

# Principles and law

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# PRINCIPLES AND LAW

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According to the ICRC's new internal structure, which came into force on 1 January 1982, the General Affairs unit comprises two departments: the Department of Principles and Law and the Information Department. The first is concerned with the application and development of international humanitarian law and relations with other Red Cross institutions. It draws up the guidelines adopted by the ICRC when faced with certain problems, in order to maintain a consistent policy in conformity with international humanitarian law and with the principles of the Red Cross. In addition, it replies to legal questions both from outside and within the ICRC. The second department is responsible for the dissemination of knowledge of international humanitarian law and of the principles of the Red Cross and for issuing information on ICRC activities.

In 1982, the ICRC set two main objectives for the future activities of these two departments, namely to promote and strengthen its relations with National Societies, especially in the specific sectors in which it contributes to their development, and to intensify its efforts to disseminate knowledge of international humanitarian law in various circles and of the principles and ideals of the Red Cross within the movement. Besides these two objectives, another major preoccupation of the ICRC remains the ratification by as many States as possible of the Protocols additional to the Geneva Conventions.

## **International humanitarian law**

### **THE 1949 GENEVA CONVENTIONS**

#### **New accession**

The government of the Republic of Vanuatu deposited its instruments of accession to the Geneva Conventions on 27 October 1982. In accordance with the final provisions of the Conventions, the Republic of Vanuatu will become a party to these texts six months later, on 27 April 1983. It will be the 152nd State to become a party to the Conventions.

#### **Overtures to encourage accession to the Conventions**

In November 1980, the ICRC had approached the so-called 'successor' States, then numbering nineteen, and Bhutan, inviting them to become parties to the Geneva Conventions, principally with a view to the forthcoming International Red Cross Conference in 1981. In 1982, the ICRC continued its efforts, and more specifically approached the authorities of

Angola, Mozambique and Zimbabwe, countries in which it has delegations. A mission to Belize to assist in drawing up the Statutes of the local Red Cross, and two missions to Cape Verde for the protection of detainees provided an opportunity to remind the authorities of the existence of the Conventions.

On 31 December 1982, the following 'successor' States had still not become parties to the Conventions: Angola, Antigua and Barbuda, Belize, Cape Verde, Comores, Equatorial Guinea, Guinea, Kiribati, Maldives, Mozambique, Nauru, Samoa, Seychelles and Zimbabwe, and also the States of Bhutan and Burma (although the latter is a party to the 1929 Conventions).

### **1977 PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS**

#### **Overtures to encourage ratifications**

On 8 June 1977, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts adopted two Protocols additional to the Geneva Conventions; these texts are designed to adapt to modern forms of conflict the rules protecting the victims of war. By 12 December 1978, Protocol I had been signed by 62 States and Protocol II by 58, i.e. within the specified period. As at 31 December 1982, however, only 27 and 23 States respectively had formally undertaken, by ratification or accession, to respect these Protocols.

In view of the great importance it attaches to universal recognition of these instruments, which represent a major development in international humanitarian law, the ICRC, considering that the States had had ample time in five years to study the question, increased its approaches to them inviting them to ratify or accede to the 1977 Protocols. It furthermore specially appointed a legal adviser, at the end of the year, to follow up this essential issue.

These approaches by the ICRC are intended to make known the 1977 Protocols or to serve as a reminder of their existence, to stress the humanitarian importance of these texts and to discuss with States the specific problems they might encounter, so as to remove any obstacles impeding their implementation. Missions were undertaken by President Hay, members of the Committee, the Director for General Affairs and leading members of his staff. The question of the 1977 Protocols was raised when eminent visitors were received at ICRC headquarters. Finally, ICRC delegates are instructed to keep up a continual dialogue on this subject with the government authorities of the countries to which they are sent.

