules are too often forgotten, or their validity questioned, on the grounds that one cannot stand in the way of scientific progress and that principles recognized before the time of air warfare and nuclear weapons no longer hold good. Furthermore, the fact that recourse has been had very generally to the system of indiscriminate bombing seems to have led to its becoming, as it were, an accepted practice, and given rise to a kind of fatalism.

Can the Red Cross accept such a state of affairs? Certain military considerations must give way to the demands of humanity. Reason must be the master of scientific inventions and although the law cannot disregard them, it must not merely recognize the effects they produce ; it must control them.

Convinced of this, the International Committee of the Red Cross, and encouraged by a resolution adopted unanimously by the National Societies at the XXIIIrd Session of the Board of Governors, drew up these *Draft Rules* with the help of experts designated by the Societies. The Committee wishes to thank them for their valuable contribution to this work.

The Draft Rules are now submitted, with the Committee's comments, to all National Societies and all Governments, with a view to their discussion at the XIXth International Red Cross Conference which is to be held in New Delhi early in 1957. The International Committee will there submit a resolution on the Rules.

Certain quarters, possibly considering that these Draft Rules are too complicated, would have regarded the prohibition, pure and simple, of certain weapons as the only sound solution. Others may, on the contrary, consider that the Draft Rules should contain more technical details. The International Committee is not qualified to decide between differing opinions of that kind and has therefore approached the matter solely from the Red Cross angle.

It is necessary to proceed by easy stages, however ; for the experience of a century has shown us that if legal texts are to be accepted, ratified and applied they must take certain hard facts into account.

It is Governments which will have to draw their own conclusions from the enclosed Draft and seize the opportunity—perhaps the last—which it offers them. If they think fit, they can modify it, cut it down or add clauses of a more definitely technical description, or prohibitions of a more detailed or sweeping nature.

The International Committee of the Red Cross feels that it is fulfilling its duty in proposing that they should take the results of its work as a basis for discussion.

RULES FOR THE LIMITATION OF THE DANGERS INCURRED BY THE CIVILIAN POPULATION IN TIME OF WAR

Preamble

All nations are firmly convinced that war should be banned as a means of settling disputes between man and man.

However, in view of the need, should hostilities once more break out, of safeguarding the civilian population from the destruction with which it is threatened as a result of technical developments in weapons and methods of warfare,

The limits placed by the requirements of humanity and the safety of the population on the use of armed force are restated and defined in the following rules.

In unforeseen cases, the civilian population will still have the benefit of the general rule set forth in Article I, and of the principles of international law.

* * *

Chapter I. — Object and Field of Application

ARTICLE I

Object *Since the right of Parties to the conflict to adopt means of injuring the enemy is not unlimited, they shall confine their operations to the destruction of his military resources, and leave the civilian population outside the sphere of armed attacks.*

This general rule is given detailed expression in the following provisions:

ARTICLE 2

The present rules shall apply:

- Field of application
- (a) *In the event of declared war or of any other armed conflict, even if the state of war is not recognized by one of the Parties to the conflict.*
 - (b) *In the event of an armed conflict not of an international character.*

ARTICLE 3

Definition of term "attacks" *The present rules shall apply to acts of violence committed against the adverse Party by force of arms, whether in defence or offence. Such acts shall be referred to hereafter as "attacks".*

ARTICLE 4

Definition of term "civilian population" *For the purpose of the present rules, the civilian population consists of all persons not belonging to one or other of the following categories:*

- (a) *Members of the armed forces, or of their auxiliary or complementary organizations.*
- (b) *Persons who do not belong to the forces referred to above, but nevertheless take part in the fighting.*

ARTICLE 5

The obligations imposed upon the Parties to the conflict in regard to the civilian population, under the present rules, are complementary to those which already devolve expressly upon the Parties by virtue of other rules in international law, deriving in particular from the instruments of Geneva and The Hague.

Relation with
previous Conventions

Chapter II. — Objectives barred from Attack

ARTICLE 6

Attacks directed against the civilian population, as such, whether with the object of terrorizing it or for any other reason, are prohibited. This prohibition applies both to attacks on individuals and to those directed against groups.

Immunity of the
civilian population

In consequence, it is also forbidden to attack dwellings, installations or means of transport, which are for the exclusive use of, and occupied by, the civilian population.

Nevertheless, should members of the civilian population, Article II notwithstanding, be within or in close proximity to a military objective they must accept the risks resulting from an attack directed against that objective.

ARTICLE 7

In order to limit the dangers incurred by the civilian population, attacks may only be directed against military objectives.

