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# PRINCIPLES AND LAW

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1979 was the 30th anniversary of the Geneva Conventions of 12 August 1949. On that occasion, the President of the ICRC addressed a letter to the governments of some States which had not yet acceded to these international instruments, to encourage them to do so, reminding them of the object of the Geneva Conventions, which were based on the urgent need to protect the individual and his dignity in periods of armed conflict.

The attention of governments to which this letter was addressed was also called to the fact that accession to these Conventions made it possible, in addition, to accede to their 1977 Protocols, which entered into force on 7 December 1978.

Finally, the ICRC pointed out that governments, by becoming parties to the Geneva Conventions and to their Protocols, would be making their contribution to the efforts of the international community to promote the standards which had been established to relieve the suffering of victims of armed conflict, and would demonstrate their willingness to observe, regardless of circumstances, the humanitarian conduct called for by these instruments.

This same year was marked by the retirement, on 30 June, of Mr. Jean Pictet, one of the main architects of the development of international humanitarian law since World War II, and author of the "Fundamental Principles of the Red Cross".

On the occasion of his departure, the *International Review of the Red Cross*, the editorial committee of which he chaired, published, in its May-June issue, several articles in his honour. Some extracts concerning his life and work are mentioned below.

Mr. Pictet had an extremely full career: philosopher, jurist, writer, professor and man of action, he joined the ICRC in 1937, took part in all the main activities of the Red Cross, and was for a long time its stimulator and guide.

Vice-President of the ICRC and member of its Executive Committee, Director of the Henry Dunant Institute, Chairman of the Legal Commission of the ICRC, he is the author of several works which have become classics, and of innumerable articles. He was also director and co-author of important collective works, such as the "Commentaries" to the Geneva Conventions or the "General Report on the Activities of the ICRC during World War II".

Mr. Pictet took an active part—often a determining one—in diplomatic conferences, in expert groups and in many meetings. Sometimes he was in charge of their preparatory work and was often conference chairman; assignments which he carried out with an incontestable authority and sureness. Mr. Pictet devoted much of his time to the teaching of humanitarian law. Professor at the University of Geneva, he also gave courses at the Academy of International Law in The Hague and in Strasbourg, under the auspices of the Council of Europe and the University, and gave innumerable lectures.

*Doctor honoris causa* from the Universities of Leyden and Zurich, he obtained the respect, consideration and recognition of whoever he approached, personally or in writing, and all were struck by the attraction of his exceptional personality.

Mr. Jean Pictet remains a member of the ICRC and continues to be involved in several of its activities. Mr. Richard Pestalozzi, member of the Committee and special assistant to the President, succeeded him, on 1 July, as Vice-President of the ICRC.

## Structure of the Department of Principles and Law

The Department of Principles and Law, whose responsibility is to carry out the various tasks described in the following pages, retained the same structure as in 1978.

It comprises three divisions: the Legal Division, the Documentation and Dissemination Division, and the National Societies and Principles Division.

Among the activities of the Legal Division which are not dwelt on in this Report, should be mentioned the numerous consultations which it is called on to make in response to questions of a legal type which arrive from without or within the organization, particularly from the Operations Department.

## Development of international humanitarian law

### SEQUELS TO THE DIPLOMATIC CONFERENCE

#### Ratifications and adhesions to the 1977 Protocols

**RATIFICATIONS.** — In 1979 the following States deposited with the Swiss Government their instruments of ratification of Protocols I and II additional to the Geneva Conventions: Ecuador, Jordan, Niger, Sweden, Tunisia and Yugoslavia. The Republic of Cyprus ratified only Protocol I.

In accordance with articles 95 of Protocol I and 23 of Protocol II the Protocols become effective for each of these States six months after the deposit of the instruments of ratification.

**ACCESSIONS.** — The Republic of Botswana deposited on 23 May 1979 with the Swiss Government the instrument of its accession to the Protocols; these entered into force, for that country, on 23 November 1979.

At the end of 1979, eleven States were parties to Protocol I, and ten to Protocol II.

Resolution (34/51) on signatures and ratifications of the Protocols was adopted by consensus on 7 December 1979 by the United Nations General Assembly.

In that resolution the United Nations General Assembly reiterated the appeal made in resolution 32/44 to all States, asking them to examine, without delay, the question of ratification of or accession to the two Protocols. It also requested the Secretary-General to inform it annually of the number of ratifications of or accessions to the two Protocols, in order to enable it to examine the question later if it considered it appropriate.

## THE WEAPONS QUESTION

### United Nations Preparatory Conference: Second session

The second session of the Preparatory Conference of the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects was held in Geneva from 19 March to 12 April 1979.

The purpose of that Conference was to prepare the rules of procedure for the main Conference on the same subject and to examine the items to be considered by it.

The first session not having reached agreement on the rules for deciding substantive questions during the main Conference, and on several other matters, it was necessary to hold a second session (see Annual Report, 1978, page 56). During that session, negotiations on a decision-making procedure having once again not been successful, the rules of procedure finally proposed for the main Conference do not include any rule on that subject. It can be conceded, however, that a tacit agreement was reached to adopt decisions by consensus, inasmuch as the negotiating spirit remains positive.

In any case, the Conference has already broached substantive problems and a dialogue has effectively begun.

The representative of the ICRC made a statement during the final plenary session, in which he reviewed the background of the problem and the hopes expressed for the main Conference.

### United Nations Conference: First session

From 10 to 28 September the United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects was held in Geneva. Eighty-one States were represented at this Conference, at which the ICRC participated as an observer and expert. Its delegation was led by a member of the Committee, Mr. Maurice Aubert.

Although some agreement has nearly been reached on certain categories of weapons, namely mines and traps, other

**The United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects is a result of Resolution 22 of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts (Geneva, 1974-1977). It should lead to the prohibition or the restriction of the use of certain conventional weapons, such as incendiary weapons or mines and traps.**

categories, such as incendiary weapons, were the object of controversy which, notwithstanding real progress, could not be entirely overcome. Moreover, the discussion of some weapons, such as small caliber projectiles, was not undertaken, for lack of time.

In addition, despite unquestionable progress in the negotiations, no solution was found to questions concerning the kind of instrument to adopt (the Conference appeared to be heading toward a treaty containing general principles, to which several protocols would be added, each concerning the prohibition or restriction of a particular weapon), its scope, and, above all, its revision mechanisms.