The ICRC maintained its relations with the Council of Europe to promote ratification by its member countries of the 1977 Protocols. The head of the Department of Principles and Law thus presented these texts, on 22 March, to the Legal Affairs Committee of the Council of Europe. Subsequently, on 2 July, in Dublin, the ICRC President was invited to explain the significance of the 1977 Protocols to the Standing Commission of the Parliamentary Assembly of the Council of Europe. He pointed out the main humanitarian requirements which had led to the drafting of these texts, above all the need for the protection of the civilian population against the effects of hostilities, it being taken for granted that military imperatives would have been duly taken into account. He also drew attention to the fact that the 1977 Protocols had introduced many improvements in areas already covered by the Conventions, such as the protection of civilian medical personnel, means of identification, tracing missing persons, the protection of civil defence organizations and bringing relief to civilians. President Hay also pointed out how important it was that Third World countries had assisted in drafting the Protocols, as most conflicts today take place in that part of the world, and how necessary it had been to draw up the rules applicable to non-international armed conflicts (in Protocol II), as most conflicts fall into this category. Stressing finally that only five member States of the Council of Europe were then parties to the 1977 Protocols, President Hay expressed the hope that Europe, the cradle of international humanitarian law, would continue to play a predominant part in this domain. He urged the participants to do all they could to persuade their own governments to accede to the Protocols. Accepting the views expressed by President Hay, the Standing Commission of the Parliamentary Assembly of the Council of Europe unanimously adopted a recommendation requesting the governments of its 21 member States to do their utmost to accelerate the ratification of, or accession to, the Protocols. This recommendation is addressed to the Committee of Ministers and the States are thus required to take a decision on it.

In the course of the thirty-seventh United Nations General Assembly, the ICRC followed the debates of Commission 6 when it examined the status of ratifications of the 1977 Protocols. The ICRC took this opportunity to remind governments how important it is that they take formal acceptance of these texts into consideration. Moreover, as a sideline to the Commission, the ICRC delegates directly approached several government representatives. The General Assembly adopted a resolution encouraging States to become parties to the Protocols.

During his speech in Washington to mark the centenary of the ratification by the United States of the first Geneva Convention of 1864, President Hay made an urgent appeal to the Secretary of State pointing out the importance of ratification of the Protocols by the United States. He also had talks on the same subject with representatives of the State Department and the Department of Defence.

The Inter-American Seminar on State Security, Human Rights and International Humanitarian Law, held in Costa

Rica at the end of September, and the preparatory missions relevant to it, provided an opportunity to bring up the question of the 1977 Protocols with several Latin American countries.

Mr. Huber, Vice-President of the ICRC, while attending the Eighth Congress of the Bulgarian Red Cross, discussed this question with the First Deputy Foreign Affairs Minister.

The 1977 Protocols were the subject of an address to the First Egyptian Seminar on International Humanitarian Law, held in Cairo in November. In addition, Mr. Huber, who led the ICRC delegation, discussed them with the Egyptian Minister of State for Foreign Affairs.

Finally, a mission to Belgium, as part of a programme to disseminate knowledge of international humanitarian law in universities, and a mission to Central America and the Caribbean (Barbados, Grenada, Saint Vincent and the Grenadines, Saint Lucia, Dominica and Belize) to visit the Red Cross Societies of these countries, made it possible to examine with the authorities there the status of the procedures for ratification or accession.

The ICRC took note of a resolution adopted by the Medico-Legal Commission of Monaco at its ninth session, which corroborates and supports its own efforts. In this resolution, the Commission, which had based its discussions on the problem of non-international armed conflicts, declared that it was seriously concerned by the fact that fundamental humanitarian rules are not always respected in this type of conflict, and called for the earliest possible ratification of Protocol II, which deals precisely with protecting the victims of non-international armed conflicts, by States which had not already done so.

