

**MAY-JUNE 1985**

**TWENTY-FIFTH YEAR — No. 246**

**international  
review  
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ISSN 0020-8604

MAY-JUNE 1985 — No. 246

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

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

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

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

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

in French: REVUE INTERNATIONALE DE LA CROIX-ROUGE

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

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

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EDITOR: Michel Testuz

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

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

Postal Cheque Account: No. 12 - 1767 Geneva

Bank account No. 129.986 Swiss Bank Corporation, Geneva

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# The condition of cultural property in armed conflicts

*From Antiquity to World War II*

by Lieutenant-General Pietro Verri (Rtd.)

## PART II

### **From the mid-nineteenth century to World War II**

1. This period was characterized by the inception and development—which was later intensified, especially after World War II—of the international codification of the law of war, which was thus no longer exclusively customary.

The real cornerstone of the codification of the new principles of civilization and humanity in the conduct of hostilities was a internal code which, owing to the intrinsic value of its provisions, greatly influenced the adoption of similar norms by other states and the creation of corresponding rules in international law.

I am referring to the lawyer Francis Lieber's "*Instructions for the Government of the Armies of the United States in the Field*" promulgated by President Lincoln in 1863, during the American Civil War.

The influence of Lieber's *Instructions* is quite obvious if we look at the codes of military regulations later promulgated in other countries for service in the field, and even more so if we consider that they were the starting point for the draft international agreement submitted at the Brussels Conference of 1874 and stimulated the adoption of the Hague Conventions of 1899 and 1907.

2. With respect to our topic, i.e. the protection of cultural property in armed conflicts, Lieber's *Instructions* stipulated that:

a) «The property belonging to churches,... to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts... is not to be considered public property...» (and may therefore not be appropriated by the victorious army) (Art. 34).

b) «Classical works of art, libraries, scientific collections, or precious instruments (...) as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.» (Art. 35).

c) «If such (property) belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace. In no case shall they be sold or given away (...), nor shall they ever be privately appropriated, or wantonly destroyed or injured» (Art. 36).

d) Appropriation of private property is punishable in conformity with penal law (Art. 37).

3. We mentioned that Lieber's *Instructions* had considerably influenced the development of military law, i.e. the codes of military regulations adopted by other States towards the end of the nineteenth century. Confirmation of this can be found in the military manuals issued to German, English, Spanish, French, Italian, Japanese and Russian troops, all of which contained similar, if not identical, terms.

For example:

a) The English code (1890) stipulated that movable and real property belonging to institutions dedicated to charity, education, sciences and others, such as churches, museums, libraries, collections of works of art and archives, must be protected in the same way as private property. All necessary steps must be taken to spare as much as possible such buildings from bombardment. Even if taken by assault, pillaging thereof was prohibited.

b) The Italian code (1882 and 1896) stipulated that during bombardments, buildings dedicated to religion and sciences (...) must be secured against all avoidable injury, provided they were marked with a distinctive sign recognizable at a distance and were not

being used at the same time for military purposes. In this connection, the code specified that the mere fact that such a building was used by the defenders as a look-out post exempted the attackers from any obligation to respect it. Pillaging was prohibited and so was the despoilment of the wounded, the dead and prisoners.

c) The Spanish code (1882) also stipulated that during bombardments, the property belonging to establishments of a charitable, religious, scientific or artistic character must, as far as possible, be spared. Looting by individual soldiers was prohibited; if a small military unit made a capture, the commander-in-chief decided whether such capture belonged to the State or to the unit: in the first case, he determined the amount of the cash bonus the members of the unit were to receive; in the second case, he determined the way in which the capture itself was to be distributed. Pillaging was prohibited, even during a fierce attack, and military contingents must be assigned to protect the population and property. Any threat of looting, or promises of spoils to spur on troops, were prohibited.

d) The Russian code (1895) stipulated that all measures must be taken to spare, as far as possible, places of worship, museums, establishments of education (...) provided they were marked with a distinctive sign which was to be communicated to the enemy beforehand. Pillaging was prohibited.

4. With respect to international law, the Brussels Conference (27 July to 27 August 1874) held on the invitation of Czar Alexander II, adopted a *Declaration* which was, in fact, a project of an international agreement concerning the laws and customs of war. As no government represented at the Conference was willing to be bound by the Declaration, it was never ratified and remained a draft. It was nevertheless an important step forward in the codification of the laws of war.

The *Brussels Declaration* stipulated that:

a) "The property of (...) institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property (i.e. respected). All seizure or destruction of, or wilful damage to, institutions of this character, historic monuments, works of art and science should be made the subject of legal proceedings by the competent authorities." (Art. 8).

b) During sieges and bombardments, "all necessary steps must be taken to spare, as far as possible, buildings dedicated to art, science,

or charitable purposes, hospitals and places where the sick and wounded are collected, provided they are not being used at the same time for military purposes. It is the duty of the besieged to indicate the presence of such buildings by distinctive and visible signs to be communicated to the enemy beforehand". (Art. 17).

5. The same year (1874), the Institute of International Law started to establish rules of conduct in wartime. On 9 September 1880, it unanimously approved *The Laws of War on Land*, which became known as the *Oxford Manual*—after the name of the English town where the Institute's session took place. The Manual, repeating almost verbatim the relevant provisions set forth in the *Brussels Declaration*, stipulated that:

a) "In case of bombardment all necessary steps must be taken to spare, if it can be done, buildings dedicated to religion, art, science and charitable purposes, hospitals and places where the sick and wounded are gathered, on the condition that they are not being utilized at the same time, directly or indirectly, for defence. It is the duty of the besieged to indicate the presence of such buildings by visible signs notified to the assailant beforehand". (Art. 34).

b) "The property of municipalities and that of institutions devoted to religion, charity, education, art, and science, cannot be seized. All destruction or wilful damage to institutions of this character, historic monuments, archives, works of art or science, is formally forbidden, save when urgently demanded by military necessity" (Art. 53).

As can be seen, a formal reservation was nevertheless made in favour of military necessity, in the strict sense of the word. Unlike the *Brussels Declaration*, the *Oxford Manual* provided that "Offenders (against the rules contained therein) are liable to the punishments specified in the penal law" (Art. 84).

6. On 29 July 1899 at the First International Peace Conference, and on 18 October 1907 at the Second International Peace Conference (both Conferences were held at The Hague) among other instruments, two conventions concerning the laws and customs of war on land (Hague Convention No. II of 1899 and Hague Convention No. IV of 1907) were adopted.

With respect to the protection of cultural property, the two conventions, which are very similar, took up again the provisions set forth in the instruments mentioned in par. 4 and 5 above. If we study the Hague Regulations respecting the Laws and Customs of

War on Land (Annex to the Hague Convention No. IV of 1907) we notice that:

a) For sieges and bombardments (Art. 27), the provisions are almost identical to those set forth in Art. 34 of the Oxford Manual.

b) With regard to such property in occupied territories (Art. 56), the provisions were in substance the same of those set forth in Art. 53 of the Oxford Manual. However, the reservation in favour of military necessity (Art. 56) was left out, because the Hague Convention No. II of 1899 and the Hague Convention No. IV of 1907, to which the Regulations were annexed, already contained a general reservation applicable to all the Regulations (“as far as military requirements permit”).

In the 1907 version, a new provision was added which stipulated that “a belligerent Party which violates the provisions of the Regulations shall (...) be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces” (Art. 3, Hague Convention No. IV of 1907).

Both Conventions, incidentally, made it an obligation for the contracting Powers to “issue instructions to their armed (...) forces which shall be in conformity with the Regulations” (Art. 1) and both contained the “*si omnes*” clause stating that “The provisions contained in the Regulations (...) apply (...) only if all the belligerents are parties to the Convention” (Art. 2).

7. One of the instruments adopted by the Second International Peace Conference of 1907 was the Hague Convention No. IX respecting Bombardment by naval forces in time of war of objectives on land. With respect to the protection of cultural property, Art. 5 of that Convention repeats verbatim the provisions contained in Art. 27 of the Regulations respecting the Laws and Customs of War on Land (see par. 6 above); it also specifies the distinctive signs to be used to indicate property which must be spared: “... stiff rectangular panels divided diagonally into two coloured triangular portions, the upper portion black, the lower portion white”.

8. On 9 August 1913, the Institute of International Law adopted, at Oxford, a new *Manual* similar to that of 1880, but relative to naval war.

Art. 28 of the 1913 Oxford Manual repeats verbatim the provisions set forth in Art. 5 of the Hague Convention No. IX of 1907 respecting bombardments by naval forces of objectives on land.

9. Among the documents examined so far and concerning, in one way or another, the protection of cultural property during bombardments, it should be noted that the Hague Convention No. IV with its annexed Regulations governing land warfare (Art. 27 and 56) and the Hague Convention No. IX (Art. 5) had international force of law on the eve of the First World War. In this context, we must also mention the general restrictions imposed based on the distinction between defended and undefended localities: “The attack or bombardment (of localities) undefended is prohibited” (Art. 25 of the Regulations annexed to the Hague Convention No. IV). Art. 1 of the Hague Convention No. IX contains a similar prohibition. However, Art. 2 immediately goes on to make that prohibition less stringent, in that it permits the bombardment after notification of “Military works, military or naval establishments, depôts of arms and war material, workshops or plant which could be utilized for the needs of the hostile fleet or army (...)” This waiver was taken up again in the 1913 *Oxford Manual* (Art. 26).

10. With reference to the protection of cultural property, in addition to the above rules concerning attacks and bombardments, we must also examine the rules relative to pillaging—a custom as old as war itself.

Art. 44 of Lieber’s *Instructions* prohibits all robbery, pillage or sacking and stipulates that “A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior”.

The *Brussels Declaration* of 1874 (Art. 18 and 39), the 1899 *Oxford Manual* (Art. 32), the *Hague Regulations* of 1907 (Art. 28 and 46), the *Hague Convention No. IX of 1907* (Art. 7) and the 1913 *Oxford Manual* all expressly prohibit pillage.

11. It is common knowledge that the international regulations established in 1907 proved inadequate to protect cultural property during the First World War: the increase in the attack potential, both land-based (increasing range of cannon) and sea-based (waiver mentioned in paragraph 9 above), and the advent of air warfare (1911-1912) made it impossible to delimit the zones of combat and to ensure the protection of cultural property, a protection which—disregarding recourse to reprisals—such a delimitation was intended to ensure.

In the face of the serious damage inflicted on the historic monuments of many cities in the countries involved in the war, various measures were taken by private institutions. In 1919, the Archaeological Society of the Netherlands, for instance, published a questionnaire and a memorandum which showed that the Hague Conventions had failed to stress the need for precautionary measures to be taken in peacetime for the protection of cultural property. The Society made several suggestions for the creation of art “sanctuaries”, in order to protect a cultural heritage by whose destruction the belligerents could not—it said—benefit in any way and which did not belong to any country as such, but to all civilized people, present and future. Although the Dutch suggestions did not produce any tangible results at the time, they greatly contributed towards the creation of a sound code of principles for the protection of cultural property.

12. In the aftermath of the destruction wrought during the First World War, the Conference on the Limitation of Armaments held in Washington in 1922 adopted a resolution concluding that a Commission of jurists should be called to draw up rules concerning the control of air warfare. That Commission assembled at The Hague (December 1922—February 1923) and elaborated a code of Air Warfare Rules (the *Hague Rules*, as they are commonly called) which sets forth two important provisions for the effective protection in wartime of monuments of great historic value.

The first of these provisions (Art. 25) takes up, by analogy, the terms set forth in the Hague Conventions (see paragraphs 6 and 7 above) and stipulates that:

a) “In bombardments by aircraft, all necessary steps should be taken (...) to spare, as far as possible, buildings dedicated to public worship, art, science and charitable purposes, historic monuments (...) provided that such buildings, objectives and places are not being used at the same time for military purposes”.

b) “Such monuments, objects and places must be indicated (...) by signs visible from the aircraft. Using such signs to indicate buildings, objects or places other than those hereinbefore specified shall be considered a perfidious act”.

c) “The signs of which the above mentioned use is to be made shall be (...) a large rectangular panel divided diagonally into two triangles, the one white, the other black” i.e. identical to those provided for in Art. 5 of the Hague Convention No IX of 1907 (see above, paragraph 7).

d) "... to ensure by night the protection of (...) privileged buildings, the necessary steps must be taken to make the aforesaid special signs sufficiently visible".

The other provision (Art. 26) aims more specifically at the protection of monuments of great historic value provided the States abstain from using such monuments and the area surrounding them for military purposes and accept a special system of control to this end.

Art. 26 reads as follows:

1) "A State (...) may establish a protected area around such monuments (...). In time of war, such areas shall be sheltered from bombardments".

2) "Monuments around which such area is to be established shall already be, in time of peace, the object of a notification addressed to the other Powers (...); the notification shall also state the limits of such areas. This notification cannot be revoked in time of war".

3) "The protected area may include, in addition to the space occupied by the monument or the group of monuments, a surrounding zone, the width of which may not exceed 500 metres from the periphery of the said space".

4) "Marks well visible from the aircraft, both by day and by night, shall be employed to (...) identify the limits of the areas".

5) "The marks placed on the monuments themselves shall be those mentioned in Art. 25. The marks employed to indicate the areas surrounding the monuments shall be fixed (by the State concerned) and shall be notified to the other Powers together with the list of monuments and areas".

6) "Every improper use of the marks (...) shall be considered an act of perfidy".