Limitation of
objectives which
may be attacked

Only objectives belonging to the categories of objective which, in view of their essential characteristics, are generally acknowledged to be of military importance, may be considered as military objectives. Those categories are listed in an annex to the present rules.

However, even if they belong to one of those categories, they cannot be considered as a military objective where their total or partial destruction, in the circumstances ruling at the time, offers no military advantage.

Chapter III. — Precautions in Attacks on Military Objectives

ARTICLE 8

Precautions to be
taken in planning
attacks

The person responsible for ordering or launching an attack shall, first of all:

- (a) *make sure that the objective, or objectives, to be attacked are military objectives within the meaning of the present rules, and are duly identified.*

When the military advantage to be gained leaves the choice open between several objectives, he is required to select the one, an attack on which involves least danger for the civilian population:

- (b) *take into account the loss and destruction which the attack, even if carried out with the precautions prescribed under Article 9, is liable to inflict upon the civilian population.*

He is required to refrain from the attack if, after due consideration, it is apparent that the loss and destruction would be disproportionate to the military advantage anticipated:

- (c) *whenever the circumstances allow, warn the civilian population in jeopardy, to enable it to take shelter.*

ARTICLE 9

Precautions to be
taken in carrying
out the attack

All possible precautions shall be taken, both in the choice of the weapons and methods to be used, and in the carrying out of an attack, to ensure that no losses or damage are caused to the

civilian population in the vicinity of the objective, or to its dwellings, or that such losses or damage are at least reduced to a minimum.

In particular, in towns and other places with a large civilian population, which are not in the vicinity of military or naval operations, the attack shall be conducted with the greatest degree of precision. It must not cause losses or destruction beyond the immediate surroundings of the objective attacked.

The person responsible for carrying out the attack must abandon or break off the operation if he perceives that the conditions set forth above cannot be respected.

ARTICLE 10

It is forbidden to attack without distinction, as a single objective, an area including several military objectives at a distance from one another where elements of the civilian population, or dwellings, are situated in between the said military objectives.

Target-area bombing

ARTICLE 11

The Parties to the conflict shall, so far as possible, take all necessary steps to protect the civilian population subject to their authority from the dangers to which they would be exposed in an attack— in particular by removing them from the vicinity of military objectives and from threatened areas. However, the rights conferred upon the population in the event of transfer or evacuation under Article 49 of the Fourth Geneva Convention of 12 Aug. 1949 are expressly reserved.

"Passive" precaution

Similarly, the Parties to the conflict shall, so far as possible, avoid the permanent presence of armed forces, military material, mobile military establishments or installations, in towns or other places with a large civilian population.

ARTICLE 12

The Parties to the conflict shall facilitate the work of the civilian bodies exclusively engaged in protecting and assisting the civilian population in case of attack.

Civil Defence bodies

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They can agree to confer special immunity upon the personnel of those bodies, their equipment and installations, by means of a special emblem.

ARTICLE 13

Intentional exposure
to danger

Parties to the conflict are prohibited from placing or keeping members of the civilian population subject to their authority in or near military objectives, with the idea of inducing the enemy to refrain from attacking those objectives.

Chapter IV. — Weapons with Uncontrollable Effects

ARTICLE 14

Prohibited methods
of warfare

Without prejudice to the present or future prohibition of certain specific weapons, the use is prohibited of weapons whose harmful effects—resulting in particular from the dissemination of incendiary, chemical, bacteriological, radioactive or other agents—could spread to an unforeseen degree or escape, either in space or in time, from the control of those who employ them, thus endangering the civilian population.

This prohibition also applies to delayed-action weapons, the dangerous effects of which are liable to be felt by the civilian population.

ARTICLE 15

Safety measures
and devices

If the Parties to the conflict make use of mines, they are bound, without prejudice to the stipulations of the VIIIth Hague Convention of 1907, to chart the mine-fields. The charts shall be handed over, at the close of active hostilities, to the adverse Party, and also to all other authorities responsible for the safety of the population.

Without prejudice to the precautions specified under Article 9, weapons capable of causing serious damage to the civilian population shall, so far as possible, be equipped with a safety device which renders them harmless when they escape from the control of those who employ them.

Chapter V. — Special Cases

ARTICLE 16

When, on the outbreak or in the course of hostilities, a locality is declared to be an "open town", the adverse Party shall be duly notified. The latter is bound to reply, and if it agrees to recognize the locality in question as an open town, shall cease from all attacks on the said town, and refrain from any military operation the sole object of which is its occupation. "Open towns"

In the absence of any special conditions which may, in any particular case, be agreed upon with the adverse Party, a locality, in order to be declared an "open town", must satisfy the following conditions:

- (a) *it must not be defended or contain any armed force;*
- (b) *it must discontinue all relations with any national or allied armed forces;*
- (c) *it must stop all activities of a military nature or for a military purpose in those of its installations or industries which might be regarded as military objectives;*
- (d) *it must stop all military transit through the town.*

The adverse Party may make the recognition of the status of "open town" conditional upon verification of the fulfilment of the conditions stipulated above. All attacks shall be suspended during the institution and operation of the investigatory measures.