#### **Status of ratifications and accessions**

In 1982, eight States became parties to the 1977 Protocols. Four of them deposited their instruments of ratification: the Republic of Korea, on 15 January; Switzerland, on 17 February; Denmark, on 17 June; Austria, on 13 August. The four others deposited their instruments of accession: Mauritius, on 22 March; Zaire, on 3 June (Protocol I only); Saint Lucia, on 7 October; Cuba, on 25 November (Protocol I only).

As at 31 December 1982, 27 States were parties to Protocol I and 23 to Protocol II: Austria, Bahamas, Bangladesh, Botswana, Cuba (Protocol I), Cyprus (Protocol I), Denmark, Ecuador, El Salvador, Finland, Gabon, Ghana, Jordan, Republic of Korea, Laos, Libya, Mauritania, Mauritius, Niger, Norway, Saint Lucia, Sweden, Switzerland, Tunisia, Viet Nam (Protocol I), Yugoslavia and Zaire (Protocol I).

#### **Revision of Annex I to Protocol I: Regulations Concerning Identification**

Article 98 of Protocol I provides for consultation by the ICRC of the Parties to this Protocol, not later than four years after its entry into force, on the desirability of revising

Annex I, i.e. the 'Regulations Concerning Identification' (identification of medical, religious and civilian personnel, identification of medical transports, means of distinctive markings and signals, etc.). In order to discharge the mandate entrusted to it, the ICRC on 7 December sent a memorandum on the revision of Annex I to all States parties to Protocol I and, for their information, to all States parties to the Conventions. In this document, the ICRC drew the attention of States to the gaps existing in the body of the rules relating to identification and signalling, which have been made particularly evident by the practical experience of certain conflicts. Nevertheless, the ICRC decided against proposing a meeting of technical experts to review Annex I, as important discussions are at present in progress within the international organizations specializing in communications and signalling, and because the number of States parties to Protocol I is still too small.

In this connection, it should be stressed that the problem of appropriate identification for medical transports has preoccupied the ICRC, especially during the conflict in the South Atlantic. The ICRC's technical adviser went there and visited the six Argentine and British hospital ships. He included his findings in a report which he presented at the Twenty-Seventh Session of the Sub-Committee on Safety of Navigation, at the headquarters of the International Maritime Organization in London, on 13 October. This report was chosen as a basic document for modifying the relevant chapter of the International Code of Signals, namely Chapter XIV on the 'Identification of Medical Transports' which came into force on 1 January 1980. In addition, within the scope of 'Medic-Air 1982', the international exhibition on medical and general aviation held in Geneva from 22 to 25 April, the ICRC's technical adviser gave a lecture on the identification of medical aircraft in periods of armed conflict, based on Annex I of Protocol I, on the resolutions of the Diplomatic Conference of 1977 relating to the marking, signalling and identification of medical transports, and on the Radio Regulations which came into force on 1 January 1982.

In 1982, the International Review of the Red Cross published two texts by the ICRC's technical adviser on 'The identification of medical aircraft in periods of armed conflict' (July-August Review) and on 'The identification of hospital ships and ships protected by the Geneva Conventions of 12 August 1949' (November-December Review); the latter article in particular reflects practical experience during the conflict in the South Atlantic.

## **Co-operation within the Red Cross movement**

### **LEAGUE OF RED CROSS SOCIETIES**

The two international Red Cross organizations, the League and the ICRC, maintain close relations. The ICRC attended

the IXth and Xth sessions of the League Executive Council as an observer; ICRC representatives there had the opportunity of explaining the ICRC's policy concerning the dissemination of knowledge of international humanitarian law and its own contribution to the development of National Societies. Moreover, the two organizations deal with problems of mutual interest at joint meetings held usually once a month, or in joint committees or working groups, either permanent or temporary.

