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# THE PRACTICAL APPLICATION AND DEVELOPMENT OF HUMANITARIAN LAW

## RED CROSS PRINCIPLES

The humanitarian principles which have been codified by the Geneva Conventions, and have so become part of international positive law, find their origin and symbol in the Red Cross ideal. As in other years, the ICRC has continued its efforts to uphold and spread these fundamental conceptions. In 1955, a work entitled "Red Cross Principles", by M. J.-S. Pictet, Doctor of Laws, Director for General Affairs of the ICRC, made a valuable contribution in this domain. This study, on entirely new lines, with a preface by M. Max Huber, Honorary President of the ICRC, is a synthesis of the principles governing the action of the Red Cross. It will be within the grasp of men of all continents and all philosophical tendencies, and will be received with keen interest by all who are called upon to practise the common ideal of assistance to suffering mankind.

## THE GENEVA CONVENTIONS OF AUGUST 12, 1949

### RATIFICATIONS

The ICRC continued its efforts, as in former years, to hasten ratifications of, or accessions to, the Geneva Conventions of August 12, 1949, which have for their essential object the protection of the human being in time of war.

Its action continues to produce results ; two more Governments (the United States and Finland) have associated themselves with

those who have formally recognised the obligatory force of the Geneva Conventions.<sup>1</sup>

The Powers bound by the Geneva Conventions numbered 48 on December 31, 1955.

The ICRC trusts that Powers which have not yet become party to the new Geneva Conventions (States which have signed but have not, so far, ratified the Conventions, and non-signatory Powers which have not acceded thereto) will deposit their instruments of ratification or accession with the Federal Council in Berne at an early date.

In the event of war, or civil war, the application of the Geneva Conventions limits the number of victims, prevents much useless suffering and provides the Red Cross with the most efficient basis for its action which then becomes so necessary. It is, therefore, one of the most imperative duties of the ICRC to pursue its efforts to accelerate the universal implementation of the Conventions, in accordance with the wish expressed by the Red Cross movement, and peoples, on many occasions.<sup>2</sup>

#### TRANSLATIONS

A translation of the Geneva Conventions has been made by the Czechoslovak Government, and a new German translation by the Austrian Government. Official versions are now available in Arabic, Chinese, Czech, Danish, Dutch, German, Finnish, Hebrew, Hungarian, Indonesian, Italian, Japanese, Korean, Norwegian, Persian, Polish, Russian, Serbo-Croat, Spanish, Swedish, Thai and Turkish. The Korean translation, however, only concerns the Third Geneva Convention relative to the treatment of prisoners of war.

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<sup>1</sup> Under an article common to the four Geneva Conventions of August 12, 1949 (Article 61 of the First Convention), ratifications and accessions of Governments are notified in writing to the Swiss Federal Council, and take effect six months after the date on which they are received. The Swiss Federal Council communicates the ratifications or accessions to all the Powers in whose name the Convention has been signed, or whose accession has been notified.

<sup>2</sup> See *Resolution No. 15*, XVIIIth International Red Cross Conference, Toronto 1952; *Resolution No. 29*, Consultative Assembly of the Council of Europe, Strasburg, September 26, 1952; *Circular Letter of the Three Presidents*, Geneva, December 28, 1953.

LIST OF STATES PARTY TO THE GENEVA CONVENTIONS  
OF AUGUST 12, 1949

(in the chronological order of notifications of ratification or accession)

No.	Date	Countries	No.	Date	Countries
	1950			1953	
1	March 31	Switzerland	24	April 21	Japan
2	April 21	Jugoslavia	25	June 17	Salvador
3	July 9	Monaco	26	July 1	Luxemburg
4	Sept. 21	Liechtenstein	27	August 27	Austria
5	Oct. 12	Chile	28	August 29	San Marino
6	Nov. 9	India	29	Nov. 2	Syria
7	Dec. 19	Czechoslovakia	30	Nov. 14	Viet Nam
	1951		31	Dec. 17	Nicaragua
8	Febr. 22	Holy See	32	Dec. 28	Sweden
9	March 7	Philippines		1954	
10	April 10	Lebanon	33	Febr. 10	Turkey
11	May 29	Jordan	34	March 29	Liberia
12	June 12	Pakistan	35	April 15	Cuba
13	June 27	Denmark	36	May 10	U.S.S.R.
14	June 28	France	37	June 1	Rumania
15	July 6	Israel	38	July 22	Bulgaria
16	August 3	Norway	39	August 3	Byelorussian S.S.R.
17	Dec. 17	Italy	40	August 3	Hungary
	1952		41	August 3	Netherlands
18	March 31	Union of South Afr.	42	August 3	Ukrainian S.S.R.
19	May 14	Guatemala	43	August 11	Ecuador
20	August 4	Spain	44	Sept. 3	German Fed. Rep.
21	Sept. 3	Belgium	45	Nov. 26	Poland
22	Oct. 29	Mexico	46	Dec. 29	Thailand
23	Nov. 10	Egypt		1955	
			47	Febr. 22	Finland
			48	August 2	Unit. St. of America