It should be pointed out, however, that in the course of negotiations the delegates demonstrated a will to agree, which augurs well. Today, it can reasonably be hoped that they will reach their goal during the second session of the Conference, set for 15 September to 10 October 1980, and that one or several agreements will be concluded.

In the statement he made at the end of the Conference, Mr. Aubert expressed his satisfaction at the extent to which the 1977 Protocols to the Geneva Conventions were recognized as a solid basis in international humanitarian law, and he recalled the link existing between the Conference on Conventional Weapons and the Conference on Humanitarian Law from 1974 to 1977, which resulted in the adoption of the two Protocols.

Mr. Aubert, emphasizing the importance of providing the convention under negotiation with a mechanism for effective revision, said that it was essential for a flexible procedure to allow States to come together at regular intervals to examine, consistent with the principles underlying the Conference, questions that the Conference might leave in abeyance, for lack of time or technical information, especially questions which the appearance of new weapons would inevitably raise.

In conclusion, the representative of the ICRC stated that the work carried out by that Conference was at once modest and very important: modest, because the Conference was not trying to solve the fundamental problem of peace and disarmament; but important since it could be hoped that the work of the Conference would make it possible to avoid or reduce a large amount of suffering in wars, which, alas, were still sure to occur.

## PARTICIPATION IN INTERNATIONAL MEETINGS

### World Administrative Radio Conference—WARC 79

The ICRC participated, as an observer with consultative status, in the World Administrative Radio Conference (WARC 79), which took place in Geneva from 24 September to 6 December 1979.

The object of this conference was to re-examine the allocation of the electromagnetic frequency spectrum among the various users, and to revise, consequently, the Radio Regulations, which had not been revised since 1959 when the previous WARC was held in Geneva. The International Telecommunication Union (ITU) then had 96 members and 5 associate members, while today there are 154. The WARC 79 was the largest conference ever organized by the ITU and constituted a turning point in the history of telecommunications.

For the international Red Cross, and especially for the ICRC, WARC 79 afforded two main subjects of interest:

- first of all, the ITU had been requested by Resolution 19, which had been addressed to it in 1977 by the Diplomatic Conference on International Humanitarian Law, to submit to WARC 79 the study of the use of radiocommunications in order to announce and identify means of medical transport protected by the Geneva Conventions of 1949 and by the 1977 Protocol I;
- further, the work of protection and assistance of all the organizations of the international Red Cross requires reliable radiocommunications. For that purpose, the preceding WARC had adopted, in 1959, Recommendation No. 34 on the basis of which the Swiss Postal, Telegraph and Telephone Administration (PTT) assigned frequencies to the International Committee of the Red Cross for its own radiocommunications. These have been used by the ICRC in 48 countries for more than 15 years. Various propositions on additional action to be taken with respect to Recommendation 34 were studied at WARC 79. The proposal presented by Switzerland aimed at adding to the Radio Regulations a clause providing for the use of radiocommunications by the ICRC and the international Red Cross.

WARC 79 finished its work on 6 December with the signature of the Final Act, to which the new Radio Regulations were annexed.

With respect to the utilization of radiocommunications for identification and radiolocalization of means of medical transport, the WARC 79 adopted new regulations, which were included in section 1A entitled "Medical Transport", in the new article 37 of the Radio Regulations. These Regulations are of considerable importance for the safety of medical transport.

The provisions adopted in section 1A must still be the subject of regulations which will be discussed by the forthcoming world administrative conferences of aeronautic and

maritime mobile services, probably in 1982 (Resolution DH of WARC 79).

For the radiocommunications of the Red Cross, WARC 79 adopted resolution AF, which recognizes the need for reliable radiocommunications for the international Red Cross, and does not change the frequency bands used until now.

In addition, WARC adopted two other resolutions of importance for the international Red Cross:

- *Resolution CY1 concerning the use of radiocommunication for the safety of ships and aircraft of States not party to an armed conflict.* — This resolution reaffirmed the right, in war, of neutral ships and aircraft to operate, and gives them the means of identifying themselves by radio. For that purpose, the Resolution includes a Technical Annex. Because of the advanced systems required—such as automatic radar responders—technical and scientific provisions will be decided upon by the conferences of aeronautic and maritime mobile services. This resolution concerns particularly the transport of civilians and of relief goods in war.
- *Resolution BN on international use, in cases of natural disaster, of radiocommunications in the frequency bands assigned to amateur radio operators.* — The interruption of communications by natural disaster is usually of short duration; it involves assigning to relief agencies radio-electric frequency bands, for their radiocommunications, different from those which are used for long periods during conflict by the ICRC and other organs of the international Red Cross. The use of these frequencies in the amateur band should obviate interference in relief agency communications.

### Other international meetings

Staff members of the ICRC took part in the following meetings concerned with the Geneva Conventions, the 1977 Protocols or the development of international humanitarian law and public international law in general:

- *Pan-African Conference on Refugees, at Arusha, from 7 to 17 May.* — The Conference on the plight of refugees in Africa was held at Arusha, in Tanzania, from 7 to 17 May. A delegation from the ICRC took part as an observer.

Organized on the initiative of the African Conference of Churches, this pan-African meeting was a sequel to the Conference on the legal, economic and social aspects of the African refugee problem held at Addis Ababa in 1967, which led to the drawing up, in 1969, of the Convention of the Organization of African Unity (OAU) on particular aspects of the African refugee problem.

This conference was sponsored jointly by the United Nations High Commissioner for Refugees (HCR), the Economic Commission for Africa (ECA) and the OAU; other, non-governmental, organizations were associated with it as co-operating organizations.



The Conference had as its particular objective to bring to the attention of all parties concerned—governments, international and non-governmental organizations—the problems of refugees in Africa, to suggest solutions capable of resolving legal, social and economic aspects of these problems, and to obtain from the African States a stronger commitment to the 1969 OAU Convention. Its theme was “offering asylum is a peaceful and humanitarian act”.

Most of the recommendations adopted by the Conference specified the goals and principles of the 1969 OAU Convention.

— *Symposium on Human Rights and Fundamental Freedoms in the Arab World, in Baghdad, from 18 to 20 May.* — This Conference gathered together more than one hundred participants, among them numerous jurists, specialists in human rights and humanitarian law, notably from Arab countries.