### **Joint League-ICRC meetings**

Article 8 of the Statutes of the International Red Cross stipulates that the ICRC and the League meet regularly to deal with problems of common interest and co-ordinate their activities. In 1982, there were eight ordinary meetings and one extraordinary one to prepare the session of the Standing Commission on Lebanon (see below). During these joint meetings, the ICRC and the League reviewed the results of the Twenty-fourth International Red Cross Conference and began preparations for the Twenty-fifth Conference, to be held in Geneva in 1986, and for the 1983 Council of Delegates. They also prepared the sessions of the Standing Commission. In addition, these meetings made it possible to exchange views and to co-ordinate standpoints on many subjects, such as the joint audio-visual centre, the development of National Societies, collaboration in the training of personnel, the Red Cross and peace, the Red Cross and the new international humanitarian order and the setting-up of a fund for the disabled, as recommended by Resolution XXVII of the Twenty-fourth International Red Cross Conference. The ICRC and the League approved the final French version of the twelfth edition of the 'International Red Cross Handbook'.

Following a request by the Standing Commission in April 1982, the League and the ICRC, during their joint meetings, examined the Statutes of the International Red Cross, with a view to technically adapting the text. The result of this examination was submitted to the Standing Commission in October 1982.

For its part, the League Executive Council, at its IXth session in April 1982, decided to raise the question of the revision of this text and, for this purpose, set up a working group comprising one member respectively of the National Societies of Australia, Austria, Benin, Honduras, India, Indonesia, Libya, Morocco, Sweden, United Kingdom, USSR and Yugoslavia, and presided over by Mrs. Spiljak (Yugoslavia), Vice-President of the League. An ICRC observer was invited to take part in the discussions of the group, which had not yet met by the end of the year.

### **Joint League-ICRC Commission for National Society Statutes**

The Joint League-ICRC Commission for National Society Statutes was set up pursuant to Resolution VI of the Twenty-second International Red Cross Conference, which had requested National Societies to keep the ICRC and the League



regularly informed of the amendments which they wished to make to their statutes and to take into account the recommendations made by these two institutions.

The Commission met seven times in 1982 (on 16 March, 26 May, 30 June, 26 August, 22 September, 16 November and 17 December). It studied the situation of seventeen National Societies in formation, two of which were formally recognized in 1982 (*see below the paragraph on 'Recognition of new National Societies'*). It examined draft amendments to statutes submitted by eleven National Societies which, for the most part, carried out the Commission's recommendations. Finally, it discussed several special cases of National Societies confronted by internal organizational problems.

At its IXth session, the League Executive Council asked the Joint Commission to examine how current procedures for the recognition of National Societies by the ICRC and for admission to the League might be speeded up and to present an initial report at its Xth session. In accordance with this mandate, the Commission sought to find appropriate means of speeding up recognition and admission procedures and drew up an interim report, which was presented to the League Executive Council in October. The ICRC more specifically undertook to analyse the current procedure for recognition of National Societies (*the ten conditions for recognition were set out in the 1981 Annual Report, page 77*). While pointing out that because of its universal vocation, the International Red Cross is duty bound to encourage the creation of National Societies, the ICRC came to the conclusion that the idea of facilitating their recognition by setting less exacting conditions, as proposed by some people, must be rejected. Any such approach would inevitably weaken the cohesion of the Red Cross movement and consequently reduce its efficacy, as the conditions laid down guarantee that new Red Cross Societies will have a sound basis for their future development. The rate of recognition can only be increased by stepping up efforts to encourage the creation and development of National Societies, i. e. by approaching States more often to persuade them to accede to the Geneva Conventions, to create a National Society on their own territory and duly recognize it; by maintaining steady contact with future National Societies to help them adopt statutes in conformity with the fundamental principles of the Red Cross; and by providing Societies in formation with technical and material assistance for their international organization.

In its desire to facilitate the recognition and admission of National Societies in formation (and taking into account the wish to speed up procedures as much as possible), the Commission carried out several joint missions: to Rwanda in August; to Belize and the Caribbean (Barbados, Grenada, Saint Vincent and the Grenadines, Saint Lucia, Dominica) — where some National Societies are still branches of the British Red Cross — in September; to Andorra in October. A joint mission was also undertaken to Nepal, in November, at the invitation of the Nepalese Red Cross, to examine its present statutes.

