

# Implementation and development of humanitarian law

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former President of the Czechoslovak Red Cross Society, Dr. Dragan Herćog of the Yugoslav Society and Mr. Robert Carlsson of the Swedish Society. The latter two were killed in Nigeria where they were working as members of relief teams under ICRC responsibility. The fourth recipient, to whom the medal was presented by Lady Limerick, was Mr. Pierre Tacier, ICRC delegate; he was seriously wounded during the conflict in the Near East when on a refugee relief mission.

It should be mentioned, in conclusion, that the Conference was preceded on 29 August by the XXXth Session of the Board of Governors of the League, and that a ceremony commemorating the League's fiftieth anniversary took place on 5 September.

## **2. IMPLEMENTATION AND DEVELOPMENT OF HUMANITARIAN LAW**

### **Geneva Conventions**

**New accessions.**—In 1969, for the first time for many years, there were no new accessions to the Geneva Conventions on the part of countries which had newly appeared on the international scene. On the other hand, three States which had been Parties to the Conventions prior to 1949, had signified their participation in the 1949 Geneva Conventions. They were, first, the Republic of Uruguay (ratification, 5 March 1969) which previously had been bound only by the Geneva Convention of 1906. Next, Ethiopia, which had been bound only by the Convention of July 27, 1929, for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, gave notification of its participation in the Geneva Conventions of 1949 (ratification, 2 October 1969). Finally, the Republic of Costa Rica, which had been a party to the Convention of July 6, 1906, for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, also became a party to the new Geneva Conventions (accession, 15 October 1969).

The number of States formally bound by the Geneva Conventions of 1949 was thus, at the end of 1969, 125.

**Dissemination.**—Every year, the ICRC gives an account, under this heading, of its efforts aiming at promoting throughout the world the dissemination of the Geneva Conventions of 12 August 1949, according to the spirit and the letter of the corresponding provisions in the Conventions (Ist Conv., art. 47; II<sup>nd</sup> Conv., art. 48; III<sup>rd</sup> Conv., art. 127; IV<sup>th</sup> Conv., art. 144). As major activities were all concentrated during 1969 in the XXI<sup>st</sup> International Conference of the Red Cross, it is, above all, in the two reports entitled “Implementation and Dissemination of the Geneva Conventions” submitted to the Conference that the work accomplished in this field is reflected.

The second of these documents flowed from Resolution XIX adopted by the XX<sup>th</sup> International Conference of the Red Cross. It contains information transmitted to the ICRC by Governments and National Societies of the High Contracting Parties on the efforts carried out in each of their countries for the dissemination of the Conventions. Of the 114 States that had received the ICRC Memorandum of 21<sup>st</sup> November 1966<sup>1</sup>, 25 had replied on the substance of the issue: ten countries—Austria, Denmark, German Democratic Republic, German Federal Republic, Israel, New Zealand, South Africa, United Kingdom, United States and Yugoslavia—sent detailed reports on the steps they had taken to ensure the dissemination of the Geneva Conventions among the army and the population; ten countries had put into practice the suggestion to distribute to every soldier a summary of the essential principles of the Conventions, while 24 countries had replied affirmatively to the question concerning the immediate application of an educational programme for the whole of the armed forces.

Each one of the Parties to the Conventions thus has had ample, and in some cases even detailed, information on what is being done in other countries.

In Resolution IX adopted by the XXI<sup>st</sup> International Conference of the Red Cross, the Conference expressed, notably, the hope that the United Nations, in deciding that 1970 would be “International Education Year”, would provide, in particular

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<sup>1</sup> See Annual Report, 1967, p. 58.

with the co-operation of UNESCO, for events devoted to education and to the dissemination of the Geneva Conventions. The Conference requested, "for that purpose, that a World Day be devoted to such events, with the use of the audio-visual aids made available by the most modern techniques".

In addition to this resolution of a general scope, the Conference also adopted Resolution X, calling for the implementation of the Fourth Convention relative to the Protection of Civilian Persons in Time of War, and Resolution XI, calling in similar terms for the implementation of the Third Convention relative to the Treatment of Prisoners of War.

Finally, mention should be made of the booklet "Rights and Duties of Nurses under the Geneva Conventions of August 12, 1949", published by the ICRC. It gathers, in one single volume of limited dimensions, and therefore easily readable, the essential provisions of the Four Geneva Conventions of 1949 relative to medical services and personnel. It is published in French, English, Spanish and German.