The debates were mainly concentrated on human rights in Arab countries. Also broached were the problems of the struggle against torture, conditions of detention, as well as the dissemination of knowledge of international humanitarian law.

One of the recommendations adopted appealed to Arab governments to support the draft convention against torture and its optional protocol and to ratify the international agreements on human rights, the convention on refugees and the 1977 Protocols to the Geneva Conventions.

— *International Conference on the Protection of Human Rights in Islamic Penal Justice, held at the International Institution of Criminology in Syracuse (Italy) from 28 to 31 May 1979.* — Specialists coming both from Muslim and non-Muslim countries and representatives from international governmental and non-governmental organizations, participated in this Conference.

This was organized mainly to inform non-Muslim jurists of Islamic penal law, and to demonstrate its capability of adaptation and its compatibility with modern principles of human rights.

A resolution was adopted which spelled out the legal guarantees available to defendants, showing that these conformed with the spirit and principles of Islamic law.

— *Round Table on “Refugees in Orbit”, in Florence, from 4 to 6 June.* — The Round Table on “Refugees in Orbit”, organized by the International Institute of Humanitarian Law in San Remo, brought together about fifty experts on refugee law, most of them from the Western world.

This conference had as its main subject “refugees in orbit”, an expression which covers refugees who, though not sent back to a country where they risk persecution, are refused asylum by States and are sent from country to country in search of permanent asylum.

A resolution adopted by the Round Table recommended *inter alia* that uniform national and international criteria be adopted, in order to define the country responsible for the refugees.

The question of reuniting families was also examined.

— *Tenth session of the International Institute of Human Rights, in Strasbourg (France), from 16 to 18 July.* — A member of the ICRC, Professor Thomas Fleiner, gave a course on “the application of humanitarian law in internal conflicts”, while three staff members of the ICRC led study groups.

— *Sixth Round Table on Current Problems of International Humanitarian Law, organized by the International Institute of Humanitarian Law in San Remo from 6 to 9 September.* — Nearly one hundred experts in international humanitarian law took part in this Sixth Round Table. The ICRC was represented by its President and other members of the Committee (Miss Andrée Weitzel, Mr. Maurice Aubert), Mr. Jacques Moreillon, Director, and several other staff members.

The following themes were discussed:

- the promotion and dissemination of international humanitarian law;
- the draft convention on torture (proposed by Mr. J. J. Gautier);
- the fundamental principles of the Red Cross, peace and human rights;
- a guide to procedures for reuniting families.

— *Sixteenth General Assembly of the World Veterans' Federation in Florence from 13 to 16 October.* — A representative of the ICRC explained the activities of the Committee and underlined the constructive role played by the WVF during the drafting of the 1977 Protocols to the Geneva Conventions. The Chief Medical Officer of the ICRC spoke about the Debré Zeit Centre in Ethiopia (see page 24). A resolution was voted inviting all member associations to promote the ratification of the 1977 Protocols by their respective governments.

— *Second African Seminar on International Humanitarian Law in Yaoundé from 26 November to 7 December.* — At this Seminar, jointly organized by the Henry Dunant Institute and the Cameroon Institute of International Relations, 80 participants from a score African countries took part. The representatives of the ICRC presented two papers, one concerning the teaching of international humanitarian law to the armed forces and the other on the protection of victims of armed conflicts.

## **Dissemination of knowledge of international humanitarian law and of the principles and ideals of the Red Cross**

### **RED CROSS ACTION PROGRAMME**

The ICRC and the League had adopted in 1978 a Red Cross Action Programme for the dissemination of knowledge of international humanitarian law and of the Red Cross

principles and ideals, 1978-1981 (see Annual Report, 1978, pages 57-59).

This Action Programme comprised the following four objectives:

- to encourage States to accede to or ratify the 1977 Protocols to the Geneva Conventions;
- to analyze the legal and practical consequences of the provisions of the 1977 Protocols;
- to disseminate and encourage the dissemination of knowledge of international humanitarian law among National Societies, governments, armed forces, universities, international organizations and other institutions and groups concerned;
- to integrate the dissemination of the principles and ideals of the Red Cross into all the Red Cross movement's activities among National Societies, young people, the public at large, and international institutions.

These four objectives are divided into three parts which are quite distinct, for they are of a different nature:

- accession to the Protocols (objective 1)
- research (objective 2)
- dissemination, education, training (objectives 3 and 4).

Under this Action Programme, and in pursuance of a resolution passed by the Executive Council of the League in its meeting of 27 and 28 October 1978, a Working Group on the Dissemination of International Humanitarian Law was established to help and advise in implementing the action programme. Composed of experts from the National Societies of Czechoslovakia, Finland, Libya, Malaysia and Spain, two representatives of the ICRC, two representatives of the League, and the Director of the Henry Dunant Institute, this group drafted its work programme during its first meeting on 26 April 1979.

During its second meeting on 24 September, the participants were concerned particularly with the items in the Action Programme and with how it should be financed.

On the first objective in the Action Programme a working session was held on 28 June at the ICRC with non-governmental organizations, in order to define the contribution the latter could make to induce States to accede to the Protocols.

## RELATIONS WITH UNESCO

With respect to the dissemination of knowledge of the principles of international humanitarian law, the ICRC has established fruitful collaboration with UNESCO (United Nations Educational, Scientific and Cultural Organization) and, in particular, with the Human Rights and Peace Division.

Already in 1974, during its 18th session, the General Conference of UNESCO had adopted a resolution on the teaching of international humanitarian law, inviting the Director-General to draw up, in close collaboration with the

ICRC, a programme to intensify teaching and research in the area under consideration. In the framework of that programme, UNESCO and the ICRC, in collaboration with the Henry Dunant Institute, prepared a treatise on international humanitarian law to develop teaching of this specialty in universities. In addition, UNESCO and the ICRC are studying the possibility of creating regional institutes for the teaching of international humanitarian law and human rights. In that connection, from 19 July to 16 August 1979, Mr. Fernando Murillo, Professor of International Humanitarian Law in the Law Faculty of the University of Complutense (Madrid), undertook a mission for the ICRC and UNESCO in seven Latin American countries (Argentina, Brazil, Colombia, Costa Rica, Mexico, Peru, Venezuela) to examine existing and possible conditions for the teaching of human rights and international humanitarian law in the main universities of the continent.

