

**NOVEMBER-DECEMBER 1987**

**TWENTY-SEVENTH YEAR — No. 261**

# **international review of the red cross**



**INTER ARMA CARITAS**



**GENEVA  
INTERNATIONAL COMMITTEE OF THE RED CROSS  
FOUNDED IN 1863**

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# INTERNATIONAL REVIEW OF THE RED CROSS

## CONTENTS

NOVEMBER-DECEMBER 1987  
No. 261

<b>125 years at work</b> . . . . .	581
<i>Launching of the programme of commemoration of the 125th Anniversary of the International Red Cross and Red Crescent Movement</i>	
<b>Statutory meetings within the International Red Cross and Red Crescent Movement in Rio de Janeiro</b> . . . . .	584
— Sixth Session of the General Assembly of the League of Red Cross and Red Crescent Societies . . . . .	584
— Council of Delegates Meeting . . . . .	590
<b>Resolutions of the Council of Delegates</b> . . . . .	595
<b>Jacques Verhaegen: Legal obstacles to prosecution of breaches of humanitarian law</b> . . . . .	607
<i>Reasons of State, military necessity and the restrictive interpretation of penal law all constitute obstacles to the prosecution of breaches of humanitarian law. The author's analysis illustrates the classical dilemma between law "at the mercy of States" and law "above States"</i>	

*Under the presidency of Mr. Alexandre Hay, the ICRC from  
1976 to 1987*

**Controlled expansion** . . . . . 621

*Reflections on the problems that have affected the ICRC's  
humanitarian work over the past decade and a tribute to the  
man who headed the institution during that period and the  
team that stood by his side*

## **INTERNATIONAL COMMITTEE OF THE RED CROSS**

Official visits to the ICRC . . . . . 639

### *EXTERNAL ACTIVITIES:*

Africa — Latin America — Asia — Europe — Middle East/North  
Africa . . . . . 641

## **IN THE RED CROSS AND RED CRESCENT WORLD**

**125th Anniversary of the International Red Cross and Red Crescent  
Movement — Programme of commemoration** . . . . . 653

**The Egyptian Red Crescent Society is 75 years old (II)** . . . . . 655

## **MISCELLANEOUS**

**Alexandre Kiss: The International Institute of Human Rights (Stras-  
bourg - France)** . . . . . 659

*A portrayal of this Institute which has devoted itself  
for nearly twenty years to research and teaching  
in the human rights field*

**XIIth Round Table of the International Institute of Humanitarian Law  
(San Remo, September 1987)** . . . . . 665

The Republic of Guatemala ratifies the Protocols . . . . . 673

Burkina Faso ratifies the Protocols . . . . . 673

## BOOKS AND REVIEWS

Constraints on the waging of war (Frits Kalshoven) . . . . .	674
Bibliography of International Humanitarian Law Applicable in Armed Conflicts . . . . .	675
Derecho humanitario internacional (Igor Blischenko) . . . . .	676
Legal aspects of humanitarian intervention — The protection of doctors on voluntary humanitarian missions . . . . .	678
<b>Recent publications</b> . . . . .	682
<b>Contents 1987</b> . . . . .	685



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

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

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

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

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

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*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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ADDRESS: International Review of the Red Cross

17, avenue de la Paix

CH - 1202 - Geneva, Switzerland

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

Postal Cheque Account: No. 12 - 1767 Geneva

Bank account No. 129.986 Swiss Bank Corporation, Geneva

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

LAUNCHING OF THE PROGRAMME OF COMMEMORATION  
OF THE 125TH ANNIVERSARY  
OF THE INTERNATIONAL RED CROSS  
AND RED CRESCENT MOVEMENT

## 125 Years at Work

*In a period of 20 months, from November 1862 to August 1864, an almost unnoticed revolution took place, the result of the feelings aroused in various European countries by the publication of a small book, entitled **A Memory of Solferino**. Its author, the young Swiss businessman Jean-Henry Dunant, used the sympathy it generated to promote the idea that wounded soldiers should, since they are no longer capable of fighting, cease to be treated as enemies. He wanted nations to organize groups of volunteers who, with the full backing of their respective governments, would stand ready and able to render assistance to wounded and sick members of armies in the field, whether friend or foe.*

*To have succeeded, in less than one year, in bringing together in Geneva the representatives of 16 interested governments and a number of philanthropic organizations to consider how this idea could be applied, was a tremendous achievement. And on 29 October 1863, the Red Cross was born.*

*The praiseworthy determination, imagination and courage of Henry Dunant and the pioneers who made up the Committee of Five—the future International Committee of the Red Cross—led to the conclusion, on 22 August 1864, of the first Geneva Convention. This modest instrument, composed of only ten articles, paved the way for the whole body of humanitarian law and constituted a milestone in the history of mankind.*

*Now, 125 years later, the Movement founded by Henry Dunant has become a major force in the world for the protection of human life. It is, however, a Movement about which most people know little, although man's inhumanity to his fellows has compelled the Movement to expand its activities to such an extent that, in most countries, the Red Cross and Red Crescent are recognized as an independent but essential part of the health and social welfare services.*

*Nevertheless, the principles which guide the Movement's every action, and are the common heritage of all of its components, are generally not well known. Many governments do not understand what the Movement can and cannot do. Others doubt its ability to remain neutral in the face of today's problems. Paradoxically, it is sometimes accused of partiality when it is actually applying the very principles of neutrality and impartiality which require it to refrain from judging events or people or from making any distinction between victims other than the urgency of their needs.*

*In countries where, thanks to the Red Cross or Red Crescent, communities have access to efficient blood transfusion or first-aid services, run on a non-profit basis and usually provided free of charge to the patients, people often do not realise that elsewhere the same Red Cross or Red Crescent reunites families separated by war, cares for prisoners of war and civilian detainees, the sick and wounded and displaced civilians driven from their homes by conflict, helps its fledgling sister Societies in their efforts to develop and to raise the health and nutritional levels of the people, brings relief to the victims of famine, and clothes, feeds and shelters the victims of major natural disasters.*

*It is therefore the aim of the ICRC and the League, on the occasion of the Movement's 125th anniversary, to make better known to people all over the world, particularly the young, the concerns, activities and projects of the Red Cross and Red Crescent in every country and sphere, in the hope of thereby generating greater public participation in the Movement's activities and broader support for its appeals.*

*At its meeting in Rio de Janeiro, the Council of Delegates adopted a two-year commemoration programme, extending from November 1987 to October 1989, described in this issue of the Review (see pp. 653-654).*

*During the next two years, the Review will report and comment as fully as possible on the programme's major events in Geneva and worldwide. The commemoration should also be viewed as an opportunity to carry out an in-depth reflexion on the Movement's various*

*accomplishments over the past 125 years and to increase our understanding of the personal contributions of the founders and precursors of the Movement, as well as our knowledge of the evolution of the humanitarian ideals underlying the adoption, in August 1864, of the first Geneva Convention.*

*Over the coming months, the Review will act as a forum for this reflexion and for all those who wish to contribute to it.*

The Review

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*Statutory Meetings within the International Red Cross  
and Red Crescent Movement in Rio de Janeiro*

**SIXTH SESSION OF THE GENERAL ASSEMBLY  
OF THE LEAGUE OF RED CROSS  
AND RED CRESCENT SOCIETIES**

The sixth session of the League General Assembly, which was held in Rio de Janeiro from 22 to 27 November 1987, was attended by 450 delegates representing 134 National Red Cross and Crescent Societies.

The Assembly was honoured by the presence at its opening ceremony of Mr. José Sarney, the Brazilian President, and members of the Federal Government and local authorities.

The delegates were welcomed by Mrs. Mavy A.A. Harmon, President of the Brazilian Red Cross which was the host for the occasion, and heard speeches by Mr. Cornelio Sommaruga, ICRC President, and Dr. Ahmad Abu-Goura, Chairman of the Standing Commission of the Red Cross and Red Crescent. Dr. Mario Villarroel Lander, who had been named interim President of the League by its Executive Council, paid a ringing tribute to Enrique de La Mata Gorostizaga, former League President, who died on 6 September last.

The following is a summary of the Assembly's work.

**1. Election of a new League President**

The General Assembly elected **Dr. Mario Villarroel Lander**, President of the Venezuelan Red Cross Society and Vice-President of the League, to the post of League President by 69 votes in the first ballot. Addressing the Assembly, Dr. Villarroel emphasized the essential unity, universality and neutrality of the Red Cross and Red Crescent Movement. "I shall strive", he said, "to represent

every one of our National Societies. I pledge myself to the unity which is so essential to our work”.

**Dr. Villarroel** is 40, married and a lawyer by profession. He holds both a doctorate and a professorship in law.

He joined the Venezuelan Red Cross in 1967 as a volunteer and has been its President since 1978.

He was elected a Vice-President of the League in 1985 and the following year was appointed Chairman of the General Affairs Commission of the International Conference of the Red Cross.

Dr. Villarroel has taken part in many Red Cross and other international conferences and has received a substantial number of awards from the National Societies. He is very interested in Latin-American cultural matters and has published articles on these and legal matters.

The other candidates for election as President were Judge Darrel D. Jones, League Vice-President and Advisor to the Canadian Red Cross Society, Mrs. Mariapia Fanfani, League Vice-President and Chairman of the National Women's Committee in the Italian Red Cross. A fourth candidate, Dr. Mouloud Belaouane, President of the Algerian Red Crescent, withdrew in favour of Dr. Villarroel.

## **2. Appointment of the new Secretary General of the League**

**Mr. Pär Stenbäck**, Secretary General of the Finnish Red Cross, was appointed Secretary General of the League, following his nomination by the Executive Council.

**Mr. Stenbäck** is 46 years of age and is a Master of Political Sciences. He was a member of the Finnish Parliament from 1970 to 1985 and during that time was Minister of National Education from 1979 to 1982 and Minister for Foreign Affairs from 1982 to 1983. He was appointed Secretary General of the Finnish Red Cross in 1985.

From 1970 to 1979, he was a member of the Nordic Board for Development Cooperation in Kenya, Tanzania and Mozambique. From 1979 to 1985, he was Chairman of the government Advisory Commission for Economic Relations to the Developing Countries and has been Expert Advisor since 1985. He has thus established many contacts with countries in the Third World.

Upon his election, Mr. Stenbäck said: "I commit myself to making this organization a vivid and active institution in accomplishing its work to help the victims of our world". "Our Movement", he added, "provides a chance for all of us to put our respective skills at the service of humanity".

The General Assembly named Mr. Stenbäck's predecessor, Mr. Hans Hoegh, Secretary General Emeritus of the League.

### **3. Admission of a new National Society**

The General Assembly confirmed the admission of the Red Cross Society of Grenada as the 145th member Society of the League. It had been granted provisional admission by the Executive Council at the latter's April 1987 session.

### **4. Revision of the League Constitution**

The General Assembly unanimously adopted a draft revision of the League Constitution and Rules of Procedure submitted by the Commission on the Revision of the Constitution chaired by Dr. Janos Hantos, Chairman of the Executive Council of the Hungarian Red Cross.

### **5. 1988 League Budget**

After approving the financial reports for 1986 submitted by the Finance Commission, the Assembly adopted the League's budget for 1988 totalling just under 20 million Swiss francs. The budget was slashed by 14% over 1987. At the same time, however, the proposed increase in statutory contributions by the National Societies was reduced from 12 to 9%.

The members of the Assembly expressed their heartfelt gratitude to Mr. George Elsey, who had decided to step down as Chairman of the Finance Commission after serving in that capacity since 1977. The new Chairman is Mr. Neal Boyle, Vice-President of the American Red Cross.

### **6. Commission reports**

The Assembly adopted the reports and recommendations of the League's advisory Commissions:

- *Disaster Relief Commission*: After reviewing the relief operations carried out by the League since 1986 and studying the difficulties

faced by the Movement in three major current emergency operations (Mozambique, Ethiopia and Sri Lanka), the Commission drew attention to the pressing need for the League to continue to keep records of disaster operations and to try to improve them; to develop flexibility and pragmatism in executing and planning its relief operations and to further League and ICRC cooperation in this field. The Assembly emphasized the importance of developing and improving tracing activities in the wake of natural disasters and recommended that the National Societies' tracing services be reinforced.

- *Development Commission*: The Commission's report stated at the outset that the development concept was not well understood within the League. The time-frame was unrealistic, efforts sporadic, funding inadequate and the needs of the least developed Societies overlooked. The Assembly adopted a Commission proposal to set out a complete, general development policy based on the Movement's fundamental principles and integrating the concepts of development and peace. In a second resolution, the Assembly urged the Movement to recognize the role of women in development and to draw up a plan of action making full use of women's resources and potential in Red Cross and Red Crescent development work.

A third resolution urged action to fulfil the objectives set by the report of the World Commission on Environment and Development. Finally, the Commission called for support for National Society tracing services as part of the general development of their services.

- *Health and Community Services Commission*: The Commission's report particularly stressed the increasing social problems arising from unemployment, poverty and hazardous conditions, and the psychological and social needs of disaster victims and their families. It also examined the problem of migrant workers. All of these issues were an integral part of National Society programmes and should also be dealt with by the League Secretariat, acting as an advisory body. The Assembly, for its part, stressed the need to expand primary health programmes and to fight drug abuse and AIDS.

- *Youth Commission*: The Youth Commission called on the Red Cross and Red Crescent Movement for greater commitment to, and

more action on expanding the contribution of young people to the organization.

The General Assembly adopted two resolutions. One approved a "Supercamp" to be organized in Solferino in August 1989 as one of the highlights of the programme commemorating the 125th anniversary of the Movement. This camp will bring together young people from around the world for a programme based on the fundamental principles of the organization.

A second resolution calls for a study by the League, in cooperation with the Henry Dunant Institute, of the role and status of young people within the Movement; it further recommended that an international youth policy be proposed to the next session of the General Assembly in 1989. Finally, an appeal was made to reinforce the Youth Service in the League Secretariat.

## **7. League AIDS Programme**

The General Assembly adopted a worldwide programme to fight AIDS. Indeed, National Societies are in a particularly good position to take action and several of them have set up national AIDS programmes in the following key areas:

- promoting health education and information;
- ensuring high-quality blood transfusion;
- caring for people who have both the virus and AIDS, and supporting them and their families;
- fighting discrimination against AIDS victims.

The resolution adopted by the Assembly requires the League to make a "long-term commitment" in the fight against the pandemic. It accepts the global coordinating role of the World Health Organization and stresses the need for Red Cross and Red Crescent action to be coordinated with government control programmes at national level.

The main role of the League Secretariat would be the development of appropriate policies and strategies and active coordination throughout the Federation and with governmental and non-governmental organizations.

## **8. Regional meetings**

The General Assembly heard a report from the Alliance of Red Cross and Red Crescent Societies of the USSR on the *International Red Cross and Red Crescent Seminar on Health as a Factor of Peace*

*and Development*, which was held in Moscow in September 1987. The Seminar was organized jointly by the Soviet Red Cross and the League Secretariat with active support from the ICRC, the Henry Dunant Institute and the WHO. It dealt with the four following subjects:

- health, human rights, development and peace;
- the work of National Societies within communities affected by war and civil unrest;
- community-based health programmes as a contribution to peace and development;
- other Red Cross and Red Crescent activities (e.g. first aid, social welfare, food assistance and protection of the environment) as a contribution to peace.

An account of the Seminar's work and resulting recommendations is given in the September/October 1987 issue (No. 260) of the *International Review of the Red Cross*.

The Assembly also received the report on the *XIIIth Inter-American Red Cross Conference*, organized by the Ecuadorean Red Cross and held in Quito in July 1987.

The Conference was the scene of discussions on various aspects of Red Cross work in the region: voluntary service and youth, development of National Societies, relief in cases of natural disaster, financial aspects of operations in response to League appeals, fundamental principles and international humanitarian law, assistance to refugees, problems of drug addiction, etc. An account of the Conference's work may be found in the July/August 1987 issue (No. 259) of the *Review*.

At the end of the session, the delegates heard a message to the League by President José Sarney of Brazil. President Sarney said that "the humanitarian role of the Red Cross and Red Crescent is of the highest significance in today's divided world". They then paid warm tribute to Mrs. Harmon, President of the Brazilian Red Cross, and to the 150 Brazilian Red Cross volunteers who through their devotion and skill had contributed to the success of this session of the Assembly.

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## COUNCIL OF DELEGATES MEETING

The Council of Delegates of the International Red Cross and Red Crescent Movement, which brings together the representatives of the National Red Cross and Red Crescent Societies, the International Committee of the Red Cross (ICRC) and the League of Red Cross and Red Crescent Societies, met on Friday 27 November 1987, in Rio de Janeiro, following the close of the General Assembly of the League.

After the meeting had been opened by the Chairman of the Standing Commission of the Red Cross and Red Crescent, Dr. Ahmed Abu-Goura, ICRC President Cornelio Sommaruga was elected, according to custom, as Chairman of the Council. Mrs. Mavy A. A. Harmon, President of the Brazilian Red Cross, was elected as Vice-Chairman.

In his opening speech Mr. Sommaruga, who was addressing the entire Movement for the first time, began by paying tribute to the leaders and voluntary workers who recently lost their lives in the course of their humanitarian work, including the late President of the League, Mr. Enrique de la Mata Gorostizaga, who died suddenly in Rome last September.

Mr. Sommaruga laid stress on one of the tasks that he feels is of great importance, that of preserving and reinforcing the unity of the Movement, considering that the Fundamental Principles which guide its actions constitute the principle factor of its cohesion and the guarantee of its universality. He also placed emphasis on the prevention of violations of humanitarian rules, especially through "humanitarian mobilization" and dissemination of the Geneva Conventions and the ideals of the Red Cross and Red Crescent. In addition, Mr. Sommaruga underlined the role played by the National Societies "which are the foundation of the Movement and give it its vital strength".

The delegates examined several themes of interest to the various components of the Movement, including a series of projects designed to promote public awareness of the contribution of the Red Cross and Red Crescent to peace, a draft of the Regulations on the Use of the Emblem, crucial in ensuring genuine protection for the victims of armed conflicts and those who care for them, and a draft programme for the commemoration of the 125th Anniversary of the Movement.<sup>1</sup>

## 1. Contribution of the Movement to peace

The various subjects included in this theme had already been examined by the Commission on the Red Cross, Red Crescent and Peace at its 23rd session on 17 and 18 November in Rio.

A subsequent discussion during the Council of Delegates meeting led to the adoption by consensus, particularly appropriate when the Movement is considering its contribution to peace, of the following resolutions:

- *“Peace, disarmament and development”*—The Council, underscoring the shocking worldwide disproportion between arms expenditure and development aid, emphasized the willingness of the Movement to receive any resources freed by government actions in pursuit of disarmament and to assign those resources to National Society development projects.
- *“Information and dissemination of international humanitarian law as a contribution to peace”*—The Council renewed its appeal to the Movement to continue and expand its activities for the dissemination of international humanitarian law and the Fundamental Principles in various circles, including young people, nationally, regionally and internationally. It also encouraged the Commission on the Red Cross, Red Crescent and peace to take all necessary steps to improve the ways and means of making better known and understood the role of the Movement in promoting peace. This point will be examined in greater detail by the Commission at its October 1988 meeting, when it will study, together with a group of experts from various countries, the best means of promoting public awareness of the Red Cross contribution to peace. The meeting will be

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<sup>1</sup> For the text of the Resolutions adopted by the Council of Delegates, see pages 595-606.

held in the Soviet Union at the invitation of the Alliance of Red Cross and Red Crescent Societies of the USSR.

- “*Red Cross and Red Crescent Prize for Peace and Humanity*”—The Council decided to institute a *Red Cross and Red Crescent Prize for Peace and Humanity* to be awarded by consensus every four years by the Standing Commission, either to National Societies or to persons having actively contributed in the Movement to a more peaceful world through their humanitarian work and their dissemination of the ideals of the Movement. This prize will be awarded for the first time on the occasion of the Council of Delegates of 1989.

- “*Worldwide campaign for the protection of war victims*”—The Council enthusiastically greeted a proposal by the Swedish Red Cross to launch “a universal campaign to make known to all, not only to the armed forces, but also to civilians, the rights of the latter according to international law”. Such a campaign could begin on 8 May 1989 and culminate in 1990 with a universal two-day truce designed to draw attention to the protection of civilians in conflicts.

In the same spirit, the Council adopted a resolution inviting the ICRC *inter alia*, to “pursue and intensify its endeavours to visit regularly and without exception all combatants and non-combatants protected by the Third and Fourth Geneva Conventions” and to “take all necessary steps to enable it to protect and assist civilian victims of indiscriminate attacks and victims of the use of prohibited weapons such as chemical weapons”.

## **2. Regulations on the Use of the Emblem by the National Societies**

The Council adopted these Regulations by consensus and decided to submit them for formal approval to the Twenty-sixth International Conference of the Red Cross and Red Crescent. The National Societies have already been invited to observe them as of now.

## **3. Commemoration of the 125th Anniversary of the Movement**

The Council of Delegates adopted a series of proposals by the ICRC and the League Secretariat for commemoration of the 125th

Anniversary of the Movement (*see also page 653*). The commemoration period will extend from November 1987 to November 1989 and have as its main theme “**125 Years at Work**”. During the first year, emphasis will be placed, under the subsidiary slogan “... **and Still Developing**”, on the role of the Movement in the field of development; and during the second year, on respect for international humanitarian law under the subsidiary slogan “... **Protecting Human Life**”.

The main events of the commemoration programme will be the international *Information, Dissemination and Peace Seminar* (USSR, October 1988), the Movement’s World Day on 8 May 1989, which will be dedicated to the *Humanitarian Gesture*, and *Supercamp 1989*, an event which the League and the ICRC, in close collaboration with the Italian Red Cross, will organize at Solferino/Castiglione in August 1989 for Red Cross and Red Crescent youth. The award in November 1989 of the “*Red Cross and Red Crescent Prize for Peace and Humanity*” will close the programme.

#### **4. Information policy for the Movement**

The Council welcomed the intention expressed by the ICRC and League representatives to explore, together with the National Societies, new ways of promoting public awareness of the Movement as a whole and to accentuate the “solidarity of image” which exists between the various components of the Movement.

The Council took note of the ICRC and League report, containing in particular the recommendations adopted by the participants in the Workshop on Information and Public Relations (Varna, June 1987), and approved the new orientation it proposed in order to establish a real information policy for the Movement. With this in mind, the Council invited the ICRC and the League to constitute a joint working group, with which public relations experts from the National Societies will be associated, to prepare for the next Council of Delegates a series of guidelines for this information policy.

It also congratulated the ICRC and the League on their intention of making the “Red Cross, Red Crescent” magazine a publication for the whole Movement.

## **5. Development of the Henry Dunant Institute**

The Council encouraged the Henry Dunant Institute to continue its activities on behalf of the Movement in research, training and publications and invited the ICRC, the League and the National Societies to provide it with the necessary resources to carry out its programmes.

## **6. Participation in the 1992 Seville Universal Exposition**

The Council proposed that the ICRC, the League and the National Societies participate in this important universal exhibition which has the potential of giving the Movement, its Principles and activities a broad international impact.

## **7. Award of the Henry Dunant Medal**

During a solemn and moving ceremony, the Henry Dunant Medal was awarded in the name of the Standing Commission by its Chairman to the following people:

- Justice J. A. Adefarasin (Nigeria), former League President;
- Juan José Vega Aguiar (Cuba), former head of the Cuban Red Cross Tracing Services;
- Marie Josée Burnier, ICRC nurse, formerly posted in Angola and Mozambique;
- Princess Gina of Liechtenstein, former President of the Liechtenstein Red Cross;
- Enrique de la Mata Gorostizaga, late President of the League (the medal, awarded posthumously, was accepted by his wife, Doña María de la Mata);
- Onni Niskanen, former Secretary General of the Ethiopian Red Cross Society (posthumously);
- Dr. Anton Schlögel, former Secretary General of the German Red Cross in the Federal Republic of Germany;
- Kai Warras, former Secretary General of the Finnish Red Cross.