7) "A State which accepts the provision of this Article should abstain from making use of the historic monuments and the zone surrounding them for military purposes or for the benefit of its military organization in any manner whatsoever and should also abstain from committing, in the interior of such monument or within such zone, any act for military purposes".

8) "A commission of control (...) shall be appointed for the purpose of ascertaining that no violation of the provisions of Paragraph 7 has been committed".

In this connection, several comments are necessary. According to the *Hague Rules*, a notification of a given historic monument

may be contested by other Powers; in addition, the procedure is optional; and finally, Art. 24 of the Rules lists the objectives against which air bombardment is legitimate.

“Although the Air Warfare Rules have not been ratified they are of importance as an authoritative attempt to clarify and formulate rules of law governing the use of aircraft in war” (Oppenheim-Lauterpacht, *International Law*, Seventh Edition, Vol. II, p. 519).

13. On 15 April 1935, a Treaty on the Protection of Artistic and Scientific Institutions and of Historic Monuments was signed in Washington; it is usually referred to as the Washington Pact, or *Roerich Pact*, after the name of its initiator.

The *Roerich Pact*, which was drawn up by the Governing Board of the Pan-American Union and related to the American continent, stipulated that:

1) “The historic monuments, museums, scientific, artistic, educational and cultural institutions shall be considered as neutral and as such respected and protected by belligerents... in time of peace as well as in war. The same respect and protection shall be due to the personnel of the institutions mentioned above.

2) “The neutrality of, and protection and respect due to, the monuments and institutions mentioned in the preceding Article, shall be recognized in the entire expanse of territories subject to the sovereignty of each of the Signatory and Acceding States, without any discrimination as to the State allegiance of said monuments and institutions. The respective Governments agree to adopt the measures of internal legislation necessary to ensure said protection and respect.

3) “In order to identify the monuments and institutions mentioned in Art. 1, use may be made of a distinctive flag (red circle with a triple red sphere in the circle on a white background).

4) “The Signatory Governments (...) shall send to the Pan American Union (...) a list of the monuments and institutions for which they desire the protection agreed to in this Treaty.

5) “The monuments and institutions mentioned in Art. 1 shall cease to enjoy the privileges recognized in the present Treaty in case they are made use of for military purposes.”

14. Further attempts to draft a more comprehensive convention for the protection of monuments and works of art in time of war were undertaken by private institutions; in 1939, for instance, a

draft convention was elaborated under the auspices of the International Museums Office. As Vedovato observed, "it founded the protection of monuments on the lack of any military reason for destroying them, since the countries in which they are situated are merely their custodians and as such accountable for their fate to the international community".

Hence: a) the duty to remove movable cultural property from combat zones and the creation of refuges intended to shelter such property from damage in the event of armed conflict; the isolation of the monuments and works of art from any important military objective. b) some provisions and procedures were taken either from the *Hague Air Warfare Rules* or from the *Roerich Pact*.

The draft was approved by the League of Nations in September 1938 and distributed on 12 January 1939.

Another draft convention on the protection of historic monuments was drawn up by an international association called *Lieux de Genève*, which used the experience it had acquired during the Spanish Civil War (1936-1939), in which it had managed to set up neutralized refuges in Madrid and Bilbao, and during the Sino-Japanese conflict, in which it had succeeded in instituting safety zones in Shanghai, Nantao and Nankin. Compared to the *Hague Air Warfare Rules* and the draft convention of the International Museums Office, the draft convention drawn up by the *Lieux de Genève* was yet another step forward.

15. We have thus reached the Second World War (1939-1945) in which, for want of valid international instruments and adequate legislation drawn up in time of peace, the protection of historic monuments was virtually limited to the institution of "open cities" provided for in Art. 25 of the Regulations annexed to the Hague Convention No. IV and in Art. 1 of the Hague Convention No. IX (1907) which prohibit bombardment of undefended localities. But since the proclamation of an "open city" was not always recognized by the enemy, it did not always succeed in ensuring protection of cultural property.

## CONCLUSION

In the first part of our brief study, we cast a cursory, yet informative glance—so I hope, at any rate—at the condition of cultural property in armed conflicts from Antiquity to the Napoleonic Wars.

I have used the term “condition” because, as we have seen, the term “protection” would not have been appropriate, except on a few rare occasions when individuals—soldiers with a certain cultural background or wishing to display works of art as a status symbol—respected cultural property either because of their religious feelings or of their understanding of the arts.

It is impossible to evaluate or even imagine the loss sustained by civilization as a result of the annihilation of movable and immovable cultural property through senseless burning, riotous demolition and all kinds of destruction which aimed, *inter alia*, at facilitating transport or making sale less difficult, for instance by melting down the precious metal of which some works of art were made—gold; silver, bronze—to mint coins.

It is not possible either to evaluate the losses resulting from the hiding of works of art which have not (or not yet) been rediscovered.

Despite this picture of general devastation, we must not forget that the works of art that were removed as spoils of war, but not actually destroyed, have contributed, in the course of the various changes of ownership they underwent, to cultural exchanges which enable us to follow their history.

Napoleon’s case is typical: the professed objective of his methodical and large-scale pillaging was to enrich the culture of France; that objective was of course illicit, since it was achieved by divesting other peoples—the legitimate owners—of their historical and artistic heritage. In 1815, however, the Vienna Congress settled the matter of Napoleon’s captures.

2. The second part of our study covered a much shorter period, extending from the mid-nineteenth century to the eve of the Second World War. We stopped there, assuming that everyone was only too familiar with the disastrous effects World War II had on cultural property, either through destruction—especially by means of incendiary or conventional bombs—or through acquisition by way of allegedly lawful means. Some of the many works of art removed from Italy at that time, subsequently recovered and presently <sup>1</sup> exhibited at the Palazzo Vecchio in Florence, bear witness to the latter procedure.

In connection with the codification of the laws of war during that second period, which stretches over about a century, the first tentative measures were taken reflecting a veering of opinion in

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<sup>1</sup> November 1984.

favour of some form of protection for cultural property, not only against the ravages of war, but also, precisely, against misappropriation. These measures show, in retrospect, how long, arduous and sometimes convoluted a path ethics had to follow before becoming an integral part of law.

The fact that these measures were totally inadequate—mainly because the provisions made were nullified by the “military necessity” clause (a necessity which, as the reputed military commander Gen. Eisenhower once wryly said, sometimes conceals military and even personal convenience)—is corroborated by the increasingly frequent and insistent initiatives which eventually led to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and to the inclusion, in 1977, of complementary regulations in Protocol I additional to the Geneva Conventions. Admittedly, the present system is not perfect, but it is nevertheless a sound basis and its implementation, at any rate, is entrusted to the conscience of governments and individuals. We cannot but draw a lesson from the numerous precedents to be found in history, from Polybius to Cicero, from Plutarch to Procopius, from Vattel to Quatremère de Quincy, from Lieber to the Archaeological Society of the Netherlands, from the Hague Regulations of 1907 to the Air Warfare Rules of 1922 and to the Roerich Pact. This means that in the course of this long period, rules of customary law have gradually emerged which require States—even those not bound under positive law—to respect cultural property.

Does this allow us to hope that, in future, the fate of cultural property in times of war will be less tragic than in the past?

We shall eschew all pessimism, for the answer to our question may lie in historicism, that philosophical theory which seeks to explain any socio-cultural phenomenon by closely correlating it to the historical context—the setting and point in time—in which it occurred.

The many paths travelled by mankind in its long and tormented history are ineluctable and each has led towards the ultimate goal. The course of this historical evolution is like an endless spiral along which the institutions established mirror the facets of their times, in the same way as each era reflects its own truth.

**Pietro Verri**

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# The protection of rescue craft in periods of armed conflict

by Philippe Eberlin

## 1. Introduction

The National Lifeboat Societies and State-maintained rescue services, members of the International Lifeboat Conference (ILC), unanimously adopted the report by their special working group on the protection of rescue craft in periods of armed conflicts. The report was drawn up after the meeting in Geneva from 16 to 18 April 1984 of that working group, comprising representatives of the ILC, of the International Maritime Organization (IMO), of the International Telecommunication Union (ITU) and of the International Committee of the Red Cross (ICRC). It contains recommendations for improving the protection of rescue craft and their crews and of fixed coastal installations and staff of lifeboat institutions in periods of armed conflict.

Those recommendations were the outcome of a detailed examination of the provisions concerning rescue craft in the Second Geneva Convention of 12 August 1949, and their aim is to solve technical problems in applying these provisions. The ILC has put forward practical suggestions: firstly by drawing up a simplified manual for all coxswains or those in command on, *inter alia*, the use of radio and radar transponders; and secondly by proposing a clearer and more exact interpretation of those texts of the Convention dealing with protected personnel and rescue craft.

The ILC considers that the crews of rescue craft and personnel in fixed coastal installations should enjoy the same protection as that accorded by Articles 36 and 37 of the Convention to crews of hospital ships and to religious and medical personnel.

Moreover, the ILC and the IMO have pointed out the need to clarify the technical terms and expressions used to denote rescue craft and their operations; in the French, English and Spanish versions of Articles 27, 30, 31 and 43 of the Second Convention the following expressions are used:

- embarcations de sauvetage côtières; embarcations; canots de sauvetage côtiers;
- coastal rescue craft; lifeboat; small craft; vessels; ships; coastal lifeboats; craft;
- embarcaciones costeras de salvamento; embarcaciones; canoas de salvamento costeras.

This diversity of terms leads to confusion when applied to present-day rescue craft. For this reason the ILC recommends the exclusive use of the terms:

- bateaux de sauvetage;
- rescue craft;
- barcos de salvamento.

It specifically states that, “in the future, vessels used by the State or by officially recognized lifeboat institutions for search-and-rescue operations and in conformity with Article 27 of the Second Geneva Convention should be termed “rescue craft” irrespective of their dimensions or range of action. These rescue craft should not be restricted to coastal rescue operations in order to be “respected and protected, so far as operational requirements permit” as laid down in Article 27 of the Second Geneva Convention”.

This ILC recommendation is justified by the way in which seafaring and sea and air navigation have developed and by technical advances which have increased rescue craft range and efficiency.

Without in any way altering the protection afforded by the Convention, the terms recommended by the ILC are more suited to the various types of rescue craft operating today than the ones employed thirty-six years ago when the Convention was adopted in 1949.

Modern rescue craft have kept pace with technological developments and are more efficient than former ones in going to the assistance of the shipwrecked, the wounded and the sick, a fact which is unquestionably consistent with the intentions of the legislators of 1949. These modern craft can be very different from those in less technically developed regions where lifeboats, if they exist at

all, have either not developed or have done so only very little since 1949. The terms recommended by the ILC have a wider meaning and include all types of rescue craft, ancient and modern; nevertheless, the IMO has pointed out the need to define clearly the terms "lifeboat", "rescue craft" and "rescue operations" as they are used in the Second Geneva Convention.

No request has been made for an explanation of the corresponding terms in French and Spanish; these are not examined here, their catch-all meaning avoiding any difficulty in the interpretation of their use in that Convention. We shall discuss only the English term for which definitions have been asked. We point out, moreover, that the last paragraph of article 43 of the Second Convention relating to hospital ships applies also to rescue craft and that the most modern identification methods to which it refers are themselves a subject of separate study in connection with the protection of rescue craft during armed conflict.

Before expressing its own opinion on the modern means of identification (blue flashing light, radio and radar transponders) proposed by the ILC, the IMO would like to know what the ICRC thinks of the foregoing ILC recommendations on terminology. Being keen to alleviate the plight of the wounded, the sick and the shipwrecked, the ICRC cannot but approve the ILC recommendations making for the achievement of that aim by conferring on rescue craft the right to the protection afforded by modern technology. Should there be a conference of naval technical experts (which could be held in Geneva at the end of 1985) the ICRC would willingly submit these recommendations to it and to the Twenty-fifth International Red Cross Conference which will take place in Geneva in October 1986 in order that a resolution might be adopted on this matter.

It is important to define certain English terms as they are used in the Second Geneva Convention since the same terms may be employed for rescue craft and operations which do not enjoy the protection of the Conventions. The definitions of the English terms "lifeboat", "rescue craft" and "rescue operation", together with some explanations, have been sent to the IMO and the ILC and are set out below.

## **2. The term "lifeboat"**

In the English version of the Second Convention, this term appears in Article 27 in the expression "lifeboat institutions" and in

Article 43 in the expression “coastal lifeboats”. The International Maritime Dictionary by R. de Kerchove gives the following definition for “lifeboat”: “A boat built of wood or metal and specially designed and equipped for life-saving purposes”. Today one must say: “... constructed in wood, or metal, or plastic or any other material that is solid or inflatable...” This definition applies to all types of “lifeboats”; those which are land-based and those from hospital ships, passenger ships and merchant ships; war ships can also be equipped with “lifeboats”. Nevertheless, the only “lifeboats” protected at all times by the Second Convention are those belonging to hospital ships and those which are land-based and used by the State or by officially recognized lifeboat institutions<sup>1</sup>.

The flotillas of these rescue organizations show the variety of types of modern rescue craft which have all been specially designed and equipped for life-saving purposes and which comply with the definition of “coastal lifeboat” even though their dimensions vary from a few metres in length up to 40 metres and their horsepower can be as much as 7,000 HP or more. The various types of land-based “lifeboats” are entitled to protection under the Second Convention during periods of armed conflict if they meet the requirements set out in Articles 27, 30, 31 and 43 of that Convention.