All these matters were once again raised during a working meeting which brought together—on the occasion of the visit made to the ICRC on 1 March 1979 by Mr. Amadou Mahtar M'Bow, Director-General of UNESCO—representatives of the Human Rights Division, the Henry Dunant Institute, the League and the ICRC.

The following subjects were also examined during this working meeting:

- the Action Programme of the Red Cross with respect to dissemination: in this connection, the League, the ICRC and the Henry Dunant Institute briefed the representatives of UNESCO on the main projects of the international Red Cross in that area;
- education for peace;
- action to be taken to follow up the Vienna Congress on the Teaching of Human Rights. It should be recalled that this conference, held in Vienna from 12 to 16 September 1978, was organized by UNESCO under the auspices of the Austrian government (see Annual Report, 1978, page 60). This Congress, in which the ICRC participated, adopted a resolution which advocated, *inter alia*, the drafting of a seven-year plan for the development of the teaching of human rights (also covering the teaching of international humanitarian law) and the creation of an international centre for the transmission of documentation, co-ordination of teaching and the production of teaching materials concerning "human rights". The twentieth General Conference of UNESCO, in one of its resolutions, repeated the idea of setting up an international programme for the teaching of human rights, including the teaching of international humanitarian law.

Pursuant to that resolution, UNESCO organized in Paris, from 25 to 28 June 1979, a meeting of experts to draw up a draft seven-year plan for the development of teaching of human rights and international humanitarian law. The ICRC was invited, as were about ten experts and representatives of non-governmental organizations which had participated in the Vienna Congress. During that meeting, a seven-year plan

was drawn up; it provided, notably, for the creation of an international documentation centre, as the Vienna Congress had proposed.

At the 108th session of the Executive Board of UNESCO, in August, the Director-General proposed the creation of a "Voluntary Fund for the Development of Knowledge of Human Rights through Teaching and Information". This fund would be used mainly for the founding of an international centre of documentation and information on human rights and the establishment of a system for co-ordinating teaching human rights.

In addition, replying to the invitation made by the Director-General of UNESCO during his visit to the ICRC in March 1979, President Hay, accompanied by the Vice-President, Mr. Pestalozzi, members of the Committee, Mrs. Bindschedler and Dr. Gallino, and members of the directorate, attended a meeting of the Executive Board of UNESCO in Paris on 18 October. They were welcomed by the President of the Executive Board, Mr. Chams El Dine El Wakil, representative of Egypt, and by the Director-General, Mr. M'Bow.

The President of the ICRC explained the various activities of the institution he headed and made an appeal to the members of the UNESCO Executive Board to urge their governments to support the work of ICRC in the various parts of the world.

The following day, an intersecretariat meeting was held between UNESCO and the international Red Cross, during which the following themes were raised: the protection of cultural property, action and education for peace and the teaching and dissemination of human rights and international humanitarian law. This working meeting was a sequel to that held in March in Geneva; it demonstrated that possibilities existed for effective co-operation between the ICRC and UNESCO in several areas in order to realize certain projects, especially in the dissemination of the Geneva Conventions and the Convention on the Protection of Cultural Property, and in education for peace.

## DISSEMINATION AMONG NATIONAL SOCIETIES AND GOVERNMENTS

### Regional seminars

In 1979, two regional seminars took place, one at Bogota and the other at Tunis.

*At Bogota, the first Inter-American Seminar on the Dissemination of Knowledge of International Humanitarian Law, jointly organized by the Colombian Red Cross and the ICRC, took place from 5 to 15 March 1979.* — Twenty-two National Societies from Latin America took part and observers were sent from the Red Cross of Spain and the United States. The ICRC was represented by Dr. Gallino, member of the Committee, and the League by one of its Vice-Presidents, Mr de la Mata. This Seminar, like those preceding (Warsaw,

Mombasa, Kuala Lumpur), aimed first to give the participants a general idea of the fundamental principles of international humanitarian law, then to explore with them the best ways to assure their dissemination to interested parties (armed forces, universities, schools, the general public), taking account of the particular situation in each country.

The first week of the seminar was devoted to lectures, followed by discussions, on international humanitarian law in general ("History and Nature of International Humanitarian Law", "The Law of War and the Geneva Conventions", "Protocol I and the Geneva Conventions", etc.) presented by experts from Geneva, Spain and Latin America.

During the second week, the participants were divided into two working groups. The first group examined methods of dissemination to the armed forces, higher education institutes, schools and other government institutions. It also examined staff training and the role of and possibilities and means of action for National Societies in these circles. The second group studied methods of dissemination to National Societies and the general public, and it also examined the question of staff training.

The discussions of the two working groups were summed up in the form of conclusions, which were then adopted in plenary session. These conclusions serve as an inventory of the most appropriate methods of dissemination among the sectors studied by each of the working groups.

*In Tunis, from 9 to 19 October 1979, the First French-speaking African seminar took place.* — This seminar was organized jointly by the ICRC and the Tunisian Red Crescent; 15 other National Societies took part. The President of the ICRC made a speech, during the inaugural session, in which he explained why the task of dissemination of international humanitarian law was necessary and difficult in a world where arbitrary action and violence still reigned.

The ICRC was also represented by Mr. Marcel A. Naville, former President and member of the Committee, Mr. J. Moreillon, and various other staff members.

This seminar followed the same pattern as that of Bogota.

### Results of the regional seminars

One of the objectives of these regional seminars was to train specialists in dissemination within National Societies, so that each one, later, could organize its own national seminars. Three seminars were organized in 1979 by the National Societies of Indonesia, Colombia and South Africa.

Following the Kuala Lumpur Regional Seminar (see Annual Report, 1978, page 58), the Indonesian Red Cross organized a seminar, which took place from 18 to 22 March 1979. It brought together about 50 participants, of which more than half were representatives of different ministries; university professors and journalists were also present.

Likewise, following the Bogota Seminar, the Colombian Red Cross organized at Melgar, from 14 to 17 November, the first national seminar on the dissemination of international

humanitarian law. Representatives of each of the local sections of the Colombian Red Cross, that is, about sixty persons, took part. The ICRC was also represented.