# Resolutions of the Council of Delegates

(adopted at its session of 27 November 1987)

## 1

### **Red Cross and Red Crescent Prize for Peace and Humanity**

The Council of Delegates,

*recalling* the proposal put forward by the Algerian Red Crescent at the 1986 Council of Delegates for the institution of a Red Cross and Red Crescent Peace Prize,

*recalling* that, according to the Statutes of the International Red Cross and Red Crescent Movement, the Movement “by its humanitarian work and the dissemination of its ideals, (...) promotes a lasting peace, which is not simply the absence of war, but is a dynamic process of co-operation among all States and peoples, co-operation founded on respect for freedom, independence, national sovereignty, equality, human rights, as well as on a fair and equitable distribution of resources to meet the needs of peoples”.

*recalling* that the Programme of Action of the Red Cross as a Factor of Peace (Belgrade 1975—Bucharest 1977) proposed, under its point 28.5, to “consider the idea of instituting a *Red Cross Prize* to encourage and honour the National Society making the greatest contribution to international solidarity and thereby promoting the Red Cross image”,

*considering* that the institution of such a Prize would constitute an important new element of implementation of this Programme of Action, *stressing* that the notion of the contribution of the Movement to peace is an integral part of the Fundamental Principle of Humanity.

1. *decides* to institute a *Red Cross and Red Crescent Prize for Peace and Humanity*, which would be awarded either to National Societies or to

persons having actively contributed in the Movement to a more peaceful world through their humanitarian work and the dissemination of the ideals of the Movement,

2. *further decides* that this Prize will be awarded in principle every four years during the Council of Delegates and by the Standing Commission of the Red Cross and Red Crescent,

3. *invites* the Standing Commission to establish the modalities of implementation of the present resolution and to designate the beneficiaries of the award by consensus,

4. *further invites* the Standing Commission to award this Prize for the first time on the occasion of the Council of Delegates of 1989, the year of the 125th anniversary of the Movement.

## 2

### **Worldwide campaign for the protection of war victims**

The Council of Delegates,

*having taken note* of the project to launch a worldwide campaign for the protection of war victims, which has been submitted by the joint working group appointed by the Commission on the Red Cross, Red Crescent and Peace and composed of representatives of the Swedish Red Cross, the ICRC and the League,

*considering* that this project is an effective follow-up of Resolution VIII of the Twenty-fifth International Conference of the Red Cross which recommended “a universal campaign to make known to all, not only to the armed forces, but to the civilians, the rights of the latter according to international law”,

1. *congratulates* the Swedish Red Cross on its initiative, as well as the joint working group for the very effective manner in which it developed the project,

2. *enjoins* all National Societies, the ICRC and the League not only to give the project their moral support, but also to work for its execution both at national and international levels,

3. *requests* the joint working group, which could be enlarged according to needs, to begin at once the detailed planning of the different stages of the campaign, as well as to raise the substantial resources required for its execution,

4. *invites* the Commission on the Red Cross, Red Crescent, and Peace to report on the progress of the project at the next meeting of the Council of Delegates.

### 3

#### **Peace, disarmament and development**

The Council of Delegates,

*recalling* resolutions on peace, disarmament and National Society development adopted by previous International Conferences of the Red Cross and Councils of Delegates, and more specifically Resolutions XXII, XXVI and XXVII of the Twenty-fifth Conference, on development as a contribution by the Movement to peace,

*having taken note* of the conclusions of the International Conference on the Relationship Between Disarmament and Development (New York, August-September 1987),

*noting with appreciation* the discussions and recommendations of the International Red Cross and Red Crescent Seminar on Health as a Factor of Peace and Development (Moscow, September 1987),

*alarmed* at the shocking disproportion between arms expenditure and development aid,

*concerned by* continued tensions throughout the world which prevent resources from being freed for development programmes to alleviate human suffering and misery,

*reaffirming* the importance of respect for international humanitarian law applicable in armed conflicts as a factor conducive to a resumption of negotiations, the settlement of conflict and a reallocation of funds to development aid,

*recognizing* the need for the Movement to increase its assistance to National Societies in developing countries,

1. *invites* National Societies, by implementing their development programmes, to help create a climate of peace conducive to a reduction of tension,

2. *emphasizes* the willingness of the International Red Cross and Red Crescent Movement to receive any resources freed by government actions to limit armament and pursue policies of disarmament, and to assign those resources to National Society development projects.

## **Information and dissemination of international humanitarian law as a contribution to peace**

The Council of Delegates,

*recalling* resolutions on the dissemination of international humanitarian law adopted by previous International Conferences of the Red Cross,

*convinced* that the dissemination of international humanitarian law and of the Fundamental Principles cannot be dissociated from propagation of a spirit of peace and that it constitutes a major contribution by the Movement to peace,

*noting*, moreover, the need for the Movement's role in promoting peace to be made better known,

1. *encourages* National Societies which have not already done so to appoint officers to disseminate international humanitarian law and the Fundamental Principles and to make approaches to the authorities with a view to setting up joint committees composed of representatives of the relevant ministries and National Societies,

2. *invites* the entire Movement to continue and expand its activities for the dissemination of knowledge of international humanitarian law and the Fundamental Principles in various circles, including young people, nationally, regionally and internationally,

3. *encourages* the Commission on the Red Cross, Red Crescent and Peace to take all necessary steps to improve ways and means of making better known and understood the role of the Movement in favour of peace by pointing out the connection between disseminating international humanitarian law and the Movement's Fundamental Principles and developing a spirit of peace,

4. *requests* the Commission to hold its second 1988 session (with participation extended to include dissemination and information specialists from National Societies and communication experts) in the framework of which the host Society, i.e. the Alliance of Red Cross and Red Crescent Societies of the USSR, the ICRC and the League would organize a seminar in order to implement the objective set out in the previous paragraph.

## 5

### **Formal commitment by the Movement to obtain the full implementation of the Geneva Conventions**

The Council of Delegates,

*recalling* Resolutions I, VIII and IX of the Twenty-fifth International Conference of the Red Cross, held in Geneva in October 1986,

*having heard* the tribute paid by the Standing Commission of the Red Cross and Red Crescent, through its Chairman, to the International Committee of the Red Cross for its humanitarian activity,

*recognizing* both the efforts made by the ICRC to discharge its mandate to protect and assist victims of armed conflicts, and the difficulties it encounters in so doing,

*concerned* about the urgent need to secure the full respect from all governments of the Geneva Conventions, especially with regard to prisoners of war and civilian populations,

1. *requests* the ICRC in particular to pursue and intensify its endeavours to visit regularly and without any exception all combatants and non-combatants protected by the Third and Fourth Geneva Conventions,

2. *invites* the ICRC to take all necessary steps to enable it to protect and assist civilian victims of indiscriminate attacks, and victims of the use of prohibited weapons such as chemical weapons,

3. *encourages* the ICRC in its immensely vital and difficult task, so essential to ensure universal respect for non-combatants, and *assures* it of the full support of all members of the Movement in the accomplishment of its work.

## 6

### **Regulations on the use of the emblem by National Societies**

The Council of Delegates,

*aware* of the vital importance of respect for the Red Cross and Red Crescent emblems for the protection of victims of armed conflicts and those who take care of them,

*convinced* that respect for the emblem results from a clear and widespread knowledge of its various uses as authorized by international humanitarian law in times of armed conflict and in peacetime,

*aware* of the necessity for National Red Cross and Red Crescent Societies to have regulations at their disposal that clearly specify their rights and duties as regards the use of the emblem,

*recalling* the assignment given to the ICRC by the Twenty-fourth International Conference of the Red Cross (Manila 1981) to prepare them to take into account draft regulations on the use of the emblem for National Societies with a view to improving the 1965 Regulations and adapting, for those Societies concerned, the Protocols additional to the Geneva Conventions of 12 August 1949,

*recalling* that the draft texts drawn up by the ICRC in consultation with the National Societies and the League Secretariat were extensively examined and discussed within the International Red Cross and Red Crescent Movement, especially during the 1983 and 1985 Councils of Delegates,

*considering* that a new draft faithfully reflecting the opinions expressed during these consultations was drawn up for submission to the Twenty-fifth International Conference of the Red Cross, but could not be examined by it,

1. *has decided* to submit for formal approval of the Twenty-sixth International Conference of the Red Cross and Red Crescent the draft *Regulations on the use of the Red Cross and Red Crescent emblem* as contained in the document presented by the ICRC in consultation with the National Societies and the League Secretariat (CD/5/1),

2. *recommends* that the National Societies observe these Regulations as of now, on a provisional basis.

## 7

### **Commemoration of the 125th Anniversary of the Movement**

The Council of Delegates,

*considering* that the International Red Cross and Red Crescent Movement has just entered a period commemorating its 125 years of existence, in particular four events which marked its early beginnings:

— on 8 November 1862, the publication of “A Memory of Solferino”, the book written by Henry Dunant to alert public opinion to the horror of that dreadful battle;

— on 9 February, the creation of the International and Permanent Committee for the Wounded in Time of War, known as “The Committee of Five”, which soon became the International Committee of the Red Cross (ICRC);

— on 26 October 1863, adoption by the delegates of 16 Governments, invited to Geneva by the International Committee, of a Resolution for “the organization in every country of a committee to give voluntary assistance to the medical services of the armed forces”—the future National Red Cross and Red Crescent Societies;

— on 22 August 1864, signature of the first Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field.

*having taken note* with interest of the proposals put forward by the ICRC and the Secretariat of the League with a view to commemorating the 125th anniversary of the Movement,

*having taken note* that these proposals, which have been submitted for consultation to all National Societies, have been very favourably received by them,

*having heard* the additional proposals presented orally during the present Council of Delegates, in particular the suggestion that all States be asked to make a “humanitarian gesture” on 8 May 1989, World Red Cross and Red Crescent Day, on behalf of people or groups of people whose condition can be changed for the better only by humanitarian measures of an exceptional nature, to be taken on that day:

1. *congratulates* the ICRC and the Secretariat of the League on their proposals as set out in Document CD/8/1, and particularly in Appendix A.

2. *approves and adopts* those proposals, together with the proposal for a “humanitarian gesture” put forward during the present Council of Delegates—all those proposals constituting what will henceforth be termed the 125th Anniversary “commemoration programme”,

3. *decides*, in conformity with those proposals, to use the commemorative theme—“**125 Years at Work**”—for the entire period extending from the present Council of Delegates to the Council of Delegates of 1989; to place emphasis during the first year, under the subsidiary slogan “... *and Still Developing*”, upon the role of the Movement in the field of development; and, during the second year, to stress respect for International Humanitarian Law, under the subsidiary slogan “...*Protecting Human Life*”.

4. *decides* to include in the commemoration programme the seminar which the ICRC, the League and the Alliance will organize in October

1988 in the USSR within the framework of the second annual meeting of the Commission on the Red Cross, Red Crescent and Peace—with participation extended on this occasion to include dissemination and information specialists from National Societies and communication experts; and also the “Supercamp” which the League and the ICRC, in close collaboration with the Italian Red Cross, will organize at Solferino/Castiglione in August 1989 for Red Cross and Red Crescent youth, as the culmination of the events held to mark the 125th anniversary of the signature of the Geneva Convention of 22 August 1864.

5. *requests* the ICRC and the Secretariat of the League to do everything necessary to ensure the success of the commemoration programme as outlined above, which after the three major events—the “*Information, Dissemination and Peace Seminar*” (October 1988), the “*Humanitarian Gesture*” (8 May 1989) and the “*Supercamp*” (August 1989)—will in October/November 1989, at the next Council of Delegates, close with the award of the first “*Red Cross and Red Crescent Prize for Peace and Humanity*”.

6. *invites* all National Societies to participate actively at the national level in the implementation of this commemoration programme, thereby helping to promote the Red Cross and Red Crescent and to project worldwide the image of a Movement which is universal, youthful and dynamic, united by the same principles and ideals which have been its constant guide throughout its 125 years of existence.

## 8

### Information Policy of the Movement

The Council of Delegates,

*having taken note* with interest of the report on the *Information Policy of the Movement* presented jointly by the ICRC and the League, containing in particular the ten recommendations adopted unanimously in June 1987 at Varna (Bulgaria) by the participants in the Workshop on Information and Public Relations,

*aware* of the obvious “solidarity of image” which exists between the various components of the Movement vis-à-vis public opinion, and of the consequent need to harmonize their information and public relations work as much as possible, as is already being done in the dissemination of

international humanitarian law and the principles and ideals of the Movement, and peace,

*having heard* the statements by League and ICRC representatives concerning their willingness to explore, together with the National Societies, new and more systematic ways of promoting, whenever circumstances allow, public awareness of the Movement as a whole rather than of its individual parts, and to set up a joint group of information and public relations experts for this purpose,

*having taken note* with great satisfaction of the intention expressed by the representatives of the League and of the ICRC to unite their efforts and resources with a view to making the “Red Cross, Red Crescent” magazine a publication issued regularly by the Movement for the whole of the Movement,

1. *thanks* the ICRC and the League for their joint report and *adopts* the recommendations put forward by the Varna Workshop,

2. *approves* the proposed new orientation designed to establish a real *information policy for the Movement*,

3. *invites* the ICRC and the League to pursue this new orientation and takes note of their intention to set up, to this end, a joint working group with which information and public relations experts from the National Societies will be associated,

4. *congratulates* the League and the ICRC on their intention of making the “Red Cross, Red Crescent” magazine a publication by the Movement for the whole Movement, considering this as an important first step which is bound to reinforce the Movement’s unity vis-à-vis the public,

5. *requests* the ICRC and the League to report to the next Council of Delegates on progress made in this area and to propose guidelines which will determine a real information policy for the Movement, to which all its component parts can refer.

## 9

### **Development of the activities of the Henry Dunant Institute**

The Council of Delegates,

*aware* of the important role played by the Henry Dunant Institute since its foundation, and appreciating the services it has rendered to the entire International Red Cross and Red Crescent Movement,

*having noted* the report on the activities of the Henry Dunant Institute since the Council of Delegates' meeting in Geneva in October 1986, and the proposed programme of future activities,

1. *expresses its gratitude* for the positive results achieved by the Henry Dunant Institute during this period,

2. *encourages* the Henry Dunant Institute to:

- a) pursue its activities in the fields of research, training and publications in the service of the Movement,
- b) continue its dissemination of the principles and ideals of the Movement and international humanitarian law,
- c) pursue studies on the development of National Societies and evaluations of the impact and the quality of Red Cross and Red Crescent activities,
- d) improve its services to National Societies and universities by placing at their disposal a documentation centre on subjects relevant to the work of the whole Movement,

3. *encourages* National Societies to contribute to the activities of the Institute:

- a) by suggesting and participating in research on humanitarian issues, the study and the publication of which would be useful to their activities,
- b) by supporting trainees and research fellows,
- c) by co-operating in organizing seminars on current challenges to the Red Cross and Red Crescent,
- d) by aiding with the translation, production and distribution of its publications.

4. *thinks* the ICRC, the League and National Societies for their financial support and *urges* them to continue to provide the Institute with the necessary means to cover its core costs and implement its projects.

## 10

### **Participation in the 1992 Seville Universal Exposition**

The Council of Delegates,

*considering* that the city of Seville (Spain) has been chosen as the venue of the Universal Exposition in 1992, whose theme is "The Age of Discovery", and that this exhibition has been registered in the universal category

by the International Exhibition Bureau, the highest category for this kind of event,

*considering* that the Spanish government undertakes as host country to abide by all its obligations in conformity with the Paris Convention of 1928 on International Expositions and its supplementary protocols, and has consequently sent an invitation to all the countries of the world and to the most prominent international bodies, several of which have already confirmed their attendance,

*observing* that the said 1992 Universal Exposition will be of exceptional importance, since it will be dedicated to celebrating, as indicated by its Regulation, mankind's inventive capacity to face man's dynamic relationship with his fellow men and his environment, man's social, cultural and physical existence and the evolution of knowledge,

*noting also* that this same Article 1 of the Regulations emphasizes that the purpose of the Exposition is to contribute to man's understanding of himself and his fellow men through a demonstration of his achievements, encourage co-participation and an exchange of ideas so as to lay the foundations for discoveries and coexistence in the years to come,

*recalling* that this celebration, coming 22 years after the last Universal Exposition (held in Osaka in 1970), will be of the utmost importance to mankind, since not only will the 500th anniversary of the discovery of America be celebrated, but it will also be an occasion for collective reflection on the structure of the modern world, and of time past and present, a true scenario for the vision of man's creative future,

*considering* the extraordinary circumstance that this Council of Delegates is meeting in Rio de Janeiro (Brazil), which is one of the American countries participating in the celebration of the Fifth Centennial,

*considering* that the Spanish Minister of Foreign Affairs, on behalf of the Expo' 92 State Corporation, the General Commissioner and the Spanish people, has invited the President of the League of Red Cross and Red Crescent Societies and the President of the International Committee of the Red Cross, an invitation which has been accepted by both,

*noting* that the Spanish Red Cross extends this invitation to all National Societies of the International Red Cross and Red Crescent Movement,

*considering* also the size of the preparations for this type of event and the official deadline,

*proposes:*

1. that the League of Red Cross and Red Crescent Societies and the ICRC participate, in whichever manner they deem appropriate, in this great event of 1992,

2. that all the National Societies of the International Red Cross and Red Crescent Movement participate in this event,

3. that the joint ICRC/League working group on information and public relations study the manner in which the entire International Red Cross and Red Crescent Movement can participate in the event, in the form that most adequately disseminates knowledge of its principles and activities and best affords international public repercussion of its immense humanitarian work,

4. that the afore-mentioned joint ICRC/League working group present concrete and enumerated proposals regarding this participation to the 1989 Council of Delegates.

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## Legal obstacles to prosecution of breaches of humanitarian law \*

by Jacques Verhaegen

It is common knowledge that by signing and ratifying the Geneva Conventions of 12 August 1949 the High Contracting Parties have undertaken to seek out and prosecute all persons, *whatever their nationality*, committing or ordering to be committed any of the grave breaches defined in the said Conventions. As I have stated elsewhere,<sup>1</sup> this express undertaking is so far removed from present custom, and from the traditional immunities enjoyed by nationals in this respect, as to justify asking how States intend to put it into effect and make its implications thoroughly understood and accepted by their politicians, armed forces and *legal authorities*.

As regards the Belgian State, I asked “whether, any more than any other country, it was willing to impose (and had accustomed public opinion to the idea of imposing) the sanctions set out in its penal law on any Belgian, of whatever rank or function, who defied a prohibition of humanitarian law, not from personal interest or sadism, but in the name and on behalf of the State and in connection with the State’s measures for national defence”.

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\* This article is taken from the Belgian national report to be presented to the XIVth International Congress of Penal Law (Vienna, 1989), and is dedicated to the memory of my brother Yves, a war volunteer.

<sup>1</sup> Verhaegen, J., “La répression des crimes de guerre en droit pénal belge”, in *Mélanges Hans-H. Jescheck*, Berlin, Duncker und Humblot, 1985, p. 1441.

The current unwillingness to prosecute and pass judgement on offences of this kind has already been examined by several authors.<sup>2</sup> One is tempted to agree with André Malraux's dictum in "*l'Espoir*" that "men find it hard to believe that their fellow fighting men may be contemptible", or with the remark by an expert in administrative law, on the subject of abuse of authority in French national law, that "it may go against the grain to sentence a policeman who has used force without malicious intent and in the belief that he was acting in the general interest—it seems unfair".<sup>3</sup>

This unwillingness was mentioned in the seminar on "*New horizons in international penal law of armed conflicts*", held by the International Institute of Higher Studies in Criminal Sciences (Noto, May 1984). The summary record states that, probably for political and psychological rather than legal reasons, the difficulty of establishing a system of humanitarian law involving *penal* sanctions appears to be linked mainly with the still widespread ignorance of the role of humanitarian law in protecting the *minimum standard of treatment due to human beings* in the worst circumstances; that is, the minimum degree of humanity, to be perpetually protected against the attacks made on it for "reasons of State" and military necessity.

From the various phases of the Shimoda affair and the My Lai trial to the difficulties encountered in setting up the Kahane Commission after the Sabra and Shatila incidents, there are numerous examples of these reluctant and obstructive attitudes to the implementation of *legally protected* humanitarian law.<sup>4</sup>

The reluctance, whether of political or psychological origin, would not have been able to overcome the legal obligation to "seek out and prosecute" without the support derived from some legal texts, at least with regard to *legal* aspects. The Noto report, mentioned above, praises the Seminar for calling upon judicial bodies to consider and researchers to examine the bottlenecks, hypothetical loopholes or procedural obstacles most generally used to raise a

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<sup>2</sup> Verhaegen, J., *La protection pénale contre les excès de pouvoir et la résistance légitime à l'autorité*, Brussels, Ets. Emile Bruylant, 1969, pp. 117 ff. and references quoted.

<sup>3</sup> See Debary, *L'inexistence des actes administratifs*, Paris, Pichon-Durand, 1960, p. 32.

<sup>4</sup> Verhaegen, J., "Les nouveaux horizons du droit international pénal des conflits armés", in *Revue de droit pénal et criminel*, (*Rev. Dr. Pén. Crim.*), Jan. 1985, p. 34 and "New horizons in international criminal law", in *Nouv. Et. Pénales*, 1985, pp. 45-58.

“legal” barrier to the prosecution and punishment of even flagrant and pernicious violations of humanitarian law.

This article proposes to consider the principal pretexts of this kind.

## 1. Repudiation of the competence of the legal authorities (declinature)

The time-honoured claim by the executive power to remove from the control of the legal authorities decisions in the “preserves” of foreign policy, State security and national defence is known in some countries as the “theory of the act of government” or “*judicial restraint*”. When not based purely and simply (and one is tempted to add, unashamedly) on “reasons of State” devoid of all legal or moral considerations, it will at least attempt to claim legitimacy on the (untrue) grounds that it is impossible to investigate the legality of government action without dangerously encroaching on the government’s discretionary powers.<sup>5</sup>

Admittedly, now that the majority of States have signed international agreements<sup>6</sup> recognizing the principle of penal responsibility for acts of war and that of individual appeal against violation of *jus in bello*, it is not easy to maintain that acts relating to national defence are immune from penal prosecution. Nevertheless, this old theory still regularly crops up to a significant extent in statements by political and military leaders and even in the reasoning of judges.

“We invoke declinature ... Where defence is concerned, decisions are above the law and the question of their legality does not arise”.<sup>7</sup>

These were the terms in which a Belgian law officer replied in 1986 to a petition for the reversal of a government decision relating to armaments. The plea of declinature, entered in the very year in

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<sup>5</sup> Typical of this opinion is the statement made on the Belgian radio by General V. Walters after his country had been condemned by the International Court of Justice (27 June 1986). “My Government”, he said, “will not allow its foreign policy to be dictated to it by a college of foreign judges”.

<sup>6</sup> Geneva Conventions of 12 August 1949: First Convention, Art. 49/ Second Convention, Art. 50/ Third Convention, Art. 129/ Fourth Convention, Art. 146/; Additional Protocol I, Geneva 1977, Art. 85; and the European Convention on Human Rights, Art. 15, § 2, referring to “lawful” acts of war.