It is clear that these articles do not apply to only one type of rescue craft. There can be great differences in types of rescue craft from one country to another because of different general and technical criteria for rescue services. The general criteria are in line with national arrangements for rescue at sea, on rivers and on lakes; rescue services may be organized by the State or by private rescue and relief organizations such as the Royal National Lifeboat Institution, in the United Kingdom of Great Britain and Northern Ireland, or the Cruz Roja del Mar of the Spanish Red Cross, or the Société nationale de Sauvetage en Mer, in France. All this can play a role in choosing the type of rescue craft, as do also bilateral international rescue agreements or conventions between States with adjacent coasts, territorial waters, contiguous zones and exclusive economic zones.

The type of rescue craft chosen, particularly when it belongs to the State, must be compatible with the standard alarm and monitoring services, link-up and communications, and national regulations and obligations stemming from international conventions on

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<sup>1</sup> “Lifeboats” from ships other than hospital ships are protected by the Convention only when they are transporting the shipwrecked, the wounded or the sick.

safety in the air and at sea, such as the International Convention for the Safety of Life at Sea, 1974, Regulation 15, Chapter V. This Regulation provides for the establishment of a maritime search and rescue organization by coastal States party to the Convention.

The International Convention for the Unification of Certain Rules of Law Respecting Assistance and Salvage, signed in Brussels in 1910, mentions “tug” and “salvors of human life” without specifying the rescue craft used for life-saving purposes.

The IMO is currently reviewing this Convention and may shortly adopt a revised version.

It is the rescue institutions, whether State-owned or private, which choose the type of rescue craft best suited for a particular area; the international organizations interested in rescue matters have not laid down any regulations for the specifications of rescue craft. The IMO makes a distinction between two categories of vessels for search-and-rescue operations, but does not go into the specifications of these boats: <sup>2</sup>

- Rescue boat: short-range coastal and/or river craft (RB);
- Rescue vessel: long-range seagoing craft (RV).

The International Civil Aviation Organization, in the annexes to the Convention on International Civil Aviation signed in Chicago on 7 December 1944, published instructions on Search and Rescue (Annex 12), Rules of Procedures (Document 7030) and a Search and Rescue Manual (Document 7333); there is no mention of specifications for various types of rescue craft.

The Convention on the Law of the Sea <sup>3</sup>, signed on 10 December 1982, includes in Article 98(2) the same provision regarding rescue work as Article 12(2) of the Convention on the High Seas of 1958. The Convention on the Law of the Sea requests all coastal States to facilitate the setting up and operation of a permanent search-and-rescue service at sea but it does not specify any requirements or restrictions on the type of rescue craft.

There is no exact definition for a universal type of rescue craft; each national lifeboat institution chooses its vessels in accordance with its means and the requirements of the lifeboat service in its own region. In each region the type of rescue craft used is

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<sup>2</sup> See *IMO—Search and Rescue Manual*, p. 41; and *Merchant Ships SAR Manual (Mersar) Editions in English, French and Spanish*. IMO publications, London.

<sup>3</sup> The Convention on the Law of the Sea had been ratified, by the end of January 1985, by seven States; to become effective it must be ratified by 60 States.

influenced by several kinds of factors—geographic, economic and technical—for example:

- the nature of the coast and position of the rescue station on land; harbour, roadstead, beach;
- the hydrography, the bathymetry (study of sea depths) and the meteorology of the region along the coast and in the adjoining high seas;
- the people living along the coasts, fishermen, tourists;
- coastal and offshore (oil rigs) industrial activities;
- sea traffic in the area;
- technical co-ordination with official services, e.g. tug and pilot boat services, civil defence, police, the armed forces, navy and airforce, helicopters;
- the instruction and training of crews of rescue craft, voluntary and professional sailors;
- the presence in, or near to, the planned operation area of shipyards capable of building rescue craft;
- the possibilities of financing and importing a lifeboat;
- the lifeboat's required power, its seaworthiness, its range;
- the lifeboat's suitability for the transport and care of the wounded and the shipwrecked, for towing vessels in distress, passing through frozen waters and surf, over bars, coping with tidal and other currents, sailing between reefs, near desert coast lines or coasts difficult to approach, and navigating in poor visibility and storms.

These technical and general requirements explain why there are so many kinds of rescue services and vessels throughout the world. Such diversification ranges from the most advanced State institutions, such as the United States Coast Guards, to the lack of any rescue institutions in certain regions and along very many uninhabited coastlines and the least-frequented sea routes.

In the most favoured regions, rescue operations can be successfully carried out under the most difficult of conditions, near the coast or on the high seas, thanks to improvements in several types of lifeboat. Elsewhere, where there are only rowing-boat types of lifeboat, operations are limited by human muscle power despite the courage of crews who sometimes lose their lives in trying to assist the shipwrecked.

The Second Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949 is applicable on all seas and other waters. At any place, in time of war, rescue craft going to the

assistance of the shipwrecked are entitled to protection and respect, in accordance with the conditions set out in Articles 23, 27, 30, 31, 34 and 43.

Within the meaning of the Convention, the term “lifeboat” therefore applies to any vessel especially designed and permanently equipped for life-saving purposes, shore-based and employed for inshore or offshore rescue work by the State or by the officially recognized lifeboat institutions.

### 3. The term “rescue craft”

This term is used in the title to Article 27: “Coastal rescue craft”. It is used in the same way as “lifeboat” in J. Pictet’s *Commentary*. As implied in the Second Geneva Convention “rescue craft” has a more general meaning than the term “lifeboat” which, in maritime terminology, as mentioned above, is applied to various makes of boats, specially designed and equipped for life-saving purposes, whereas “rescue craft” indicates any boat in general permanently used for rescue work in the meaning of Articles 22, 27, 30, 31, 34 and 43 of the Second Convention.

As mentioned in the *IMO Search and Rescue Manual*: “Most vessels are suitable for both search and rescue operations at sea”. Hence, where no lifeboat designed and equipped for life-saving purposes exists one may use any boat by properly fitting it out as a rescue craft so that it can enjoy the protection of the Geneva Convention; it must be notified to the parties to the conflict and used exclusively for rescue operations throughout the entire conflict. Indeed, merchant vessels converted for use as hospital ships may not be put to any other use during hostilities, according to article 33 which applies by analogy to rescue craft since they are entitled to the same protection as hospital ships. Vessels converted for use as rescue craft and attached to shore-based life-saving stations are therefore subject to article 33. When, for an occasional rescue operation,<sup>4</sup> a vessel which is not a rescue craft must be used, the provisions of article 23 of Protocol I shall apply.

The general and technical criteria laid down for choosing the type of inshore or offshore lifeboat equally apply when choosing a “rescue craft” or, as referred to in the *IMO Search and Rescue Manual*, a “rescue vessel”. For these two categories of rescue craft, the *IMO SAR Manual* gives examples of types of vessels including

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<sup>4</sup> The term “rescue operation” is examined below.

“inshore lifeboats” and “offshore lifeboats”; the latter figure amongst “rescue vessels... which can participate in rescue operations at considerable distances from their base... and are of particular value because of their special equipment and trained personnel”.<sup>5</sup>

Therefore the definition of the term “rescue craft” as understood in the Geneva Convention is: Any vessel, shore-based and employed temporarily or permanently for inshore or offshore rescue work, for life-saving purposes, by the State or by the officially recognized lifeboat institutions.

The only difference in the foregoing definitions is that the “lifeboat” is especially designed, equipped and permanently used for lifesaving while the “rescue craft” may be so employed temporarily.

#### **4. Rescue craft and lifeboats: the same protection**

Under the same conditions as those provided for hospital ships, Article 27 of the Second Geneva Convention protects rescue craft and lifeboats used for coastal or deep-sea rescue operations by the State or by officially recognized lifeboat institutions in so far as the requirements of military operations permit.

Neither the type of boat used—whether it be a large ultra modern inshore or offshore lifeboat, a rescue craft or a simple open rowing boat—nor the lifeboat’s or rescue craft’s range of action or zone of operation can cause it to forfeit the protection accorded to it by Article 27.

This protection shall not cease unless the rescue craft or lifeboat is used to commit, outside its humanitarian duties, acts harmful to the enemy, in accordance with Article 34 of the Second Convention which lays down the conditions for discontinuation of protection.

However, lifeboats engaged in rescue operations during periods of armed conflict shall in no way hamper the movements of the combatants. During and after an engagement they act at their own risk. These conditions, laid down in Article 30 of the Second Convention, take into account the “military necessity” for which international humanitarian law constantly makes allowance.

Article 27 grants protection “so far as operational (naval) requirements permit”, this does not mean that it is permissible to

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<sup>5</sup> *IMO SAR Manual*: 3.3.3. Utilization of vessels for SAR purposes, p. 41.

attack a lifeboat, since the belligerent can order it off (article 31). These provisions demonstrate that rescue craft and belligerents need to be able to communicate with naval vessels and aircraft. Their means of communication should be mentioned in the notification of rescue craft.

## 5. Notification of rescue craft

Notification of rescue craft to parties to a conflict is important for their protection. Useful information on notification may be found in an article by Gilbert Gidel, published in *International Review of the Red Cross*, September 1955, in which he refers to the Seventh International Lifeboat Conference at Estoril in 1955. At the end of his article, Gidel alludes to Resolutions 6 and 7 annexed to the 1949 Geneva Conventions, in connection with communication between rescue vessels and naval vessels and aircraft. He mentions also the proposal that the ICRC keep a register of rescue craft notified by States.

Incidentally, the ITU receives from the national telecommunication Administrations notification of radio stations aboard various types of rescue craft. The List of Ship Stations (Nomenclature des stations de radio de navire—Nomenclator de las estaciones de barco) published annually by the ITU uses the letters “SV” for the general classification and “SAU” to indicate rescue vessels. Of the 150,000 ship stations notified to the ITU by 35 member Administrations, 374 are classed as rescue craft “SV/SAU”<sup>6</sup>. It is probable that not all Administrations have notified rescue craft flying their national flags and that some of the vessels classed “SV/SAU” are not rescue craft as meant by the Second Geneva Convention.

It would therefore be advisable for State and private lifeboat institutions to agree with national telecommunication Administrations for notifications of rescue craft radio stations to the ITU to differentiate between those protected by the Second Geneva Convention and those which are not.

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<sup>6</sup> The List of Ship Stations contains, for example, the following classification abbreviations:

Bta	= factory ship	Phs	= fishing guard
Cgt	= coast-guard	Ram	= salvage ship
Div	= ship used by divers	Sau	= rescue vessel
Dou	= customs launch	Sec	= stand-by safety vessel
Fps	= fast patrol ship	Tug	= Tug-boat
Hop	= hospital ship		etc., etc.
Ins	= inspection ship		

## 6. The term “Rescue operations”

The term “rescue operations” appears in Article 27 in the expression “coastal rescue operations”. A lifeboat’s zone of operation may be far from its land base; in Article 43, paragraph 6, provision is made for “coastal lifeboats” to continue to fly their own national colours along with Red Cross flags when operating far from their base in occupied territory. J. Pictet’s *Commentary* explains Article 27 as follows: “the expression “coastal rescue operations” does not mean that the small craft concerned may operate only near the coast. If humanitarian considerations obliged a small craft to go to a point some considerable distance from the coast, it would nonetheless remain protected. This is obvious from Articles 30 and 31...”<sup>7</sup>.

In accordance with Article 27 of the Second Convention, the term “rescue operation” means therefore: any inshore or offshore rescue work needed for life-saving purposes made by rescue craft or lifeboat, according to Article 27 of the Second Geneva Convention.

In accordance with Articles 12 and 13 of the Second Convention the shipwrecked, wounded and sick who are at sea shall be respected and protected in all circumstances, it being understood that the term “shipwrecked” means wrecked from any cause and includes forced landings at sea by or from aircraft. The explanations which J. Pictet gives in his *Commentary* on Articles 12 and 13 for the terms “shipwrecked” and “shipwreck” state what rescue operations are in time of war. As understood in the Second Convention they consist in bringing assistance to any person in danger and, according to Pictet, to “persons in distress who renounce active combat (and who) can only expect the adversary to respect and rescue them if they make their situation clear and, of course, provided the adversary sees their signals”<sup>8</sup>.

In point of fact it may happen that combatants in a dangerous situation might, nevertheless, decide not to stop fighting and that operations to “recover” them might be aimed at purposes other than saving people in distress, irrespective of whether the shipwreck occurred near the coast or on the high seas.

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<sup>7</sup> J. Pictet, *Commentary, II Geneva Convention*, ICRC, 1960; Art. 27, p. 173.

<sup>8</sup> J. Pictet, *Commentary, II Geneva Convention*, ICRC, 1960; Art. 12, p. 90.

## **7. Recovery and assistance operations – (Combat Search and Rescue)**

During the Second World War merchant convoys had a heavy escort and were defended by warships and were followed at a short distance by armed vessels especially equipped to search for and rescue the crews from ships which had sunk or were in distress after the convoys had been attacked. These rescue ships, included in the convoy, were fulfilling a task which neither a hospital ship nor a rescue craft would be called on to carry out since besides rescuing the shipwrecked, wounded and sick, and sometimes towing disabled ships, they were armed to counter-attack the enemy. Of course, these rescue ships did not display the distinctive protection emblems and did not claim the immunity due to ships protected by the Convention.