N.-B. — The accessions of Iraq, Panama, Peru and Venezuela, since the beginning of 1956, have brought the number of States parties to the Conventions to 52, on the date of the publication of the present Report.

## MODEL AGREEMENTS FOR THE RETENTION AND RELIEF OF MEDICAL PERSONNEL AND CHAPLAINS

The Diplomatic Conference which drafted the four Geneva Conventions of August 12, 1949 for the protection of war victims, adopted the following Resolution (No. 3) in closing its work :

Whereas agreements may only with difficulty be concluded during hostilities :

Whereas Article 28 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949, provides that the Parties to the conflict shall, during hostilities, make arrangements for relieving where possible retained personnel, and shall settle the procedure of such relief :

Whereas Article 31 of the same Convention provides that, as from the outbreak of hostilities, Parties to the conflict may determine by special arrangement the percentage of personnel to be retained, in proportion to the number of prisoners and the distribution of the said personnel in the camps,

the Conference requests the International Committee of the Red Cross to prepare a model agreement on the two questions referred to in the two Articles mentioned above and to submit it to the High Contracting Parties for their approval.

The ICRC gave effect to this Resolution by submitting, early in the year, to the Governments signatory to the Conventions, the text of two Model Agreements, one concerning the *retention* of medical and religious personnel, and the other the *relief* of such personnel.

In these two Model Agreements<sup>1</sup> the ICRC has followed, very closely in some instances, the valuable indications contained in the replies to an enquiry made by the International Information Office for Military Medicine and Pharmacy, the permanent information agency of the International Committee of Military Medicine and Pharmacy. At the request of the ICRC, from 1951 to 1953 the Office made enquiries from the Army Medical Services of Member

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<sup>1</sup> See *Model Agreements : The Retention and Relief of Medical Personnel and Chaplains*, Geneva, 1955, and the *Revue internationale de la Croix Rouge*, January 1955.

States, and other institutions, concerning the various problems to which the retention and relief of medical personnel could give rise. Numerous and detailed replies were received which, on many points, confirmed the knowledge gained by the ICRC during recent conflicts and, in other cases, brought useful supplementary information.

## DISSEMINATION AND STUDY OF THE CONVENTIONS

### *Commentary.*

In order to spread the knowledge of the provisions, both among persons likely to benefit from them and those who will, in time of war, have to assume the responsibility for their application, the ICRC continued the analysis of the regulations of the Conventions. It completed the Commentary on the Fourth Convention, following that on the First Convention, already published.<sup>1</sup>

### *Study Visits.*

As in previous years, the ICRC received in its legal services students wishing to study various legal problems in connection with the application of the Geneva Conventions for the purpose of preparing theses for a doctor's degree, or works on humanitarian law.

## APPLICATION OF HUMANITARIAN PRINCIPLES IN THE EVENT OF INTERNAL DISTURBANCES

On October 3, 1955, a Commission of Experts, composed of a small number of eminent jurists from twelve different countries<sup>2</sup> met at the ICRC headquarters to study the question of the appli-

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<sup>1</sup> See *Commentary—First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, Geneva 1952, *Fourth Geneva Convention relative to the Protection of civilian Persons in Time of War*, Geneva 1955.

<sup>2</sup> Belgium, France, German Federal Republic, India, Iran, Italy, Mexico, Spain, Sweden, Switzerland, Turkey, Venezuela. The names of the Experts will be found in the Report of the Commission (see p. 76).

cation of humanitarian principles in the event of internal disturbances.