<sup>7</sup> Reply by the Chief Commissioner (“premier auditeur”) of the Council of State in the case of *Pax Christi and jointly interested parties*, 1986.

which Belgium ratified a Protocol that makes it obligatory to *bring before the country's courts* anyone giving orders to attack the civilian population or non-defended localities, that prohibits the use of indiscriminate violence and that imposes the duty to ensure that new weapons are compatible with the rules of international law, clearly illustrates the difficulty in assimilating penal international law on armed conflicts which is experienced by the very persons responsible for applying its precepts.

This claim of immunity from prosecution is not by any means the only way of preventing violations of humanitarian law from coming to the knowledge of the courts.

## **2. Cases in which no action is taken or which are simply dealt with under the disciplinary corps of the armed forces**

The right assigned to certain judicial authorities, particularly prosecuting bodies, to assess the validity of the charges brought, and even the advisability of prosecution, has probably done much to keep out of the courts most of the “service-related” crimes and offences (of whatever gravity) committed in the name and on behalf of the State.<sup>8</sup>

Some authors have drawn the pessimistic conclusion that, in certain privileged cases, only a campaign by the mass media could ensure that such matters were referred to the courts by which they should properly be tried.<sup>9</sup>

In the “Greenpeace Affair”, the French Prime Minister declared on 27 August 1985 that, “if it appeared that criminal acts had been committed by French citizens, legal proceedings would be taken immediately”, yet on 28 November 1985, although—or perhaps because—several of the political and military figures responsible for the operation had been identified, the Minister of Defence stated that penal prosecution had unfortunately become impossible (sic)

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<sup>8</sup> Verhaegen, J., “L’excès de pouvoir, la légalité de crise et le droit de Nuremberg”, in *La protection pénale contre les excès de pouvoir*, op. cit., pp. 359 ff. On the *favor potestatis* see especially pp. 420 ff. On certain prosecutions actually made, see Verhaegen, J., “La culpabilité des exécutants d’ordres illégaux”, in *Rev. Jurid. du Congo* 1970/3, pp. 231 ff., especially Note 2.

<sup>9</sup> See, for example, McCarthy, M., *Rapport sur le procès du capitaine Medina*, (report on the trial of Captain Medina), Paris, Laffont, 1973 and summary by Verhaegen, J., in *Rev. Dr. Pén. crim.*, 1973-74, p. 615.

because Parliament had refused to set up a parliamentary commission of inquiry!

In Belgium, just as in France, the unjustified inertia of prosecuting bodies could theoretically be overcome by the acknowledged right of the injured party to initiate public prosecution; but Belgian jurisprudence has not recognized this right as applying to courts martial, which in Belgium are the bodies normally competent to deal with war crimes and, more commonly, with breaches of the law by military personnel.

Moreover, by virtue of a Belgian law of 1975, military tribunals to whom the competent authorities have applied in due form may still decide to take no action themselves<sup>10</sup> on the matter referred to them, but to refer it for disciplinary action to the accused person's superior officers "because the offences are not serious". Obviously, apart from the fact that the penalties which the disciplinary authorities are entitled to inflict may not always be appropriate to the true gravity of the breaches, there is the risk that the authorities' view of the accusations will be greatly influenced by considerations irrelevant to law, such as the disinterested motives of the accused loyalty to the service or the "honour of the flag".<sup>11</sup>

To prevent as far as possible such cases from being improperly hushed up, or "understandingly" referred back for disciplinary action by the armed forces, it has been proposed, as part of the reform of military penal procedure, that tribunals should be required to state officially the action taken on each complaint, giving explicit *reasons* for any decision to dismiss the charge. This is surely an extremely important innovation.

### 3. Exclusion of State secrets

The recognition by the judicial authority of its legal competence to deal with the case, and admission that it is presumed sufficiently serious to rule out its referral to the armed forces for disciplinary action, still does not guarantee, of course, that adequate legal proof of the breach can be produced to the judges.

There is a very real risk in this kind of prosecution that revelation of the truth will be prevented by the accused and those

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<sup>10</sup> Verhaegen, J., "De la connaissance des infractions commises par les militaires", in *Journal Trib.*, Brussels, 1973, pp. 721 ff.

<sup>11</sup> *Ibid.*, p. 722, Col. 2, and Verhaegen, J., *La protection pénale contre les excès de pouvoir*, *op. cit.*, pp. 73 ff. and 432 ff.

summoned as witnesses refusing to give evidence, if they decide to plead that any of the circumstances comprising the breach, or any evidence of it, is officially secret.

Needless to say, the mere allegation of official secrecy by the administration itself does not mean that this must be accepted by a judicial authority investigating a violation of international law. Thus, at the trial in 1972 of some Belgian soldiers accused of third-degree interrogation of prisoners during manoeuvres, the Liège Court Martial rejected an application for the proceedings to be held *in camera* made by a senior officer who was required by the court to describe some extremely questionable training given to an army unit.<sup>12</sup>

There can be no further doubt that to accept that a particular point in the investigation is covered by official secrecy in no way relieves the authorities of the obligation to provide the information necessary to establish the truth in a case being tried, when so required by the judge. "The withdrawal of certain documents that it would be very dangerous to communicate must be reconciled with the production of other documents from which the legality or otherwise of the action taken may be determined".<sup>13</sup>

The prohibition in Belgian penal law to communicate "information whose secrecy is important to national defence or the external security of the State" might be invoked by persons interrogated; but Article 119 of the Penal Code containing this prohibition, and Article 13 of the Act of 14 January 1985 containing regulations for discipline in the armed forces, punish only the communication of information to persons not entitled to receive it; such persons could not possibly include judicial authorities required to seek out and investigate violations of international penal law, whether or not perpetrated under the cloak of official secrecy.<sup>14</sup>

The Geneva Conventions make it compulsory to report breaches of these Conventions (see Article 87 of Additional Protocol I), and the Belgian Bill No. 577 punishes the failure to take action by persons having knowledge of orders given in violation of

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<sup>12</sup> Verhaegen, J., "La tentation de la torture", *Journal trib.*, 1975, pp. 473 ff., and more specially "Savoir où porter le fer — A propos de la condamnation de six para-commandos", in *Journal Trib.*, 1973, p. 140, Col. 2.

<sup>13</sup> Cambier, Cyr. *La censure de l'excès de pouvoir par le Conseil d'Etat*, Brussels, 1956, No. 223.

<sup>14</sup> The Belgian Penal Code punishes divulgence of an employer's secrets "except in cases where the custodians of the secret matters are called as witnesses in the courts and in cases where the law obliges them to reveal these secrets".

the Conventions. It would therefore be completely illogical to put any obstacle in the way of their being divulged to a judicial authority responsible precisely for seeking out and repressing such violations.

In his report to Louvain University in 1980 on this very question, Professor H. H. Jescheck answered it with extreme clarity. He said "We have, in effect, to choose between two opposing values: the concern of the State to keep certain matters secret so as to safeguard its external security, national defence system and foreign policy; and the concern to safeguard the general legal system challenged by the matters in question. We cannot simply subject the legal system—particularly the higher standards of international public order—to the political interests of a State... The revelation of secret preparations leading to the violation of international humanitarian obligations, such as the threat to the legal principles protected in time of armed conflict by the Geneva Conventions and their Additional Protocols, should be justifiable according to the principles and in the very conditions of the state of necessity leading to the justification".<sup>15</sup>

#### 4. Refusal to class acts as legal or illegal

Like any penal law, the rules of penal international law must be strictly interpreted. They apply to all cases that come within their terms, and to those cases only. Their strict interpretation does not of course exclude either the *logical* applications that draw all necessary implications from the rule, or the *evolutive* applications which cover, in particular, the *modus operandi* (which is difficult or impossible for the legislator to foresee because of the advanced techniques characteristic of it), provided this *modus* comes with certainty within the terms of the definition.

Whereas the sentences passed upon war criminals after the Second World War too often disclosed the temptation to interpret penal laws *extensively*, partly because of faulty appreciation of the exonerating causes legally invoked<sup>16</sup> it is the tendency towards

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<sup>15</sup> Jescheck, H.-H., "La protection des secrets d'Etat illégaux en République fédérale d'Allemagne", in *Licéité en droit positif et références légales aux valeurs*, Brussels, 1982, p. 376.

<sup>16</sup> "Une justice avec des dents" (Justice with teeth), a term used by a French Government Commissioner, quoted by Maunoir, J.-P., *La répression des crimes de guerre devant les tribunaux français et alliés*, Geneva, 1956, p. 52.

*restrictive* interpretation that characterizes the legal classification of (or refusal to classify) offences committed for reasons of state by national agents in the exercise of their duties.<sup>17</sup>

A number of aberrations of this kind, deliberate or otherwise, but undoubtedly leading to restriction in the scope of penal law, can already be seen in the conduct of those who interpret penal international law.

- a. The general principles of penal international law (beginning with the first principle, namely the ultimate supremacy of the *laws of humanity* as expressed in Martens' clause, with its direct corollaries: the principle of immunity of non-combatants, and the fundamental prohibition of the use of weapons having excessively injurious or indiscriminate effects) are to be refused recognition as imperative juridical rules.<sup>18</sup>
- b. Rules made in general terms or not clearly defined<sup>19</sup> are, because they lack precision, to be declared inadequate grounds on which to declare a given fact punishable under penal law. *Lex infinita, transgression permissa!*
- c. Where rules are specific and sufficiently precise, the necessary logical conclusions are not to be drawn from them<sup>20</sup> and their *evolutive* interpretation is to be rejected.<sup>21</sup>

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<sup>17</sup> *La protection pénale contre les excès... op. cit.*, p. 427 and references quoted.

<sup>18</sup> "The (Martens) clause is not binding on our country": statement by the Belgian Minister of Foreign Affairs on 9 November 1983 in the Lower House of Parliament (C.R.A., p. 130). On the mandatory nature of the Martens clause, see the reply by Ambassador R. Bindschedler, Head of the Swiss Delegation to the Diplomatic Conference, in *Licéité en droit positif, op. cit.*, p. 632, Note 23.

<sup>19</sup> International conventions contain all too many vague formulas of this kind. See Verhaegen, J., "Les impasses du droit international pénal", in *Rev. Dr. Pén. Crim.*, 1957-1958, pp. 1-61, especially pp. 18-20. Similarly, "It may be asked whether the jurists (composing the United Nations Commission on international law for the formulation of the Nuremberg principles) were sufficiently expert to discuss questions of penal law. The legal training of an internationalist is not that of an expert in penal law... President Scelle himself found cause to say as much" (*Rev. Dr. Pén. Crim.*, 1950-1951, p. 819).

<sup>20</sup> Verhaegen, J., "L'activité militaire en période de crise (conditions et limites de sa justification en droit pénal belge)", in *Rev. Belge Dr. Intern.*, 1984-1985/I, p. 331.

<sup>21</sup> "Controversy has arisen as to whether the Hague Regulations apply to nuclear weapons" (statement by Mr. Tindemans, Belgian Minister of Foreign Affairs, to the Lower House of Parliament on 9 Nov. 1983). Cf. the Council of State's opinion of 8 Oct. 1984 on the Bill "for approval of the Geneva Additional Protocols"; that opinion reiterates that international instruments such as the Hague Conventions of 1899 and 1907 and the humanitarian Geneva Conventions of 1949 are applicable to nuclear weapons.

- d. The person committing the violation is to be given the benefit of attenuating circumstances such as “service reasons”, even though the law does not recognize these as having any power to exonerate from penal responsibility.<sup>22</sup> Some authors even go so far as to regard obedience to criminal orders from a superior as objective justification.
- e. Indictments under national law, such as for homicide or bodily injury caused by carelessness,<sup>23</sup> and in particular “preventive” indictments under national penal law (namely those that, whilst not directed against the crime itself, punish acts that lead to or prepare for crime) will never be entertained, although neither personal competence nor the territorial competence of jurisdictions would be a legal bar to them. Thus, giving orders to prepare a crime (whether or not they are obeyed) would be so excluded. So would participation in a concerted plan to commit or help to commit crime or to refrain from any action to prevent it from being carried out.<sup>24</sup>
- f. By contrast, any interpretation and legal classification of an act, however inaccurate, emanating from the executive power will be received docilely and without question, despite their incompatibility with a precisely worded law and however clear the facts of the matter.<sup>25</sup>

Such practices are reminiscent of the refusal in the 1914-1918 war to regard the use of *poison gas* as a clear violation of the general and express prohibition of the use of *poison* (Article 23a of the Hague Regulations), the refusal to regard *air bombardment* of

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<sup>22</sup> A typical example is reported in *La protection pénale contre les excès de pouvoir*, *op. cit.*, p. 435.

<sup>23</sup> On the simultaneous presence of the factors constituting manslaughter through carelessness, see the report of the Kahane Commission on responsibility for the Sabra and Shatila events, Stock, 1983, p. 109. See also Verhaegen, J., “Le délit d'imprudance et la guerre”, in *Rev. Dr. Pén. Crim.*, 1959-1960, pp. 419-491, and “L'ordre illégal et son exécutant devant les juridictions pénales”, in *Journ. Trib.*, Sept. 1986, pp. 449-454, especially p. 452.

<sup>24</sup> Verhaegen, J., *L'activité militaire en période de crise*, *op. cit.*, pp. 336-339.

<sup>25</sup> Verhaegen, J., “Une interprétation inacceptable du principe de proportionnalité”, in *Revue de droit pénal militaire et de droit de la guerre*, 1982, pp. 333 ff. The opinion of M.-F. Furet in her preface to the proceedings of the Montpellier Symposium (XVI<sup>e</sup> Colloque de la Société Française de Droit International, Montpellier, 3-5 June 1982) on international law and weapons, that “general ideas (such as ‘striking without discrimination’ or producing ‘excessively injurious effects’) can be interpreted only by agreement between States which decide what weapons are to be prohibited in the light of these general principles” is a typical example of the law being submitted to classification by national executives.

undefended towns as a clear violation of the general and express prohibition to *bombard* them (Article 25 of the Hague Regulations),<sup>26</sup> and the refusal before August 1949 to regard the taking of *hostages* as a clear violation of the general and express prohibition of *general penalties* or violence to the lives of persons in occupied territories (Articles 46 and 50 of the Hague Regulations).

The Belgian Court of Cassation, giving judgement on 4 July 1949 in the Muller case, which has become the *leading case* on the repression of war crimes in Belgian law, nevertheless reiterated the mandatory character.

1. of all the necessary implications of the express provisions of humanitarian law;<sup>27</sup>
2. of the supplementary principle of *humanity* referred to by the Martens clause, although this final supplementary rule to all crisis law is so imprecise that it must give the judge greater latitude in accepting grounds for a plea that an official who is a victim of his error in fact or in law is not personally responsible.<sup>28</sup>

## 5. The need to safeguard vital national interests

When a Belgian law officer quotes the rule *salus rei publicae suprema lex esto* in answer to a petition for the reversal of a government decision on the subject of armaments;<sup>29</sup> when a French judge rejects a defence based on the international obligations of France, arguing against them “the natural, imprescriptible and inalienable right of every nation to defend itself against ag-

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<sup>26</sup> The words “by whatever means” were added to Art. 25 of the Hague Regulations at the request of General Amourel to safeguard the logical and evolutive interpretation of that Article.

<sup>27</sup> “Whereas the appeal maintains with good reason that although the Hague Convention of October 18, 1907 and the Regulations annexed thereto... do not contain any explicit provision relating to hostages, the execution of hostages is nevertheless implicitly considered as a violation of the laws and customs of war by Articles 46 and 50 of the aforesaid Regulations” (Pasicrisie, 1949, I, 515).

<sup>28</sup> Although prior to August 1949 reprisals against the civilian population were not *explicitly* prohibited, there are orders to which “disobedience is due because they manifestly violate an overriding principle of humanity” (Belgian Court of Cassation, 4 July 1949, *Pas.* 1949, p. 516).

<sup>29</sup> Quoted in the case of *Pax Christi and jointly interested parties* (1986).

gression";<sup>30</sup> and when the French government delegate to the Diplomatic Conference of 1974-1977 justifies his rejection of the provisions relating to indiscriminate attacks on the grounds that these provisions would be likely to compromise the right of legitimate defence recognized by Article 51 of the Charter of the United Nations,<sup>31</sup> they forget, voluntarily or otherwise, that the imperative requirements of international law were framed after prior compromise and minutely adjusted to strike a balance between the requirements of humanity and those of political and military necessity, and therefore have an *unconditional* nature that no public necessity can further reduce.

These rules are, very exactly, "rigid and the fruit of compromise", and represent the absolute minimum due to the human person in the worst possible circumstances.

That these rules suffer absolutely no derogation is recalled in Article 4 of the International Covenant on Civil and Political Rights, Article 15 (2) of the European Convention on Human Rights, and Article 60 (5) of the Vienna Convention on the Law of Treaties, and was given particular prominence by the judgement, delivered on 18 January 1978 by the European Court of Human Rights in the case of *Ireland against the United Kingdom* (§163), recalling the fourfold character of the interdicts set out in Article 15, paragraph 2 of the European Convention on Human Rights, as follows:

- they suffer no restriction
- they suffer no derogation
- they are not subject to the condition of reciprocity, that is, to the condition that they be respected by the other party
- they may be validly quoted even in opposition to vital national interests.

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<sup>30</sup> "Whereas, even if international treaties are recognized to prevail over each country's national law, there is a rule that takes precedence of international treaties and is binding on all; and whereas that rule derives from the natural right of any nation to defend itself against all forms of aggression or oppression; and whereas that right is imprescriptible and inalienable, being one of the means of protecting personal freedom" (Judgement rendered by the Tribunal de Grande Instance (county court), Nîmes, 17 June 1985, in the case of *M. P. vs. L.-L. Cahu*. Similarly, "When other nations threaten us with chemical weapons we cannot confine ourselves to manufacturing gas masks. France is lagging behind, and *must not be bound by any restriction*." F. Mitterrand, "Le Monde", 11 Feb. 1986.

<sup>31</sup> See the reply in the *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, Geneva, ICRC, 1987, pp. 615-617, Nos. 1923-1934.

In Belgium, a certain Instruction A.2 circulated in 1975 by the General Staff appeared to be unaware that no derogation from these rules was permissible; the instruction led to objections from law faculties and other quarters, resulting in protracted negotiations leading several years later to the withdrawal of the disputed text. It was only in March 1983 that the Minister of National Defence recognized that certain fundamental values had indeed to prevail even over vital national interests, and that he decided to redraft Instruction A.2 to make it "more in harmony with the principles of humanitarian law".<sup>32</sup>

It is interesting to note that the *Seminar on military penal law and the law of war* (Brussels, 1980-1981) invoked the all too frequent disregard of this principle by the competent authorities as a reason to propose the **explicit** addition, to Bill No. 577 dealing with the repression of grave breaches of the Geneva Conventions, of a provision reading: "No political, military or national advantage or necessity shall be held to justify, even as reprisals, the breaches mentioned in Articles 1, 3 and 4, without prejudice to the exceptions stated in paragraphs 9, 12 and 13 of Article 1".<sup>33</sup>

With the same end in view, in 1986 the *Government Commission on the revision of the penal code* recommended that a similar text be added to the future Belgian Penal Code.

## 6. The trial as catharsis

Where existing impediments and procedural obstacles appear unable to avert legal action, and public opinion, alerted by reports of excesses appearing in the mass media, clamours for "punishment

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<sup>32</sup> See Andries, A., "Note sur l'illégalité de l'article 20, b du règlement de discipline militaire A.2", in *Licéité en droit positif et références légales aux valeurs*, op. cit., pp. 599-604; and Verhaegen, J., "L'illégalité manifeste et l'exception de la nation en péril", in *Journ. Trib.*, 1973, pp. 629-634, and "La répression des crimes de guerre en droit pénal belge", op. cit., p. 1449.

<sup>33</sup> On Bill No. 577, see Verhaegen, J., "Le vote du projet de loi belge No. 577: un enjeu international", in *Journ. Trib.*, centenary issue, 1982, pp. 227 ff. This text, adapted to Additional Protocol I and approved by the Belgian Red Cross, was used as a recommendation by the Law Faculties of all the Belgian Universities (A. Andries, "Chronique de droit pénal militaire", in *Rev. Dr. Pén. Crim.*, Nov. 1983, pp. 906-907). Its importance was reiterated at the Brussels Symposium on humanitarian law, Nov. 1986.

of the guilty”, the penal proceedings, though unavoidable, may still provide a number of loopholes.<sup>34</sup>

If the temptation prevails not to seek the origin of a war crime at too high a level, not to apply the cautery where it would be more pertinent, doubtless some justice will be done; but probably it will punish only one offender in a hundred, more often than not held solely responsible for appalling situations he would not have wished for—situations in which, as Bernanos says, “he probably did no more than adjust his nature”.

A number of observers have protested that the punishment meted out to these scapegoats was at once inadequate, misleading and ridiculous. The present author has dealt with this question elsewhere.<sup>35</sup>

If in an attempt to restore equity the judge, making ample allowances for the crucial circumstances in which subordinate offenders were placed, refuses to make scapegoats of them and decides that the proceedings shall be quietly dropped, this will indeed seem nearer to justice, but will still leave grave doubts unanswered. Such action, which would play down the criminal and unjustifiable nature of the deed, and pass over in silence the guilt of those not directly involved in the crime but more truly culpable, could hardly be described as “likely to have any preventive effect on the genesis of war crimes”.<sup>36</sup>

## Conclusions

The obstacles still impeding or preventing action by our national courts in the preserves of national defence and foreign policy are due partly to shortcomings in our laws of procedure (for example as regards the judge’s *saisine* (right to deal with the case)).

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<sup>34</sup> See “Les impasses du droit international pénal” in *Rev. Dr. Pén. Crim.*, 1957, pp. 57 ff.; “Savoir où porter le fer — A propos de la condamnation de six paracommandos” in *Journ. Trib.*, 1973, pp. 137-141, and “L’ordre illégal et son exécutant devant les juridictions pénales”, quoted in *Journ. Trib.*, 1986, p. 454.

<sup>35</sup> See, inter alia, the interesting analysis by J.-J. Servan-Schreiber quoted in “Le délit d’impudence et la guerre”, in *Rev. Dr. Pén. Crim.*, Feb. 1960, p. 431. The term “trial as catharsis” is borrowed from P. Videt-Naquet, *La torture dans la République*, Paris, 1972.

<sup>36</sup> See *Les impasses du droit international pénal*, op. cit., p. 36; *La protection pénale contre les excès de pouvoir*, op. cit., Foreword, p. 7 and Conclusions, p. 458; and *L’ordre illégal et son exécutant*, op. cit., p. 453.

The principal shortcoming does not perhaps lie there. As Professor Stanislas Nahlik writes, "It is no longer the rules that are lacking, but the willingness to observe them".<sup>37</sup>

Objectivity compels the conclusion that the obstacles just described are, more than anything else, the product of a state of mind, a *mentality* as yet unaccustomed and unwilling to recognize the primacy of law in politics, and in any event ill-prepared to apply penal law to State affairs.

That was, however, the lesson that privileged observers such as Karl Jaspers or Pierre-Henri Teitgen believed mankind could have learned from the Nuremberg trials. There the choice was made "between the two major principles... that of the law at the mercy of States and that of the law above States... (the latter) a fundamental principle whose contribution to the development, progress and consolidation of international law is such as to justify the statement that this judgement will undoubtedly be a landmark in history".<sup>38</sup>

### Jacques Verhaegen

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Professor **Jacques Verhaegen** was Dean of the Faculty of Law at Lovanium University in Kinshasa, Zaire from 1960 to 1971. He now teaches penal law and international penal law at the Catholic University of Louvain, Belgium. He has received several awards for his work on the law of armed conflict. Charles Rousseau said in 1970 that Dr. Verhaegen's analysis of the "law of Nuremberg" was "the most powerful and impressive critique made in the past 25 years". Dr. Verhaegen is a member of the Belgian Red Cross commission for the dissemination of knowledge of humanitarian law.