Finally, as a sequel to the first African Red Cross and Red Crescent Seminar on the Dissemination of International Humanitarian Law, which had been held in Mombasa in August 1978 (see Annual Report, 1978, page 58), the South African Red Cross organized a seminar which brought together National Societies from Bophutatswana, Botswana, Kenya and Mauritius. This seminar, held from 30 October to 2 November, had as its theme the dissemination of the Geneva Conventions of 1949. The ICRC was represented there by the regional delegate for South Africa.

## DISSEMINATION AMONG YOUNG PEOPLE

### International Colloquium on the Teaching of Human Rights through the Children's Press

An international colloquium on the teaching of human rights through the children's press was held in Monaco from 1 to 16 November.

This colloquium was organized by the Monegasque National Commission for UNESCO and the World Association of Young People's Friends, at the suggestion of the Human Rights Division of UNESCO.

It resulted from one of the recommendations contained in the final document of the International Congress on the Teaching of Human Rights (Vienna, September 1978), according to which it was important to develop education in human rights also outside the school environment.

The ICRC, which planned to produce strip cartoons about the Red Cross, took part in this colloquium, in order to explore the possibility of launching such publications on the children's press market.

### School textbook

The ICRC and the League published in 1979, together with the Cameroon Red Cross, a "Manual for the Teacher and Red Cross Youth Leader". The first part of this manual, entitled "Knowledge about the Red Cross", is modelled on the texts and drawings of the school textbook, which appeared in 1967, and from the *Teacher's Manual*; the other chapters are devoted to the Cameroon Red Cross, to first aid, hygiene, and finally, national and international friendship.

The manual—which links the teaching of the principles of the Red Cross and of international humanitarian law to that of hygiene and first aid—appears to meet the needs of young Africans better than the old school textbook, which does not provide any practical information on these subjects. That is why the ICRC proposed to the Swiss Federal Department of Foreign Affairs (DFAE) a project for the dissemination in 1980-81 of Cameroon style *Teacher's Manual* in Africa, Asia, Latin America and the Arab countries. This project, with a budget of 260,000 Swiss francs, was accepted by the DFAE.

An African version of the school textbook in Portuguese was published in 60,000 copies. It was accompanied by 6,000 copies of an African version of the *Teacher's Manual* in Portuguese.

Following the Tunis seminar, the Arabic version of the school textbook was reprinted in 30,000 copies, and the Arabic version of the *Teacher's Manual* in 4,000 copies.

## The Red Cross Teaching Guide

After having been translated into English, Spanish and Romanian, the *Teaching Guide* was also translated into Arabic and Italian. The full version of the *Teaching Guide* in Arabic was published by the Jordanian Red Crescent and the Lebanese Red Cross. The Italian Red Cross completed the translation into Italian.

Organized together with the ICRC and the League, the Spanish Red Cross seminar, which was held at Sitges from 1 to 4 November, brought together delegates representing youth sections from eight European National Societies. During this working meeting, the participants exchanged their experiences of use of the *Teaching Guide* in school teaching; this varied information enabled the delegates from countries not yet using the *Guide* in schools to launch an action programme to introduce it in their particular area and improve its dissemination.

In Tripoli, the Libyan Red Crescent and the League organized jointly, from 9 to 21 December, the Second Regional Seminar on the Training of Youth Leaders in Arab National Societies. The seminar brought together about 70 leaders, coming from a dozen countries. The ICRC was also represented at this seminar.

The Swiss Junior Red Cross organized, in Vevey, from 9 to 15 July, a European seminar for secondary school teachers. Representatives of the ICRC and the League participated in the work of this seminar, whose theme was "How to teach the fundamental principles of the Red Cross".

## DISSEMINATION IN UNIVERSITIES

### Krakow Seminar

Following the regional seminar held in Warsaw in 1977, the Polish Red Cross decided to organize, in collaboration with the ICRC, three additional seminars on international humanitarian law, for particular audiences. The 1978 Gdansk Seminar (see Annual Report, 1978, page 59) was addressed to young people, and the second, which is covered below, to university professors; a third, which will be held in 1980, will bring together doctors and medical staff.

The European Seminar on University Teaching of International Humanitarian Law, attended by 39 professors of international public law from 20 countries of Europe and North America, was held in Krakow from 27 August to 1 September 1979. It was organized by the Jagellonian University of Krakow, in collaboration with the Polish Red



Cross and the ICRC. The League and the Henry Dunant Institute were also represented.

The Seminar was intended to interest professors of public international law in the teaching of international humanitarian law and to develop contacts with these professors. Very high level lectures were presented by Professors Nahlik (Poland), Kalshoven (Netherlands), Herczegh (Hungary), Bothe (Federal Republic of Germany), Denise Bindschedler-Robert (member of the ICRC) and Patrignic (League of Red Cross Societies).

All these lectures were related to the 1977 Protocols and their impact on international humanitarian law. Mr. Fleiner, member of the Committee, also represented the ICRC at this seminar.

## DISSEMINATION AMONG THE ARMED FORCES

Desiring to augment its effort to disseminate knowledge of international humanitarian law among the armed forces, the ICRC created, in 1979, the function of "Delegate to the Armed Forces", which it assigned to a senior Swiss army officer (a jurist and a General Staff officer). The function of delegate is backed up by a Commission of the Armed Forces, chaired by Mrs. Andrée Weitzel, member of the Committee, and composed of experts.

The general objective is to encourage and to facilitate the teaching of international humanitarian law in governmental and non-governmental armed forces. It involves, first, knowing the needs of the armed forces with respect to dissemination, and these vary according to geographic peculiarities of the various countries, then establishing a teaching programme, taking into account the needs and practical possibilities of success. Finally, it is useful to achieve a maximal "multiplier effect", to "train the trainers" and to make the training available directly, in principle on an international scale.

As its first task, the Commission and the Delegate to the Armed Forces undertook the preparation of a standard manual which could be used directly by the armed forces, a manual-guide on the application of international humanitarian law, based on the Conventions of The Hague and Geneva, and on the 1977 Protocols. This manual-guide was drawn up in such a way as to answer the requirements of privates, commanders at the tactical level and specialists in high-level command.

A teaching manual, presenting principles and instructional methods in international humanitarian law, and giving practical advice as well as examples, will also be drawn up.