The Joint League-ICRC Commission for National Society Statutes was presided over until the end of June by Professor Jovica Patrnogic, legal adviser to the League. He was succeeded by Mr. Pierre Gaillard, of the ICRC.

### Co-ordinating body

In conformity with one of the provisions of the 1969 agreement between the ICRC and the League, a co-ordinating body, comprising representatives of the two institutions, is responsible for ensuring a two-way flow of information of mutual interest between the League and the ICRC on current operational activities. It also has the mandate to facilitate the immediate intervention of the Red Cross and the speedy conduct of relief actions, as well as to entrust the execution of a given task to the ICRC or to the League.

The co-ordinating body met twice in 1982, on 27 May and 13 October. It mainly discussed the joint operation in Poland and exchanged information on operations under way in Argentina, Ethiopia, Kampuchea and Lebanon.

### Development of National Societies

In 1981, the ICRC and the League had determined together the sectors in which the ICRC could contribute to the development of National Societies, working either in conjunction or in consultation with the League. There are six such sectors:

- technical and legal assistance in the creation or reorganization of National Societies;
- promoting and supporting National Society programmes for the dissemination of knowledge of international humanitarian law and the principles and ideals of the Red Cross, and their information services;
- assistance in implementing the Geneva Conventions, and especially the provisions relating to the protection of the emblem;
- preparing National Societies for their activities in case of armed conflicts;
- helping to train senior staff members of National Societies;
- training delegates and National Society personnel who undertake missions for the ICRC or the League.

The role of the ICRC in the overall League strategy for development (Strategy for the Development of National Societies in the Eighties) was approved by the League General Assembly, at its second session, and by the Twenty-fourth International Red Cross Conference (Resolution XXV).

As the ICRC considered that its specific contribution to the development of National Societies was an important objective for the years to come, it created, in 1982, a post of delegate for the development of National Societies, responsible for co-ordinating this contribution, within the ICRC, with the work of the League and the National Societies.

The delegate appointed to this post completed a period of in-service training at the League, considered vital in view of the

close co-operation which must be maintained between the two institutions in the sphere of development.

With other members of the ICRC staff, she took part in several meetings for National Societies organized by the League: the meeting of the National Societies of the United States, Mexico and Central America and the Societies taking part in the Five-year Development Programme for the Americas, at San José (Costa Rica), on 8 and 9 July; the fifth meeting of the Inter-American Regional Committee, at San José, on 9 and 10 July; the regional meeting of the Societies implementing and participating in the Development Programme for Southern Africa, at Lusaka, from 13 to 17 September. These meetings made it possible to review, in the presence of the National Societies taking part, the development programmes of each Society.

In addition, the ICRC proceeded to draw up a document for National Societies, describing in detail sectors of development in which it intervenes, and the principles governing its interventions.

## STANDING COMMISSION

The Standing Commission is the body responsible for preparing International Red Cross Conferences and, in the interval between sessions, for ensuring the co-ordination and harmony of the efforts of the ICRC and the League. In 1982, it met in ordinary session on 22 April and 14 October under the chairmanship of Dr. Ahmad Abu Gaura (Jordan Red Crescent). It dealt mainly with the preparations for the 1983 Council of Delegates and the 1986 International Red Cross Conference. It also examined the timeliness of a declaration on disarmament at the special session of the United Nations Assembly (*see below paragraph on disarmament*). In addition, an extraordinary session of the Standing Commission was held on 11 August to receive information on the work of the ICRC and the League on behalf of the victims of the Lebanese conflict.

The Standing Commission is composed of five representatives elected by the International Red Cross Conference (*see 1981 Annual Report*), two ICRC representatives and two League representatives.