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<sup>37</sup> Nahlik, Stanislas, *International Review of the Red Cross*, Geneva, July/Aug. 1984, No. 241, p. 225.

<sup>38</sup> *Rev. dr. intern. sc. dipl. et pol.*, Oct. 1946, pp. 165 ff.

**UNDER THE PRESIDENCY OF MR. ALEXANDRE HAY:  
THE ICRC FROM 1976 TO 1987**

## Controlled expansion

*“The unity of the International Red Cross and Crescent Movement, humanitarian mobilization and contributing to peace are, in my opinion, the major issues we must face now and in the future”.*

**(Alexandre Hay, 6 May 1987).**

*On 6 May of this year, on the occasion of Mr. Cornelio Sommaruga's taking office as the ICRC's twelfth President, the ICRC General Assembly paid tribute to Mr. Alexandre Hay, who headed the institution from 1 July 1976 to 6 May 1987.*

*The members of the Committee and the Directorate recalled, in particular, the profound humanity and determination with which Mr. Hay had carried out his responsibilities throughout a decade marked by innumerable crises.*

*In presenting an appraisal of what may be referred to as “the Hay period”, the International Review of the Red Cross wishes to pay tribute, in its own way, to the outgoing President. This survey is not an inventory of the ICRC's activities, which are already quite familiar to our readers, but rather a look at the problems associated with its operations, its evolution in the face of changing circumstances, and the elements marking the continuity of its work.*

*It is also a testimony to the man who directed the ICRC's work over the past ten years and the team of highly motivated men and women who stood by his side. At the same time, it provides an*

opportunity for the Review to give its readers a glimpse of everyday life at the ICRC and acquaint them further with the institution's staff and organization.

*Although far from exhaustive, this account reflects the development, work, expansion, choices and tendencies characteristic of a team united behind one man. It is also an expression of affection, respect and friendship for that man.*

*The tribute paid to the outgoing President by members of the ICRC and the Directorate during the Committee's General Assembly on 6 May 1987 was an eloquent one. Equally eloquent observations, quoted in the conclusion to this article, were made by President Hay and his successor, Mr. Cornelio Sommaruga, concerning the future of the ICRC and the Movement.*

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“We live in a world which becomes hardly more humane with time”.<sup>1</sup> This bitter comment, made by President Hay in 1976 at the end of his first year in office, was an accurate reflection of the deterioration of the international situation and the difficulties the ICRC faced in carrying out its work.

Little improvement can be observed in 1987. For over the past ten years, the ICRC has had to take action in an era pervaded by negative forces “... in the family, at school, at work, in the community, in the country and finally in international relations...”.<sup>2</sup> To say that the ICRC's humanitarian work was deeply affected during the entire period by a world situation in which “the national consensus is being eroded and the international consensus seriously undermined”<sup>3</sup> is an understatement.

The ICRC, which owing to its nature and mandate is particularly sensitive to the international situation, had to deal, during the period in question, with the effects of the proliferation of local wars and internal strife, as well as with increasing ideological extremism and the spread of violence.

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<sup>1</sup> *Annual Report*, 1976, ICRC, p. 3.

<sup>2</sup> *Modern wars: the humanitarian challenge*. A report for the Independent Commission on International Humanitarian Issues, presented by Mohammed Bedjaoui, Zed Books Ltd., London and New Jersey, 1986, p. 26.

<sup>3</sup> *Ibid.*

The strategies adopted by belligerents in the field plunged the institution into a world where traditional conflicts and guerrilla wars are waged side by side, terrorism and hostage-taking as “methods of warfare” are on the rise, and torture is becoming a routine practice that goes virtually unpunished.

Political and social crises were exacerbated by cultural and religious upheavals, with sometimes devastating consequences. These were instrumental in undermining certain fundamental humanitarian concepts by questioning their universality.

Finally, the international community, which is supposed to represent a kind of supranational conscience, continues to be dominated largely by the interplay of national and regional interests. Higher ethical considerations, so vital in view of the grave threats hanging over modern life, are relegated to second place.

## **1. The difficulties faced by the ICRC (1976-1987)**

The difficulties encountered by the ICRC in its operational activities obviously evolved as the institution had to face increasingly complex situations, negotiate with new elements in the international arena, such as national liberation movements and guerrilla forces, resolve a growing number of problems not covered by law and rally the legal and material support it needed to carry out its work.

However, more familiar factors also contributed to increasing the problems associated with humanitarian work.

The ICRC found that it was no longer alone in carrying out operations on behalf of conflict victims. It became increasingly obvious that many other organizations were active in situations resulting from man-made disasters: United Nations humanitarian, assistance and co-ordination agencies and non-governmental organizations. This situation constantly raised problems relating to the co-ordination of the operations and respective roles of these organizations and agencies, particularly in situations rendered explosive by political complications and security risks.

Moreover, the ICRC's activities in general were surrounded by far more extensive media coverage than ever before, whether on the initiative of the ICRC or of the media themselves. Although the reporting and filming of humanitarian work can contribute to its success, the ICRC was not always spared the effects of occasional distortions in the media's portrayal of events, which was not always

in step with the institution's own priorities. It must be borne in mind that the relationship between the ICRC and the media is characterized by an ambiguous blend of discretion and publicity.

Finally, the fact that the ICRC was almost invariably faced, over the past ten years, with the only too common gap between the intentions expressed by States and their actual behaviour in the field with respect to humanitarian principles, shows the importance of carefully analysing ICRC operation policy in relation to the critical aspects of the international situation.

During this period of "negative forces", the ICRC was not content merely to take stopgap measures. To carry out its international responsibilities in such an unstable context, it was compelled not only to expand its activities, but also to reflect on how to **guide** and **monitor** that expansion while **adapting itself** to circumstances, **planning ahead** and remaining true to its principles. The "Hay period" was also marked by increased ICRC **commitment** to ensuring respect for and promoting humanitarian law, and to a policy of more extensive dialogue with all parties concerned.

## 2. Controlled expansion

One of the major features of the "Hay period" was the expansion of ICRC operations worldwide, an inevitable consequence of the ever-increasing number of conflicts. Most of these operations, moreover, were particularly long-lasting, reflecting the magnitude of the problems encountered and the efforts undertaken to resolve them. For the sake of historical accuracy, it should be said that these operations had their ups and downs: the long waits followed by sudden spurts of progress in Angola, Uganda and Lebanon, the "miracles", large and small, wrought in Poland and Granada, in the South Atlantic conflict and, more recently, in South Africa and Afghanistan. Mention must also be made of the vast operations undertaken in Kampuchea and Thailand, Ethiopia and Angola, the patience and tenacity underlying the discreet but crucial operations in Pakistan, the Philippines, Timor and Nicaragua and, finally, all that is done on behalf of political detainees. Of course, there were also failures or partial failures in the Western Sahara, the Horn of Africa and Sri Lanka: but even here the ICRC has never given up, nor will it ever do so.

All these activities generated an unprecedented development in the ICRC's resources and structures. The figures speak for them-

selves: in 1976, the ICRC was active in 54 countries as compared with about 80 in 1986. The number of field delegates increased from 323 in 1978 to over 500 in 1986. In ten years, its staff grew from 350 to around 1,000. Its budget soared from 50 million Swiss francs in 1976 to 256 million in 1986 (equivalent to 187 million in 1976).

As ICRC Director General Jacques Moreillon told President Hay on 6 May last: "Your term of office will go down in history as a period of tremendous yet controlled expansion. This expansion, it should be stressed, has not been an endogenous phenomenon generated solely by the dynamic attitude of the President, the Committee and the institution's leaders. It has resulted primarily from an increase in the incidence and duration of conflicts throughout the world and the growing acceptance of the ICRC by a greater number of countries. This situation has required the capacity to adapt, react and plan ahead".

### ***DEFENDING HUMANITARIAN PRINCIPLES***

Controlling the ICRC's expansion required, above all, knowing how to prevent it from undermining the *principles* upon which the institution's work is based. It implied unconditional adherence to the Movement's *Fundamental Principles* and continuity in the institution's work. As stated by Mr. Maurice Aubert in his tribute to Mr. Hay on 6 May: "ICRC presidents, unlike most heads of State or company directors, do not adopt sectarian or expansionist policies. They carry and pass on a torch fueled by a steadfast ideal. The victims may change, but the ICRC's responsibilities remain unaltered".

In operational terms, controlling the ICRC's activities meant reaffirming that protection and assistance cannot be dissociated, wherever protection was necessary. When the simultaneous presence of the ICRC and other governmental or non-governmental humanitarian organizations became a source of concern to host and donor governments, it was necessary to redefine the ICRC's place among these other organizations by stressing the unique dual role of providing protection *and* assistance conferred on it by the international community.<sup>4</sup>

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<sup>4</sup> See Jean-Luc Blondel: "Assistance to protected persons". *International Review of the Red Cross*, No. 260, September-October 1987, pp. 451-468.

## **ADAPTING**

Controlling expansion also meant **adapting** to fluctuating operational requirements and contexts. Emergency assistance had to be redefined in view of the prolongation of most operations. In recent years, the ICRC has launched several operations in Asia, Africa and Central America that go beyond emergency measures; they include rehabilitation programmes essentially designed to cover basic needs. Such programmes ultimately lead to a decrease in the need for humanitarian aid and therefore to a reduction in costs. The practice, which is based on experience and is now becoming standard policy, was initiated during the “Hay period”, and it will be interesting to follow developments over the coming years.

Adaptation of the ICRC’s protection and assistance policies led to a spectacular development of its activities in the medical sphere, in the domain of the Central Tracing Agency and in telecommunications.

The Medical Division was created in 1977. It provides, in particular, medical assistance for prisoners of war, political detainees and displaced populations.

Furthermore, in view of the great problem of war surgery and the need to prepare personnel from the National Societies to take part in ICRC medical operations, the Medical Division was given four new responsibilities in 1982: nutrition, sanitation, rehabilitation and medical training.

Owing to the considerable development of its medical activities over the past ten years, the ICRC has assumed the role of guide, both within the Movement and for other organizations.<sup>5</sup> President Hay played a key part in ensuring the integration of this new function within the ICRC.

The Central Tracing Agency, for its part, had to reassess its role and initiate a new development policy at the beginning of the “Hay period” as a result of the proliferation of non-conventional conflicts and wars of liberation.

The Agency has consequently stepped up its tracing activities on behalf of refugees and political detainees by decentralizing its programmes and increasing its presence in the field. It has developed its role as intermediary between National Societies, co-ordinator of their tracing services and technical adviser. Hence, the importance

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<sup>5</sup> See Dr. Rémi Russbach: “The International Committee of the Red Cross and health”, *International Review of the Red Cross*, No. 260, September-October 1987, pp. 513-522.

attached to the training of both National Society experts and ICRC delegates specialized in tracing activities.

The “Hay period” was also marked by a considerable development, both in quality and quantity, of the ICRC telecommunications sector.

### ***PLANNING AHEAD***

Finally, controlling expansion also meant **planning ahead**. In 1981, the ICRC began an in-depth study of its future prospects. It concluded, on the basis of the constant deterioration of the international situation, that its activities would continue to grow until the end of the century. But what resources, in personnel, cash and other forms of support would it need to sustain that growth? How far could it count on the Red Cross and Red Crescent Movement, governments, the media and public opinion? What new priorities would it need to set to handle these greater resources? What should be its target growth rate? Where should it concentrate its efforts? How far could it expand without losing its “soul”? Its priority tasks were therefore to anticipate the evolution of situations worldwide, plan the additional qualified staff and financial, material and logistical resources needed, and raise support (from National Societies, governments and public opinion). These tasks were systematically incorporated into a plan for the future based on a study of the ICRC’s role up to the year 2000. The plan describes the ICRC’s inevitable medium- and long-term expansion, the quality control it intends to apply to that expansion and, consequently, the means without which none of this would be possible. The plan was implemented at the operational level by devising new strategies to permit more precise identification of the victims’ real needs. Within the institution, the growth of activities called for reassessment and adaptation of human resources. The ICRC thus modified its recruitment policy, stepped up its training programmes and developed methods of dealing with problems related to planning and management of human resources and evaluation of performance. The ICRC’s internal structures were modified in their turn to correspond to its increased dimensions. President Hay not only paid special attention to the question of human resources, but also monitored personally all financial matters.

As a direct consequence of operational expansion, the ICRC’s expenses (and personnel) increased three-fold in ten years. This growth naturally generated financial problems, since income failed

to keep pace with expenses. Over the period 1975-1977, the ICRC took steps to deal with its deficit, and from 1980 on the regular budget has been balanced. It should be mentioned that during this entire period the ICRC received regular contributions from the Swiss Confederation (which assumes responsibility for 50% of the regular budget). However, contributions by other governments did not entirely come up to expectations.

President Hay himself supported the ICRC's fund-raising efforts by taking part in missions in about 40 countries between 1976 and 1986.

### **3. Increased commitment**

The decade under review will also be remembered as one of increased ICRC commitment to the promotion of humanitarian law and to the denunciation of breaches.

The ICRC demonstrated its commitment by taking position publicly on international humanitarian issues. Conscious of its worldwide responsibilities and strengthened by the confidence placed in it, the ICRC adopted a firmer stand against all forms of violence and transgression of humanitarian principles. This commitment was sometimes given a deliberately personal character.

Throughout his term, President Hay himself denounced the ever-widening gap between words and deeds, between the signing and proclamation of commitments and their often flagrant violation. Already in 1981, at the Twenty-fourth International Conference of the Red Cross in Manila, President Hay deplored repeated violations of the fundamental humanitarian principles in the following terms: "Any pretext is put forward to justify these unjustifiable actions: military imperatives, State security, and the last means resorted to by oppressed peoples. In all such cases the ICRC is aware of one element: contempt for the human race and violation of the fundamental rule of humanitarian law, that is respect for the non-combatant. What shreds of humanity can be left if our ideologies keep us from seeing the human being in our defenceless enemy, and even deform our vision so that we see an enemy in the innocent?"<sup>6</sup>

In 1984, he further declared: "Confronted with the present crises, governments are tempted to think only in the short term, to

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<sup>6</sup> *International Review of the Red Cross*, No. 226, January-February 1982, p. 13.

reject everything that does not suit their immediate interests and to relegate humanitarian considerations to the background, giving priority to what they consider to be the imperatives of politics and security. This refusal to implement humanitarian law defies the whole international community (States, the legal system, the organizations) and inflicts intolerable suffering on the victims of conflicts... This tendency appears to correspond to a fairly general decline in respect for the rule of law, internally and internationally".<sup>7</sup> More recently, at the Twenty-fifth International Conference of the Red Cross in 1986, he again underscored the ICRC's concern about the state of international relations: "The use of force takes pride of place over negotiation. Obligations under international law are too often neglected or scorned; humanitarian principles lag far behind other priorities—legitimate or not—set by States, such as what they conceive to be their immediate security and other strategic and military concerns. The fundamental rule prohibiting the use of threats and force in relations between States is thus frequently violated".<sup>8</sup>

These observations concerning the deterioration of the world situation and the attitude of States to the law underlay the development of the ICRC's policy of firm commitment to ensuring the implementation of and respect for the provisions of humanitarian law. The ICRC thus resorted more frequently and systematically to *external support*, repeatedly reminding States of their obligation to respect and ensure respect for the law. This insistence on ensuring respect may be considered one of the major features of President Hay's term of office.

The ICRC's commitment was first expressed in response to specific and blatant violations of the Geneva Conventions. One need only recall three appeals made by President Hay: the plea to the international community to ensure respect for humanitarian law in the armed conflict between Iran and Iraq; the repeated public and private approaches made by the ICRC to obtain recognition by Israel of the applicability of the Fourth Convention in the occupied territories and respect for that Convention in all spheres; and, finally, the ICRC's pressing entreaties to the belligerents in the conflicts in Afghanistan, the western Sahara and Kampuchea.

These efforts were matched only by the ICRC's determination

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<sup>7</sup> *International Review of the Red Cross*, No. 244, January-February 1985, p. 32.

<sup>8</sup> *International Review of the Red Cross*, No. 256, January-February 1987, p. 61.

to obtain ratification by States of the 1977 Protocols additional to the Geneva Conventions. President Hay played an active role in this sphere by personally supporting his colleagues' work.

In 1980, the ICRC launched a systematic campaign to promote ratification and accession by States. It established contacts with intergovernmental and non-governmental organizations at national and regional levels, leading to many resolutions of support. It also approached the authorities of about 100 States; in two thirds of the cases, these approaches were made by Mr. Hay himself. Finally, the publication of a *Commentary on the Additional Protocols* showed the institution's determination to help the authorities concerned, both with the decision to ratify or accede to the Protocols and with their application.

The undeniable triumph for the humanitarian cause achieved in 1977 has faded, in ten years, to a somewhat bitter memory. The process of ratification is slow, held up by inertia, if not downright hostility, on the part of certain great powers.

This disquieting situation and the lack of political will shown by governments called for a sustained, long-term effort. This effort, known as *humanitarian mobilization*, was a cause with which President Hay identified himself fully.

The solemn appeal of the Twenty-fourth International Conference of the Red Cross, held in Manila in 1981, urging: "that the rules of international humanitarian law and the universally recognized humanitarian principles be safeguarded at all times and in all circumstances",<sup>9</sup> had little effect despite the ICRC's entreaties, warnings and demands. Four years later, the "*ICRC appeal for a humanitarian mobilization*" of 10 January 1985, one of the major achievements of the "Hay period", came as a true cry from the heart: "To cope with the increasing number, variety and duration of conflicts, with the inhumane treatment arising from the hardening of ideological, or even religious and racial attitudes, and with the declining respect for treaties and law in general, only a concerted action by all the forces of universal humanitarianism, a mobilization of States and peoples, might raise in any decisive manner the level of respect for humanitarian rules in conflicts—short of abolishing war altogether.

The main questions are: how are political leaders to be imbued with humanitarian values and politics leavened with the humani-

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<sup>9</sup> *Resolutions and decisions of the International Conference and of the Council of Delegates*, Twenty-fourth International Conference of the Red Cross. ICRC, Manila, 1981, p. 8.

tarian spirit? How can it be shown that in every political situation there are humanitarian aspects which one ignores at one's peril?"<sup>10</sup>

President Hay again raised these questions in 1986, at the Twenty-fifth International Conference of the Red Cross, where he reiterated his appeal for a humanitarian mobilization. Consolidation, that is, acceptance, knowledge, implementation of and respect for existing laws, the ultimate and overall goal of humanitarian mobilization, will be the challenge of the coming decades.

The strength of the ICRC's commitment and the power of its initiatives to ensure that reason and humanitarian considerations prevail over passion and violence were unquestionably a result of its policies and their constant reassessment, adaptation and development. President Hay correctly perceived, from the very outset of his term, the vital importance of maintaining and developing the policies which inspire and guide the ICRC's work. The problems of today's world and the complexity of international relations were given in-depth and collective consideration by various ICRC commissions and departments which were able, as a result, to establish guidelines based on an historical analysis of precedents, a study of the applicable laws and an appreciation of the human aspects of the situation. This gave the ICRC an opportunity to discuss problems such as the integrity of its emblem, its contribution to respect for human rights, its policy in case of involuntary disappearances, protection and assistance, etc. Following the events of the Twenty-fifth International Conference of the Red Cross, further thought had to be given as to the best means of ensuring respect for the Movement's Fundamental Principles.

#### **4. Promoting dialogue**

The ICRC's commitment to helping victims and upholding the law never led it to admonish or preach. This commitment entailed not only reminding States of their obligations, but also and above all initiating a **dialogue** with their representatives and all active members of the international community, including National Red Cross and Red Crescent Societies, governmental and non-governmental organizations and the media, to promote better knowledge

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<sup>10</sup>*International Review of the Red Cross*, No. 244, January-February 1985, p. 33.

and understanding of the humanitarian message. This was a major concern of the ICRC and its President over the past ten years.

One of the key elements of this dialogue was dissemination to all sectors of the public, all over the world, of international humanitarian law and the Movement's principles and ideals.

The International Conference of the Red Cross held in Tehran in 1973 established a virtual charter for dissemination by requesting the ICRC to "support the efforts of governments and National Societies in their dissemination of and instruction in the Geneva Conventions",<sup>11</sup> and providing it with a list of means to do so. Subsequently, the first European Red Cross seminar on dissemination of knowledge of the Geneva Conventions held in Warsaw in 1977 constituted another milestone along the way to promoting humanitarian law and Red Cross principles and ideals. The seminar established the principles that dissemination should be the joint responsibility of the entire Red Cross and Red Crescent Movement (together with governments), that it should be expanded to include the Movement's principles and ideals and be closely associated with the encouragement of a spirit of peace. The ICRC, followed by the League and the National Societies, implemented these ideas by setting up a series of dissemination programmes adapted to the various target groups and increasing the number of seminars and training courses at the international, regional and national levels.

These endeavours and the experience, beginning in the late seventies, of carrying out dissemination in emergency situations in countries affected by conflict or internal disturbances, created a "dissemination reflex". This entirely new factor raised the Movement's awareness of the close link between dissemination and humanitarian activities.

The ICRC therefore redoubled its efforts to organize dissemination-oriented missions, seminars and publications. Moreover, to further expand and monitor this dissemination effort initiated at headquarters, delegates with special responsibility for dissemination were appointed to delegations, both in situations of armed conflict and at the regional level.

In 1987, it can be said that the value of dissemination has been largely proven. It is now included automatically in all ICRC field operations as a means of promoting, in the short and medium term for crisis situations, and in the longer term where the situation is

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<sup>11</sup> *Resolutions of the Twenty-second International Conference of the Red Cross*. ICRC, Tehran, 1973, p. 13.

normal, a better understanding of ICRC activities and ensuring access to present and future victims.

Dissemination activities have led to considerable development of the ICRC's information services, reflected in particular by regular contacts with the international media.

President Hay, in keeping with his image as a "communicator" that was established while he was Director-General of the Swiss National Bank (and for which he was awarded the first "CONTACT" prize shortly before his arrival at the ICRC), maintained particularly good relations with journalists, while limiting his public statements to cases in which the ICRC needed to be heard *urbi et orbi*. He seized these opportunities to introduce an undeniably new style in denouncing violations of humanitarian law and various obstacles hampering the ICRC's work.

President Hay's direct way of stating the facts came across both in his press conferences and in written reports, whether in regard to public stands the ICRC was compelled to take in certain special circumstances (public appeals concerning Rhodesia in 1979, Lebanon in 1982, Iran and Iraq in 1983 and 1984) or accounts given in periodical publications, particularly the *Annual Reports* presented at the International Conferences of the Red Cross in Manila in 1981 and Geneva in 1986.

In general, as underscored by Mr. Hay in his farewell address of 6 May 1987: "Information is an important, but difficult and sensitive issue. Substantial progress has been made in this area both within the institution and in relation to the National Societies, governments and public opinion. However, the humanitarian message of the Red Cross is not easy to convey. I am convinced that there is still much room for improvement in this area".

The strength and effectiveness of the Movement depend to a large extent on relations between its various components. In this respect, dialogue guarantees unity.

Mr. Hay became President of the ICRC exactly one year after the publication of the Tansley Report, a reappraisal of the Movement's role entitled *An Agenda for the Red Cross*.

The Report, which was accepted by the Movement, highlighted the latter's strengths, but also revealed conflicting schools of thought. Such disparities have been characteristic of the Red Cross since decolonization and have in fact guaranteed its universality and even its unity.