Similarly, armed rapid coastal launches used to rescue and, sometimes, capture aircraft pilots who had fallen in the sea could not enjoy the protection due to rescue craft since they were engaged in operations which were not solely humanitarian. Some armed helicopters and seaplanes also could undertake such support operations—"combat-search-and-rescue" operations—without the protection of the Geneva Conventions.

Recovery operations cannot be considered rescue operations as understood in the Second Convention since their aim is to assist military personnel in carrying out their mission, either by bringing them to a safe place after they have accomplished their objectives, on land or at sea, or by rescuing them from a difficult situation after their stricken aircraft has come down in the sea or their ship or vessel has been disabled or sunk; these military personnel do not give any signs of distress and do not surrender: their situation is similar to that of a wounded soldier wanting to escape from captivity.

This difficult situation may not be considered one of distress if the survivors are sufficiently fit for service and have survival equipment to enable them to indicate their position and await the arrival of the means planned for picking them up—means with which specialized combatants are frequently familiar.

It often happens that these search and assistance operations enable combatants to go on active duty again, sometimes immediately afterwards, and the opposing party would certainly not be idly looking on, especially when the combatants concerned are specialized people such as aircraft pilots, navigators, divers of

underwater demolition teams, etc. For this reason, and because they may be armed, the means used to seek and assist them may not be considered to be medical transports entitled to the protection of the Geneva Conventions, unless an agreement to the contrary has been concluded (see below). Aeroplanes, helicopters, deep sea salvage tugs or ships may be involved, sometimes escorted by combat planes or helicopters or war ships.

#### **8. The expression “search and rescue” (SAR) — Conclusion of special agreements**

Many countries have peace-time civilian search-and-rescue (SAR) services which conform to national regulations or to the international regulations contained in Rule 15, “Search and Rescue”, Chapter V, of the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974) and in Article 25 of the Convention on International Civil Aviation, already referred to, which provides for the search and rescue of missing aircraft by each contracting State and for international co-operation by SAR services. The expression “SAR” therefore refers to a national and international search-and-rescue institution for aircraft and ships.

The international provisions for search-and-rescue services for civilian aircraft and ships in times of peace require a technical infrastructure that does not necessarily exist everywhere. Nevertheless, studies are being conducted by the IMO, ITU, ICAO and others with a view to establishing a Future Global Maritime Distress and Safety System (FGMDSS). Recommendation 713, adopted by the World Administrative Radio Conference for the Mobile Services (MOB-83, ITU Geneva, 1983), provides for the use of radar transponders in search-and-rescue operations at sea.

Emergency Position-Indicating Radiobeacons for ships and aircraft in distress have proved to be extremely useful in combination with the COSPAS/SARSAT and INMARSAT radiodetermination-satellite service; an increase in the use of all modern search-and-rescue means may be expected in the near future and it is likely that military search-and-rescue services will follow suit.

Under the Second Convention, parties to a conflict may conclude amongst themselves arrangements and agreements for search-and-rescue operations which, if so agreed, may be carried out by medical aircraft, hospital ships, lifeboats, or any other ships protected by the Second Convention, through the application of Articles 6, 18, 21, 27 and 30. The experience of civilian search-and-

rescue services should facilitate the conclusion of these special agreements.

By analogy, the provisions of Protocol I additional to the Geneva Convention of 12 August 1949, dealing with medical transports—including Articles 25 to 31 concerning the use of medical aircraft—may serve as a model for the conclusion of search-and-rescue arrangements at sea in the various areas where naval and airforce operations are being carried out.

Every party to a conflict and any neutral States may endeavour to recover their personnel who have fallen into the sea, are shipwrecked or in a difficult and distressing situation. However, international humanitarian law is intended to protect the victim, the shipwrecked, irrespective of military considerations and, with this aim in mind, agreements should be reached between the belligerents for the rescue of their own personnel whenever they are themselves unable to undertake it or whenever assistance or search-and-rescue is liable to become a tactical naval operation between rival forces.

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## *Synopsis II*

### **Protection of Civilian Populations against the Effects of Hostilities**

by **J. de Preux**

#### **I. CUSTOMARY LAW**

Customary law concerning the protection of civilian populations against the effects of hostilities is essentially based on the rules of the law of The Hague. The general principle underlying it is set out in the Declaration of St. Petersburg (1868) which states "that the only legitimate object which States should endeavour to accomplish during war is to weaken the military forces of the enemy".

As regards war on land, "the attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited" (The Hague Regulations of 1907, Article 25). Whenever a defended locality is being besieged, "the officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities" (Regulations, Article 26).

The concept of military objectives, as derived from the IXth Hague Convention of 1907 respecting Bombardments by Naval Forces, gave rise to the precise formulation of these rules, especially as regards bombarding the area behind enemy lines. According to the terms of this Convention, it is forbidden to bombard "undefended ports, towns, villages, dwellings, or buildings" (Article 1). "Military works, military or naval establishments, depots of arms or war material, workshops or plants which can be utilized for the needs of the hostile fleet or army, and the ships of war in the harbour, are not, however, included in this prohibition" (Article 2). "All due measures shall be taken in order that the town may suffer as little harm as possible" (*ibid.*).

In any case, whatever the circumstances, “in sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes” (Hague Regulations, Article 27; XIth Hague Convention, Article 5).

Moreover, it is forbidden “to destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war” (Regulations, Article 23, subparagraph g).

Today, these rules have been supplemented by the Geneva Conventions which forbid any attack on the wounded, sick, shipwrecked, medical personnel, medical transports, medical establishments and units.

The provisions as regards cultural property are supplemented, in particular, by The Hague Convention of 1954 for the Protection of Cultural Property.

To sum up, customary law as a whole is a part of the fundamental principles, according to which Parties to a conflict do not have an unlimited choice of the means to harm the enemy, it is prohibited to cause superfluous suffering, civilians and combatants remain under the protection of the principles of the international law derived from established custom, from the laws of humanity and the dictates of public conscience.

## II. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS

*(Protocol I)*

For the protection of civilian populations against the effects of hostilities the Protocol contains two categories of rules, i.e. rules for general protection and rules for special protection.

### **A. General protection**

#### **Principle of distinction**

At all times a distinction must be made between the civilian population and combatants and between civilian objects and military objectives (Protocol I, Article 48).

## **Definition of civilians and civilian population**

Any person not belonging to the armed forces shall be considered to be a civilian. The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character (Protocol I, Article 50).

## **Definition of military objectives**

In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, in the circumstances ruling at the time, offers a definite military advantage (Protocol I, Article 52).

## **Cases of doubt**

In case of doubt whether a person is a civilian, that person shall be considered to be a civilian; likewise in case of doubt whether an object which is normally dedicated to civilian purposes is being used to make an effective contribution to military action, it shall be presumed not to be so used (Protocol I, Articles 50 and 52).

## **Prohibition of attacks against civilians and civilian objects**

The civilian population as such, as well as individual civilians, shall not be the object of attack or of threats of violence, the primary purpose of which is to spread terror among the civilian population. Civilian objects shall not be the object of attack (Protocol I, Articles 51 and 52).

## **Prohibition of reprisals**

Civilians and civilian objects shall not be the object of reprisals (Protocol I, Articles 51 and 52; Fourth Convention, Article 33).

## **Reservation**

Civilians are not shielded from attack during the time in which they take a direct part in hostilities (Protocol I, Article 51).

## **Prohibition of indiscriminate attacks**

Indiscriminate attacks are prohibited.

Indiscriminate attacks are those which are of a nature to strike without distinction military objectives and civilians or civilian objects either:

- (a) because they are not directed or cannot be directed, owing to the means or methods used, at a specific military objective; or
- (b) because they employ a method or means of combat the effects of which cannot be limited as required (Protocol I, Article 51).

## **Examples of indiscriminate attacks**

Examples of indiscriminate attacks are:

- an attack which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects;
- an attack which causes incidental loss of civilian life and damage to civilian objects, excessive in relation to the concrete and direct military advantage anticipated (Protocol I, Article 51).

## **Prohibition to shield military objectives**

The civilian population and civilian objects shall, in so far as possible, be removed from the vicinity of military objectives; likewise, all other necessary precautions shall be taken (shelters, distinctive signs, etc.). Similarly, the presence or movements of the civilian population shall not be used to attempt to render military objectives immune from attack or to shield, favour or impede military operations (Protocol I, Articles 51 and 58; Fourth Convention, Article 28).

## **Obligations of the attacking party**

The attacker shall:

- do everything feasible to verify that the objectives to be attacked are indeed military objectives;
- choose means and methods of attack which avoid, or in any event minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects;

- refrain from launching any attack in which the aforesaid losses, injury or damage can be expected to exceed the concrete and direct military advantage anticipated;
- cancel or suspend an attack, or choose another target for attack, as soon as it becomes apparent that the above-mentioned condition is no longer respected;
- give effective advance warning to the civilian population whenever the latter's own interest so requires and whenever circumstances permit (Protocol I, Article 57).

### **Unconditional nature of the above-mentioned obligations**

The above-mentioned obligations shall be respected in all circumstances whatever the nature or origin of the armed conflict or whatever the causes espoused by the Parties to the conflict or attributed to them (Protocol I, Preamble; Article 1 common to the four Geneva Conventions).

### **Cases not covered**

In cases not covered by international agreements, civilians remain under the protection and authority of the principles of the law of nations derived from established custom, from the laws of humanity and from the dictates of the public conscience (Hague Convention No. IV of 1907, Preamble; Protocol I, Article 1).

## **B. Special protection**

In addition to this general protection, the Protocol and the Conventions confer special protection on:

- certain specifically designated objects;
- certain zones by decision of the beneficiaries or the Parties to the conflict;
- relief operations for civilians.

### **(a) Specially protected objects**

#### **Cultural objects**

Unlike ordinary civilian property which may, should the eventuality arise, be transformed into military objectives, historic monuments, works of art or places of worship which constitute the

cultural or spiritual heritage of peoples cannot be used in support of the military effort nor can they be attacked (Protocol I, Articles 53 and 85; The Hague Regulations, Article 27).

### **Objects indispensable to survival**

It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas, crops, livestock, drinking water installations and supplies and irrigation works (Protocol I, Article 54).

### **The natural environment**

It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment (Protocol I, Articles 35 and 55).

### **Installations containing dangerous forces**

Dams, dykes and nuclear electrical generating stations shall not be made the object of attack, even where these objects are military objectives, if such attack may cause the release of dangerous forces and consequent severe losses among the civilian population (Protocol I, Article 56).

### **(b) Specially protected zones**

#### **Safety zones**

Hospital and safety zones and localities created to protect from the effects of war, wounded, sick and aged persons, children under fifteen, expectant mothers and mothers of children under seven, cannot be transformed into military objectives, neither can they be attacked. Special Commissions can be set up to inspect these zones (Fourth Convention, Article 14 and Annex I, Articles 8 and 9).

#### **Neutralized zones**

By common agreement between the Parties to the conflict, neutralized zones may be established in regions where fighting is

taking place, to shelter all those who take no part, or who are no longer taking part, in hostilities (Fourth Convention, Article 15). From then on, these people can no longer be attacked in any way.

### **Non-defended localities**

Any inhabited place near or in a zone where armed forces are in contact which is open for occupation may be declared a non-defended locality on condition that:

- all combatants and their equipment be evacuated;
- no hostile use be made of fixed military installations;
- no acts of hostility be committed;
- no activities in support of military operations be undertaken.

As long as these conditions are fulfilled, such a locality can in no way be attacked. If there is an infringement of these conditions, only military objectives may be attacked. The presence of police forces to maintain law and order does not constitute a breach of these conditions (Hague Regulations, Article 25; Protocol I, Article 59).

### **Demilitarized zones**

Under no circumstances may demilitarized zones recognized by the Parties by mutual agreement be attacked. Usually, the agreement specifies the same conditions as for non-defended localities. If there is a breach of the agreement only military objectives may be attacked (Protocol I, Article 60).

### **(c) Relief operations**

Over and above the special immunity accorded by the Conventions and the Protocol to the civilian and military medical services and to the recognized relief agencies assisting them (First Convention, Articles 19 to 37; Second Convention, Articles 22 to 40; Fourth Convention, Articles 18 to 20; Protocol I, Articles 12 to 31; The Hague Regulations, Article 21) the following bodies also enjoy special protection:

- *International Committee of the Red Cross*

The ICRC shall be granted all facilities so as to enable it to carry out the functions assigned to it by the Conventions and the

Protocol in order to ensure protection and assistance to the victims of conflict and to carry out any other humanitarian activities in favour of these victims, subject to the consent of the Parties to the conflict (Article 9 common to the First, Second and Third Conventions, Article 10, Fourth Convention; Protocol I, Article 81).

— *Red Cross and Red Crescent Societies*

These Societies shall be granted all facilities necessary for carrying out their humanitarian activities in favour of the victims of the conflict (Hague Regulations, Article 15; Protocol I, Article 81).

— *Other recognized relief agencies*

Other humanitarian organizations duly authorized by the respective Parties to the conflict shall be granted similar facilities to those granted to the Red Cross and Red Crescent Societies (Protocol I, Article 81).

— *Personnel engaged in the protection of cultural property*

Personnel engaged in the protection of cultural property (there is nothing to prevent civilians finding refuge there), shall be respected (Hague Convention of 1954, Article 15).

— *Personnel participating in relief actions*

Such personnel shall be respected and protected (Protocol I, Article 71).

— *Civil defence organizations*

Such organizations and their personnel shall be respected and protected (Protocol I, Article 62).