## NATIONAL SOCIETIES

### Recognition of new National Societies

After notification by the Joint League-ICRC Commission on National Society Statutes, the ICRC announced the formal recognition of the Red Crescent Society of the Yemen Arab Republic (YAR) on 22 April, and of the Red Cross Society of the Republic of Rwanda on 6 October. It informed the central committees of the National Red Cross and Red Crescent Societies of this decision by circular letters dated respectively 30 April and 8 October. As at 31 December 1982, 130 National Societies were members of the International Red Cross.

The North Yemen Red Crescent was created on 16 July 1970 and formally recognized by the YAR government on 15 April 1982.

The Rwandese Red Cross was recognized by the government of Rwanda, as a voluntary aid society, auxiliary to the public authorities, on 29 December 1964. Under the legislation in force in Rwanda, the statutes of the National Red Cross still had to be approved by the competent authorities. This final formality was completed on 4 October 1982 by a decree of the Minister of Justice.

### Information and consultation session at the ICRC with leading officers of National Societies.

The ICRC took advantage of the presence in Geneva of the leading officers of National Societies taking part in the IXth and Xth sessions of the League Executive Council, in April and October, to organize two information and consultation sessions on its operations. As an exception, the April session took place at the League, while the October one was held as usual at ICRC headquarters, where some 80 participants representing more than thirty National Societies were received.

### Participation in regional meetings and seminars

The ICRC took part in various Red Cross and Red Crescent meetings not organized by itself (those concerned in particular with the dissemination of knowledge of international humanitarian law are dealt with in the appropriate chapter; several meetings are also mentioned in the chapter on the "Development of National Societies").

In Latin America, ICRC delegates attended the second meeting of Presidents and the technical seminars of the South American National Societies, organized by the Argentine Red Cross, with the support of the League, in Buenos Aires at the end of September. The object of this meeting was to examine the action and development programmes of the National Societies on the basis of the five-year plan (1980-84) drawn up for this region of America, taking into account the particular characteristics of each Society. It was also designed to promote co-operation between the National Societies. This meeting gave the ICRC the opportunity to make some of its activities better known.

The ICRC also attended the first technical communication course for Latin American National Societies, held in Bogota from 29 November to 7 December under the auspices of the Colombian Red Cross and the League. Representatives of the information and public relations services of six Societies took part in this course.

In Europe, Mr. Huber, Vice-President of the ICRC, and Mr. Schmidt, delegate-general for Europe, represented the ICRC at the eighth congress of the Bulgarian Red Cross, in Sofia, from 30 March to 1 April. The subject of the congress was the contribution of the Red Cross to peace.

As in the past, the ICRC sent a representative to the thirteenth and fourteenth training seminars organized by the Yugoslav Red Cross for senior executives and officers of developing countries and liberation movements. These seminars devote a whole day to familiarizing participants with the international institutions of the Red Cross.

On 10 and 11 September, the Swedish Red Cross organized a seminar in Stockholm on torture and political prisoners, to which it invited the ICRC. The latter presented a paper on its protection work on behalf of prisoners of war, civilian internees and political detainees.

Finally, an ICRC representative took part in training courses for future delegates for international missions, organized by the Danish, Finnish and Norwegian Red Cross Societies.

In Africa, the ICRC was represented by its delegates at the meetings of National Societies organized by the League at Gaborone, from 29 March to 7 April, and at Nairobi, from 24 to 28 May, on regional development programmes.

#### **Missions to National Societies by the President and Members of the Committee**

President Hay and members of the International Committee carried out several missions to discuss operational problems, legal problems and ICRC financing, or to take part in various seminars and meetings. During their missions (most of which are described in the chapters "Operational activities" and "General affairs" of the present Report), they met leaders of the National Societies.