One of the major effects of the Tansley Report was the **process**

of dynamic evolution it set in motion, particularly within the ICRC.

Mr. Hay was an active participant in this process from its inception. In his efforts to implement various pertinent Tansley Report recommendations, he encouraged initiatives towards National Societies and increased co-operation with the League, culminating in the crucial meeting held in Manila in 1981.

The Twenty-fourth International Conference of the Red Cross demonstrated a spectacular *rapprochement* between the ICRC and the National Societies: it conferred on the ICRC the mandate to contribute to the development of National Societies in certain specific domains. The ICRC adapted its structures accordingly and sent specially trained delegates into the field to run programmes of co-operation with National Societies.

The ICRC concluded agreements in this regard with certain active National Societies, particularly in Africa and Central America. These mainly concerned the promotion of programmes for the dissemination of international humanitarian law and Red Cross principles and ideals and the training of National Society officials and personnel destined to carry out field missions for the ICRC and the League. Since 1984 the ICRC has been helping the League establish consortia to increase and co-ordinate the contributions of various Societies to the development of other Societies interested in strengthening their structures and widening the scope of their activities. It thus joined the consortium set up by the League on behalf of the National Societies of Benin, Ghana and Togo.

Dialogue with participant and donor Societies was also strengthened over the decade. Every year, meetings were held regularly with the National Societies of donor countries to discuss the ICRC's food and medical relief operations in Africa, Central America, Asia and the Middle East.

In recent years, the Societies have made generous contributions in cash, kind and services. In 1985 alone, for example, 24 National Societies (15 European, 2 American and 7 Asian) contributed a total of 42 million Swiss francs to the ICRC's activities.

Relations between the ICRC and the League suffered some strain over major operational and statutory questions facing the Movement, that is, ICRC assistance in situations of armed conflict, ICRC recognition of National Societies, the role of the Standing Commission and even the Fundamental Principles of the Movement.

However, the ICRC, the League and the National Societies succeeded in drawing up new Statutes for the Movement and having them adopted by the Twenty-fifth International Conference of the Red Cross in 1986.

Although that Conference was marked by the suspension of the government delegation of the Republic of South Africa, the adoption of the new Statutes constituted its most important and lasting feature as far as the Movement was concerned.

Apart from the 1977 Additional Protocols, the Statutes will undoubtedly remain the most significant and directly useful text produced during President Hay's term. The ICRC thereby achieved, under Alexandre Hay, what it had achieved in Toronto under Paul Ruegger in 1952 and in The Hague under Max Huber in 1928: it maintained and even developed its specific role within the Movement and throughout the world, preserved and strengthened its defence of the Fundamental Principles, increased the operational effectiveness of the Movement's components without extending their mandates, and adapted to change without sacrificing anything essential. It thus contributed to building an altogether stronger and more unified Movement.

Finally, the 1976-1987 period also saw considerable development of ICRC relations with the United Nations system in Geneva and New York, many regional and non-governmental organizations and the Swiss federal and cantonal authorities.

The expansion of the ICRC's operations over the past ten years led to a striking increase in the participation of its President and delegates in multilateral international relations. The ICRC's role in the international humanitarian system has grown steadily stronger and become more effective through closer co-operation with other international institutions in the field, more active participation in numerous international conferences dealing with humanitarian questions and the establishment of a complex network of bilateral contacts with government representatives at the highest political level.

This situation has enabled the ICRC to draw the attention of a growing number of regional (Organization of African Unity, Organization of American States, Council of Europe, etc.) and parliamentary organizations (Inter-Parliamentary Union, European Parliament, Andean Parliament, etc.) to the importance of respecting humanitarian law and supporting ICRC activities, with the drafting and adoption of resolutions making sustained action possible at the national level. Growing support for the ICRC by

other regional organizations, such as the European Economic Community, has also testified to the institution's ever-increasing influence within the international community.

Finally, the ICRC substantially increased its informal consultations with experts in public international law and with political figures who are both close to their governments and highly knowledgeable about ICRC activities. Several rounds of consultations held since 1984 have provided an opportunity to discuss ICRC problems, sharpen political leaders' awareness of humanitarian issues and establish a relationship of trust and dialogue between the ICRC and the experts consulted.

These consultations have also enabled the ICRC to draw the political experts' attention to its "humanitarian mobilization", one of the major aims of which is to introduce humanitarian considerations into political decision-making by impressing upon governments the fact that unresolved humanitarian problems eventually become political issues.

## **5. In conclusion: controlled development and a humanitarian outlook**

What will the annals of history retain of these ten years of ICRC activity and its presidency? In the tribute they paid to President Hay at the General Assembly meeting on 6 May 1987, the members of the Committee and the Directorate unanimously emphasized the ICRC's extraordinary development under his leadership. Mrs. Bindschedler, ICRC Vice-President, described Mr. Hay as a man who had: "set off in search of the Grail, on a quest for humanitarian action, undoubtedly, but who above all had striven to achieve the ideal of compassion and fraternity to which the Red Cross aspires". Addressing the President, she said: "For 11 years, you expressed your compassion for the victims, your abhorrence of the suffering and torture inflicted, your conviction of the moral obligation not only to *help* the victims, but also to *prevent* these evils. You left a deep impression on your audiences, you often convinced and motivated other men of goodwill through your **sincerity** ... The ICRC has considerably increased its activities during your term of office, yet you managed both to consolidate its past achievements and to lead it towards a *spectacular but controlled expansion* ... The close collaboration of extremely competent and dedicated colleagues undoubtedly influenced those choices, but

your characteristic energy, discernment, lucidity and realism played a determining role”.

Controlled expansion, as recalled by Jacques Moreillon, has taken place in two phases. The first, ending in 1981, was characterized by reaction and instinctive adaptation. The second, beginning in 1982, has been more foresighted. In view of the profound changes that occurred in the early 1980s and the growth of the ICRC staff to a total of 700, “the institution’s course had to be guided in a more deliberate, foresighted and systematic way, its future placed on a firmer footing and its expansion governed by clearly chosen priorities”.

Another characteristic of President Hay’s term is that the ICRC’s **human approach** was never affected by its growth. To quote ICRC Executive Vice-President Maurice Aubert: “Although this extraordinary expansion raised certain problems, you managed it with equanimity owing to your keen sense of moderation. We are grateful to you for your constant efforts, despite this expansion, to ensure that the ICRC remains on the human scale”. Jacques Moreillon added: “Although its spirit has evolved, the ICRC has not lost its soul. In its constant contact with victims—whom it is there to protect—the institution and its staff have maintained intact their most important feature: the spirit of service”.

In the words of Jean Pictet, this **spirit of service** owed its constancy to “President Hay’s profound sense of humanity and overwhelming generosity”. In describing Mr. Hay’s personality, the honorary Vice-President emphasized his inspiring sincerity, wisdom and courage: “You steadfastly held the banner high, never compromised on matters of principle and fought the good fight”. This fight was directed above all at ensuring respect for and promoting the law. Jean Pictet went on to say: “You gave to humanitarian law the eminent place it deserves among our concerns. It is possibly the one area in which world leaders, upon whom our fate depends, are still able to understand, agree with and, why not, even reach out to one another”.

President Hay himself spoke about this fight for greater humanity in terms not only of its positive results, but also of its disappointments and the lessons to be learned for the future. One major concern in coming years will be to safeguard the Movement’s unity after the blow it was dealt at the last International Conference. Another will be to pursue the **humanitarian mobilization**: “The efforts we have made, both to obtain ratification of the Additional Protocols and to promote the dissemination of human-

itarian law and the fundamental principles, must therefore be strenuously and relentlessly pursued". Finally, contributing to peace will be essential. Mr. Hay, who will continue to place his experience at the service of the ICRC and will also act as Chairman of the Commission on the Red Cross, Red Crescent and Peace, attaches particular importance to this task: "How can the world be led to a better understanding of the contribution of the Red Cross to *peace*? This is a difficult task, for any incursion into politics must be avoided, but one which must be tackled since for many National Societies this fundamental issue constitutes the very motivation behind their participation in the Red Cross Movement".

These are the major priorities on which the Movement, and the ICRC in particular, will have to focus its attention in the future: "In this world riddled with every form of violence, unspeakable misery and perpetual tension and conflict, the work of the ICRC remains indispensable. Although this task is difficult and hampered by countless obstacles, it remains a noble one, well worth being pursued with courage and conviction".

These thoughts, expressed by Mr. Hay, were echoed by Mr. Cornelio Sommaruga when he took over the Presidency on 6 May 1987: "This great humanitarian mission of ours has been carried out with remarkable success by Mr. Alexandre Hay during his 11 years as ICRC President. His dedication, modesty and hard work have inspired the trust of governments, National Societies and all the ICRC staff... I am aware of the responsibility I am assuming of ensuring that the ICRC will continue to enjoy the trust that is indispensable, in today's politicized world, if it is to provide relief and assistance to the victims of international and non-international armed conflicts and internal disturbances and tension..."

Eager to maintain this tradition, with the help of the members of the Committee and ICRC staff, and to follow a course that has proved highly successful and enjoyed virtually universal recognition, Mr. Sommaruga concluded: "Let us never forget the humanitarian mandate that is ours and let us place everything at the service of the ICRC, its emblem and its motto *inter arma caritas*: our dedication to independence, impartiality, neutrality and humanity and all the mental and physical energy we have!"

*The Review*

# INTERNATIONAL COMMITTEE OF THE RED CROSS

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## Official visits to the ICRC

**His Majesty King Juan Carlos of Spain and Queen Sophia** visited the headquarters of the ICRC on 21 October 1987. The royal couple were in Geneva for the presentation of the Nansen Medal, awarded to the King by the United Nations High Commissioner for Refugees.

The King and Queen of Spain, accompanied by the Spanish Foreign Minister, Francisco Fernández Ordóñez, Government officials, and the President of the Spanish Red Cross, Leocadio Marín, were received by the ICRC President, Cornelio Sommaruga, and members of the Committee and Directorate.

In his speech of welcome, the President of the ICRC paid tribute to his guests as the highest-ranking representatives of the Spanish Red Cross. The National Society, which is under the patronage of the royal family, is one of the oldest and most active in the International Red Cross and Red Crescent Movement.

President Sommaruga offered his congratulations to King Juan Carlos for the distinction conferred on him in the morning. He also took the opportunity to thank the Spanish Government, Red Cross and people for the moral, diplomatic and financial support they give to the ICRC.

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On 27 October 1987 the head of the Swiss Federal Military Department, **Federal Councillor Arnold Koller**, visited the ICRC, where he was welcomed by President Cornelio Sommaruga.

The President of the ICRC took this opportunity to thank the Federal Council for the moral, diplomatic and financial support which the ICRC receives from the Confederation.

In his reply, Federal Councillor Koller stressed the close and effective co-operation between his Department and the ICRC. He also paid tribute to the delegates who had recently died in Angola and Lebanon while on mission for the ICRC, and he conveyed to President Sommaruga the Federal Council's heartfelt sympathy.

The head of the Federal Military Department was accompanied by the Director of the Federal Military Administration, Mr. Hans-Ulrich Ernst, and by the Director of the *Office fédéral de l'adjudance*, Major-General Emanuel Stettler. In a discussion with members of the Committee and the Directorate, the delegation from the Military Department broached several aspects of the relations between the ICRC and the Department, including the dissemination of international humanitarian law in the officer training courses organized by the Swiss Army.

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*EXTERNAL ACTIVITIES*  
*September-October 1987*

## **Africa**

### **Angola**

The seed distribution programme (mainly maize, sorghum and soya beans) had started off well in September, the plan being to assist some 100,000 displaced civilians in the provinces of Huambo and Bié, but the work was interrupted by a tragic plane crash on 14 October. The aircraft was a Hercules transport plane chartered by the ICRC in Switzerland, and it crashed soon after take-off, about 40 km from Kuito. There were no survivors among the four crew members—two Irish, Dorian Shone, the Captain, and Kevin Tocknell; one British, Nicholas Duff; and one New Zealander, Gary Heap—or among the passengers—one Angolan, Nuno Ferreira, and the Swiss secretary of the ICRC delegation in Kuito, Miss Catherine Chappuis.

A commission of inquiry, composed of representatives of the Angolan and Swiss authorities and experts from the charter company that had leased the plane, was set up to try and determine the cause of the disaster.

Since the crash, ICRC activities in the *municipios* on the Planalto have been suspended pending the outcome of the inquiry. The first part of the ICRC's seed distribution programme had been completed before the tragedy and the maize will be planted in time.

### **South Africa**

Every year since 1969, the ICRC has been carrying out annual series of visits to sentenced security prisoners and to persons held in

preventive detention under Section 28 of the 1982 Internal Security Act, the only two categories of detainees whom the South African authorities have hitherto allowed the ICRC to visit.

This year the ICRC expressed the wish to visit all detainees sentenced for security reasons, including those sentenced for public order violations in connection with the internal disturbances. Unfortunately the ICRC delegation in Pretoria has still not received confirmation of the authorities' agreement, and it cannot therefore organize a new annual series of visits for the time being.

The delegation has continued providing assistance to Mozambican refugees in Gazankulu and KaNgwane. It is also working in close cooperation with the South African Red Cross on the programmes on behalf of the black communities; community organizers have been appointed there to carry out dissemination work, to develop humanitarian activities and to create local sections of the South African Red Cross.

After the floods struck Natal Province in September, the Natal Section of the South African Red Cross was extremely active. The community organizers proved invaluable, and during the first few days following the disaster the emergency stocks built up by the ICRC in Durban last June were used to meet the most urgent needs.

## **Mozambique**

In cooperation with the National Society, the ICRC delegation continued developing its assistance programme for displaced civilians. The ICRC's operational centre for these activities is now in Beira (Sofala Province), with 17 expatriates (delegates, medical and technical staff—including four pilots) deployed there at the end of October. Nine ICRC staff remained based in Maputo, one delegate was sent out to Nampula and four others to Quelimane.

In October the arrival of a third DC-3 aircraft enabled the ICRC to step up the rhythm of its air operations. Relief distributions increased accordingly. The delegation expected the volume of assistance over the last months of the year to come to some 200 to 300 tonnes of relief distributed each month in Sofala Province and some 300 to 400 tonnes in Manica Province.

Surveys of needs were also scheduled to continue in the provinces of Inhambane and Nampula.

## **Ethiopia**

At the end of October ICRC headquarters, in close consultation with the heads of delegation in Ethiopia and Sudan, defined a new strategy to assist the civilian population in northern and western Ethiopia as rapidly and as extensively as possible. The area is again on the brink of famine, only two years after disaster struck in 1984-85. On 12 November the President of the ICRC launched an appeal for "open roads for survival", alerting the international community to the urgency of the situation and the need to use the roads to reach the worst affected areas.

## **Uganda**

The ICRC delegation in Kampala continued its visits to Ugandan places of detention, both in the capital (Luzira Remand, Luzira Upper penitentiary and the central police station), and in the provinces (Moroto and Kotido in Karamoja Province, Mbale).

The ICRC continued providing medical assistance and improved sanitary facilities for persons detained in the above prisons, and to Jinja Kirinya Prison.

In the north-east of the country, the ICRC completed its non-food relief programme for 4,000 families who had suffered cattle raids and looting in the Sebei area.

A similar small-scale operation was undertaken north of the town of Mbale for some 2,200 recently displaced families.

## **Chad**

The ICRC's efforts to carry out its protection and assistance activities under the Geneva Conventions have not always been successful. None of the parties to the conflict between Chad and Libya has as yet informed the ICRC when it would be able to visit prisoners of war captured by the Chadian national armed forces or detained in Libya.

## Asia

### Sri Lanka

Following the agreement signed on 29 July between Sri Lankan President Jayawardene and Indian Prime Minister Rajiv Gandhi, designed to bring an end to the Sri Lankan conflict, the ICRC and the League jointly approached the Sri Lankan authorities on 18 September for permission to make an on-site assessment of needs in view of launching a co-ordinated Red Cross operation.

The ICRC also proposed, on 16 October, that a mission be authorized to travel rapidly to the northern and eastern provinces of the country, where the situation was deteriorating, to provide necessary medical care and food supplies to the affected population.

Following the Sri Lankan Government's assent to the first request, a joint mission comprising the ICRC Director of Operations, Mr. Pasquier, and the Secretary General of the League, Mr. Bucher, travelled to Colombo on 25 October. Ensuing discussions with the authorities enabled the ICRC to define its proposed operation in the northern and eastern parts of the country.

### Conflict in Afghanistan

- *Afghanistan*: Pursuant to the agreement signed in August between the ICRC and the Afghan Red Crescent concerning a medical assistance programme for the latter's dispensaries, two ICRC nurses have been in Kabul since October.

At mid-October, visits to detainees at Pul-I-Charki prison in Kabul had not yet been resumed. Negotiations with the authorities are being pursued in an attempt to settle this matter.

- *Pakistan*: The ICRC surgical hospitals at Peshawar and Quetta have been the focus of intense activity: a total of 585 operations were performed in September and 572 in October. The seven first-aid posts along the border have continued to take in the wounded and evacuate them to the ICRC hospitals.

ICRC delegates have maintained continuous contact with representatives of the Afghan opposition movements in view of ob-

taining access to prisoners the movements might hold. No visits could take place in September or October.

### **Kampuchean conflict**

The ICRC, still deeply concerned over the fate of displaced civilians on the Khmer-Thai border, spoke at the donors' meeting in New York on 10 September about its goals and the difficulties it faced, underscoring the responsibility of the parties concerned, including the international community as a whole. It repeated the solutions advocated for the most urgent problems, particularly the reorganization of the Site 2 camp into smaller and therefore more manageable units and greater access by ICRC delegates to all the border camps.

The ICRC delegate-general for Asia held discussions with the Thai authorities in Bangkok and New York concerning these questions and the problem of ICRC access to all the persons captured in connection with the conflict. A fourth situation report dealing with the various aspects of protection on the Thai border from May to August 1987 was simultaneously presented to the authorities.

### **Viet Nam**

On 10 September, ten Chinese prisoners detained in Viet Nam were visited by ICRC delegates in accordance with the institution's customary procedure.

### **Philippines**

In the Philippines, the ICRC pursued its programmes in its three main fields of activity:

- Visits to prisoners arrested in connection with insurgency-related incidents: 64 detainees were visited in October and provided with relief supplies (hygiene requisites and recreational items).
- General distributions to persons displaced or stranded as a result of insurgency-related incidents and needing assistance: relief supplies (oil, soap, blankets) were received by about 5,000 beneficiaries a month. During the distributions free medical consultations were also given and studies made of the health and nutritional state of the children.

- Dissemination of the Red Cross principles and international humanitarian law: the fourth phase of the Red Cross comic strip dissemination project, begun in 1984, was completed in September in the 30 remaining provinces. The Red Cross message has thus been broadly disseminated in the Filipino school system in the hope of reaching the entire population through teachers, students and their families.

## **Europe**

### **Federal Republic of Germany**

The President of the ICRC, Mr. C. Sommaruga, was in the Federal Republic of Germany from 15 to 18 September, at the invitation of the Federal Government and the National Society.

After visiting the International Tracing Service in Arolsen (an institution that has been under the responsibility of the ICRC since 1955), Mr. Sommaruga had several talks in Bonn with senior government representatives, including the President of the Federal Republic, Dr. Richard von Weizsäcker, and the Minister of Foreign Affairs, Mr. Dietrich Genscher. The ICRC President expressed the institution's gratitude for the support received from the Federal Republic. He also broached the question of the Additional Protocols to which the Federal Republic of Germany is not yet party.

Mr. Sommaruga also had several working meetings with senior members of the National Society, including its President.

### **Spain**

ICRC representatives went on two missions to Madrid, one in September and the other in October, to discuss with the Spanish authorities the continuation of visits to persons detained under antiterrorist laws, and in particular the extension of such visits to detainees under interrogation. During the discussions, the authorities confirmed their agreement in principle regarding ICRC access to detainees under interrogation. The ICRC representatives reminded the authorities of the institution's customary procedures

regarding visits to detainees; those procedures were accepted and a system of notification of arrests was worked out.

The two missions also provided an opportunity to establish closer links with the Spanish Red Cross.

## **Latin America**

### **Guatemala**

The delegate-general for Latin America was on mission in Guatemala from 27 October to 1 November to negotiate with the authorities the launching of ICRC activities on behalf of the victims of the conflict situation. He had talks with President Cerezo, with the Ministers of Defence and the Interior, the Vice-Minister of Foreign Affairs and the Army Chief of Staff. The ICRC's proposals for action, which included assistance to the civilian population (displaced persons), visits to detainees, the dissemination of international humanitarian law and support for National Society activities, were well received.

### **El Salvador**

In conformity with its mandate as a neutral intermediary and at the request of the parties concerned, the ICRC accompanied the representatives of the Farabundo Martí National Liberation Front/Democratic Revolutionary Front after their return to El Salvador to take part in the third meeting between the Government and the opposition from 4 to 6 October; the ICRC had done the same when the previous meetings were held in 1984. The ICRC received active support from the Salvadorean Red Cross, which mobilized considerable first-aid facilities.

The ICRC has also been concerned with the situation of the 4,300 Salvadorean refugees who returned from Honduras in October; after assessing their requirements, in cooperation with the organizations handling the refugees' resettlement, the ICRC set up a programme of medical consultations, safe water supply and latrine construction in one of the five resettlement sites. These activities are all part of ICRC assistance to the civilian population (resident and displaced) suffering from the conflict situation.

During the period under review, food aid, medical and public health programmes for the civilian population in need and visits to detainees (provisional detention centres of the armed forces and security corps, prisons under the authority of the Ministry of Justice) continued as before.

## Suriname

The authorities of Suriname responded favourably to the ICRC's proposal to open a delegation in Paramaribo. The new delegation's main tasks will include visiting detainees and monitoring the situation of the civilian population in conflict areas. Soon after the authorities granted their permission, an ICRC delegate was sent to Suriname in early November.

During a mission in September, two ICRC delegates once again visited detainees in Fort-Zelandia Prison in the capital.

## Peru

The ICRC has been visiting security detainees in prisons under the authority of the Ministry of Justice and in several police interrogation centres in Lima and the provinces, within the limits imposed since early 1987, i.e. without being able to enter the emergency area of Ayacucho. The institution has been pursuing its efforts at the highest level in order to obtain permission to visit all persons detained for security reasons.

The ICRC has also been continuing its medical and food aid programmes for detainees.

In September, the ICRC and the Peruvian Red Cross assisted 35 families recently displaced by the events and now living in Abancay, chief town of the Apurimac Department. They also opened a refectory in Abancay for 200 schoolchildren separated from their families.

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In *Chile*, visits to security detainees continued both in the prisons under the authority of the Ministry of Justice and in the security corps centres.

In *Nicaragua*, visits were made to six prisons in the provinces and to the Zona Franca prison in Managua. The ICRC also continued assisting detainees and their families.

The sub-delegations of Puerto Cabezas and Bluefields on the Atlantic coast carried out several medico-nutritional evaluations among the civilian population affected by the conflict. The delegates distributed food, mosquito nets, clothing, blankets and kitchen utensils to people in need.

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The regional delegations in Buenos Aires, Bogotá and San José (Costa Rica) made several missions to maintain contacts with the authorities and/or the National Societies of the following countries: Guatemala, Haiti, Jamaica (introductory seminar on international humanitarian law and the Red Cross, for National Society staff and government representatives) and Paraguay (where the ICRC delegates also visited two detainees).