To achieve the general objective, the Delegate to the Armed Forces co-operates with specialized organizations such as the International Institute of Humanitarian Law (San Remo), the International Society of Penal Military Law and Law of War, the International Committee of Military Medicine and Pharmacy. This co-operation is particularly close with the Institute in San Remo, where the delegate conducts international courses on the law of war for officers.

## International course on the law of war at San Remo

In 1979, the sixth course in English and the seventh in French were attended by representatives of respectively fifteen and seven countries of Africa, America, Asia and Europe.

It is appropriate to point out the increasing interest shown in these courses, which combine theoretical teaching and practical exercises, and in which the approach to the law of war is based on the needs of the armed forces; it should also be noted that the level of participants is rising, to the point that there are regularly some generals attending.

A "pilot" experiment tried in the autumn of 1979 by the International Committee of Military Medicine and Pharmacy at the Henry Dunant Institute in Geneva was the first seminar on the law of armed conflict for senior officers of armed forces medical services. It was based on the San Remo system. The experiment having been successful, this first seminar, in French, will be followed in 1980 by a second, in English.

## Newport Seminar

This seminar, organized by the Naval War College in Newport (United States of America) from 26 to 28 November, set out to make the 1977 Protocols to the Geneva Conventions better known to the armed forces of the United States. It brought together 250 officers from the three services and the Coast Guard, and some officials of the Departments of State and Defense.

Professor H. de Saussure, who occupies the Charles H. Stockton Chair of International Law, directed the working sessions—devoted to the law of armed conflicts—during which the representatives of the ICRC were the discussion group moderators.

## PUBLICATIONS

In 1979, the ICRC issued the following publications:

- *International Review of the Red Cross*, published every two months (English, French and Spanish, and an abridged version in German, see also page 83).
- *Report on the Round Table of Institutions which have been Awarded the Nobel Peace Prize* (English, French, Spanish, Russian, Arabic and German).
- *Fundamental Rules of International Humanitarian Law applicable in Armed Conflicts* (English, French, Spanish, Arabic, Russian and Portuguese).
- *ICRC Annual Report 1978* (English, French, Spanish and German).
- *Presenting the ICRC* (English, French, Spanish, Arabic, German and Portuguese).
- *The ICRC, the League and the Report on the Re-appraisal of the Role of the Red Cross*, offprint from *International Review of the Red Cross* (English, French, Spanish).
- *Programme of Action of the Red Cross with respect to Dissemination of International Humanitarian Law and of the Principles and Ideals of the Red Cross, 1978-1981* (English, French, Spanish and Arabic); joint ICRC/League publication.



- *The International Committee of the Red Cross and Human Rights*, offprint from *International Review of the Red Cross* (English, French, Spanish and German).
- *Manuel de l'Instituteur et de l'Animateur Croix-Rouge de la Jeunesse*: joint ICRC/League/Cameroon Red Cross publication (exists only in French).
- *ICRC: Principles, Organization, Activities* (Portuguese version and new editions in English, French, Spanish, German and Italian).
- *School textbook. The Red Cross and My Country and Teacher's Manual* (African version in Portuguese and new Arabic edition).
- *O CICR no Mundo* (illustrated pamphlet; exists only in Portuguese).

## **Relations with Red Cross institutions and National Red Cross Societies**

The ICRC is naturally called upon to maintain relationships with governments, since it is they who grant the necessary facilities for it to carry out its mission for the benefit of conflict victims. As a constituent part of the international Red Cross, it desires also to keep in close touch with all the National Societies, and with their federation, the League of Red Cross Societies. The first part of this Report has already shown the collaboration which it has established with the League in several of its assistance programmes, and the important and invaluable assistance rendered in various forms for these programmes by numerous National Societies.

### **RELATIONS WITH THE LEAGUE OF RED CROSS SOCIETIES**

As laid down in Article 8 of the Statutes of the International Red Cross, the ICRC and the League maintain contact "in order to co-ordinate their activities and avoid overlapping"... by the meeting, "at least once a month of representatives of the International Committee and the League".

In addition, there are joint commissions of the League and the ICRC, and direct contacts between the secretariats of the two institutions permit of constant practical collaboration.

The ICRC was invited in 1979 to attend as an observer the Executive Council and the General Assembly of the League.

#### **Joint ICRC-League Commission on National Societies Statutes**

The Joint ICRC-League Commission on National Societies Statutes met on 7 February and 15 August, pursuant to Resolution VI of the Twenty-second International Red Cross Conference (Teheran, 1973).

Consistent with its mandate, the Commission studied various changes which five National Societies had made to

their statutes. It also dealt with a number of cases concerning the recognition and admission to the League of some Societies which were not yet members of the international Red Cross.

The general questions examined included the updating of standard statutes for National Societies and the harmonization of procedures for recognition of new Societies and their admission to the League.

#### **Council of Delegates**

The Council of Delegates, which brings together the representatives of the ICRC, the League and National Societies, met in Geneva on 3 October 1979 under the chairmanship of Mr. Alexandre Hay, President of the ICRC.

The approval of the agenda was preceded by a long discussion on the delicate problem of the representation of Kampuchea. Basing himself on the views expressed the day before by the Standing Commission, whose views had been accepted by the ICRC and the League, President Hay said that neither of the organizations claiming to be the Kampuchean Red Cross could, in the circumstances then prevailing, occupy the seat of the former Cambodian Society; neither would the two delegations be admitted with observer status. The Council of Delegates approved by vote the solution put forward by the Standing Commission.

During this meeting, five resolutions were adopted concerning the re-appraisal of the role of the Red Cross; ratifications and accessions to the 1977 Protocols; dissemination of international humanitarian law and the principles and ideals of the Red Cross; peace and disarmament; and the development of the work of the Henry Dunant Institute.

With reference to other items on the agenda, the Council of Delegates did not adopt any resolution; however, the results of work on some of these items should be mentioned. *Inter alia*, the Council took note of an interim report on the promotion of the image of the Red Cross, which recommended the creation of a joint audiovisual centre for the League and the ICRC. It also examined a document which reviewed possibilities for action by the ICRC in the struggle against torture, the legal instruments existing (Geneva Conventions, Declaration of Human Rights) and draft treaties against torture presently under study.