**Publications for the armed forces and for youth.**—a) *In Africa.*—In 1969, the ICRC printed 100,000 additional copies, in the French and English versions, of the textbook "The Red Cross and My Country", sent to 12 governments that had agreed to introduce the teaching of the Red Cross in primary schools. Thus, at the end of the year, nearly 250,000 textbooks were in actual use by Governments and Red Cross Societies of the following 21 countries: Burundi, Cameroon, Central African Republic, Democratic Republic of Congo, Republic of Congo, Dahomey, Gambia, Ghana, Ivory Coast, Kenya, Liberia, Malagasy Republic, Mali, Niger, Rwanda, Sierra Leone, Tanzania, Togo, Uganda, Upper Volta and Zambia.

Thanks to the financial backing of the Swiss Government, it was possible to supply these 250,000 or so textbooks, free of charge. Following the favourable response with which it was met in the 21 countries mentioned above, the ICRC received a number of additional requests, but was not able to satisfy them owing to its limited financial resources. It therefore turned to UNESCO with a view to obtaining from it a subsidy. Considerable interest was

shown in the project by that organization, which has not yet made known its decision.

In addition, the ICRC published, also in both French and English, about 10,000 copies of a draft "Teacher's Manual". This booklet, to be used by teachers, is a useful complement to the textbook for pupils and enables the teacher to increase his knowledge of the Red Cross world. A questionnaire is attached, intended to collect criticisms and suggestions put forward by Governments and National Societies. At the end of the year, it was being distributed to all countries using the textbook.

The ICRC undertook also to issue a "Soldier's Manual" illustrating in simple fashion the Geneva Conventions. The project was imagined and worked out with silhouettes, so that it might be adapted to the use of armed forces in various countries. It was sent to Ministers of Defence and to National Societies in the 21 African States already mentioned, and also carried a questionnaire intended to collect criticisms and suggestions from the National Societies and relevant authorities. At the end of the year, orders for several thousand copies had already been received.

All three books, the textbook, "Teacher's Manual" and "Soldier's Manual" were drafted by National Societies and the relevant Ministerial departments, on the one hand, working in close and constant collaboration with the ICRC, on the other hand. The latter insisted that the main recipients of this action should be associated with it, and should be encouraged to participate in it.

b) *In Asia*.—At the request of several Asian countries, the ICRC edited a textbook for them, modelled on the one utilized in Africa. It was sent, together with a questionnaire, to the 17 following countries: Burma, Cambodia, Ceylon, China (People's Republic), India, Indonesia, Japan, Korea (Democratic People's Republic), Korea (Republic), Laos, Malaysia, Nepal, Philippines, Singapore, Thailand, Vietnam (Democratic Republic) and Vietnam (Republic).

Encouraged by the promising replies that were sent back, the ICRC decided, in 1970, to delegate its representative, Mr. Laverrière, to several countries in Asia, namely, Burma, Cambodia, Ceylon, India, Indonesia, Korea, Laos, Malaysia, Nepal, Philippines, Singapore, Thailand and Vietnam. It is planned to print

about 250,000 copies to be distributed free of charge to these countries and, contrary to the African projects, the possibility of issuing the textbook in the vernacular languages is under examination.

Drafts of the "Teacher's Manual" and of the "Soldier's Manual" have been also submitted to Governments and National Societies of the 17 countries listed above.

c) *In Latin America.*—The text of the Asian edition of the textbook has been translated into Spanish, to be sent, together with a questionnaire, to Governments and National Societies of 19 Latin American States. Replies will permit the drafting of a textbook suited to that continent, but, already, the success of such an action in that part of the world, which, by the end of 1969, had already requested over 6 million copies, raises weighty financial problems, the solution of which is being studied.

As in the case of Africa and Asia, the ICRC has sent drafts of the "Teacher's Manual" and the "Soldier's Manual" to the following 19 countries: Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela.

## **Reaffirmation and Development of Humanitarian Laws Applicable in Armed Conflicts**

In its previous Annual Report, the ICRC mentioned its constant concern for legal protection for civilian populations and brought up the problem of the advisability of reaffirming and developing international humanitarian laws applicable in armed conflicts. It made known its intention to submit a report on the whole question to the XXIst International Conference of the Red Cross and to consult beforehand a group of highly qualified experts representing the main lines of thought in the world.