The question was of a particularly difficult nature since it appeared to intrude upon the essential prerogatives of Governments. As two years previously, when examining the question of assistance to political detainees, the initiative of the ICRC was in no way intended to encroach upon the rights of States, nor to pass judgment upon the action taken by them in periods of disturbance or even bloodshed, but merely to obtain an opinion as to the definition of humanitarian principles, valid at all times, and the practical means for putting them to effect in such circumstances.<sup>1</sup>

The Agenda comprised the following four questions—

- (1) Is it possible to define the idea of an “armed conflict”, so as to determine the moment when Article 3 of the Fourth Geneva Convention of August 12, 1949, becomes applicable in law, in the event of internal disturbances ?
- (2) So long as the said Article is not applicable in law, is it consistent with the interests of humanity and the standards of civilisation for the humanitarian safeguards defined by the Fourth Convention to be applied, in particular in the case of persons (citizens or subjects) detained by their own Government for political reasons ?
- (3) Would not the International Committee be justified, by virtue of its traditions, the Statutes of the International Red Cross and its own Statutes, in offering its services to the Governments responsible for law and order ?
- (4) What should the conditions be for its action to be exercised, and what should be the limits of such action ?

The Commission, presided by Professor William Rappard, sat from October 3 to 8 ; M. Léopold Boissier, M. Paul Ruegger, M. Frédéric Siordet, and several other Members of the Committee and the Directorate, were present.

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<sup>1</sup> See ICRC activity in Latin America, *Annual Report for 1954*, Pages 36 to 38, and the present Report, pp. 14 to 16.



The study of the points referred to above gave rise to lengthy discussion, which made it possible to reaffirm certain principles likely to support the humanitarian work of the ICRC in case of need. The results were set forth in the Report on the Commission, drafted by Professor Gidel, which was approved unanimously. (The full Report will be found on pp. 76 to 83).

## **LEGAL PROTECTION OF THE CIVILIAN POPULATION FROM THE DANGERS OF MODERN WARFARE**

The previous Annual Report described the studies undertaken by the ICRC in order to reaffirm and to define certain legal principles relating to the protection of the civilian population from the dangers of modern methods of warfare and, in particular, bombardment. It will have been seen <sup>1</sup> that the ICRC convened (April 6-13, 1954) a Commission of international experts on the subject and, moreover, that the Board of Governors of the League adopted a Resolution (Oslo, May 1954) which earnestly requested the ICRC to continue the study of the question, and to propose, at the next International Red Cross Conference (New Delhi 1957), the necessary additions to the Conventions in force, in order to ensure the efficient protection of the civilian population.

On the basis of the results achieved at this meeting of experts, and to give effect to the resolution referred to above, the ICRC prepared *Draft Rules for the Protection of the Civilian Population from the Dangers of Indiscriminate Warfare*. In drafting these Rules it consulted specialists in aerial warfare and passive defence questions.

The Draft Rules are preceded by a brief introduction (see Annex No. 2) setting forth the reasons for these new regulations ; it is followed by a detailed commentary to facilitate the study of the text. This working document has been sent to all National Red Cross Societies, accompanied by the International Committee's 410th Circular dated June 27, 1955.<sup>2</sup>

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<sup>1</sup> See *Annual Report for 1954*, Pages 56 to 61.

<sup>2</sup> See *Revue internationale de la Croix Rouge*, July 1955.



The Societies were requested, in the Circular Letter, to send the ICRC their suggestions on the Draft Rules in order that it might take account of their comments when preparing the final draft to be submitted to the next International Red Cross Conference.

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## RELATIONS OF THE ICRC WITH RED CROSS INSTITUTIONS

### INTERNATIONAL RED CROSS CONFERENCE

In 1955 the ICRC examined various questions in connection with the preparation of the next International Red Cross Conference. This Conference will convene delegates of the two International Red Cross institutions, National Societies and Governments signatory to the Conventions. Up to the present time, eighteen Conferences have been held. The next meeting of the International Red Cross Conference (the XIXth Conference) will take place in New Delhi from January 21 to February 5, 1957.

### STANDING COMMISSION

At the close of each meeting, the Conference elects a *Standing Commission* composed of two delegates of the ICRC, two delegates of the League—including, in principle, the President of the ICRC and the Chairman of the Board of Governors of the League—and five representatives of National Societies chosen in a personal capacity.

The Standing Commission ensures the co-ordination and harmony of the efforts of the ICRC and the League in the interval between two Conferences. It meets whenever necessary ; in 1955 it met twice in Geneva on May 4 and September 29 respectively.