**J. de Preux**  
*Legal Adviser at the ICRC*

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# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## **A new Member of the ICRC**

At its meeting on 9 May 1985, the Assembly of the International Committee of the Red Cross elected Mr. André Ghelfi as a member of the Committee.

Mr. André Ghelfi was born in 1921 at Tavannes, a citizen of Renan (Canton of Bern). He did his training as a technical engineer at the *Ecole d'horlogerie et de mécanique* in St. Imier (today known as the *Technicum jurassien*) and then worked in various Swiss metal-working and machinery businesses. In 1952, he was nominated to the Secretariat of the Swiss Federation of Metal Workers, and has been its Vice-President for fifteen years. He represents the federation, and the Swiss Trade Union Federation, on various social, political and economic commissions. Mr. Ghelfi is also a delegate to the International Labour Organisation, Geneva.

Following Mr. André Ghelfi's election the International Committee of the Red Cross now has twenty-one members.

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## **Ratification of the Protocols by the Republic of Senegal**

The Republic of Senegal deposited with the Swiss Government, on 7 May 1985, the instruments of ratification, without reservation, of the Protocols Additional to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II), adopted in Geneva on 8 June 1977.

Pursuant to their provisions, the Protocols will enter into force for the Republic of Senegal on 7 November 1985.

This is the 51st State to become party to Protocol I and the 44th to Protocol II.

## EXTERNAL ACTIVITIES

*March-April 1985*

### **Africa**

#### **Missions from Geneva**

Mr. Jean-Pierre Hocké, ICRC Director for Operational Activities, went on mission to *Ethiopia* from 24-30 April. While in Addis Ababa, he was received by Lieutenant Colonel Mengistu Haile Mariam, Head of State and Chairman of the Provisional Military Administration Council. Their talks centred mainly on ICRC assistance to Ethiopia.

Mr. Jean-David Chappuis, ICRC deputy delegate general for Africa, went on mission to *Angola* from 27 February to 11 March accompanied by Mr. Andreas Lendorff, Head of the ICRC Relief Division. The purpose of their visit was mainly to assess relief work with the ICRC delegation and to plan the future of this work, particularly as regards certain logistic problems.

From 22 April to 5 May, Mr. Chappuis first visited *Ethiopia* and then continued to *Sudan* to discuss various aspects of assistance work in these two countries with the ICRC delegations there.

#### **Southern Africa**

On 16 March 27 people detained by UNITA (National Union for the Total Independence of Angola), i.e. 17 Filipinos, 5 Portuguese, 3 British and 2 Americans, were released and handed over to the ICRC, which took them by air to Johannesburg and delivered them to the consular authorities of their respective countries.

## Angola

In March and April the ICRC's assistance work for displaced people in Angola continued in the provinces of Huambo and Benguela. Its activities in Bie province, which had been suspended for one month at the authorities' request, were resumed on 15 March and the feeding centre in Kuito, which had been destroyed as the result of an armed attack was set up again.

The ICRC continued to ship relief supplies (8,215 tonnes of food transported within two months on board 8 cargo ships) to the ports along the Atlantic coast from where they were flown by wide-bodied aircraft to warehouses in Huambo, Kuito and Benguela; from there, six light aircraft carried out a total of 1,828 flights to supply the various ICRC distribution points in the townships. In March 1,304 tonnes of relief supplies were distributed to some 122,000 people; in April 118,000 people were given 1,280 tonnes of relief supplies.

Medical aid was also continued. An anti-measles vaccination campaign was set up by the ICRC in those provinces where it is operational. In addition, in view of the serious undernourishment in the city of Huambo, the ICRC established therapeutic departments in each feeding centre. As at 30 April, 10,780 undernourished children were being fed in 22 feeding centres run by the ICRC and some 73,400 of their direct family members were receiving food rations.

Medicaments and medical items were supplied to the dispensaries and hospitals where the ICRC could monitor their use. ICRC teams and Angolan teams gave an average of 20,000 medical consultations per month. In addition, 174 wounded and seriously ill were evacuated to hospitals in the provinces and 218 patients were taken home at the end of their treatment.

The orthopaedic centre in Bomba Alta (Huambo) fitted 86 patients with appliances and repaired 810 prostheses and crutches.

Finally, the ICRC Tracing Agency office in Angola handled 53 requests for news and exchanged 39 family messages.

At the end of April, there were 105 people (including 22 assigned to flight operations) employed in the ICRC delegation in Angola; this total number included 15 people seconded to the ICRC by the Red Cross Societies of Belgium, Canada, Denmark, Finland, Ireland, Norway, Portugal, the Federal Republic of Germany and the United Kingdom.

## **Republic of South Africa**

In March and April, ICRC delegates continued the surveys they had been conducting since the beginning of the year. They visited the regions of Natal, KwaZulu, Orange Free State, Cape Province, Qwaqwa, KwaNdebele, Lebowa, Gazankulu, KaNgwane and Venda with a view to establishing or renewing contacts with branches of the South African Red Cross and to see at first hand how the situation was developing in the regions affected by the disturbances and tension.

As part of its assistance programmes the delegation in Pretoria provided 468 food parcels to former detainees and detainees' families in need, and gave various other relief supplies totalling 86,000 Swiss francs.

## **Namibia/South-West Africa**

On 26 March two ICRC delegates visited 19 prisoners and detainees in Windhoek prison.

As part of its assistance programme the ICRC supplied 255 food parcels and various relief supplies to a value of 15,500 Swiss francs. In addition, it provided protein-enriched cereals for infants suffering from malnutrition in Kavango and Damaraland and food (maize, sugar, powdered milk and vegetable oil) to school children in Damaraland and Rehoboth.

## **Mozambique**

The ICRC supplied medical assistance to about ten health centres and surgical hospitals in Mocuba and Quelimane, in Zambezia province. An ICRC nurse, based in Quelimane, the provincial capital, organized the evacuation by air of some wounded and sick people to hospitals. Between 30 March and 4 May an ICRC aircraft carried out 38 flights to transport 13.5 tonnes of medicaments, material and various relief supplies (clothing, soap) destined either for the ICRC, the «Mozambique Red Cross», or the Mozambique Ministry of Health. These flights also enabled 8 wounded and 12 sick people to be evacuated to the hospitals and 40 people to be taken home at the end of their treatment.

In addition, the orthopaedic centre in Maputo fitted 20 patients with appliances and manufactured 24 prostheses and six wheelchairs.

## Uganda

In March, ICRC delegates visited 7 prisons and 8 police stations holding 3,140 people, including 27 detainees who came within the competence of the ICRC; in April, visits were made to 9 prisons and 7 police stations where a total of 1,072 people were held, including 33 within the competence of the ICRC. Relief supplies were distributed during these visits.

In co-operation with the Ugandan authorities, the ICRC organized the transfer of 154 displaced persons housed in transit camps. It also registered 19 requests for news about detainees.

Two ICRC delegates, including a doctor, conducted a survey in the transit camps in Nakazi and Kibizi. As a result of fresh approaches to the authorities, the delegation in Kampala was authorized to resume part of its assistance work in the region known as the «Luwero triangle» north of the capital; this work on behalf of the civilian population displaced in the districts of Mpigi, Mubende and Luwero had been suspended in July 1984 because of security problems. The relief supplies provided by the ICRC for March and April came to 202 tonnes, including 189 tonnes of food.

Because hazardous conditions impeded movements over land, medical work was confined to the transit camp in Kampala (the "Yellow House"), where 1,700 consultations were given to the displaced population.

## Ethiopia

As part of its joint relief operation with the Ethiopian Red Cross, the ICRC distributed 6,413 tonnes of food in March to some 472,700 people affected by the conflict situation and by the drought prevailing mainly in the northern region of Ethiopia. In April the amount of food distributed came to 6,792 tonnes in aid of 518,400 beneficiaries, i.e. 45,000 more than during previous months.

Although the figures for April show an increase of 20% over March, the ICRC's activities were none the less hindered by certain logistic problems: a shortage of lorries and aircraft fuel, impassible roads, deteriorating safety, especially in Wollo and Tigre.

The ICRC's fleet of aircraft was augmented by a fourth aeroplane, a "Hercules", bringing the number now to four wide-bodied aircraft and three light aircraft used to bring relief supplies to villages inaccessible by road; taking off from Addis Ababa and Asmara, these wide-bodied aircraft will thus be able to transport

food and seeds to Tigre until the end of June to build up the necessary stocks before the rainy season. The ICRC is using 33 articulated lorries for road transport; it has rented 28 vehicles on the spot, pending the arrival of about 50 others to supplement its fleet.

It should be noted that all the ICRC's relief activities are carried out in close co-operation with the Ethiopian Red Cross. Every month an average of 230 staff members from the National Society and 650 workers recruited locally, on a daily basis, actively take part in distributions of relief supplies.

As regards medical aid, ICRC delegates have conducted surveys in Tigre, Eritrea and Gondar (Afabet, Dabat, Debark) and supplied medicaments and medical items to health centres, clinics and dispensaries, particularly in order to combat the diarrhoea epidemic among the inhabitants of Maychew, Mehoni and Mekele.

Three doctors, 12 nurses and 5 assistants continued to run the ICRC feeding centres in Mekele, Axum, Adwa, Maychew, Mehoni and Hamus, where an average of about 4,000 children receive therapeutic feeding care every month.

The orthopaedic centres in Asmara and Harar, where eight ICRC prosthetists assisted by 11 local employees are working, fitted 41 patients with appliances and manufactured 62 prostheses.

In March and April, the ICRC organized 67 information meetings about the Red Cross movement and the fundamental rules of humanitarian law: the ICRC's role of protection and assistance activities were explained in these meetings to an audience of 25,000 people, including politicians, civil servants, officers and soldiers, teachers, students and schoolchildren.

As at 30 April, the ICRC delegation in Ethiopia consisted of 67 people, including 15 seconded by the National Red Cross Societies of Australia, Austria, Finland, Ireland, France, New Zealand, the Federal Republic of Germany and the United Kingdom.

## **Sudan**

In March and April, the ICRC delegation in Khartoum supplied 2,244.7 tonnes of food (wheat-flour, lentils, powdered milk, oil) and various relief supplies (blankets, clothing, cooking utensils, hoes) to people displaced from Tigre, and 44.5 tonnes of food and bedding items to Ethiopian refugees in Sudan.

The ICRC Tracing Agency office forwarded 90 family messages between Ethiopian and Ugandan refugees in Sudan and their families; moreover, it was able to discover the whereabouts of 77 Ethiopian refugees and 47 Ugandan refugees about whom requests for news had been made.

The orthopaedic re-education centre in Kassala fitted 41 patients with appliances in March and April.

### **Chad**

In March and April, 43.2 tonnes of food and various relief supplies were delivered by the ICRC for detainees in the central prison of N'Djamena.

An ICRC doctor and a nurse kept a regular check on the detainees' state of health and organized a vaccination campaign against tetanus and yellow fever.

### **Zaire**

In March, ICRC delegates carried out four visits to three places of detention in Kinshasa and saw 133 detainees, including 40 within the ICRC's competence. In April, three visits were made to two places of detention where 117 detainees were being housed, including 47 within the ICRC's competence.

The detainees and their families were provided with relief supplies, i.e. 250 and 120 beneficiaries in March and April respectively.

An ICRC delegate gave two lectures on the fundamental rules of humanitarian law—one to about 300 people at the opening of the Red Cross Week and the other to an audience estimated at 230 people.

### **Regional delegation in Togo**

The ICRC regional delegate, based in Lomé (Togo), was in *Gambia* from 11 to 18 March and had discussions with the Minister of the Interior and the Minister for Foreign Affairs, as well as with the commander of the armed forces and senior members of the Gambia Red Cross. Among other matters, the discussions dealt with the accession of Gambia to the Protocols additional to the Geneva Conventions, the dissemination of knowledge of interna-

tional humanitarian law among the armed forces and the training of local and national cadres of the National Society.

From 19 to 23 March the regional delegate, accompanied by a legal adviser from Geneva, went to *Liberia* and met the Vice-President of the Republic, the Minister for Foreign Affairs, the Minister of State for Presidential Affairs, as well as the senior members of the Liberian Red Cross. The questions raised during these discussions concerned the accession of Liberia to the Protocols additional to the Geneva Conventions and the development of the National Society.

From 3 to 9 April and from 9 to 17 April the regional delegate visited *Niger* and the *Ivory Coast* respectively. The purpose of his visits was to make contact with the National Society in each of these countries with a view to co-operating in training members of the Red Cross and to making the authorities aware of the need to disseminate knowledge of international humanitarian law.

Finally, from 29 April to 3 May, the regional delegate and a delegate from Geneva took part in a seminar on international humanitarian law in Accra (*Ghana*) organized by the Ghana Association of Teachers. Three lectures were given by the delegates to some 90 participants from the armed forces, the police, the National Society and representatives from the Ministries of Justice, Health, the Interior and Foreign Affairs.

## **Zambia**

The ICRC regional delegate, based in Harare (Zimbabwe), took part in a dissemination seminar for the *Zambian* army on 24 and 25 April, attended by some 200 senior officers. The delegate gave a lecture, accompanied by films, on international humanitarian law and the activities of the ICRC and emphasized four main points: the difficulty of respecting and ensuring respect for the Geneva Conventions, the importance of disseminating knowledge of international humanitarian law, the possible accession of *Zambia* to the Protocols additional to the Geneva Conventions and relations between the armed forces, the ICRC and the National Society.