A meeting was held at ICRC Headquarters from 24 to 28 February 1969. The following eminent persons took part in all or some of the meetings:



General A. Beaufre (Paris), Dr. M. Belaouane, President of the Algerian Red Crescent Society (Algiers), Mr. A. Buchan, Director of the Institute for Strategic Studies (London), General E. L. M. Burns (Ottawa and Geneva), Professor B. Graefrath (Berlin, GDR), Ambassador E. Hambro (Oslo and Geneva), Professor R. Hingorani (Patna), Judge Keba M'Baye ((Dakar), Ambassador L. E. Makonnen (Addis Ababa and New York), General A. E. Martola (Helsinki and Nicosia), Senator A. Matine-Daftari (Teheran), Mr. Sean MacBride, Secretary-General of the International Commission of Jurists (Dublin and Geneva), Professor S. Meray (Ankara), Professor J. Patrlogic (Belgrade), Professor B. Roeling (Groningen), Mr. Marc Schreiber, Director of the United Nations Human Rights Division (UN, New York), Professor R. Taoka (Kyoto), and Baron C. F. von Weizsaecker (Hamburg).

In addition, Judge Ch. Cole (Freetown, Sierra Leone), Mr. E. Garcia-Sayan, President of the Peruvian Red Cross (Lima) and Professor N. Singh (New Delhi), who had been invited but whose duties prevented them from attending, gave their opinions to the ICRC in writing or in the course of subsequent meetings.

Ambassador J. Castaneda (Mexico), Judge J. Forster (Dakar and the Hague), General Dr. M. Kowalski (Warsaw) and Judge Y. Yokota (Tokyo), answered that they regretfully could not accept, because of their duties, the invitation of the ICRC.

Mr. Pictet, member of the ICRC and its Director General, took the chair. Ten sittings were held, and the meeting was able to review all the problems set out in preliminary reports which the ICRC had circulated to participants several weeks beforehand. The results of their deliberations are contained in Part II of the report entitled " Reaffirmation and Development of the Laws and Customs Applicable in Armed Conflicts " (DS4 a b e ).

The XXIst International Conference of the Red Cross expressed its approval of the general ideas set out in that report, and unanimously adopted Resolution XIII<sup>1</sup>, the text of which runs as follows:

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<sup>1</sup> The resolutions adopted by the XXIst International Conference of the Red Cross are published in the November 1969 issue of the International Review of the Red Cross, pp. 608-638.

## The XXIst International Conference of the Red Cross,

considering that armed conflicts and other forms of violence which continue to rage in the world, continuously imperil peace and the values of humanity,

noting that, in order to strive against such dangers, the limits imposed upon the waging of hostilities by the requirements of humanity and the dictates of the public conscience should be continuously reaffirmed and defined,

recalling the resolutions previously adopted on this matter by International Conferences of the Red Cross and, in particular, Resolution No. XXVIII of the XXth International Conference,

recognizing the importance of the United Nations General Assembly Resolution No. 2444 adopted on 19 December 1968 on respect for human rights in armed conflicts, as well as Resolution No. 2454 adopted on 20 December 1968,

having taken note with gratitude of the work undertaken by the ICRC in this field, following Resolution No. XXVIII of the XXth International Conference and, in particular, of the extensive report which the ICRC has prepared on this subject.

underlines the necessity and the urgency of reaffirming and developing humanitarian rules of international law applicable in armed conflicts of all kinds, in order to strengthen the effective protection of the fundamental rights of human beings, in keeping with the Geneva Conventions of 1949,

requests the ICRC on the basis of its report to pursue actively its efforts in this regard with a view to

1. proposing, as soon as possible, concrete rules which would supplement the existing humanitarian law,
2. inviting governmental, Red Cross and other experts representing the principal legal and social systems in the world to meet for consultations with the ICRC on these proposals,
3. submitting such proposals to Governments for their comments, and,
4. if it is deemed desirable, recommending the appropriate authorities to convene one or more diplomatic conferences of States parties to the Geneva Conventions and other interested States, in order to elaborate international legal instruments incorporating those proposals,

encourages the ICRC to maintain and develop, in accordance with the United Nations General Assembly Resolution No. 2444,



the co-operation established with that organisation in order to harmonize the various studies undertaken, and to collaborate with all other official and private organisations with a view to ensuring the co-ordination of such studies,

requests National Red Cross Societies to create active public interest in such a cause, which is of concern to all mankind,

urges all Governments to support the efforts of the International Red Cross in this respect.