The President of the ICRC, in his capacity as Chairman of the Working Group on the Emblem, the creation of which was decided by the Council of Delegates at Bucharest in 1977, presented an oral report. He pointed out that the Working Group had decided to consult the National Societies on the question of the emblem, by means of an ad hoc questionnaire. The Council's attention was drawn also to the struggle against racism and racial discrimination.

The Council took some decisions with respect to the Commission on the Red Cross and Peace (the report of which was adopted); its mandate was prolonged until the next International Red Cross Conference (Manila, 1981). It also dealt with the length of Council of Delegates meetings and with assistance to families of Red Cross staff members deceased while on official business.

## THE RED CROSS AND PEACE

**HUMANITY** — This is the peace principle par excellence, since peace is one of its objectives. Concern for the suffering of others, for its prevention and relief, implies first and foremost *abstention from inflicting suffering*, and hence the undertaking of everything possible to avoid war.

**IMPARTIALITY** — This positive principle of indiscriminate help is based on the equality of mankind in distress. It is the negation of superiority, of inferiority, differences and discrimination, which are the source of so many conflicts.

**NEUTRALITY** — He who says war, says commitment. He who says neutrality implies keeping one's distance from any conflict, an essential condition for any effective humanitarian action and for creating the *peace reflex* by non-involvement in controversy.

**INDEPENDENCE** — This is indispensable for respect for Red Cross principles. It enables that *spirit of peace* which is requisite for any true peace, to reign in the heart of those who make up the Red Cross movement.

**VOLUNTARY SERVICE** — All too often war seeks to take. The unselfish will to give voluntary service is a peace reflex for it involves self-sacrifice.

**UNITY** — War sometimes threatens a country from within. Red Cross unity in a country makes for internal peace.

**UNIVERSALITY** — In war the brotherhood of man is forgotten. Universality recalls it to mind and lets it not be forgotten that the enemy is a fellow man. It is a decisive contribution to peace since it demands the approval of all if it is to be a living reality.

## RELATIONS WITH THE NATIONAL SOCIETIES

### Recognition of National Societies

As provided for under Article 4-b of its statutes, the ICRC has as a special role "to recognize any newly established or reconstituted National Red Cross Society which fulfils the conditions for recognition in force, and to notify other National Societies of such recognition". It was on this basis that the ICRC, on the proposal of the Joint ICRC-League Commission on National Societies Statutes, announced, on 4 April 1979, the official recognition of the Swaziland Red Cross. Established in 1932 as a branch of the British Red Cross, the new Society officially requested recognition from the International Committee on 1 August 1978. The examination of its application, jointly with the Secretary-General of the League of Red Cross Societies, resulted in the conclusion that the ten conditions required for the recognition of a National Society by the International Committee had been met.

This recognition brought to 126 the number of National Societies of the international Red Cross.

### Information meeting and consultation at the ICRC with the leaders of National Societies

As in 1978 (see Annual Report, 1978, pages 61-62), the leaders of National Societies participating in the various

meetings organized in Geneva on the occasion of the session of the League Executive Council met at the ICRC on 26 April, for the third time.

The meeting was attended by 93 persons, including 54 representatives of thirty National Societies, of the League and of the ICRC.

The first part of this meeting was devoted to a lecture on the current activities of the ICRC. During the second part, the participants discussed the activity of the Red Cross for refugees and its relations with intergovernmental organizations such as the HCR and the activity of the Red Cross in cases of non-international armed conflict.

### Visits to the ICRC by National Societies

Besides the meetings referred to above, the ICRC received about 1,400 members and a number of leaders of National Red Cross and Red Crescent Societies at its headquarters in 1979.

### Missions by the President and members of the ICRC to National Societies and Governments.

During the year the President of the ICRC, Mr. Alexandre Hay, visited the National Societies and authorities of the following countries: Brazil (participation in the Eleventh Inter-American Red Cross Conference from 3 to 8 June), Federal Republic of Germany (invited to the annual Assembly of the German Red Cross in the Federal Republic of Germany,

from 13 to 16 June), Poland (invited to the 60th anniversary and Seventh Congress of the Polish Red Cross from 22 to 24 June), Tunisia (First French-speaking African Seminar, in October). He also visited Edinburgh (in March, at the invitation of the Scottish branch of the British Red Cross).

During missions more particularly related to the operations of the ICRC and the financing of the institution, President Hay met representatives of the National Societies and governments of the United Kingdom (January and March), Cuba (February), Saudi Arabia (April), Paraguay (June), France (June and December), and Belgium (November).

For their part, several members of the ICRC undertook various missions. Mr. Richard Pestalozzi attended in Jordan (March) the inauguration of a new building of the Red Crescent Hospital in Amman, and, in Switzerland, the annual Assembly of delegates of the Swiss Red Cross at St. Gall (June). Mr. Rudolf Jäckli represented the ICRC at the centenary of the Peruvian Red Cross (April). Mr. Marcel A. Naville went to Athens (Greece) for the Third Conference of National Societies of Balkan Countries (May), and to the Tunis seminar. Dr. Gallino took part in the Bogota seminar. Mrs. Bovée-Rothénbach participated in a seminar on the role of the Red Cross in first aid, in Frounze, USSR (May). Dr. Jacques F. de Rougement attended in Poland the inauguration of the hospital devoted to child health in memory of the young victims of the Second World War (June). Mr. Maurice Aubert participated in the Eighth Congress of the Czechoslovak National Society (June).

#### Participation in regional meetings and seminars

In addition to the meetings referred to in the chapter on the dissemination of international humanitarian law and Red Cross principles and ideals, ICRC representatives attended the following Red Cross regional meetings and seminars:

##### *Africa*

- Eleventh Conference of Red Crescent and Red Cross Societies in Arab Countries, Mogadishu, 2-6 July.

##### *America*

- Eleventh Inter-American Conference, Rio de Janeiro, 3-8 June.

##### *Europe*

- Training Course for International Missions for Finnish Red Cross Staff, Helsinki, 20-21 February.
- First meeting, in Geneva, on 1 October, of the Organizing Committee for the Third Regional Conference of European Red Cross and Red Crescent Societies.

#### STANDING COMMISSION

Under the chairmanship of Sir Evelyn Shuckburg (British Red Cross), the Standing Commission of the International Red Cross met in Geneva on 25 April and 2 October.