DRAFT RULES

The presence in the locality of civil defence services, or of the services responsible for maintaining public order, shall not be considered as contrary to the conditions laid down in Paragraph 2. If the locality is situated in occupied territory, this provision applies also to the military occupation forces essential for the maintenance of public law and order.

When an "open town" passes into other hands, the new authorities are bound, if they cannot maintain its status, to inform the civilian population accordingly.

None of the above provisions shall be interpreted in such a manner as to diminish the protection which the civilian population should enjoy by virtue of the other provisions of the present rules, even when not living in localities recognized as "open towns".

ARTICLE 17

Installations
maintaining dangerous
forces

In order to safeguard the civilian population from the dangers that might result from the destruction of engineering works or installations—such as hydro-electric dams, nuclear power stations or dikes—through the releasing of natural or artificial forces, the States or Parties concerned are invited:

- (a) *to agree, in time of peace, on a special procedure to ensure in all circumstances the general immunity of such works where intended essentially for peaceful purposes:*
- (b) *to agree, in time of war, to confer special immunity, possibly on the basis of the stipulations of Article 16, on works and installations which have not, or no longer have, any connexion with the conduct of military operations.*

The preceding stipulations shall not, in any way, release the Parties to the conflict from the obligation to take the precautions required by the general provisions of the present rules, under Articles 8 to 11 in particular.

Chapter VI. — Application of the Rules ¹

ARTICLE 18

States not involved in the conflict, and also all appropriate organisations, are invited to co-operate, by lending their good offices, in ensuring the observance of the present rules and preventing either of the Parties to the conflict from resorting to measures contrary to those rules.

Assistance of third parties

ARTICLE 19

All States or Parties concerned are under the obligation to search for and bring to trial any person having committed, or ordered to be committed, an infringement of the present rules, unless they prefer to hand the person over for trial to another State or Party concerned with the case.

Trial and judicial safeguards

The accused persons shall be tried only by regular civil or military courts; they shall, in all circumstances, benefit by safeguards of proper trial and defence at least equal to those provided under Articles 105 and those following of the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949.

ARTICLE 20

All States or Parties concerned shall make the terms of the provisions of the present rules known to their armed forces and provide for their application in accordance with the general principles of these rules, not only in the instances specifically envisaged in the rules, but also in unforeseen cases.

Diffusion and details of application

¹ Articles 18 and 19, dealing with the procedure for supervision and sanctions, are merely given as a rough guide and in outline; they will naturally have to be elaborated and supplemented at a later stage.

INTERNATIONAL COMMITTEE OF THE RED CROSS

SUNDRY ACTIVITIES

News Items

In the last two official reports on its work, submitted by the Arolsen International Tracing Service, which cover the period 1 October, 1955 to 31 March, 1956, mention is made of various documents, lists, individual index cards, etc., obtained by this service between those dates.

The documents in question contain the names of 104,006 victims of Nazi persecution. As regards more than half of them—55,767, to be precise—the information derived from the archives of the Central Prisoners of War Agency, and was transmitted by the International Committee of the Red Cross to the International Tracing Service; thus enabling the latter to wind up a large number of cases, left in abeyance owing to lack of sufficient data.

* * *

On 14, 16 and 18 August the ICRC Broadcasting Section made a new series of test broadcasts on the 41.61 m. 7210 kc. wavelength, allotted to the International Committee. Similar broadcasts have, it may be recalled, been made periodically since 1951, for the purpose of checking the audibility and propagation of this frequency, while at the same time attracting the attention of short-wave listeners. As on previous occasions, the Broadcasting Section gave advance notice of the broadcasts to the following: European National Red Cross Societies and those of neighbouring countries;

ICRC delegates and correspondents; a number of amateur radio associations; broadcasting corporations and the appropriate departments of the postal, telegraph and telephone services; and also to the many private listeners who now make a point of picking up these broadcasts and sending the ICRC their comments. In this connexion, 1,225 sets of programmes and reception report cards were sent out by the Committee. Wave-length propagation conditions have changed considerably since last winter, owing to sun-spot developments, and it will, therefore, be of great interest to learn the results of this latest series of tests.