The prohibition of weapons of mass destruction was the object of a special Resolution (XIV).

Other matters in this field were also considered, such as the protection of victims of non-international armed conflicts. Here, too, the ICRC was asked, in Resolution XVII to carry further the studies it has started to develop humanitarian law. Although article 3, which is common to all four Geneva Conventions of 1949, has rendered most valuable services, past experience has demonstrated that there are certain points where its meaning should be more accurately defined or complemented. Resolution XVIII concerns the status of combatants in non-international armed conflicts.

Still in the same sphere of ideas, Resolution XV requests the ICRC to continue its work for strengthening the legal protection afforded to civil defence services, while Resolution XVI concerns the protection of civilian medical and nursing personnel. With regard to the latter, preference was given to an extension of the sign of the red cross—rather than to the adoption of a special emblem, the staff of Aesculapius—at least for such civilian personnel organized and duly authorized by the State.

Another important problem was tackled by the Conference: that of the implementation and honouring of the Geneva Conventions, in particular the Third and Fourth Conventions, by all parties to a conflict. Resolution X (Implementation of the Fourth Convention), basing itself especially on a resolution adopted by the Council of Delegates at The Hague in 1967,

1. deplores any refusal to apply and implement the provisions of the Fourth Geneva Convention in its entirety,
2. expresses its deep concern for the situation of the civilian population of the occupied territories in the Middle East,

3. requests the authorities concerned to fulfil their humanitarian obligations by facilitating the return of the people to their homes and their reintegration into their communities. . . .

Resolution XI (Protection of Prisoners of War), basing itself on the actual provisions of the Third Convention and recalling the practice recognized by the international community of demanding humane treatment for prisoners of war, including identification, accounting for all prisoners, provision of an adequate diet and medical care, and authorization to communicate with their families, requests "each party to the Convention to take all appropriate measures to ensure humane treatment and prevent violation of the Convention" and calls upon "all parties to honour the obligations set forth in the Convention".

Mention should also be made of Resolution XII (War Crimes and Crimes against Humanity), which requests Governments to accede to the "Convention on the imprescriptibility of war crimes and crimes against humanity".

The Conference did not go into the problem of the procedure that would have to be followed in order to work out instruments of international law, which would have been perhaps premature. However, it may be said, broadly speaking, that it put aside, for the present, the question of revising the Geneva Conventions. On the other hand, it recommended that they should be completed by fresh agreements and by the conclusion of additional protocols.

But, in 1969, it was not only the Red Cross world that showed interest in international humanitarian law. In accordance with the request formulated in paragraph 3 of Resolution No. 2444, mentioned in the previous Annual Report, the Secretary-General of the United Nations submitted a lengthy report to the General Assembly dealing with this and similar subjects, entitled: "Respect for human rights in armed conflicts" (A/7720)<sup>1</sup>. The United Nations General Assembly adopted a further resolution (A/RES/2597) in this connection. This resolution recognizes that the study requested in resolution 2444 should be continued with a view to . . . facilitating the presentation of concrete recommendations

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<sup>1</sup> This report refers several times to the ICRC report on "Reaffirmation and development of the laws and customs applicable in armed conflicts", and quotes entire passages from it.

for the . . . protection of civilians, prisoners and combatants in all armed conflicts and for the prohibition and limitation of the use of certain methods and means of warfare, requests the Secretary-General to continue the study initiated and to consult and co-operate closely with the ICRC, and requests Member States of the United Nations to extend all possible assistance to the Secretary-General. Finally, the latter was invited to present a further report at the Twenty-Fifth Session of the General Assembly.

The ICRC took cognizance of this resolution with great satisfaction, for it explicitly provided for close co-operation between it and the United Nations. In December 1969, Mr. Pilloud, Director of the ICRC, went to New York to attend, as an observer, the debates on the question of respect for human rights in armed conflicts. With the aim of confirming and underlining this co-operation, the ICRC moreover sent to the Director of the Human Rights Division of the United Nations, on 4 December, 1969, the following cable:

As you wish be notified promptly ICRC intentions regarding its work in this field inform you that, following up its studies over many years and carrying out specific assignments entrusted it by resolutions of twenty-first international red cross conference, in which governments participated, and particularly resolution XIII, ICRC is actively continuing work on matters dealt with in its reports to that conference.