## **Comoros Islands**

From 22 to 24 March the ICRC regional delegate, based in Nairobi (Kenya), went on mission to the *Comoros Islands* and took

part in a seminar organized by the "Comoran Red Crescent" on the dissemination of knowledge and the development of the essential rules of humanitarian law; he also attended the annual meeting of this Society.

## **North Africa**

### **Algeria**

Two ICRC delegates, accompanied by a doctor, were in Algeria from 29 April to 2 May; they had discussions with the President of the Algerian Red Crescent and visited one place of detention, where they registered 35 Moroccan prisoners held by the Algerian armed forces since 1984.

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

From 3 to 7 March, three ICRC delegates, including a doctor, conducted a medico-nutritional survey in the Sahrawi refugee camps in Tindouf. On the basis of the results of this mission the ICRC launched an appeal to a number of National Red Cross and Red Crescent Societies to take part in a medical and food aid programme on behalf of some 80,000 people.

## **Latin America**

### **Missions from Geneva**

Mr. Alexandre Hay, President of the ICRC, accompanied by Mr. André Pasquier, delegate general for Latin America, visited *El Salvador* from 19 to 25 April. During his visit, he met in San Salvador the highest authorities in the country, in particular the President of the Republic, Mr. Napoleón Duarte, General Vides Casanova, Minister of Defence, Dr. Jorge Eduardo Tenorio, Minister for Foreign Affairs, Mr. Ricardo J. López, Minister of Finance and former President of the Salvadoran Red Cross, Colonel López Nuila, Deputy Minister of Public Security, and Mgr. Arturo Rivera y Damas, Archbishop of San Salvador.

On 24 April, the President of the ICRC was present at the inaugural session of the Salvadoran Red Cross centenary ceremonies. To mark the occasion, the ICRC presented twelve ambulances to the National Society. In addition, the President of the ICRC participated in the first day of a Technical Seminar for senior officials of Central and North American National Societies, representatives of the League of Red Cross and Red Crescent Societies and of the ICRC.

After accompanying President Hay to El Salvador, Mr. Pasquier went to *Nicaragua* to review ICRC activities with the delegation and to make contact with the authorities.

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Dr. Athos Gallino, member of the ICRC, accompanied by Mr. André Pasquier, was present in *Costa Rica*, at the official ceremony, on 5 May at San José, marking the centenary of the Costa Rican Red Cross. In a speech he delivered on this occasion, he expressed the ICRC's wish to strengthen its collaboration with the National Society, in particular in the area near the border with Nicaragua. Dr. Gallino announced the gift of four ambulances intended for these frontier zones.

In addition, Mr. Pasquier reviewed current activities with the ICRC regional delegation at San José.

## **El Salvador**

In March, ICRC delegates made 138 visits to places of detention in El Salvador administered by the Ministries of Justice and Defence. During these visits, they registered 119 new detainees imprisoned for security reasons (of whom 50 were in the eastern departments) and they had interviews without witnesses with them. In April, 149 new detainees were seen and registered (of whom 74 in the eastern areas) in the course of 150 visits.

The three ICRC Tracing Agency offices, situated at San Salvador, San Miguel and Santa Ana, recorded 238 tracing requests concerning persons declared missing or presumed in captivity. In addition, these offices received 1,428 visitors seeking information about the fate of members of their families. The ICRC also carried out the transfer of 69 civilians evacuated from a conflict zone to a displaced persons camp.

Food aid provided to the civilian populations affected by the combat totalled 444.7 tonnes in the central zone (Cabanas, Chalatenango, Cuscatlán, Sonsonate, San Vicente, San Salvador and La Libertad departments and 1,635.7 tonnes in the eastern region (San Miguel, Usulután, La Unión and Morazán departments). The number of beneficiaries amounted to 115,000 persons in March and 122,000 persons in April.

In spite of difficulties in travelling, due to the unsafe conditions, ICRC and Salvadoran Red Cross medical teams, based at San Salvador and San Miguel, gave 11,655 medical consultations (including 2,325 dental examinations) during their rounds in rural areas. Medicines and medical material valued at 128,000 Swiss francs were handed over to hospitals, first-aid posts and branches of the National Society.

## Nicaragua

In March, the ICRC delegates in Nicaragua visited five places of detention administered by the regional penitentiary systems of Granada, Juigalpa, Estelí, Matagalpa and Chinandega, where they registered 32 new detainees. In April, a complete visit was made to the Tipitapa prison at Managua where 2,750 security detainees were being held. The ICRC delegates had interviews without witnesses with 750 of them, in accordance with customary ICRC procedure. In addition, the ICRC medical team gave consultations to nearly 500 detainees.

During these visits, almost 43 tonnes of relief supplies (food, hygiene requisites and leisure articles) valued at 130,000 Swiss francs were handed over for the detainees. Medicines and medical material worth 10,000 Swiss francs were also distributed. In addition, the ICRC delegation handed out more than 2,300 food rations (value: 76,000 Swiss francs) to the needy families of detainees.

During their visit to Tipitapa prison and while travelling in the Nueva Guinea, Rio San Juan and Tasba Pri regions, the ICRC delegates collected and distributed family messages exchanged between the detainees and their families; 1,286 messages were thus transmitted through the intermediary of the ICRC Tracing Agency office at Managua.

The ICRC moreover continued, in co-operation with the Nicaragua Red Cross, its assistance programme on behalf of displaced persons, mostly Miskito Indians in the regions situated along the

Atlantic coast. Food, blankets, kitchen utensils and basic medicines were sent by boat from Puerto Cabezas (Zelaya Norte region) and Bluefields (Zelaya Sur region) for distribution to the displaced populations in some thirty villages. This aid amounted to 75 tonnes with a value of 125,000 Swiss francs and reached some 10,000 beneficiaries. A medical team also accompanied the delegates responsible for relief and made nutritional surveys in the townships visited.

Lastly, three ICRC prosthetists working in collaboration with Nicaraguan technicians at the "Aldo Chavarría" government orthopaedic centre at Managua, fitted 6 patients with appliances and manufactured some forty artificial limbs.

### **Regional delegation in Costa Rica**

The ICRC regional delegate based at San José (Costa Rica) went on a brief mission to *Panama*, on 4 and 5 March, in particular to discuss the dissemination of knowledge of humanitarian rules within the National Red Cross Society and among the armed forces, and the ratification of the Protocols additional to the Geneva Conventions.

From 10 to 18 March, the regional delegate, accompanied by another ICRC delegate, went on mission to *Haiti*, where they visited, in accordance with customary ICRC criteria, three places of detention holding a total of 37 detainees. During this mission, the ICRC representatives had talks with the Ministers of Foreign Affairs and of the Interior and finalized the technical details of ICRC food aid to the Haiti Red Cross for its programmes for people in need.

Following his mission to Haiti, the regional delegate went to the Dominican Republic. In Santo Domingo, on 19 March, he was received by the President of the Republic, Mr Jorge Blanco, and the Minister of Defence, and he met leaders of the National Red Cross Society. The principal subjects dealt with during the course of discussion were the accession of the Dominican Republic to the Protocols additional to the Geneva Conventions and the dissemination of knowledge of international humanitarian law among the armed forces. The ICRC delegate also gave several talks on humanitarian law and the Red Cross movement, illustrated by films, to members of the Dominican Red Cross.

To transport ICRC relief supplies  
in Lebanon — El Salvador — Angola:  
from the most traditional to the most modern



*Photographs T. Gassmann—ICRC*

TWO ASPECTS OF ICRC AID



Surgical hospital in Peshawar, Pakistan



Distributing relief supplies in El Salvador

### **Regional delegation in Colombia**

From 22 to 25 March, the ICRC regional delegate based at Bogota visited *Guyana* to discuss with the authorities questions concerning the dissemination of international humanitarian law among the armed forces and the accession of the Guyana Government to the Protocols additional to the Geneva Conventions. The regional delegate had talks with the Ministers of Foreign Affairs and of Health, the Civil Defence Coordinator and the Deputy Chief of the General Staff of the Armed Forces. He also met leaders of the Guyana Red Cross.

On 22 April, the regional delegate went to *Ecuador* where he had talks with representatives of the Ministries of Foreign Affairs, Defence and the Interior, as well as of the national Penitentiary Service and the executive board of the Ecuadorean Red Cross.

### **Chile**

Continuing the visits to places of detention in Chile, two ICRC delegates went on 3 April to Pisagua, a place situated in the north of Chile, some 2,000 km from Santiago, where they had access to 269 persons relegated for security reasons.

In addition, a complete new series of visits to detainees began on 22 April. Four delegates visited three places of detention in Santiago where they saw a total of 99 detainees, including 18 women. From 29 April to 4 May, the ICRC delegates made a round of the north of the country and visited Antofagasta, Conchi, Arica, Iquique and again Pisagua. They saw 198 persons, in accordance with customary ICRC procedure.

### **Paraguay**

From 8 to 19 April, the ICRC regional delegate based at Buenos Aires visited Paraguay where he had talks with representatives of the authorities, in particular the Minister of the Interior, the President of the Supreme Court of Justice and the Director General of penitentiary establishments.

During his mission, the regional delegate paid a further visit to security detainees, in the course of which he saw 14 persons at Asuncion and 10 detainees at Ciudad Presidente Stroessner.

## **Peru**

The ICRC continued its visits to security detainees in Peru. In March and April, 61 persons held in five places of detention were seen according to the customary ICRC procedure.

## **Asia/Pacific**

### **Missions from Geneva**

From 19 to 30 March, Mr. Jean de Courten, ICRC delegate general for Asia and the Pacific, carried out a mission which took him first to *Thailand*, then *Kampuchea* and *Viet Nam*. At Bangkok, Phnom Penh and Hanoi, Mr. de Courten had talks, both at governmental level and with senior members of the Red Cross Societies, concerning ICRC activities in each of the countries visited.

Mr. Michel Amiguet, deputy delegate general for Asia and the Pacific, visited the *Philippines* from 3 to 17 March to review ICRC protection and assistance activities in the country with the delegation there.

### **Afghanistan conflict**

On 21 March, a delegate and an ICRC interpreter visited the three Soviet soldiers captured in Afghanistan by opposition movements and transferred by the ICRC to Switzerland for a two-year period of internment with the agreement of all parties concerned.

### **Pakistan**

Following serious fighting in the Afghan provinces bordering on Pakistan, the ICRC hospitals at Peshawar and Quetta (Pakistan) registered, in March and April, a large number of admissions of wounded and of surgical operations: 370 wounded were received at Peshawar and 628 surgical operations were performed, while the Quetta hospital admitted 154 wounded and performed 276 operations.

The Pakistan Red Crescent first-aid mobile teams, based at Parachinar, Miram Shah, Wana, Chaman and Badini, provided care for 285 Afghan wounded crossing the frontier and evacuated

197 of them to the two ICRC hospitals. In this connection, the head of the ICRC delegation at Peshawar went on mission at the beginning of April to Miram Shah, in the tribal zones of North Waziristan, to evaluate the functioning of the first aid team posted to this township.

The ICRC also continued its training programme in first aid and the dissemination of knowledge of humanitarian rules and the Red Cross principles. It held two first aid courses at Peshawar, in March and April, each lasting one month, in which 33 Afghans took part; 808 persons took part in 36 other two-day courses ("short courses"). At Quetta, 27 students successfully took the "long course" and 125 others followed the elementary instruction on the Red Cross. Furthermore, a parallel training programme started in March at Chaman where one of the Pakistan Red Crescent mobile medical teams is based.

### **Khmer-Thai frontier**

In March and April, the continuation of violent fighting on the Khmer-Thai frontier, particularly in the northern and central sectors, resulted in an influx of wounded and led the ICRC to augment its operating team at the Kab Cherng hospital with staff from the Khao-I-Dang hospital. The number of admissions to the Khao-I-Dang hospital came to 577 (including 329 war casualties) and to the Kab Cherng hospital to 248 (including 143 war casualties).

The work of the ICRC Tracing Agency office at Bangkok showed a marked increase following the displacements of populations along the Khmer-Thai frontier; 5,592 letters were exchanged between the refugees and their families settled either in a camp or abroad, as against 3,498 letters in January/February. In addition, 2,439 tracing requests were handled and one family reunification arranged. For Vietnamese refugees at the Khmer-Thai frontier, the ICRC transmitted 1,257 letters, handled 231 tracing requests and carried out 661 transfers between camps.

The relief supplies distributed by ICRC delegates in the refugee camps and the Aranyaprathet prison (bedding, kitchen utensils, clothing, hygiene requisites and food) totalled 111,000 Swiss francs in March/April.

### **Kampuchea**

In March and April, ICRC delegates visited the Phnom Penh hospitals as well as hospitals in Kompong Speu, Kampot, Kandal,

Kompong Cham and Kompong Chhnang provinces. These visits served to evaluate needs and led to the provision of assistance totalling 112,000 Swiss francs.

The ICRC continued to provide financial, logistic and administrative support to the French, Swedish and Swiss Red Cross Society teams operating, respectively, in Phnom Penh, Kompong Chhnang and Kompong Cham. As the authorities of the People's Republic of Kampuchea have accepted the offer of the Australian Red Cross to send a medical team to Kompong Speu, that team will also benefit from the same ICRC support.

The programme of assistance to orphanages was successfully carried out with the distribution of various articles (hygiene requisites, household items, clothing) to five orphanages in Kompong Speu, Kompong Chhnang, Kampot, Kompong Cham and Battambang provinces. This assistance benefited 695 children and amounted to 35,990 Swiss francs. Moreover, 8.2 tonnes of medicines and other relief supplies were flown in by the ICRC from Bangkok to Phnom Penh, via Ho Chi-Minh City, in addition to 9.3 tonnes of relief supplies sent by sea.