The preparation of the Twenty-fourth International Red Cross Conference, which will be held in Manila in November 1981, was the main matter under consideration during the two meetings.

#### COMMISSION ON THE RED CROSS AND PEACE

The Commission on the Red Cross and Peace held its second meeting from 1 to 4 May in Cairo, at the invitation of the Egyptian Red Crescent Society, member of that Commission.

Created by Decision No. 2 taken by the Council of Delegates in October 1977 at Bucharest, this commission is made up of 15 members (twelve National Societies of the Red Cross and Red Crescent, the ICRC, the League of Red Cross Societies and the Henry Dunant Institute) and is chaired by Mr. Harald Huber, Vice-President of the ICRC.

During four working sessions, the Commission discussed various ways through which the Red Cross could increase its contribution to peace. The ICRC had presented a working document concerning the significance for the spirit of peace of the basic rules of international humanitarian law and the fundamental principles of the Red Cross. It recommended a series of studies designed to make that significance much clearer. As an example, this document presented certain definitions concerning peace which could be drawn from fundamental principles (*See box page 76*).

During its third meeting at ICRC headquarters on 29 September, at which eight National Societies were represented, the Commission drafted its activity report for the Council of Delegates which, on 3 October, formally decided to continue the Commission until the Twenty-fourth International Red Cross Conference (Manila, 1981).

#### FLORENCE NIGHTINGALE MEDAL

The purpose of this medal is to honour the exceptional devotion which nurses or voluntary auxiliaries have demonstrated in caring for the sick and injured in the dangerous and difficult situations which often occur in times of war or of disaster.

After examining the 52 candidatures proposed by 27 National Societies, the ICRC awarded the Florence Nightingale medal to 36 nurses and voluntary auxiliaries from 17 National Societies.

#### SHÖKEN FUND

The Joint Commission responsible for distributing the income from the Empress Shōken Fund—made up of representatives of the League and the ICRC—met in Geneva on 2 May 1979.

The Japanese Red Cross was represented, in the absence of Ambassador M. Sawaki, by Mr. S. Tawiguchi, from the

## THE ICRC AND THE OCCUPATION OF RED CROSS PREMISES

*The XIth Inter-American Conference of Rio de Janeiro adopted, with respect to the occupation of Red Cross facilities, the following recommendation:*

**When facilities of a National Red Cross Society are occupied by persons not connected with the Red Cross and with intentions and purposes alien to those of the Red Cross, the Officers of the National Society will endeavour to act according to the following principles and procedures:**

### **A) PRINCIPLES:**

- 1) **The Red Cross is a neutral organization which, in order to continue to enjoy the confidence of all, does not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.**
- 2) **The humanitarian services provided by the National Society shall prevail in any circumstances over the declared objectives of the occupants.**
- 3) **In the event of such occupation the fundamental objective of the Red Cross will be to bring it to an end as soon as possible and without violence.**

### **B) PROCEDURE:**

- 1) **Upon occupation and in the impossibility to avoid it the National Society should immediately inform the ICRC and competent authorities on the situation.**
- 2) **The above-mentioned principles should be made known to the occupants, advising them that no guarantees or immunity could be granted to them.**
- 3) **Should the occupation persist, the National Society will endeavour to avoid the use of Red Cross premises for propaganda objectives not connected with the Red Cross.**
- 4) **Each National Society will apply the present guidelines in consultation with the ICRC and in accordance with local laws and the fundamental principles of the Red Cross.**

Permanent Mission of Japan to International Organizations in Geneva.

The Joint Commission examined requests received from various National Societies and made allocations to those of Burma, Chile, Jordan, Nicaragua, Nigeria and Thailand.

The funds distributed during this 58th distribution—totalling 180,000 Swiss francs—will permit these Societies to improve their equipment and their activities in blood transfusion, first aid and medico-social action.

The Empress Shōken Fund was set up in 1912 with a gift from Her Imperial Majesty of Japan, with a view to financing the humanitarian activities of National Societies, mainly in peacetime. Since then, the Fund has received several gifts from the Japanese Imperial Family, the Japanese Government and the Japanese Red Cross.

## **RELATIONS WITH THE HENRY DUNANT INSTITUTE**

The ICRC, an institutional member of the Henry Dunant Institute, together with the League and the Swiss Red Cross, has followed the Institute's activities closely.

As in the past, the ICRC has lent its assistance to seminars organized by the Institute, namely during the third introductory seminar to the international activities of the Red Cross, from 10 to 17 May 1979, in which leaders from English-speaking National Societies from 20 countries of Europe, Asia and Africa participated, and during a course organized for Danish journalists from 5 to 9 November 1979. Also, it was represented at the second African seminar on international humanitarian law, organized by the Henry Dunant Institute and the Cameroon Institute of International Relations, in Yaoundé, from 27 November to 5 December.

In addition, several projects, forming a part of the Action Programme of the Red Cross with respect to international humanitarian law and the principles and ideals of the Red Cross—a programme which runs from 1978 to 1981—are in the process of being implemented through the activity of the Henry Dunant Institute.

The Council of the Institute having announced its support for a study on "Red Cross voluntary work in today's society", a working group, composed of representatives of the League, the ICRC, the Swiss Red Cross and the Henry Dunant Institute, met on 23 November in the Institute's headquarters to discuss the content and the means for execution of such a study.

## **Miscellaneous matters**

### **THE ICRC AND THE OCCUPATION OF RED CROSS PREMISES**

On the fringes of the official working discussions at the first Inter-American Seminar on the Dissemination of International Humanitarian Law in Bogota (see page 72) the question of the occupation of Red Cross premises by various movements was discussed by an "ad hoc" group.

These discussions were held in order to consider how National Societies might deal with this increasingly frequent phenomenon.

The conclusions which this group reached were transmitted, to the Eleventh Inter-American Conference in Rio de Janeiro; they served as a working base for the Conference to adopt a recommendation entitled "Occupation of Red Cross premises" (*See box page 78*). The ICRC took part in these discussions and referring to the principles which had guided the National Societies during the Bogota seminar, reviewed the ideas which had been expressed and made it clear that the Red Cross had to maintain absolute neutrality in its actions and in its attitude, and that it could not tolerate the occupation of its premises by persons who were not members of the movement.