Efforts will be specially directed to protection of civilian population against hostilities, rules of behaviour between enemy combatants, protection of victims in non-international conflicts, status of combatants and problems relating to guerrillas, rules on reprisals, sanctions and supervision, safeguards for civil defence personnel, protection civilian medical and nursing personnel, safety of medical transport.

ICRC intends convening next year several working groups to assist it draw up, pursuant to Istanbul Resolution XIII, concrete proposals with view to convening 1971 conference governmental experts with wide representation.

As previously would be pleased to associate United Nations Secretariat in our work just as we wish participate in studies which may be assigned to you.

As may be seen from the contents of this cable, the ICRC has already sketched out the procedure to be followed for the conti-

uation of its wide programme for the re-establishment of humanitarian standards in the law of armed conflicts. It is planned that 1970 should be marked mainly by the preparation of concrete proposals, with the aid of expert committees, with a view to a widely representative conference of governmental experts which the ICRC intends to convene in 1971.

## **The Red Cross as a Factor in World Peace**

Following up the same type of meeting which had been held in The Hague on 28 August 1967, a second round table on "The Red Cross as a Factor in World Peace" took place at ICRC headquarters in Geneva from 21 to 23 January 1969.

Presided over by Mr. Pictet, it was attended by representatives of the ICRC and the League of Red Cross Societies and by sixteen eminent members of National Societies from all quarters of the globe and representing various currents of thought, namely Dr. R. Alcantara (Senegal), Mrs. J. Awoonor-Williams (Ghana), Mr. W. Bargatzky (Federal Germany) Dr. M. Belaouane (Algeria), Dr. F. Chandrasekhar (India), Dr. A. Djebli Elaydouni (Morocco), Dr. I. Domanska (Poland), Mr. A. van Emden (Netherlands), Mr. H. Haug (Switzerland), Dr. M. Iturrealde (Ecuador), Colonel-Physician F. Kuchar (Czechoslovakia), the Countess of Limerick (Great Britain), Dr. V. Ludwig (German Democratic Republic), Dr. A. Naficy (Iran), Prof. J. Patrnogic (Yugoslavia) and Mr. O. Stroh (Sweden).

The proceedings dealt mainly with the two themes:

1. the Red Cross contribution to peace as a result of its main activities;
2. specific Red Cross activities to promote peace.

In discussing the first theme, the experts endeavoured to demonstrate the importance of Red Cross action as a factor contributing to the *rapprochement* of peoples and thus to any work for peace. They stressed the value for peace of the dissemination of the Geneva

Conventions and the need for better application of prevailing international humanitarian law. They also referred to the duties which the Red Cross must undertake to participate in the development of the countries of the Third World and in the elimination of causes of conflict.

In connection with activities specifically for peace, participants examined the various fields in which the Red Cross could usefully act to promote it: education in the spirit of peace, co-operation with peace organizations, possible action against any threat to international understanding and the spirit of peace, appeals for peace, studies on the causes of war, contact between National Societies in time of peace, crisis or conflict and the particular role of the Red Cross and National Societies in the event of internal conflict.

The results of this second round table were contained in a report which was submitted jointly by the ICRC and the League to the XXIst International Conference of the Red Cross at Istanbul in September 1969. In addition, shortly before the Conference, the ICRC sent all National Societies some suggestions on the most important questions which were to be dealt with in one or more resolutions.

Among the many concrete proposals formulated by the participants in the round table, the question of contact between National Societies in the event of armed conflict was considered by the conference. A draft resolution, submitted by a group of National Societies, was, after some modification, adopted as resolution No. XXI.

Moreover, the basic ideas behind some propositions related to the initiation of youth into the principles and activities of the Red Cross were repeated in Resolution XX which, *inter alia*, recommends the international Red Cross institutions to establish, in liaison with UNESCO and other specialized organizations, a programme of education for peace. Furthermore, prompted by the round table meetings organized by the ICRC, that resolution recommends the international Red Cross bodies and all National Societies to convene meetings and study groups to give further consideration to certain concrete proposals.