The authorities of the People's Republic of Kampuchea also approved the ICRC proposal to distribute first-aid kits containing a card for combatants setting out the fundamental humanitarian rules, in regions affected by the fighting. A batch of 10,000 first aid kits will consequently be handed to the local Red Cross for distribution. Similarly, 30,000 copies of the "*School Manual*" in the Khmer language, describing the origins, history and work of the ICRC, have been given to the local Red Cross for schools in the region.

### **Viet Nam**

Within the framework of its repatriation and family reunification programme for persons of Chinese origin having relatives in Taiwan, the ICRC arranged the transportation of 191 persons from Viet Nam to Taiwan via Bangkok on 18 April. This programme, carried out jointly by the ICRC delegations at Bangkok and Hanoi, has hitherto enabled 5,394 persons to be repatriated since it began in 1976.

### **Indonesia/East Timor**

Starting on 15 April, ICRC delegates visited persons from East Timor arrested in connection with the events. They visited the

prisons of Cipinang and Tangerang (Jakarta) and Comarca and Becora (on the island of Timor) where they saw a total of 228 prisoners in accordance with ICRC customary procedure.

The delegates also visited the island of Atauro, where there are still some 1,270 displaced persons.

They also went to the Ainaro region in the interior of Timor island in order to evaluate the medico-nutritional condition and needs of a group of some 600 persons who had been brought to this area after having been displaced to Atauro.

In addition, on 26 April, the ICRC arranged for the transport of seven persons from Timor to Portugal, within the framework of the repatriation and family reunification programme.

### **Philippines**

Continuing the series of visits started in July 1984, the ICRC delegates visited 19 places of detention and one hospital situated in the central and southern part of the country, as well as in Manila; they saw a total of 138 security detainees.

The medico-nutritional assistance programme undertaken by the Philippine National Red Cross and the ICRC on behalf of displaced persons continued at Mindanao. This assistance consists of general distributions of rice and oil, as well as supplementary feeding for vulnerable groups, medical care and sanitation measures.

It should be noted that the mission of an ICRC nutrition expert, undertaken in collaboration with the Philippine National Red Cross and the ICRC medical co-ordinator, enabled the medico-nutritional survey to be completed.

In addition, talks on ICRC activities were given to a group of Philippine journalists during a seminar held by the National Press Club, and on two other occasions to audiences composed of more than fifty officers of the armed forces. A conference was also held for future Philippine diplomats. A one-day seminar dealing with the same topic was also held at Davao for members of the local chapter of the Philippine Red Cross.

Lastly, intense preparatory work was undertaken in conjunction with the National Red Cross Society and the Ministry of Education for the dissemination campaign scheduled to take place in June in Mindanao and North Samar schools. To this end, 220,000 series of six cartoon strips on subjects concerning the Red Cross were printed for distribution to pupils.

## **Middle East**

### **Lebanon**

The months of March and April were marked by a distinct deterioration in the situation in Lebanon. The violent clashes, particularly in the southern part of the country and in Beirut, forced the ICRC to considerably step up its emergency work, especially medical, food and material assistance. On 9 April, Mr. Jean Hoefliger, ICRC delegate general for the Middle East and North Africa, went to Lebanon to supervise increased deployment on the spot.

On 18 March, fighting broke out at Sidon and then spread to the neighbouring Palestinian camps of Ain el-Helweh and Mieh-Mieh, in April reaching the Iklim el-Kharroub region at the foot of the Chouf mountains. The ICRC evacuated casualties during brief lulls in the fighting and handed over medical material and relief supplies to hospitals, in aid of combat victims. Several thousand persons, fleeing from the combat zones, took refuge in Jezzine, a township on the hills to the east of Sidon. About a third of these displaced persons subsequently moved on to the Marjayoun region where relief supplies (600 family parcels, 2,500 blankets, medicines) were distributed to them in accordance with the needs determined by the ICRC delegates.

At the end of March, an ICRC office was opened at Jezzine comprising on average 7 delegates, including a doctor and three nurses. The Red Cross Societies of Finland, Norway and Sweden also rapidly put a surgical team at the disposal of the ICRC. On 26 April, the only functioning hospital in the area, at Kfar Falous, was declared a neutral zone and placed under ICRC protection; however, military developments in the region obliged the ICRC to evacuate the hospital on 30 April.

In order to meet hospital and dispensary requirements without delay, the ICRC medical personnel increased the frequency of surveys to ascertain needs. In March and April, some 430 standard medical kits, valued at 121,000 Swiss francs, were distributed to hospitals and dispensaries in Beirut and its surroundings, and in Sidon, Jezzine and Tyre. The ICRC also delivered to the Lebanese Red Cross (LRC) 1,140 packs of blood and 500 units of plasma (value 88,500 Swiss francs), a gift from the Norwegian Red Cross. It likewise handed over two ambulances to the Sidon branch of the National Society and placed 15,000 Swiss francs at the disposal of

the LRC for its medico-social centre at Mreijeh (southern suburbs of Beirut) and its first-aid centre at Beiteddine (Chouf). Lastly, it provided a contribution of 3,400 Swiss francs for the opening of a new LRC first-aid centre at Nabatiyeh.

In March, when fighting flared up in Sidon, and particularly following the bombardment of the neighbouring Palestinian camps, the ICRC was the only humanitarian organization in a position to respond immediately to the needs of the stricken population. For two weeks it provided basic relief supplies to around 21,000 victims, by arranging for 10 convoys to transport mainly blankets and family parcels containing food and hygiene requisites, soap, etc; other charitable agencies subsequently took over these distributions. In March and April, the ICRC distributed almost 40,000 blankets, 1,100 kitchen utensils and 8,600 family parcels to some 60,000 beneficiaries in Beirut, Jezzine and southern Lebanon. It also replenished its stocks to constitute reserves for a two-week emergency period.

In the field of protection, the ICRC delegates continued their weekly visits to register detainees in Ansar camp in southern Lebanon, where a complete visit was made on 26 March, in accordance with the usual ICRC procedure. At the end of March, 1,883 persons were being detained in the camp.

On 2 April, the Israeli authorities informed the ICRC of the closing of Ansar. The next day, they handed over 752 released detainees to the ICRC and transferred the others, i.e., over a thousand, to Atlit on Israeli territory. The ICRC announced publicly that this transfer constituted a violation of Articles 49 and 76 of the Fourth Geneva Convention which stipulate that protected persons accused of offences must be detained in the occupied country and that deportation is prohibited. The Israeli authorities stated that these prisoners would later be returned to Lebanese territory to a new camp at present under construction.

The ICRC aided the released detainees to return to their families in Beirut, Tyre, Nabatiyeh or Hasbaya. On 9 and 10 April, they visited the detainees transferred to Atlit and, on 11 April, they took charge of 32 released detainees whom they helped to return to the place of their choice.

On 30 March, the ICRC moreover visited the three Israeli prisoners in the hands of the "Popular Front for the Liberation of Palestine/General Command". It also continued to have access to persons detained by the various factions in the Lebanese internal conflict.

## **Conflict between Iran and Iraq**

During the months of March and April, the escalation in the war between Iran and Iraq, in particular the indiscriminate bombardment of civilian objectives, strictly prohibited by international humanitarian law, again left in its wake suffering and desolation which above all affected civilians.

The ICRC delegation at Teheran suggested to the Red Crescent and the authorities of the Islamic Republic of Iran that they visit the regions affected by the bombardments with a view to providing assistance to the victims. On 2 April, the ICRC delegate responsible, accompanied by representatives of the National Society, visited the two suburbs of Teheran hit by air raids. No ICRC action was considered necessary, as the Iranian Red Crescent was able to meet the needs both in the capital and in the provinces.

In Iraq, the ICRC delegates carried out interim visits to eight Iranian prisoner-of-war camps and three military hospitals in March. A complete series of customary visits to Iranian prisoners took place in April.

In spite of the logistic problems entailed by the cancellation of most direct flights to Baghdad and Teheran, in March and April the Central Tracing Agency at Geneva transmitted 137,347 family messages addressed to Iraqi prisoners of war and their families and 140,743 family messages for Iranian prisoners of war and their families.

## **Europe**

### **Spain**

The ICRC carried out a new series of visits to persons detained under anti-terrorist legislation and imprisoned in penitentiary establishments under the authority of the Ministry of Justice. From 29 April to 25 May, a team of four delegates, including one doctor, had access to 8 places of detention where they visited 424 security detainees, some of whom had been seen more than once. The previous visits dated back to May 1984.

Before the start of the visits, Mr. Peter Kung, ICRC delegate general for Europe and North America, who had accompanied the visiting team of delegates, had talks with a high ranking official of the Spanish Ministry of Justice, accompanied by a representative of the Ministry of Foreign Affairs, and with the Vice-President and the officer in charge of international affairs at the Spanish Red Cross.

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## **Third Regional Conference of the National Societies of Asia and the Pacific**

The Third Regional Conference of Red Cross and Red Crescent Societies of Asia and the Pacific was held in Melbourne (Australia) from 4 to 9 February 1985. It was organized jointly by the League of Red Cross and Red Crescent Societies and the Australian Red Cross. Sixty participants from twenty-three National Red Cross and Red Crescent Societies of Asia and the Pacific attended the meeting, as did representatives from emerging Societies. Were also present observers sent by ten Societies from other regions or by intergovernmental organizations such as Unicef, Undro, the World Health Organization and the Office of the High Commissioner for Refugees. There were also five delegates from the League, six from the ICRC and six representatives from the Australian Red Cross, bringing the total to 103 participants.

The League was represented by, among others, Mr. Enrique de la Mata Gorostizaga, its President, and Mr. Hans Hoegh, Secretary General. The ICRC sent Mr. Rudolf Jäckli, Vice-President, and Mr. Jean de Courten, delegate-general for Asia and Oceania, together with four other representatives.

After the opening addresses at the first general meeting by the President of the Australian Red Cross, Lady Stephen, by the President of the League and by the Chairman of the Australian Red Cross, Mr. N. Buckley, conference statements were delivered by Mr. R. Jäckli, Vice-President of the ICRC, Mr. Mohammad Essaafi, Under-Secretary-General of Undro, and Mr. Hans Høegh, Secretary-General of the League. Two reports were also presented: on the League's activities in Asia and the Pacific by Dr. K. Sevaratnam, and on those of the ICRC in the same region, by Mr. Jean de Courten.

After the general opening session, the work of the conference centred on seven main subjects: these were introduced by the League, the ICRC or one of the National Societies and then discussed by one of the *ad hoc* working groups:

1. The regional structures of the Red Cross (a review by Mr. Bergström, Under-Secretary-General of the League);
2. Disaster: preparedness and relief (presented by the New Zealand Red Cross and the Bangladesh Red Cross, followed by a statement by Undro);
3. Health and social welfare programmes (work by the Thai Red Cross followed by statements by Unicef and WHO);
4. Refugees (introduction to the subject by the Malaysian Red Crescent and the Australian Red Cross, followed by an intervention by the Pakistani Red Crescent, which attracted considerable attention, and by a statement by the Office of the High Commissioner for Refugees);
5. International Humanitarian Law (an outline by the ICRC headed "Reflections on dissemination") and Information (presented by the Japanese Red Cross);
6. The Second Red Cross Conference on Peace (presented by the Indonesian Red Cross);
7. Youth (by the Philippine Red Cross and the Fiji Red Cross).

During a special session, two cheques, each worth 250,000 Australian dollars, were handed to the League and the ICRC for their activities in East Africa. This money had been collected at a public concert which a group of Australian singers and musicians had given free of charge. The concert had been organized with the support of the music industry of Australia and in co-operation with the Australian Red Cross.

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### **Sixteenth Conference of Arab Red Cross and Red Crescent Societies**

The Sixteenth Conference of Arab Red Cross and Red Crescent Societies, the annual regular meeting of the General Secretariat of Arab National Societies, was held in Tunis from 25 to 28 March under the direction of Mr. Abdel Ghani Ashi, Secretary General.

National Societies from the following countries sent representatives: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Qatar, Saudi Arabia, Sudan, Syria, Tunisia, Yemen Arab Republic.

A number of other Red Crescent Societies, although not members of the International Red Cross, also sent representatives: Djibouti, United Arab Emirates, Oman, the Palestinian Red Crescent, and the Red Cross and Red Crescent of Eritrea.

Delegates from several non-Arab Societies (Brazil, Canada, China, the Federal Republic of Germany, Pakistan, the Soviet Union, Sweden, Switzerland, Turkey, Yugoslavia), and representatives from UNDRO (the United Nations Disaster Relief Office) and the International Civil Defence Organization attended as observers.

The Conference was also attended by an ICRC delegation headed by the President, Mr. Alexandre Hay, and a League delegation including Mr. Enrique de la Mata Gorostizaga, President, and Mr. Hans Hoegh, Secretary General, by Dr. Ahmed Abu Gura, Chairman of the Standing Commission of the International Red Cross, and Mr. J. Meurant, Director of the Henry Dunant Institute.

The purpose of the meeting was, as customary, to study topics of common interest to the Conference participants.

One of the topics was ICRC activities in the Middle East, on which President Hay gave a general talk. Mr. Carlos Bauverd then described ICRC activities in the region country by country. The presentations were followed by lively discussion, evidence of the participants' interest.