* * *

At the joint session of the European Association for the Study of Refugee Problems (EAR) and the World Association for the Study of Refugee Problems (WAR), held at Vaduz at the beginning of August, the ICRC was represented by Mr. H. G. Beckh and Mr. H. Coursier. On the conclusion of this conference, some fifty of the delegates travelled to Geneva, where they were received at the headquarters of the International Committee by the Executive Director, Mr. R. Gallopin. They were given short lectures and shown films, on the work of the ICRC.

* * *

Several ICRC representatives have recently visited Geneva to report on their work, and to discuss with the directors various problems relating to the International Committee's activities in the countries where they are living. Among them were: Mr. Müller, ICRC correspondent in Cairo, who returned to his post on 22 August; Mr. Vust, delegate in Algeria, and Mr. Vautier, delegate in Morocco.

* * *

At the session of the General Council of the International Union for Child Welfare, held at Bonn from 30 July to 4 August, 1956, the ICRC was represented by Mr. H. G. Beckh, who was careful to stress the traditional cooperation and the unity of ideas

which link these two organizations. He reported that the work of reuniting families, begun by the ICRC during the war, and in which the National Red Cross Societies take an active interest, was progressing most satisfactorily. So far, some 115,000 persons, many of them children, had been reunited in this way.

* * *

As the result of the entry into force in the German Federal Republic of a law providing for payment of compensation to former German prisoners of war, the Central Prisoners of War Agency in Geneva has, since March 1955, been receiving an ever increasing number of requests for captivity certificates. The latest totals recorded are 1,717 for July, and 3,200 for August.

The requests from Germany emanate from the Public Assistance Offices (Fürsorgeämter), to which ex-prisoners must send their applications. Since the compensation paid is in proportion to the length of time spent in captivity, excluding any periods when the person concerned was employed as a paid civilian worker, the chief difficulty encountered by these offices is to find out whether an ex-prisoner has worked in a civilian capacity and, if so, when and for how long. Here, once again, the Central Agency's card-indexes have proved the only source from which the required particulars, that is to say, the date of capture and those of the beginning and the end of employment, can be obtained. In the majority of instances, these particulars are to be found in these records.

* * *

On the occasion of his mission to the Middle East, last December, Mr. de Traz called at Cyprus and there visited persons under detention as a result of recent events. After his visit, the International Committee's special representative arranged for the sum of 10,000 Swiss francs to be made available to these detainees for the purchase of relief supplies. The ICRC has since received a letter of thanks from the camp leaders of the Kokkino Trimithia camp.

* * *

At the invitation of the ICRC, the President of the Red Cross Society of the German Federal Republic, Dr. Weitz, and the President and Vice-President of the Red Cross of the People's Republic of Rumania, Dr. Belea and Mrs. Mesaros, met in Geneva at the headquarters of the International Committee of the Red Cross, where they were received by the President, M. Léopold Boissier. Current questions of interest to the three Red Cross organizations were discussed in a spirit of friendly and mutual understanding; one of these being the problem of reuniting families. The parties to the meeting agreed to continue to take an active part in this great humanitarian work.

From Geneva, Dr. Belea and Mrs. Mesaros, accompanied by Mr. Beckh, travelled to Bonn at the invitation of the German Red Cross.

* * *

As announced at the time, a mission was sent to Algeria by the International Committee of the Red Cross, to visit the detention camps where persons deprived of their liberty as a result of current events are being held.

A report was subsequently communicated to the French Government.

M. Guy Mollet, President of the Council, consented to a meeting with the head of the ICRC mission, M. Claude Pilloud, which took place in Paris on 29 August. Discussion centred principally on the mission's findings and the continuance of the International Committee's humanitarian work on behalf of the victims of existing conditions in Algeria.

* * *

The fourth conference on International Medical Law was held in Geneva, at the headquarters of the International Committee, on 3 and 4 September. It was attended by representatives of the International Committee of Military Medicine and Pharmacy, the World Medical Association and the International Committee of the Red Cross; and also by an observer from the World Health Organization.

INTERNATIONAL COMMITTEE

A number of problems relating to the protection of medical personnel of all categories, especially in the case of conflicts other than those between nations, were examined during the discussions. They resulted, first and foremost, in the establishment of a number of draft rules intended to provide such protection to the fullest possible extent. These rules will be submitted to the organizations concerned, for adoption. The same procedure will be followed as regards a draft code of medical ethics in the time of conflict, also framed at this meeting.

The Revue internationale will, in due course, publish a comprehensive study on this important work, which, if it achieves the hoped for results, will undoubtedly help to ensure increased protection for civilian medical personnel during hostilities.