## **Middle East/North Africa**

### **Iran/Iraq conflict**

On 1 October, representatives of the Iranian authorities handed over 101 disabled, sick and elderly Iraqi prisoners of war to the ICRC in Tehran for repatriation to Iraq. The prisoners, accompanied by two doctors, two nurses and two ICRC delegates, left for Baghdad on board an aircraft chartered by the ICRC. There they were handed over to the authorities of the Republic of Iraq. Prior to this operation, each of the Iraqi prisoners had been visited by ICRC delegates and doctors and had been able to speak to them without witnesses. The ICRC took part in this repatriation operation as a neutral intermediary.

Throughout the two months under review, ICRC delegates continued visiting prisoner-of-war camps in both Iran and Iraq. In Iran, the team of delegates continued the series of visits it had begun in December 1986 and went to the eleventh, twelfth and thirteenth Iraqi prisoner-of-war camps. In Iraq, in September, two teams of delegates completed their fifth series of visits to ten camps

holding Iranian prisoners of war, and in mid-October they began the sixth series.

### **Persian Gulf**

On 21 September, the American naval forces in the Persian Gulf captured 29 Iranian seamen, including 8 wounded, and recovered the bodies of 3 others. The United States immediately stated that they did not intend to hold the survivors prisoner. At the Omani Government's request, and after contacting the Iranian, Omani and American authorities, the ICRC dispatched a delegate to Oman to supervise the handover of the 26 seamen and the 3 bodies by American representatives to the Omani authorities at Muscat airport on 26 September. The Omani authorities then handed the seamen on to Iranian representatives. Subsequently the ICRC sent the American authorities a note verbale pointing out that such situations and their consequences fell within the scope of the Geneva Conventions. On 17 October a similar operation took place at Muscat airport, where four wounded Iranian seamen and the bodies of two others were handed over to Iranian representatives. The seamen had been captured by the American naval forces on 8 October. The day before the handover, the four wounded Iranians had been visited on board an American ship by an ICRC delegate and a doctor.

### **Arabian Peninsula**

With a view to strengthening links with the authorities and the National Societies of the countries of the Arabian Peninsula, the ICRC Deputy Director of Operations, Mr. Michel Convers, went on a mission to Kuwait and Bahrain, where he stayed from 11 to 24 September. During his meetings Mr. Convers discussed the obligations incumbent upon States party to the Geneva Conventions, the ICRC's role in situations of international conflict, and the measures to be taken in peacetime, particularly with regard to the dissemination of international humanitarian law. Mr. Convers then went on to Saudi Arabia, where he had extensive discussions with the Secretary General of the Arab Red Cross and Red Crescent Societies.

## Lebanon

There was a further deterioration in the economic situation in September and October on account of the devaluation in the Lebanese pound, and this caused shortages and strikes. Moreover, numerous violent incidents occurred throughout the country during that period. The ICRC continued its customary activities, which focus on providing assistance to the local population. In accordance with its mandate, the ICRC is concerned with the fate of civilians directly affected by the fighting, in particular people living in the villages situated on the edge of the "security zone" in the south of the country. Jointly with the Lebanese Red Cross, the ICRC brought medical assistance to this area; the mobile clinics of the Lebanese Red Cross, working with the ICRC, held consultations for the inhabitants of twelve villages, most of which are situated along the demarcation line, and none of which have medical facilities of their own. Because of fighting in the area, however, some of the villages could not be reached regularly by the mobile clinics. Material aid was distributed to people most seriously affected by the conflict and the economic situation. The ICRC thus provided relief supplies throughout Lebanon to some 6,500 people in September, and to 2,500 in October.

During the two months under review, the ICRC continued visiting Palestinian camps in southern Lebanon (Rashidiyeh) and in Beirut (Chatila and Burj-al-Brajneh) to provide medical assistance and do Tracing Agency work.

ICRC delegates also continued visiting people detained by the various parties to the conflict: the delegates saw 31 persons in September and 33 in October. Despite the efforts made to this end, the ICRC was unable to gain access to all detainees; in particular it was not authorized to visit persons detained in the "security zone", including those held in Khiyam Prison. Some of the detainees held in Khiyam were able to send Red Cross messages to their families residing outside the zone. On the other hand the ICRC was granted access to persons captured in Lebanon and detained in Israel contrary to the provisions of the Fourth Geneva Convention; there were 44 such detainees at the end of October.

The ICRC President met the President of Lebanon in Geneva on 3 October and ICRC delegates again saw President Gemayel in Beirut at the end of the month. ICRC representatives also met the acting Prime Minister, Mr. Hoss, on 28 October.

The ICRC regrets to report the death on 18 October of a Swiss

nurse, Miss Pernette Zehnder, who was killed in a car accident soon after being assigned to the ICRC delegation in Lebanon.

### **Israel and the Occupied Territories**

ICRC delegates accompanied by a doctor continued the annual complete series of visits to the prisons, which they had begun in August. The delegates also went on with their customary protection and assistance work on behalf of protected persons, in conformity with the provisions of the Fourth Geneva Convention relating to the protection of the civilian population.

### **Tunisia**

The ICRC has opened a regional delegation in Tunis covering Mauritania, Morocco, Algeria, Tunisia and Libya, and activities relating to the Western Sahara conflict.

The regional delegate took up his duties on 4 October, after the Tunisian authorities had agreed to the opening of a regional delegation in their country.

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# IN THE RED CROSS AND RED CRESCENT WORLD

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## 125TH ANNIVERSARY OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT

### PROGRAMME OF COMMEMORATION (Outline)

#### **Duration**

From the Council of Delegates meeting of November 1987 to the October 1989 meeting

#### **Themes**

##### *GENERAL THEME*

##### **"125 YEARS AT WORK"**

##### *Subsidiary slogan for 1988:*

**"...AND STILL DEVELOPING"**

(Theme of World Red Cross and Red Crescent Day 1988, to be used at the National Societies' discretion between November 1987 and October 1988.)

##### *Subsidiary slogan for 1989:*

**"...PROTECTING HUMAN LIFE"**

(Theme of World Red Cross and Red Crescent Day 1989, to be used at the National Societies' discretion from the end of October 1988 up to the end of the programme in October 1989.)

## **Main events on the international level**

- November 1987:* — Rio de Janeiro: launching of the programme of commemoration.
- 8 May 1988:* — World Red Cross and Red Crescent Day, devoted to the theme of development.
- October 1988:* — USSR: Commission on the Red Cross, Red Crescent and Peace—International seminar on “Information, dissemination and peace”.
- 8 May 1989:* — World Red Cross and Red Crescent Day devoted to the “Humanitarian gesture”.
- August 1989:* — “Supercamp 1989” for Red Cross and Red Crescent Youth at Solferino/Castiglione.
- October 1989:* — Award of the first Red Cross and Red Crescent Prize for Peace and Humanity.  
— End of the programme of commemoration.

It should be mentioned that the last part of the programme of commemoration will coincide with the launching of the worldwide campaign for the protection of war victims, which is planned to reach its peak in 1990 with a worldwide two-day truce.

On each of the above dates, commemorative events will also be organized in Geneva. To these should be added:

- 9 February 1988:* — Placing of a plaque marking the 125th anniversary of the creation of the “Permanent International Committee for Relief to the Wounded in Time of War” (the Committee of Five, which became the ICRC).
- 26-28 October 1988:* — Symposium on the Precursors of the Red Cross, organized by the Henry Dunant Society.
- 29 October 1988:* — Inauguration of the International Museum of the Red Cross.
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## **The Egyptian Red Crescent Society is 75 years old (II) \***

### **III. Egyptian Red Crescent Youth Activities**

Taking part in community-service activities is a natural way for young people to satisfy their aspirations and enables them to shoulder their responsibilities as future citizens.

This is why the Egyptian Red Crescent has always endeavoured to make use of young people's abilities, help them to become part of society, show them how they can accomplish useful work for the community and, in so doing, support the International Red Cross and Red Crescent Movement.

In 1938 the Society's Administrative Board decided to set up Red Crescent youth groups in schools and universities so that, should the need arise, a reserve of volunteers would be available.

In 1945 the Egyptian Red Crescent Youth Association was founded to help attain the humanitarian objectives of the Red Crescent and Red Cross Societies around the world.

Since then, the Egyptian Red Crescent Youth has been active both in time of war and in time of peace.

#### *(a) In time of war:*

The Egyptian Red Crescent Youth played a prominent role during the wars of 1956, 1967 and 1973 by working in hospitals, collecting blood for war victims and providing civil defence and other useful public services.

#### *(b) In time of peace:*

The Red Crescent Youth does work in the **medical field**, particularly health education and vaccination campaigns and blood collection. It

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\* See *IRRC*, No. 260, pp. 541-545.

organizes first-aid and health-care courses to prepare for natural disasters and epidemics.

**In the social field** it takes part in the fight against overpopulation and illiteracy; it assists social institutions, in particular, day-care centres and homes and clubs for children and the elderly. It contributes to local development by carrying out social studies on individual communities and providing other services such as organizing Red Crescent Youth camps.

The Red Crescent Youth feels it very important that young people be able to meet each other and has therefore created a series of summer camps for its youth sections at which they take courses, perform public services and enjoy recreational activities.

Young people from the Egyptian Red Crescent and those from the Red Crescent and Red Cross Societies of other countries attend international youth camps such as the one organized each year by the Turkish Red Crescent.

In 1986 the Egyptian Red Crescent organized an International Red Crescent and Red Cross Youth camp.

**Exchanges and visits** — The Egyptian Red Crescent promotes exchanges between the Red Crescent Youth of Egypt and those of other Red Crescent and Red Cross Societies, notably the German Red Cross in the Federal Republic of Germany, the Spanish Red Cross and the Turkish Red Crescent.

**Cultural symposia** — The Egyptian Red Crescent has organized a series of cultural symposia to discuss youth-related topics, for example finding and organizing activities for young volunteers in all areas of the Society's work, support for the Movement and the role of youth in promoting peace throughout the world.

#### **IV. Social work performed by the Egyptian Red Crescent**

Social welfare is one of the Egyptian Red Crescent's major areas of endeavour. It works to promote the protection of families, children, the elderly and the disabled, and contributes to community development. Its principal achievements are listed below.

1. **Protecting children:** 55 day-care centres which can accommodate up to 5,500 children, and 5 Red Crescent clubs which can receive almost 600 children per year.

2. **Protecting the elderly:** There is a Red Crescent house in Alexandria which accommodates 120 old people per year, and two clubs, one in Ismailia and one in Minya, for 200 old people per year.

3. **Protecting young people:** 17 social and educational clubs with almost 1,600 members.

4. **Protecting women:** The Red Crescent has opened 13 sewing, tapestry and knitting shops for some 450 women and girls.

In the Governorate of Menufiya there is a hostel for foreign women which every year houses 60 female students who come from distant regions. Another hostel in the Governorate of Sharqiya has been built for 100 foreign female students and employees.

5. **Welfare:** Two Red Crescent welfare offices—one in the Governorate of Alexandria and the other in Ismailia—each year provide aid for hundreds of people in distress.

6. **Family reunification:** The Egyptian Red Crescent has begun to do tracing work aimed at bringing together family members who have lost contact with each other.

## **V. Egyptian Red Crescent training and research activities**

In order to augment the sophisticated techniques used by the National Society in planning and research and to improve the training necessary to perform the Society's work, the Administrative Board of the Egyptian Red Crescent decided on 7 July 1986 to set up a Red Crescent training and research centre to aid in planning its programmes and training its volunteers and employees. The centre's first project was writing the history of the Egyptian Red Crescent Society from its creation in 1912 to the present day. It has also published a Red Crescent training handbook.

## **VI. The Egyptian Red Crescent's work to promote peace in the world**

The Egyptian Red Crescent has always supported efforts to bring about disarmament and peace and indeed it has been a very active member of the Commission on the Red Cross, Red Crescent and Peace since that Commission was set up.

Whenever our Society attends a national, regional or international conference or symposium, it makes a point of appealing for an end to all forms of torture and terrorism.

It co-operates with other Red Crescent and Red Cross Societies in countries affected by conflict and violence and aids them in performing their humanitarian work.

## **VII. The dissemination of international humanitarian law by the Egyptian Red Crescent**

The Egyptian Red Crescent has set up a programme to disseminate knowledge of international humanitarian law. It has translated the four Geneva Conventions into Arabic and those texts have been published and distributed free of charge to all Arab National Societies and groups and individuals concerned with international humanitarian law. In conjunction with the Egyptian Society of International Law, it also organized two conferences in which other Arab countries and Red Crescent volunteers took part. A seminar on international humanitarian law is also planned for late 1987 or early 1988.

## **VIII. Information activities of the Egyptian Red Crescent**

The Egyptian Red Crescent uses several forms of publicity: the Egyptian Red Crescent Review (a quarterly, social and cultural periodical), Red Crescent books and bulletins on the history of the Red Crescent, "Ten questions and answers on the Red Cross and Red Crescent" and "The Red Crescent in the field".

## **Conclusion**

As can be seen from the above, the Egyptian Red Crescent in its early days limited itself to medical and relief work but has gradually widened its activities to include social welfare. Thanks to its membership of the League of Red Cross and Red Crescent Societies and its relations with the ICRC, especially since 1949, the Society has been able to help spread knowledge of the Geneva Conventions and ensure that their provisions are implemented. It has also developed close relations with National Societies around the world, becoming a champion of the humanitarian spirit in time of peace as well as in time of war.

**Yahia Hassan Darwish**  
*Secretary General*

# MISCELLANEOUS

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## *AN INSTITUTION FOR HUMAN RIGHTS EDUCATION AND RESEARCH*

### **The International Institute of Human Rights** *(Strasbourg, France)*

Relatively recent events have demonstrated, if there were still any need, the importance of human rights information and education. It is primarily up to individual citizens to defend their rights, that is, to claim the protection to which they are entitled under national and international instruments guaranteeing their fundamental rights and freedoms. However, even in democratic countries respectful of such rights and freedoms, people are not familiar enough with international instruments. The European Convention on Human Rights itself is perhaps not "used" as often as it might be by European citizens, and one wonders to what extent the disparity in the numbers of individual requests received by the European Commission on Human Rights from citizens of each State party to the Convention is related to differences in levels of awareness as to the possibilities offered by the Convention.

Education concerning international instruments for the protection of human rights is therefore an essential factor for the proper functioning of systems of guarantees, and thus for effective protection. The International Institute of Human Rights has dedicated itself to this task for nearly 20 years, in compliance with the wish of its founder, René Cassin, who was awarded the 1968 Nobel Peace Prize for his contribution to the drafting of the Universal Declaration of Human Rights and for his constant struggle to ensure international respect for the fundamental rights and freedoms of all citizens.

However, in this field as in others, the task is overwhelming and the workers are few. How can the citizens of all countries be made aware of their rights and freedoms and of the protective measures offered them by the international community? René Cassin devised a slogan which was to become a programme: "**training trainers**".

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For the past 18 years the International Institute of Human Rights has run courses not only for teachers, future teachers and students but also for

those who in their profession encounter or will encounter questions related to fundamental rights and freedoms, particularly judges, lawyers, diplomats, national and international civil servants and members of human rights associations. The instruction given has evolved considerably over those 18 years, but its spirit and basic organization have remained unchanged. Initially, about 70 participants attended the three-week courses and seminars. In recent years, however, around 300 participants from 60 to 70 countries have attended the sessions, which were rapidly extended to four weeks. Although the instruction is deeply rooted in European traditions and given in close collaboration with the Council of Europe, the European Commission on Human Rights and the European Court of Human Rights, it is also, even primarily, intended for non-Europeans, in keeping with the international calling of the Institute. It should be stressed that participants from Western European countries are generally in the minority.

The structure of the courses, held annually in July on premises graciously lent to the Institute by the Strasbourg University Faculty of Law, has evolved over the years along with changing educational requirements. The 1987 session was made up of three main components: introductory lectures, basic courses and lectures on specific themes.

. The introductory lectures, delivered in French or English, present the basic problems: the philosophical and anthropological foundations of human rights protection, the universality and historical development of those rights and the structure of the major international protection systems. These lectures take up three hours each morning during the first week.

The basic courses focus in detail on humanitarian law and the principal mechanisms for the protection of human rights. One week is devoted to the United Nations, another to European and the third to American systems. Each course comprises 10 hours of lectures and seminars. Since they provide basic knowledge essential for each participant, parallel sessions are held in English, French and Spanish. The teachers are mainly professional lawyers and include, on a voluntary basis, members of the Registry of the European Court of Human Rights, the Secretariat of the European Commission of Human Rights, the Secretariat of the European Commission of Human Rights and the Secretariat of the Council of Europe. Courses on the American system are taught by judges of the Inter-American Court of Human Rights and representatives of the Inter-American Commission. Finally, the International Committee of the Red Cross, in collaboration with the Henry Dunant Institute, provides teaching in humanitarian law for one week of each session.

Since the afternoons of each four-week session are taken up by the basic courses, the lectures on special themes are given in the mornings of the second, third and fourth weeks. These talks are delivered in either French or English. They focus on a different central theme each year. For example, the theme in 1984 was: "Science, technology and human rights"; in 1985 "Human dignity in diversity and international norms against torture"; in 1986: "Responsibility of the State and of individuals for the respect of human rights"; and in 1987: "Human rights in a multicultural world". A series of three to five lectures presents various aspects of the central theme. To ensure a continuous supply of new material, the Institute avoids inviting any instructor more than once to lecture on a specific subject. Thanks to this policy a wide variety of eminent specialists and human rights practitioners have been able to present and develop their ideas in Strasbourg. Opportunities are also provided for meetings between the teachers on the one hand, and between teachers and students on the other. Each week, a round-table discussion is held for all the students and teachers on the course.

Although the Institute sends out about 2,500 copies of its programme (to universities and other educational institutions, teachers, public and private bodies) many participants are drawn to the Institute by its reputation alone. Over 4,000 people throughout the world have so far participated in one or more sessions, and courses have been given by several hundred experts, many of a very high level. This has created a truly international network of friends of the Institute, many of whom continue to maintain close ties with Strasbourg. The Institute's administration is always pleased to invite alumni to return as teachers, and to meet them in international organizations, human rights associations and universities.

A certificate of attendance is delivered to all participants whose presence at the courses and seminars has been regular. However, the Institute's highest distinction, its diploma, is awarded only to those who have demonstrated in-depth knowledge and have a solid legal background. The conditions set for admission to the examinations are so strict that an annual average of only 25 candidates is allowed to take the (written, practical and oral) tests and only six to eight obtain the diploma. Even fewer candidates, an average of one every two to three years, pass *cum laude*. As a result of this stringency, most successful candidates for the diploma may be found a few years later in highly responsible posts in which the knowledge they have acquired in the sphere of international protection of human rights is most useful.

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A large number of each year's participants, about 50 to 60, are university teachers, mainly from law schools. Their ages vary from 24 to 70 years and their levels from teaching assistant to senior professor. Each afternoon, a special seminar is organized by the International Centre for Human Rights Education in Universities (CIEDHU) to give them an opportunity to exchange knowledge and experience of human rights teaching and research. Law faculties rarely teach human rights in one homogeneous course. More often, various aspects of the subject are dealt with in courses on constitutional law, civil rights, criminal law, administrative law, public international law or even social law. Thus the CIEDHU plays an important role by promoting a comprehensive view of this vital field, and particularly by helping teachers who wish to offer a special course on the subject. Naturally, exchanges of information during the seminars bear not only on the subject matter itself, but also on documentation and teaching methods.

In addition to these special seminars for university teachers, held for the fifteenth time in 1987, the Institute offers various groups or institutions the possibility of organizing series of conferences or seminars on special subjects. These are held in the late afternoon, following the five daily classes and lectures in the Institute's own programme. Special courses on the rights of indigenous peoples were given in 1984, and since 1985 the English group *Interrights* has run annual workshops in English for lawyers wishing to become more familiar with the procedural aspects of the international mechanisms for the protection of human rights.

Teaching naturally requires materials. At the beginning of each session, participants receive ample documentation, including summaries of the courses to be taught. Particular mention should be made of works produced especially for the Strasbourg course. A manual on the European Convention on Human Rights and its voluminous case law was prepared by the Deputy Registrar of the European Court of Human Rights, Mr. H. Petzold. The French and English versions of the manual (about 420 pages each) will soon be in their fifth edition and a Spanish translation is under way. The eminent American professors Mrs. Dinah Shelton, Mr. Thomas Buergenthal and Mr. R. Norris compiled a similar manual on the American system of human rights protection (*Protecting Human Rights in the Americas*). Written in English, this work has also been translated into Spanish and is in its second edition. It received an award from the American Bar Association, a distinction which can be taken as reflecting on the Institute's work.

One of the most welcome outgrowths of the Institute's teaching activities is the initiative taken by a group of Strasbourg students to organize an annual law contest, the *René Cassin Competition*, on a theme which,

although imaginary, is very close to reality. Teams of students prepare written and oral arguments and addresses concerning a case of alleged violation of the European Convention on Human Rights. The case is heard by judges from the European Court of Human Rights, as well as by professors and lawyers. The European Court has lent its premises and given its support to the two competitions which have been held, with great success, to date. While four teams participated in the initial competition in 1986, this year's event attracted ten teams from seven different countries. They demonstrated a knowledge of the European Convention and a judicial spirit worthy of much more experienced practitioners.

Imparting knowledge of international systems for human rights protection, stimulating thought and helping to propagate ideas and experience are undoubtedly activities of fundamental importance. They are, however, not enough. The teaching of human rights must not only be extended; it must also be preceded by education in the respect for human rights, so to speak. This cannot be achieved at university level; it must be developed in younger students whose personalities are still being shaped. For this reason, following a number of studies and recommendations, in particular by the Council of Europe, the Institute initiated a programme for teachers from secondary schools and teachers' training colleges. The aim of the week-long course, which has so far been held five times in French and twice in English, is to study the most appropriate teaching methods for instilling in young people awareness of and respect for human rights.

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Another outstanding aspect of the Institute's activities is its Film Festival, which will soon take place for the sixteenth time. In theory aimed at the general public, it actually holds special appeal for the young. During this annual week-long event, about 80 films are shown in cinemas in Strasbourg and several nearby towns. Their common theme is consideration of and respect for human dignity, the very cornerstone of human rights. The prizes awarded have often drawn public attention to little-known but excellent productions. However, the festival's major contribution to the Institute's goals has been to heighten public awareness of human rights in the inevitable cultural diversity of today's societies.

Finally, with regard to research, an essential complement to teaching, the Institute has served mainly as a means of organizing collective reflection on specific themes. Several dozen seminars have been held since 1969 to discuss human rights problems in relation to changing ideas and attitudes and, occasionally, in relation to certain events. The major themes

dealt with in recent years include human rights and the environment, freedom of religion, economic and social rights in western democracies, racial discrimination and indigenous peoples, the problems associated with the accession of members of the European Community to the European Convention on Human Rights, illegal foreign workers, the concept of "peoples rights", the right to emigrate, human rights education, etc.

The case law handed down by the European Court of Human Rights was the special subject of a seminar, organized jointly by the Strasbourg University Faculty of Law and the Council of Europe, on the application by French courts of the European Convention. This case law was also studied during a short refresher course, which will doubtless be followed by others, for French-speaking lawyers wishing to study the possibilities for the defence of rights and freedoms offered under the European Convention. Several of the working papers were published either in the *Human Rights Law Journal*, with which the Institute is associated, or as separate monographs.

These meetings also provided an opportunity for co-operation with many universities and other institutions: the University of Essex, the Hellenic Human Rights Foundation, Santa Clara University in California, the Quebec Commission on the Rights of the Person, Columbia University in New York, etc., and, of course, the Council of Europe—its General Secretariat as well as the bodies created by the European Convention on Human Rights. Too numerous to be listed here, the many personalities and institutions with which the Institute maintains permanent or occasional co-operative relations include, for example, the Inter-American Institute of Human Rights, the International Institute of Humanitarian Law, the University of Zagazig in Egypt, the Jacob Blaustein Institute in New York, the Henry Dunant Institute in Geneva, the Ford Foundation and, of course, the United Nations and UNESCO.