At the end of the discussion, the conference adopted two resolutions. Resolution 3 expressed appreciation for the ICRC's efforts for the victims of armed conflicts and other events in the Middle East and West Africa and asked it to increase its efforts on their behalf. As a corollary, the Conference urged the National Societies to make representations to their respective governments, encouraging them to sign the 1977 Protocols.

In Resolution 4, the Conference, recalling the humanitarian goals of the Red Cross and Red Crescent movement, launched an appeal for the application of international humanitarian law in favour of the victims of the current conflict between Iran and Iraq (prisoners of war and civilians exposed to aerial bombings); it also thanked the ICRC for its activities in the conflict and asked it to intensify them. It asked all national and international organizations to continue their efforts to bring an end to the conflict.

Another subject of discussion was the dissemination of international humanitarian law. The delegations from Egypt and Lebanon spoke of their accomplishments in dissemination to young

people. Mr. Andre Tschiffeli of the ICRC spoke on the importance of dissemination and the necessity of adapting the message to various target groups. The National Societies of Tunisia, North Yemen and Jordan informed the Conference of their intention to organize dissemination seminars.

Finally, the Conference held detailed discussions on the drought in Africa and adopted a resolution in which it thanked international organizations for their relief activities for the drought victims and invited them to take into account in their assistance programmes the protection of the environment.

The next Conference will be held in Mauritania, in 1986, at a date still to be fixed.

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### **Round Table on the safety of journalists on dangerous professional missions**

A Round Table was held under ICRC auspices on 23 and 24 April at Mont-Pèlerin sur Vevey (Switzerland) on the theme of the safety of journalists on dangerous professional missions. Sixteen international media organizations—including regional organizations of Africa, Latin America, the Arab world, South-East Asia and North America—had accepted the ICRC's invitation and sent representatives. The Round Table was also attended by numerous correspondents for major press agencies (AFP, Reuter, TASS, Associated Press, etc.), large newspapers with an international readership, and the Swiss Television. The United Nations, UNESCO and the ILO had sent observers.

The purpose of the Round Table was to examine the hazards facing journalists and to consider remedies, including the effectiveness of the legal protection afforded by existing international humanitarian law. Also under appraisal were specific measures already taken or which should be taken to ensure and increase the safety of journalists on dangerous missions.

The ICRC, true to its customary rôle, endeavoured to restrict the debate to the humanitarian aspect of the problem, i.e. to the protection of journalists as human beings victims of treatment and procedures violating the universal humanitarian principles applicable in conflicts and similar situations.

In the absence of its President, who was on mission in Central America, the ICRC was represented by its Vice-President, Mr. Maurice Aubert, together with Mr. Jacques Moreillon, Director for General Affairs, Mr. Jean-Pierre Hocké, Director for Operational Activities, Mr. Alain Modoux, Head of the Information Department, who organized the Round Table and chaired the discussions, Mr. Hans-Peter Gasser, ICRC legal advisor, and Mrs. Michèle Mercier, Head of the Press Division.

In his opening speech, M. Aubert mentioned that in the past thirty years, some three hundred journalists had been killed while on mission. These facts, he said, "are indicative of a worrisome trend in the state of our world, in which the upsurge of violence has become a global phenomenon". He also stressed the ICRC's growing concern at that trend and its incessant efforts to promote respect for international humanitarian law. "Even though respect for these instruments of law becomes more imperative with each passing day, violations thereof are a daily occurrence. The principles of humanity, which we all agree are inviolable, are forgotten, held up to ridicule. The ICRC is painfully aware of this: how often have its activities been impeded, if not brought to a halt, by what is referred to as 'reason of State'! The situation is paradoxical, for never before has the individual been protected by law to the extent that he is today. The Geneva Conventions and their Additional Protocols alone contain some six hundred articles!"

On behalf of the ICRC, Mr. Aubert expressed the institution's gratitude for the support it received from journalists. The ICRC "never forgets that information is the most effective support weapon. For it is by your work in sensitizing the public that you help the humanitarian cause".

He gave a summary of the evolution of the main instruments of international humanitarian law, which embody so many attempts to limit the suffering caused by conflicts, and in particular pointed out that Art. 79 of the 1977 Protocol I stipulated that "Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians..." and that consequently, international humanitarian law afforded them the same protection as that to which civilians were entitled.

He also mentioned the situations of internal tension and disturbances in which these instruments are not applicable and which are often a pretext for the worst of deeds. "Among the victims are journalists, embarrassing witnesses to be neutralized, if not done away with altogether", Mr. Aubert said.

He added, "You have an important job—the job of informing the public about what is happening in the world—and I believe that you do it perfectly aware of the risks, with the knowledge that there are dangerous missions,... dangers inherent in any war. However, what you do not accept, because they are unacceptable, are the deliberate acts—arrest, prolonged detention, ill-treatment, abduction, murder—designed, in disregard of your freedom or even your life, to keep you from doing your job. These risks are not part of the 'normal course of events'."

At the close of the two-day meeting, the representatives of the media, while aware of the ICRC's difficulties in carrying out its traditional mandate, put forward the request that it should reinforce its protection and assistance activities on behalf of journalists on dangerous missions, especially in the event of capture, disappearance or detention. They also recommended that a kind of "hot line" be installed at ICRC headquarters in Geneva, whereby professional associations and editors could contact the ICRC 24 hours a day to alert it to any emergency situation requiring immediate action on behalf of a journalist in peril. They also encouraged the ICRC to organize regional seminars for the promotion of knowledge and understanding, among journalists, of the scope and restrictions of its activities and of the essential provisions of international humanitarian law.

Finally, the representatives of the sixteen organizations participating in the Round Table told the ICRC that they had total confidence in the manner it would follow up the suggestions made and, so as to avoid lapsing into the essentially political controversies which had marred previous meetings held under auspices other than those of the ICRC, they concurred that they would let it be the judge of the course it deemed most appropriate to pursue the dialogue which had now been initiated.

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### BARRIERS AGAINST WEAPONS<sup>1</sup>

In this brochure published by the Swedish Red Cross, the author retraces the development of weapons and the parallel development of international conventions drawn up in an attempt to, if possible, limit their effects. His purpose in writing it is clearly understood from the sub-title: *Development of Weapons and Restrictions on Their Use*. The brochure is absolutely terrifying, but essential reading for a Red Cross and Red Crescent public, because their co-operation and support is indispensable for the Red Cross and Red Crescent Movement to accomplish its proposed goal for peace and the limitation of weapons.

The author, Torgil Wulff, a Commodore in the Swedish navy and an Honorary Doctor of Laws at Uppsala University, holds a post of expert in the Swedish Ministry of Defence. In addition to contributing to TV and radio programmes, he has written several other books, including *“War and Humanity”* (1975), *“Weapons at Any Price”* (1977), and *“Handbook in International Law during War, Neutrality and Occupation”* (1980).

In “Barriers Against Weapons”, T. Wulff studies in turn so-called conventional weapons, biological and chemical weapons, and nuclear weapons, describing the developments in production in each of these three categories in recent years. It is here that the reader will realize what extremes of horror and abomination man’s inventiveness can attain when it comes to hurting his fellow man. For each category of weapons, the author describes the limitations he deems necessary. In the brochure’s final chapter, he proposes what he considers the most urgent efforts needed to restrict weapons and achieve disarmament.

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<sup>1</sup> Torgil Wulff: *Barriers Against Weapons—Development of Weapons and Restrictions on Their Use*. Swedish Red Cross, Stockholm, 1984. 52 pages.

In the brochure's foreword, the Chairman and the Secretary General of the Swedish Red Cross emphasize that the Red Cross Movement has been an active force for the restriction of weapons and that it is now intensifying its efforts along two lines: on the one hand it is trying to promote peace, and on the other it is urging governments to outlaw entirely such weapons and methods of warfare which cause suffering such as no military necessity can possibly justify.

While nuclear weapons have generated an international protest movement, other weapons and methods of warfare have not been condemned to the same extent, even though their use in all present-day armed conflicts causes extensive loss of life and acute suffering in various countries throughout the world. The Swedish Red Cross hopes that Torgil Wulff's study will be a source of inspiration to all those who recognize the need to work not only against the nuclear threat, but also against all weapons with indiscriminate effects. His description of conventional, chemical, biological and nuclear weapons and their capacity for destruction highlights the imperative need to strengthen existing conventions and adopt new conventions to restrict the use of arms.

*Ph. Eberlin*

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The *International Review of the Red Cross* welcomes articles on subjects relating to international humanitarian law and the Red Cross.

Such articles must, however, comply with the following rule: they must avoid any reference to current political situations or events and sterile controversies on political, religious or racial topics.

Manuscripts may be submitted in French, English, Spanish or German. They should if possible be typewritten and must not exceed 12,000 words, with a minimum of footnotes.

Authors are requested to send their contributions to the editor of the *International Review* (address on page 3 of the *Review*), without failing to indicate their own address.

## ADDRESSES OF NATIONAL SOCIETIES

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- ALBANIA (People's Socialist Republic) — Albanian Red Cross, 35, Rruga e Barrikadave, *Tirana*.
- ALGERIA (Democratic and People's Republik) — Algerian Red Crescent Society, 15 bis, boulevard Mohamed V, *Algiers*.
- ARGENTINA — Argentine Red Cross, H. Yrigoyen 2068, *1089 Buenos Aires*.
- AUSTRALIA — Australian Red Cross, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3 Gusshausstrasse, Postfach 39, A-1041, *Vienna 4*.
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- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Cross Society, 34, Bangabandhu Avenue, *Dhaka 2*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, 98, chaussée de Vleurgat, *1050 Brussels*.
- BELIZE — The Belize Red Cross Society, P.O. Box 413, *Belize-City*.
- BENIN (People's Republic) — Red Cross of Benin, B.P. 1, *Porto Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar 1515, *La Paz*.
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- BURKINA FASO — Burkina Faso Red Cross, P.O.B. 340, *Ouagadougou*.
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- BURUNDI — Red Cross Society of Burundi, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henry-Dunant, P.O.B. 631, *Yaoundé*.
- CANADA — Canadian Red Cross, 95, Wellesley Street East, *Toronto, Ontario M4Y 1H6*.
- CAPE VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross, B.P. 1428, *Bangui*.
- CHILE — Chilean Red Cross, Avenida Santa María 0150, Correo 21, Casilla 246V., *Santiago*.
- CHINA (People's Republic) — Red Cross Society of China, 53, Kamien Hutung, *Peking*.
- COLOMBIA — Colombian Red Cross, Avenida 68, No. 66-31, Apartado Aéreo 11-10, *Bogotá D.E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rican Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CUBA — Cuban Red Cross, Calle 23, No. 201 esq., N. Vedado, *Havana*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Luthnovska 18, *118 04 Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, *2100 København Ø*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorian Red Cross, Calle de la Cruz Roja y Avenida Colombia 118, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El-Galaa Street, *Cairo*.
- EL SALVADOR — El Salvador Red Cross, 17 Av. Norte y 7.<sup>a</sup> Calle Poniente, Centro de Gobierno, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross, Ras Desta Damtew Avenue, *Addis Ababa*.
- FIJI — Fiji Red Cross Society, 193, Rodwell Road, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A, Box 168, *00141 Helsinki 14/15*.
- FRANCE — French Red Cross, 17, rue Quentin-Bauchart, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross in the German Democratic Republic, Kaitzerstrasse 2, DDR 801 *Dresden 1*.
- GERMANY FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Ebert-Allee 71, *5300, Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 135*.
- GUATEMALA — Guatemalan Red Cross, 3.<sup>a</sup> Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUYANA — Guyana Red Cross, P.O. Box 351, Eve Leary, *Georgetown*.
- HAITI — Haiti Red Cross, place des Nations Unies, B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.<sup>a</sup> Calle, 1<sup>a</sup> y 2.<sup>a</sup> Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest V*, Mail Add.: *1367 Budapest 5, Pf. 121*.
- ICELAND — Icelandic Red Cross, Nöatúni 21, 105 *Reykjavik*.
- INDIA — Indian Red Cross, 1, Red Cross Road, *New Delhi 110001*.
- INDONESIA — Indonesian Red Cross, Manggala Wanabakti, 9th floor, Jalan Gatot Subroto, P.O. Box 2009, *Djakarta*.
- IRAN — Iranian Red Crescent, Avenue Ostad Nejatollahi, Carrefour Ayatollah Taleghani, *Teheran*.
- IRAQ — Iraqi Red Crescent, Al-Mansour, *Baghdad*.
- IRELAND — Irish Red Cross, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, *Rome*.
- IVORY COAST — Ivory Coast Red Cross Society, B.P. 1244, *Abidjan*.
- JAMAICA — Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — Japanese Red Cross, 1-3, Shiba-Daimon 1-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, *Pyeongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San-Dong, *Seoul*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359, *Kuwait*.
- LAOS (Lao People's Democratic Republic) — Lao Red Cross, P.B. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru*.
- LIBERIA — Liberian National Red Cross, National Headquarters, 107 Lynch Street, P.O. Box 226, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Arab Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, C.P. 404, *Luxembourg*.
- MALAGASY REPUBLIC — Red Cross Society of the Malagasy Republic, rue Patrice-Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross, Hall Road, *Blantyre* (P.O. Box 30080, Chichiri, *Blantyre 3*).
- MALAYSIA — Malaysian Red Crescent Society, National HQ, No. 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 16-03*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent Society, B.P. 344, Avenue Gama! Abdel Nasser, *Nouakchott*.

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