The Institute is a unique, world-renowned centre providing comprehensive instruction each year in international human rights protection with respect to every continent and culture. It will remain true to its vocation, in Europe and worldwide, on behalf of all human beings and appeals to all those who believe in mankind and its future to support it in its work.

**Alexandre Kiss**  
*Secretary General of  
the International Institute  
of Human Rights*

## **Twelfth Round Table of the International Institute of Humanitarian Law (San Remo, September 1987)**

*The International Institute of Humanitarian Law was founded on 26 September 1970 in San Remo (Italy), with the objective of promoting the development, implementation and dissemination of international humanitarian law and related subjects, such as refugee law.*

*It is therefore quite natural that, since its inception, the Institute should have maintained close working relations with the International Committee of the Red Cross, each respecting the independence of the other. With the passage of time, that fruitful co-operation has been broadened and extended to other organizations, in particular the League of Red Cross and Red Crescent Societies, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee for Migration (ICM).*

*Among the more significant regular activities of the Institute, special mention should be made of the traditional annual Round Tables. The first took place in 1974. Since 1975, each Round Table has been supplemented by a one-day meeting devoted to a Red Cross and Red Crescent symposium. Questions relating to refugee law have also been discussed from time to time at the meetings.*

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The September 1987 session was divided into two days on international humanitarian law, the Twelfth Round Table proper, Refugee Day and the day devoted to the Red Cross and Red Crescent symposium.

There were no less than 130 participants, all of whom took an active part in the discussions. They came from all five continents and many

diverse but complementary sectors, representing governmental authorities, academic circles, international organizations, numerous National Red Cross and Red Crescent Societies as well as the League of Red Cross and Red Crescent Societies and the International Committee of the Red Cross.

The opening ceremony was marked by a strong plea by Professor Patrignoc, President of the Institute, in favour of the Protocols additional to the Geneva Conventions of 12 August 1949, on the occasion of the tenth anniversary of the adoption of those Protocols.

#### *A. General Topic of the Round Table*

The general topic on the agenda of the Round Table on international humanitarian law was

#### **“Implementation of international humanitarian law”**

Under the expert chairmanship of Mr. Kéba M’Baye, Vice President of the Institute and Vice President of the International Court of Justice (ICJ), three specific aspects of implementation were examined in detail.

#### *1. “National measures for the implementation of international humanitarian law—an outline of the present situation illustrating some of the main problems”*

The introductory address by Mr. Zidane Mériboute, member of the Legal Division of the ICRC, stressed the main failings in the conduct of many States which are formally bound by the humanitarian treaties. In particular:

- the failure to incorporate international humanitarian law into domestic or internal law;
- the failure to adopt the necessary internal implementation measures and rules, in particular those prescribed by the Conventions themselves;
- the failure on the part of governmental authorities to transmit to the other States party to the humanitarian treaties the texts of the laws, codes and regulations for implementation adopted by them.

The debate that ensued was rich in constructive proposals and, in particular, the following observations and suggestions emerged.

- Certain rules of the Conventions and Protocols—such as those relating to the repression of grave breaches—absolutely require the adoption of national legislation for implementation.
- Although the special protection granted to medical personnel and units is unambiguous, the State must still adopt adequate internal measures which, with due regard for the structure of its own medical services, specify clearly the categories of persons and objects which are covered.
- This special protection can be effectively implemented only by adopting all the necessary national administrative measures and regulations relating to the use of the protective emblems.
- In a more general way, the adoption or non-adoption by the States of internal implementation measures is an indication of their true intentions as to the application of and respect for international humanitarian law.

Among the various proposals put forward for the purpose of improving the present unsatisfactory situation, the following were singled out.

- A comparative study should be made of means and techniques for promoting the adoption of national measures relating to other branches of international law.
- The type of measures to be adopted, in particular organizational, educational, administrative and legislative measures, must be identified clearly, so that priorities can be established and the tasks to be performed can be assigned accordingly.
- A carefully thought out information campaign should be carried out to overcome the psychological barrier that frequently arises because the adoption of measures for the implementation of international humanitarian law are equated with preparation for war.
- Since international humanitarian law—or the law of armed conflict—is complex, States must transpose its content into texts understandable by the different levels and categories of persons responsible for its implementation, in particular within the armed forces.
- States, in accordance with the obligation incumbent upon them, should systematically communicate to each other, through the depositary and the ICRC, information on the measures adopted by them.

2. *“Prevention and repression of breaches of international humanitarian law—preliminary legislative and other measures for an effective application of international humanitarian law”*

Professor Michael Bothe, introducing the topic, recalled that it was only after the First World War that a peace treaty for the first time

provided for the punishment of war criminals instead of for an amnesty. Moreover, the only prosecutions brought so far under the Geneva Conventions have been before national courts and not international courts.

The relationship between the law of armed conflict and national criminal law depends both on the constitutional system involved and on the content of the rule in question (according to whether or not the rule is "self-executing", in particular because it does not specify any penalty).

Professor Bothe accordingly saw three fundamental options:

- (a) absence of any special provisions covering war crimes by internal law and consequently application of general criminal law;
- (b) global reference by national law to the offences defined by international humanitarian law;
- (c) explicit incrimination of violations of international humanitarian law by specific provisions of internal law.

All these various options have their advantages and their drawbacks. The fact remains, according to Professor Bothe, that the adoption of national legislation must be urged because in its absence too many questions would remain unclear. Lastly, even the formula of adopting standard laws or a model code has its disadvantages; there must be at least an exchange of information and experience, not only between administrations but also between lawyers on a personal basis.

In the discussion which followed, many interesting comments and suggestions were made, including the following.

The decision to prosecute offences is based all too frequently on considerations of expediency or of reciprocity rather than on legal considerations.

In internal conflicts, which are often more cruel than international conflicts, only general criminal law is applied.

Among the courses open to overcome these difficulties, the following were stressed:

- to incorporate in military codes national penal rules governing the conduct in combat of members of the armed forces, regardless of the nature of the conflict;
- to provide combatants with constant training in humanitarian law, valid in all circumstances and set forth in military manuals.

### 3. *"Implementation of international humanitarian law and rules of international law on States' responsibility for illicit acts"*

According to Professor Marina Spinedi, who introduced the subject, the Conventions and Protocol I contain several rules on the responsibility of States for violations, but do not constitute a complete system (to employ

the terminology of the ICJ, they do not constitute a “self-contained régime”). Thus the rules of customary law must also be examined to see whether they have been incorporated in or modified by the Conventions and Protocol I. To determine the content of the customary rules, Professor Spinedi relied mainly on research carried out for the codification work of the International Law Commission (ILC).

The basic rule, according to which an internationally wrongful act committed by a State entails its responsibility, is confirmed by Article 91 of Protocol I. What conditions must be present?

According to the ILC, these conditions are required according to custom for an act to be regarded as wrongful in international law.

- the conduct concerned (act or omission) must be attributable to a State;
- the conduct must constitute a breach of international law;
- there must be no grounds precluding responsibility.

The conduct of any person having the status of an agent of the State under the internal law of the State concerned is attributable to that State, even if the person exceeded his competence or acted contrary to instructions received. This rule also applies to the acts of organs of public entities and of persons who act *de facto* on behalf of the State (it must be noted, with reference to international humanitarian law, that this may cover acts of the legislative branch and of the judiciary).

The circumstances which could preclude wrongfulness include the conduct of the injured party and the state of necessity; but the International Court of Justice has considered that these grounds cannot be invoked in respect of breaches of international humanitarian law.

Is the injured State the only one which can invoke the responsibility of the State or are all the States party to the treaties able to do so? With regard to international humanitarian law, it might be thought that all the members of the international community have the capacity to act (within the meaning of the *Barcelona Traction* judgment) with regard to breaches of obligations *erga omnes*, a matter on which there is much discussion. The ILC draft provides for three cases:

- where the wrongful act constitutes the breach of an obligation essential for the international community as a whole;
- where there has been the breach of an obligation contained in a multilateral treaty safeguarding the collective interests of the parties;
- where there has been the breach of a treaty for the protection of human rights and fundamental freedoms.

It can safely be asserted that the Conventions and the two Protocols do contain obligations *erga omnes* (collective interests and protection of

human rights); this is confirmed by Article 1 common to the Conventions and Article 1, paragraph 1 of Protocol I, which must be read as providing not only for a right but also for a duty to take action on the part of all States.

From the remarks made by Professor Kalshoven and Mr. Jakovljevic and from the debate which followed, the following assertions may be singled out.

There is an apparent divergence between the rules on responsibility embodied in the humanitarian treaties and the ILC draft because certain irregular armed forces are not covered by Articles 5 and 6 of that draft, the provisions of which apply only to State organs within the meaning of internal law. This, however, does not affect Article 91 of Protocol I, which constitutes a *lex specialis*.

It must not be forgotten that States other than the injured State can invoke the responsibility of the defaulting State because grave offences constitute international crimes. Moreover, apart from the question of civil and criminal responsibility, all concerned must see to the designation of a Protecting Power and/or allow the ICRC to take action.

Several references were made to the ICJ judgment in the *Nicaragua versus United States of America* case. In that connection, one speaker pointed out that, for State responsibility to ensue, there must be a primary obligation to prevent the result or the action in question.

It emerged from the discussion that much progress remains to be made with regard to countermeasures and reprisals, since it is obvious that there are no universally accepted rules in the matter. Moreover, the ILC has not yet formulated draft rules in that regard.

Lastly, it was pointed out that, by virtue of Article 1 common to the four Conventions in particular, all the members of the international community can invoke the responsibility of a third party but that reparation, such as damages, can be claimed only by the injured State.

## *B. Refugee day*

### **Topic: "The international protection of refugees: trends and developments"**

This took the form of a broad panel discussion with the participation of distinguished specialists in refugee law. The panel was presided over by Mr. J.-P. Hocké, United Nations High Commissioner for Refugees.

In the very unrestricted atmosphere of the San Remo Institute, where all the participants speak in their personal capacity, the speakers gave

expression to a number of strong, even controversial ideas with the aim of stimulating reflection and encouraging the measures so vital for the protection of refugees, asylum-seekers and displaced persons.

Interesting comparisons were made between two categories which may be designated as "human rights refugees" and "humanitarian law refugees". Further study is necessary with regard to criteria applied to the second category, and the possibilities of returning them to their respective countries. Until the Second World War, attention was concentrated on persons fleeing from conflicts, whereas at present the focus is rather on those fleeing human rights abuses.

Strong concern was voiced by a number of speakers regarding the more restrictive attitude being adopted by traditional host countries with regard to asylum-seekers. It was stressed that economic pretexts should not be used to turn away persons in danger.

Although the High Commissioner's mandate goes beyond the 1951 definition of refugees, it was felt by many that that definition should be reviewed and modified to correspond more closely to present needs for protection. Reference was made to an interesting and very positive experiment, that of the Declaration of Cartagena concerning the countries of Latin America. This instrument, although not formally binding, was converted immediately into custom by the agreement of all the countries concerned on the mandatory character of the rules it contained.

With regard to the questions mentioned above, as well as other problems, several speakers stressed the importance of co-operation and co-ordination between the organizations concerned and in particular between the UNHCR and the ICRC. Emphasis was also laid on the need to bring the internal legislation of States into line with international law and thereby improve the protection of asylum-seekers and refugees.

One speaker put forward three priorities which may serve as a conclusion:

1. to arrive at a more precise definition of acceptance criteria and the responsibilities of countries of first asylum;
2. to encourage the broadening of criteria for granting asylum;
3. to devise humane solutions for the problem of refugees who are shuttled from place to place.

### *C. Red Cross and Red Crescent Symposium*

This Symposium was placed under the honorary chairmanship of Mr. Ahmad Abu Goura, the late Mr. Enrique de la Mata and Mr. Cornelio Sommaruga and was presided over by Mr. Jovica Patrnogic. The

Symposium dealt this year with the nature and scope of the agreements of the National Societies with their respective governments which regulate their role as auxiliaries to the medical services in armed conflicts.

The subject was introduced by Mr. Guy Hullebroeck (Belgian Red Cross), who described developments in the relevant agreements in his country and by Mr. Jules Johnson (Red Cross of Benin) who placed the emphasis on an analysis of the provisions of international humanitarian law.

In the discussion that followed these introductory statements, the representatives of a number of National Societies described the state of relations between them and their respective governments and the various ministers concerned, setting forth in the process the responsibilities incumbent upon them in conflict situations. The position in that respect varies from one country to another: certain National Societies have entered into agreements with the authorities specifying, in particular, the role of mobile medical teams and the use of the emblem, whereas others have only broached the dialogue with the authorities.

During the discussion the need was stressed for the National Societies to prepare themselves in peacetime to play their part as auxiliaries to the medical services in time of armed conflict.

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## **The Republic of Guatemala ratifies the Protocols**

On 19 October 1987 the Republic of Guatemala ratified the Protocols additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II), adopted in Geneva on 8 June 1977.

In accordance with their provisions, the Protocols will come into force for the Republic of Guatemala on 19 April 1988.

The Republic of Guatemala thus becomes the 70th State party to Protocol I and the 63rd to Protocol II.

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## **Burkina Faso ratifies the Protocols**

On 20 October 1987 Burkina Faso ratified the Protocols additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II), adopted in Geneva on 8 June 1977.

In accordance with their provisions, the Protocols will come into force for Burkina Faso on 20 April 1988.

Burkina Faso thus becomes the 71st State party to Protocol I and the 64th to Protocol II.

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## BOOKS AND REVIEWS

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### CONSTRAINTS ON THE WAGING OF WAR \*

*Evolution of a noble idea:  
the protection of the victims of armed conflicts*

The title of this work by Professor F. Kalshoven is taken from Grotius, the “father” of modern international law, and it clearly states the fundamental purpose of the law of armed conflicts, which is to provide, amid the generalized barbarity of war, protection for civilians and for combatants no longer taking part in hostilities, and to restrict the choice of methods and means of combat.

To review, in a relatively limited number of pages, all the rules of the law of armed conflicts was a daunting challenge. It was the author’s personality and experience that enabled him to achieve this extraordinary feat.

After a brief historical introduction, Professor Kalshoven recalls the various components of the law of armed conflicts (i.e. the Law of Geneva, The Hague and New York) and deliberates whether this classification is still valid today.

The book goes on to describe the main legal rules contained in the international treaties that precede the 1977 Additional Protocols. Of particular interest are the parts devoted to the definition of protected persons; the prohibition of certain methods and means of warfare; and the problem of ensuring implementation of the rules of the law of armed conflicts.

The following chapter contains a study of the fundamental rules of the 1977 Additional Protocols. The author’s personal experience as an active participant in the drafting of these treaties enabled him to present in particularly clear and interesting terms the often complex provisions of both instruments.

The book ends with a description of a Convention that is unfortunately still little known despite its vital importance: the Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons, adopted by the United Nations Organization in 1980.

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\* Kalshoven Frits, *Constraints on the Waging of War*, International Committee of the Red Cross, Geneva, 1987, 160 p., Bibliography and Index. (In English).

Professor Kalshoven's book is extremely well documented (the indexes in particular are most useful); it is also clear and remarkably well written. It will certainly meet all the expectations not only of specialists in this field, but also of anyone interested in the law of armed conflicts and related problems. As former ICRC President Alexandre Hay writes in his preface to it, Professor Kalshoven's book is undoubtedly destined to become a classic in this area of international law.

*Antoine Bouvier*

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## BIBLIOGRAPHY OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS \*

Readers of the *Review* will most certainly be familiar with the first edition of this bibliography, which is so invaluable for anyone involved in international humanitarian law.<sup>1</sup> The work was so well received that stocks were very quickly exhausted. The ICRC and the Henry Dunant Institute therefore decided to publish a second, revised and fuller edition. Moreover, in the Introduction we are told that the bibliography will be updated periodically.

Ms. Huong T. Huynh, who also compiled the first edition, has not confined herself, however, to updating the bibliography. She has arranged the material in a more logical order and, more important, has added an index; a considerable task which should make the finished work extremely useful for research workers. Those who have had to leaf through dozens of pages in the first edition to track down a publication on a specific subject which did not fit directly into the classification system, although the latter was very detailed, will fully appreciate this important innovation, a rare feature in legal bibliographies.

The bibliography, which is bound by no geographical or linguistic limits, covers a vast range of publications concerned with international humanitarian law. The material is presented under six major headings:

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\* Second edition, revised and updated; International Committee of the Red Cross and Henry Dunant Institute, Geneva, 1987, 604 + xxix pp., English/French.

<sup>1</sup> See the report by Jean Pictet in the March-April 1982 issue of the *Review* (No. 227), p. 128.

- General studies (including works on the Red Cross and Red Crescent world);
- Codification of international humanitarian law;
- International armed conflicts;
- Non-international armed conflicts;
- Implementation of international humanitarian law;
- Neutrality in time of war.

Since the bibliography first appeared in 1980, the number of entries has risen from around 5,000 to 6,600; this is encouraging evidence of the growing interest in international humanitarian law displayed in academic circles throughout the world. The increase in the number of entries is partly due to the inclusion of publications on subjects outside the field of application of international humanitarian law. This appears indispensable when one considers, for example, the overlapping between humanitarian principles and international human rights regulations in situations of internal disturbances and tension. But this multitude of entries reflects above all the very promising developments in efforts to disseminate international humanitarian law within academic circles. In fact, all the authors who appear in the bibliography not only show academic merit; they are also “militants” in the field of dissemination, without which international humanitarian law would remain a dead letter.

Therefore we can only hope that all who are called upon to apply and ensure respect for international humanitarian law will increasingly consult these “militants”, for whom the bibliography constitutes a kind of roll of honour.

*Marco Sassòli*

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## DERECHO HUMANITARIO INTERNACIONAL

### *International humanitarian law*

This work was written in Russian and, to date, has been translated only into Spanish.<sup>1</sup>

It deals with the creation and consolidation of the system for international protection of human rights and freedoms, as well as co-operation between States in the struggle to prevent these rights and freedoms from being violated.

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<sup>1</sup> Igor Blischenko, *Derecho Humanitario Internacional*, Editorial Progreso, Moscow, 1987, 226 pp. (original: Russian).

The author is a professor of international law, Vice-President of the Soviet Legal Association and member of the World Peace Council. In brief, he tries to show the impact and influence of socialism and the legislative practice of socialist countries on the development of this particular area of international law. He considers that thanks to socialism, its concept of human rights and fundamental freedoms and its endeavours to put these into effect, international law has become a law for peace and the peaceful co-existence of sovereign and independent States.

The author begins by explaining how he views international humanitarian law (IHL) whose *raison d'être*, he says, is to create conditions enabling each and every individual to enjoy fundamental freedoms and rights both in time of peace and in time of war.

After close analysis of the various sources and factors influencing its development—such as jurisprudence—he defines IHL as being that body of international legal rules which determine fundamental human rights and freedoms both in time of war and in time of peace, as well as those rules designed to bring about disarmament by placing restrictions on armaments and the use of weapons.

To fulfil its purpose, IHL takes as a basis a number of fundamental, universally acknowledged principles; in the author's opinion, the main ones are the right of peoples and nations to self-determination and the principle of humanitarianism, as embodied in the Geneva Conventions and their Additional Protocols and relating to the protection of civilians, war victims and civilian property.

There follows a description and analysis of the international system for protecting human rights and the contribution made by the USSR towards developing that system. The author extols the virtues of the new socialist society, which he describes as "truly democratic", and of the Soviet State which guarantees peace and security. He cites examples to demonstrate socialism's decisive influence on the entire development of humanitarian law.

The third chapter deals with armed conflicts and IHL applicable to them; the author holds that the purpose of IHL in such cases is to avert armed conflicts or to protect the victims thereof, should the need arise.

The analysis takes into account new aspects which have emerged in conflicts since the Second World War. In doing so, it concentrates on how international humanitarian law has evolved since 1945 and on the efforts of the international community, especially the ICRC, to increase protection for civilians and likewise ensure that the victims of non-international armed conflicts are protected and given assistance. These efforts culminated in the adoption of the two 1977 Protocols.

Faithful to the definition given at the beginning of the book, the analysis also focuses on international legal rules and criteria regarding the prohibition and limitation of certain conventional weapons and nuclear weapons.

After his detailed and very well documented examination of the international legal system for protecting human rights, the author concludes that the system, albeit remarkable, still requires considerable efforts to improve its efficacy.

In the final chapter, the author recalls three essential factors for effective protection of the fundamental rights and freedoms and makes the following proposals to develop them:

first, he considers that the system of international legal regulations guaranteeing State security should be expanded, saying that it is up to governments and international organizations to create a climate of "trust" and to determine the best ways and means of solving problems in international relations;

secondly, he recommends that international responsibility for violations of human rights and fundamental liberties be reaffirmed and more widely shared;

thirdly, he advises that the United Nations system, whose purpose is to protect the effective exercise of rights and freedoms, be developed by drawing up instruments and establishing procedures designed to ensure that the relevant resolutions and decisions are respected.

In conclusion, the author gives the assurance that every effort helps to make modern international law a powerful tool in the struggle by the forces of democracy for peace, security, democracy and social progress.

*Cristina Pellandini*

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## LEGAL ASPECTS OF HUMANITARIAN INTERVENTION

### THE PROTECTION OF DOCTORS ON VOLUNTARY HUMANITARIAN MISSIONS

The *Annales de droit international médical*, No. 33, 1986, published by the Medico-Legal Commission of Monaco, contains the papers of the Commission's tenth session, held in Monaco from 24 to 26 April 1986. The two topics discussed were: "Legal aspects of humanitarian intervention" and "The protection of doctors on voluntary humanitarian missions".

The first topic was presented in two introductory papers. One of these, entitled "Legal aspects of humanitarian intervention" was written by Professor Jovica Patrnogic, President of the International Institute of Humanitarian Law, in collaboration with Dr. Zidane Mériboute, a member of the ICRC's legal division. The other, entitled "Humanitarian intervention —international humanitarian law and the ICRC" was written by

Mr. Yves Sandoz, head of the ICRC's Principles and Law Department.<sup>1</sup>

A third paper, delivered by Professor Maurice Torrelli of the University of Nice, discusses "The protection of doctors on voluntary humanitarian missions".

The first paper analyses the legal aspects of humanitarian intervention. The authors, Professor Patrnoic and Dr. Mériboute begin by explaining the theory whereby intervention could take place when a State seriously violates fundamental human rights; a notion that calls State sovereignty into question.

They then examine whether such humanitarian intervention is really permitted under international law. This investigation is based on an analysis of doctrine, jurisprudence, international legal instruments and actual practice, in the periods before and after the United Nations Charter.

The authors conclude that armed intervention for humanitarian purposes is prohibited under international law at present. Nevertheless, since respect for fundamental human rights is at the very basis of such intervention, it is important that international organizations such as the UN, the ICRC, the UNHCR and the League of Red Cross and Red Crescent Societies should be recognized as competent to intervene on purely humanitarian grounds. Finally, the authors examine the statutes, terms of reference and specific characteristics of all the above-mentioned organizations, apart from the UN.

They analyse the relevant provisions in instruments such as the 1949 Geneva Conventions and the 1977 Additional Protocols, the 1951 Convention on Refugees and its 1967 Protocol. This brings out the fact that the organizations concerned are recognized by international instruments and accepted by the international community as competent to undertake humanitarian work to help protected persons both in peacetime and in time of armed conflict.

The second paper, which supplements the first and is written by Yves Sandoz, examines the situations in which international humanitarian law may be applied and the role played by the ICRC. The author also considers Article 1, paragraph 1 common to the four Geneva Conventions, which implies that the Contracting Parties have a general obligation to ensure that the Conventions are being respected even in conflicts in which they are not involved. In this connection, he rules out the notion that (armed) intervention on humanitarian grounds could take place under Article 1 and develops the idea of encouragement to undertake humanitarian work. The latter, carried out by neutral and impartial organizations such as the ICRC, could take the place of humanitarian intervention and is obviously more acceptable to the States concerned. If this substitution is to be valid, however, humanitarian work must be systematically accepted whenever it is necessary.

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<sup>1</sup> These two papers were reissued as an off-print by the Medico-Legal Commission, Monaco Palace, 1987, 40 pp. (in French only).

In the third paper, on “the protection of doctors on voluntary humanitarian missions”, Maurice Torrelli begins by analysing the duty of such doctors to provide assistance whenever needed. He points out that the efforts of humanitarian organizations to bring relief in cases of armed conflict, famine and natural disaster are hampered by serious obstacles. He then examines the legal grounds for humanitarian intervention and underscores the disparity among the various legal systems governing situations of armed conflict and natural disaster. Although the right to receive humanitarian relief is widely recognized, the right to provide such relief continues to be vague, defective and hindered by “the dubious pride of States”.

Humanitarian law does admittedly comprise provisions specifying conditions and procedures for the intervention of impartial humanitarian bodies. However, it must be ascertained whether these bodies meet the aforesaid conditions, particularly that of impartiality. According to the author this basic principle must govern both, medical relief organizations themselves and the activities of their staff. Medical teams must also be able to prove the authenticity, identity and professional competence of their members.

The major obstacles to the intervention of medical teams nonetheless remains the reaction of the States concerned, whose consent is virtually always required. Doctors on such missions may invoke the right to receive humanitarian relief and medical care, but it would perhaps be more realistic to make use of the potential of humanitarian law. In the case of international conflicts, humanitarian organizations have no choice but to obtain the consent of the belligerent States. However, the situation is different in the case of non-international armed conflicts. Article 3 common to the four Geneva Conventions provides for intervention by impartial humanitarian bodies in rebel-controlled territory upon the sole consent of the rebel forces, with no obligation to obtain the consent of the legitimate government. Although this interpretation of the law has not in practice been accepted by all States, Article 3 nevertheless constitutes legal grounds for intervention by medical teams and can thereby facilitate their protection.

In the second part of the paper, the author deals with the right of doctors to basic protection. He discusses the role of the emblem used as a protective device, the rules governing its use by emergency medical relief organizations and the provisions guarding against its misuse. He also examines the implementation of the general provisions for protection to which emergency medical missions are entitled under humanitarian law.

The author pays particular attention to the repatriation of doctors captured during humanitarian missions in alien territory, in cases of both legal and non-legal interventions, and to the basic protection to which the provision of medical assistance, in accordance with the medical code, entitles them.

He considers that the general guarantee applicable to medical missions covers the members of emergency medical teams whose intervention has not received prior authorization or has been contested by the government. This being the case, a captured doctor could not be prosecuted solely for having practiced according to his ethical code. "He may be accused only of illegal entry into a territory... Why should he not then be immediately escorted back to the border?"

One would be hard-pressed not to share the author's conclusion that "in view of the ever-increasing number of disasters of every kind, all humanitarian initiatives should be recognized and encouraged".

*The Review*

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## RECENT PUBLICATIONS

### (1) ICRC

#### ● **Index of International Humanitarian Law**

Not only are the 1949 Geneva Conventions the most universally recognized treaties, they are also remarkable for their detailed provisions protecting the individual in time of conflict. The existence of tools which, in peacetime and in time of war, facilitate the reading, understanding and use of these treaties is essential for all people, civilians or military personnel, who are involved in their implementation.

The new work contains references to the two 1977 Protocols additional to the Geneva Conventions.

Revised and expanded edition of the *Index of the Geneva Conventions for the Protection of War Victims of 12 August 1949*. The Washington College of Law, the American University. Authors: Waldemar Solf, Adjunct Professor/Senior Fellow, Washington College of Law Institute, and J. Ashley Roach, Captain, Judge Advocate General's Corps, U.S. Navy, 284 pp., 16 × 23 cm (in *English*).

#### ● **Frédéric de Mulinen: Handbook on the law of war for armed forces**

The Handbook is modelled on conventional military manuals so that military personnel can easily find what they need according to their situation and their position in the chain of command. Its purpose is twofold, the book serving both as a reference work for national and international courses on the law of war and as a code of conduct within the armed forces.

The Handbook is intended primarily for higher commands with staff at their disposal. It refers to the provisions of treaty law and indicates where full details can be found. It also includes a "Summary for commanders", without any reference to law, and "Rules for behaviour in action", to be used as a guide for training within the company.

The last section (*Summary for commanders* and *Rules for behaviour in action*) is also available as an off-print (16 pp.).

256 pp., 15.5 × 23 cm, original version in *English*. Versions planned in *French* and *Spanish*.

- **Twenty-fifth International Conference of the Red Cross (Geneva, October 1986)**

This document, better known as the “Blue Book”, contains the speeches and contributions made by all the participants at the last Conference in October 1986 and at the Council of Delegates which preceded it. It also includes the preliminary correspondence, the provisional programme, a list of delegates, the Resolutions adopted by the International Conference and the Council of Delegates and other information.

Among the important decisions taken by the last International Conference were the adoption of new Statutes for the International Red Cross and Red Crescent Movement and the recommendation of measures to reinforce respect for international humanitarian law.

180 pp., 23 × 31 cm, in *English, French and Spanish*.

## (2) ICRC/LEAGUE

- **Red Cross and Red Crescent—Portrait of an International Movement**

This amply illustrated, 30-page booklet contains everything one needs to know today about the Red Cross and the Red Crescent.

The text, by Françoise Bory, clearly explains the origins of the Red Cross, beginning with Henry Dunant and leading to the First Geneva Convention of August 1864; it then presents the principles, structure and Statutes of the International Red Cross and Red Crescent Movement and describes the activities and respective areas of competence of its components: the National Red Cross and Red Crescent Societies, the ICRC and the League. Particular emphasis is placed on international humanitarian law and the Movement’s contribution to peace.

The booklet is published in *English, French, German, Spanish and Arabic*.

## (3) JOINT COMMISSION OF THE EMPRESS SHÔKEN FUND

- **The Empress Shôken Fund—75 years of service to humanity**

To mark the 75th anniversary of the creation of the Fund, this small volume, published by the Joint Commission of the Empress Shôken Fund, pays tribute to the memory of its founder, Empress Shôken, and to the Imperial Household, the Government of Japan and the Japanese Red Cross for their substantial financial support. Written by Mr. J.-P. Mau-

noir, a former director of the ICRC, and with a preface by Mr. Aubert, Vice-President of the ICRC and Chairman of the Joint Commission, it relates the history and development of the fund; it also supplies National Societies with useful practical information on how it achieves its objectives and how allocations are made.

20 pp., 21 × 21 cm, in *English, French and Spanish* (photographs, tables and diagrams).

#### (4) OTHER PUBLICATIONS RECEIVED

- **Le droit international humanitaire — Problèmes actuels et perspectives d'avenir (International humanitarian law—current problems and outlook for the future)**

This is a compilation of the official records of the symposium held on 13 and 14 December 1985 in Clermont-Ferrand (France) by the *Institut français du droit humanitaire et des droits de l'homme* (French Institute of Humanitarian Law and Human Rights).

*Les Cahiers du droit public*, Centre de Recherches et d'études de droit humanitaire et des droits de l'homme, Université de Clermont-Ferrand (France), 1987, 174 pp. (in *French*).

- **Journal of Peace Research—Special issue on humanitarian law of armed conflict**

This special issue of this review, which is published by the Oslo International Peace Research Institute, is entirely devoted to international humanitarian law and humanitarian work, notably that of the ICRC. Several people from the ICRC, university professors and government experts contributed to this issue, which was edited by Jan Egeland (Henry Dunant Institute), Yves Sandoz and Louise Doswald-Beck (ICRC).

*Journal of Peace Research*, vol. 24, No. 3, September 1987, Norwegian University Press (in *English*).

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# CONTENTS

1987

Nos. 256-261

## ARTICLES

	Pages
<i>Several major humanitarian issues dealt with by the Twenty-fifth International Conference of the Red Cross</i> .....	3
<b>Marco Sassòli:</b> The National Information Bureau in aid of the victims of armed conflicts .....	6
<b>STATUTES AND RULES OF PROCEDURE OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT</b> .....	25
— Statutes of the International Red Cross and Red Crescent Movement .....	25
— Rules of Procedure of the International Red Cross and Red Crescent Movement .....	45
<b>Jacques Moreillon:</b> <i>Suspension of the government delegation of the Republic of South Africa at the Twenty-fifth International Conference of the Red Cross (Geneva, 1986) — Different perceptions of the same event</i> .....	133
<b>ASPECTS OF DISSEMINATION</b> .....	152
<b>Eric David:</b> Dissemination of International Humanitarian Law at university level .....	155
<b>Frédéric de Mulinen:</b> Law of war training within armed forces—Twenty years experience .....	168
<b>Médecin Général Inspecteur J. Miné:</b> The Geneva Conventions and medical personnel in the field .....	180
<b>Michael A. Meyer:</b> Promoting Principles and Law .....	192
	685

<b>TENTH ANNIVERSARY OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS (1977-1987)</b> .....	243
<b>Cornelio Sommaruga:</b> The Protocols additional to the Geneva Conventions: a quest for universality .....	243
<b>Jean de Preux:</b> The Protocols additional to the Geneva Conventions .....	250
<b>Hans-Peter Gasser:</b> Steps taken to encourage States to accept the 1977 Protocols .....	259
<b>The 1977 Additional Protocols and the National Red Cross and Red Crescent Societies</b> .....	267
<b>Andreas von Block-Schlesier:</b> The efforts made by the German Red Cross in the Federal Republic of Germany to have the Additional Protocols ratified .....	269
<b>André Andries:</b> The implementation of the Additional Protocols in Belgium .....	272
<b>Carl Vandekerckhove:</b> Dissemination of International Humanitarian Law — The Belgian situation .....	277
<b>Su Wei:</b> The 1977 Geneva Protocols and the development of international humanitarian law .....	282
<b>Sumio Adachi:</b> The Geneva Conventions and Additional Protocols as a cornerstone of peace-loving Japan .....	288
<b>Dr. Ahmad Abu-Goura:</b> Tenth Anniversary of the 1977 Additional Protocols — A Jordanian View .....	293
<b>Antonio López de la Rosa:</b> The Protocols additional to the 1949 Geneva Conventions in relation to Mexico .....	297
<b>Frits Kalshoven:</b> The Protocols of 1977 and The Netherlands Red Cross .....	305
<b>Bjørn Egge:</b> Norway and the 1977 Additional Protocols to the 1949 Geneva Conventions .....	310
<b>Rosemary Abi-Saab:</b> The “General Principles” of humanitarian law according to the International Court of Justice .....	367
<b>Brian Smith:</b> The Canadian Red Cross Society and the Protocols additional to the Geneva Conventions .....	376
<b>PROTECTION AND ASSISTANCE</b> .....	451
<b>Jean-Luc Blondel:</b> Assistance to protected persons .....	451
<b>Dr. Boško Jakovljević:</b> The right to humanitarian assistance — Legal aspects .....	469
<b>Michael A. Meyer:</b> Humanitarian action: a delicate balancing act .....	485
<b>Peter Macalister-Smith:</b> Non-governmental organizations and coordination of humanitarian assistance .....	501

<b>André Aoun:</b> The role and characteristics of an emergency mission .....	509
<b>125 YEARS AT WORK</b> .....	581
<b>Statutory meetings within the International Red Cross and Red Crescent Movement in Rio de Janeiro</b> .....	584
— Sixth Session of the General Assembly of the League of Red Cross and Red Crescent Societies .....	584
— Council of Delegates Meeting .....	590
<b>Resolutions of the Council of Delegates</b> .....	595
<b>Jacques Verhaegen:</b> Legal obstacles to prosecution of breaches of humanitarian law .....	607
Under the presidency of Mr. Alexandre Hay, the ICRC from 1976 to 1987: <b>Controlled expansion</b> .....	621

## INTERNATIONAL COMMITTEE OF THE RED CROSS

### *In Geneva:*

<b>Respect for International Humanitarian Law — ICRC Report on its activities</b> .....	60
Recognition of the Saint Lucia Red Cross Society .....	80
Recognition of the Guinean Red Cross Society .....	82
Recognition of the Angola Red Cross Society .....	84
Recognition of the Suriname Red Cross Society .....	86
Recognition of the Red Crescent Society of Djibouti .....	88
Recent missions by the President of the ICRC .....	90
Appointment of two new honorary members .....	91
Missions by the President of the ICRC (March-April) .....	200
Death of Mr. Michel Testuz .....	202
The “Tracing and Mailing Services” in aid of the “Boat People” ..	203
Recognition of the Grenada Red Cross Society .....	208
<b>Presidency of the International Committee of the Red Cross</b> .....	313
<b>Cornelio Sommaruga takes office as ICRC President — Tribute to Alexandre Hay</b> .....	315
Two new members of the ICRC .....	316
Visits by Heads of State to the ICRC (July-August) .....	379
<b>Rémi Russbach:</b> The International Committee of the Red Cross and health .....	513
Official visits to the ICRC (September-October) .....	523
Official visits to the ICRC (November-December) .....	639

*ICRC External activities:*

January-February .....	93
March-April .....	210
May-June .....	317
July-August .....	382
September-October .....	525
November-December .....	641

IN THE RED CROSS AND RED CRESCENT WORLD

World Red Cross and Red Crescent Day 1987 .....	99
Activities of National Red Cross and Red Crescent Societies ....	101
The Spanish Red Cross and the problem of social dropouts ...	101
Dissemination of international humanitarian law .....	104
Second Arab seminar on international humanitarian law .....	104
Fifth African regional seminar on international humanitarian law .....	105
A great promoter of Henry Dunant's message is no more .....	106
<b>Together again — Sisters meet forty years after war</b> .....	218
<b>Activities of National Red Cross and Red Crescent Societies</b> .....	222
The Humanitarian Law Institute of the Republic of Korea National Red Cross .....	222
Eighteenth Conference of Arab Red Crescent and Red Cross Socie- ties .....	224
<b>Death of Mr. Henrik Beer</b> .....	326
Message from Mr. Cornelio Sommaruga to mark 8 May, World Red Cross and Red Crescent Day 1987 .....	328
Meeting of the Standing Commission of the Red Cross and Red Crescent .....	329
Thirty-first award of the Florence Nightingale Medal .....	331
<b>Activities of National Red Cross and Red Crescent Societies</b>	
Recognizing the needs of the homeless and hungry in unexpected places — the United States .....	393
<b>Information and Public Relations</b>	
Twelfth International Festival of Red Cross and Health Films ...	403
Workshop on Information and Public Relations (Varna, June) ...	405
Joint Commission of the Empress Shōken Fund — Sixty-sixth dis- tribution of income .....	407
Thirteenth Inter-American Conference of the Red Cross (Quito, July) .....	414

<b>Death of Mr. Enrique de la Mata</b> .....	533
<b>Activities of National Red Cross and Red Crescent Societies</b>	
<b>Training volunteer workers for international missions of the French Red Cross</b> .....	535
<b>Seventy-fifth anniversary of the Egyptian Red Crescent Society</b> . . . .	541
Health as a factor of peace and development .....	546
<b>125th Anniversary of the International Red Cross and Red Crescent Movement</b> — Programme of commemoration .....	653
<b>The Egyptian Red Crescent Society is 75 years old (II)</b> .....	655

## MISCELLANEOUS

Accession of the Argentine Republic to the Protocols .....	108
<i>Interpretative statements</i> .....	108
Republic of the Philippines: Accession to Protocol II .....	109
<b>States parties to the Geneva Conventions of 12 August 1949 — States parties to the Protocols of 8 June 1977 (as at 31 December 1986)</b> .....	110
Resolution of the Organization of American States .....	115
Resolution of the Forty-first Session of the General Assembly of the United Nations on the Protocols additional to the Geneva Conventions .....	117
Law and humanitarian ethics .....	226
Declaration by the Kingdom of Belgium .....	338
The Republic of Iceland ratifies the Protocols .....	339
Seminars and colloquium on International Humanitarian Law . . .	340
<b>States parties to the Protocols of 8 June 1977 (as at 8 June 1987)</b> . . . .	344
<b>International Humanitarian Law</b>	
<i>IN MOSCOW</i> — Fourth International Seminar on International Humanitarian Law in the Contemporary World (June) .....	416
<i>IN GENEVA</i> — International colloquium: The 1977 Protocols additional to the 1949 Geneva Conventions — Ten years later (June) .....	417
<i>AT SAN REMO</i> — Round Table of Experts on International Humanitarian Law Governing Armed Conflicts at Sea (June) . .	422
<i>AT HAMMAMET</i> — First North African Symposium on International Humanitarian Law (July) .....	423
The Kingdom of The Netherlands ratifies the Protocols .....	425
The Paul Reuter Prize .....	427
Death of Professor Waldemar A. Solf .....	428

<b>Primary Health Care: Use of the Innovative Decision-making Process in Primary Health Care</b> .....	430
Round Table on the status of the personnel and volunteers of international and national organizations in humanitarian actions (Monaco, April) .....	435
<b>Guillaume-Henri Dufour, a man of peace</b> .....	548
<b>Roger Durand: The Henry Dunant Society: Present activities and plans for the future</b> .....	552
Relations with the Council of Europe .....	562
Accession of the Kingdom of Saudi Arabia to Protocol I .....	567
<b>Alexandre Kiss: The International Institute of Human Rights (Strasbourg-France)</b> .....	659
XIIth Round Table of the International Institute of Humanitarian Law (San Remo, September) .....	665
The Republic of Guatemala ratifies the Protocols .....	673
Burkina Faso ratifies the Protocols .....	673

## BOOKS AND REVIEWS

Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949 .....	119
Mirador — my term as Hitler's guest (John Burton) .....	122
Ces lieux où Henry Dunant... (Roger Durand/Michel Rouèche) ..	123
News and Reviews .....	125
<b>New publications</b> (January-February) .....	128
Manual of the Terminology of Public International Law (Law of Peace) and International Organizations — English, French, Spanish, Russian (Isaac Paenson) .....	230
Les garanties fondamentales de la personne en droit humanitaire et droits de l'homme (Mohammed El Kouhène) .....	231
Le piège (The trap) (Jean-Christophe Rufin) .....	233
The International Committee of the Red Cross in Greece, 1967-1971 (Roland Siegrist) .....	235
Street children (Susanna Agnelli) .....	237
<b>New publications</b> (March-April) .....	238
Modern wars (Mohammed Bedjaoui) .....	348
Conduct of hostilities, the law of armed conflicts and disarmament (Mohammed Arrassen) .....	350
The aid industry under attack (Reports on the African famine) ..	353
Disappeared! .....	356
<b>New publications</b> (May-June) .....	359

Rescuing nationals abroad through military coercion and intervention on grounds of humanity (Natalino Ronzitti) . . . . .	438
The Law of Non-International Armed Conflict (Howard S. Levie) . . . . .	440
Refugees: dynamics of displacement . . . . .	441
The right to food (P. Alston & K. Tomaševski) . . . . .	443
Essays on the modern law of war (Leslie C. Green) . . . . .	568
Humanitarian aid and development in the Third World . . . . .	570
<b>Extracts, in Arabic, from the <i>International Review of the Red Cross</i></b> . . . . .	576
Constraints on the waging of war (Frits Kalshoven) . . . . .	674
Bibliography of International Humanitarian Law Applicable in Armed Conflicts . . . . .	675
Derecho humanitario internacional (Igor Blischenko) . . . . .	676
Legal aspects of humanitarian intervention — The protection of doctors on voluntary humanitarian missions . . . . .	678
<b>Recent publications</b> (November-December) . . . . .	682
<b>Contents 1987</b> . . . . .	685

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**EXTRACTS, IN ARABIC, FROM THE**  
**International Review of the Red Cross**

Responding to the great interest expressed by several National Societies of the Arab countries, the *International Review of the Red Cross* has pleasure in publishing a special issue in Arabic, geared to the specific concerns of the Arab-speaking public. It contains a selection of articles published over the last few months in the English, Spanish and French versions of the *Review* as well as previously unpublished articles and dealing inter alia with international humanitarian law and the Twenty-fifth International Conference of the Red Cross.

The reader will also find the *Review's* usual coverage of ICRC work both at Headquarters and in the field, and of League and National Society activities, with reports of various conferences and seminars, a list of recent ICRC publications and a number of book reviews.

***A few key articles published in this issue***

- The Protocols additional to the Geneva Conventions: a quest for universality, by **Cornelio Sommaruga**, President of the ICRC.
- Tenth Anniversary of the 1977 Additional Protocols — A Jordanian view, by **Dr Ahmad Abu-Goura**, President of the Jordanian Red Crescent, Chairman of the Standing Commission of the Red Cross and Red Crescent.
- Suspension of the Government delegation of the Republic of South Africa at the Twenty-fifth International Conference of the Red Cross (Geneva, 1986) — Different perceptions of the same event, by **Jacques Moreillon**, Director General of the ICRC.
- Dissemination of international humanitarian law and of the principles and ideals of the Red Cross and Red Crescent, by **Alain Modoux**, Head of the ICRC Information Department.
- The nature of international humanitarian law, by **Zidane Meriboute**, member of the ICRC Legal Division.

Further information available on request from the *International Review of the Red Cross*.

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- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
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- SWAZILAND — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN — Swedish Red Cross, Box 27316, 102-54 *Stockholm*.
- SWITZERLAND — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, 3001 *Berne*.
- SYRIAN ARAB REPUBLIC — Syrian Arab Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA — Tanzania Red Cross National Society, Upanga Road., P.O.B. 1133, *Dar es Salaam*.
- THAILAND — The Thai Red Cross Society, Paribatra Building, Chulalongkorn Hospital, *Bangkok 10500*.
- TOGO — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA — Tonga Red Cross Society, P.O. Box 456, *Nuku'alofa*.
- TRINIDAD AND TOBAGO — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain*, Trinidad, West Indies.
- TUNISIA — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis 1000*.
- TURKEY — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 Kizilay-*Ankara*.
- UGANDA — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UNITED ARAB EMIRATES — The Red Crescent Society of the United Arab Emirates, *Abu Dhabi*.
- UNITED KINGDOM — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X 7EJ*.
- U.S.A. — American Red Cross, 17th and D. Streets, N.W., *Washington, D.C. 20006*.
- URUGUAY — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.S.S.R. — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., I. Tcheremushkinskii proezd 5, *Moscow, 117036*.
- VENEZUELA — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado 3185, *Caracas*.
- VIET NAM (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Bà-Triêu, *Hanoi*.
- WESTERN SAMOA — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN ARAB REPUBLIC — Red Crescent Society of the Yemen Arab Republic P.O. Box 1257, *Sana'a*.
- YEMEN (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P.O. Box 455, Crater, *Aden*.
- YUGOSLAVIA — Red Cross of Yugoslavia, Simina ulica broj 19, 11000 *Belgrade*.
- ZAIRE — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, B.P. 1712, *Kinshasa*.
- ZAMBIA — Zambia Red Cross Society, P.O. Box 50 001, 2837 Brentwood Drive, Longacres, *Lusaka*.
- ZIMBABWE — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.