President Hay visited Saudi Arabia, Canada, the United States and France in March, Poland in June, Ireland in July and the Federal Republic of Germany in September. Mr. Huber, Vice-President of the ICRC, went to Bulgaria in March and Egypt in November. Mr. Pestalozzi, Vice-President of the ICRC, visited Angola and Uganda in March, the People's Republic of China and the Democratic People's Republic of Korea in August. Mr. Naville and Mrs. Weitzel, members of the Committee, went to Lebanon in August and December respectively.

#### **Shôken Fund**

The joint League-ICRC committee responsible for distributing the income from the Empress Shôken Fund, which was set up in 1912 to finance the humanitarian activities of National Societies in time of peace, met in Geneva on 24 March. The Japanese Red Cross was represented by Ambassador Fumihiko Suzuki.

The joint committee examined the requests received from thirteen National Societies and decide to accept those of the following countries: Chile, Jamaica, Lesotho, Pakistan, Peru, Philippines and Syria. It also accepted a request from the Henry Dunant Institute.

The income allocated, totalling 221,000 Swiss francs, will enable the recipient National Societies to improve their equipment and develop their activities in the spheres of blood

transfusion, relief and medico-social work. The Henry Dunant Institute was allocated 25,000 Swiss francs for study grants for candidates wishing to follow its courses.

#### **COMMISSION ON THE RED CROSS AND PEACE**

The mandate of the Commission on the Red Cross and Peace is to promote the implementation of the "Action Programme of the Red Cross as a Factor for Peace" drawn up by the World Red Cross Conference on Peace in Belgrade in 1975. The Commission was created by the Council of Delegates in 1977, which twice renewed its mandate, in 1979 and 1981. Presided over by Mr. Harald Huber, Vice-President of the ICRC, the Commission is composed of representatives of the ICRC, the League, the Henry Dunant Institute and twelve National Societies: Australia, Canada, Egypt, El Salvador, France, the German Democratic Republic, Indonesia, Mauritania, Philippines, Senegal, Yugoslavia, Zaire.

In 1982, the Commission held its 9th and 10th sessions at ICRC headquarters on 20 April and 12 and 13 October respectively. Two main themes were discussed during these sessions: the contribution of the Red Cross to peace and to disarmament. In the course of its debates the Commission considered two basic documents, one presented by the Yugoslav Red Cross and the other by the French Red Cross, developing the fundamental ideas of each of these National Societies as to the rôle of the Red Cross movement in the promotion of peace.

With regard to disarmament, the Commission proposed that the Presidents of the ICRC and the League and the Chairman of the Standing Commission make a joint appeal during the special session on disarmament of the United Nations General Assembly; this appeal was made. In addition, it set up a working group comprising representatives of the ICRC, the League and the National Societies of France, Mauritania and Yugoslavia, under the chairmanship of Mrs. Sall, President of the Mauritanian Red Crescent, with the task of making concrete proposals on how the Red Cross movement can promote disarmament.

#### **HENRY DUNANT INSTITUTE**

As the ICRC is a member of the Henry Dunant Institute in the same way as the League and the Swiss Red Cross, it is associated with certain studies undertaken by the Institute and takes an active part in several of the courses and seminars organized by it. Mr. Jean Pictet, a member of the International Committee, was Chairman of the Institute's Assembly until 30 June, when he was succeeded by Mr. de La Mata, President of the League.

As in the past, ICRC staff members took part as lecturers in the seventh course of introduction to the international activities of the Red Cross, for officials and voluntary workers

of National Societies who have responsibilities on the national level or who are likely to carry out missions for the ICRC or the League. This seventh course, given in French, was held in Geneva from 4 to 13 May, and was attended by 21 participants from Africa (11), Europe (5), the Middle East (3) and Asia (2), who represented 17 National Societies (Belgium, Benin, Cameroon, Central Africa, Congo, France, Gabon, Greece, Upper Volta, Laos, Lebanon, Madagascar, Mauritius, Senegal, Spain, Togo and Tunisia).

The ICRC also took part in the second seminar for the members of diplomatic missions in Geneva, which took place in January, and was organized to give these diplomats information on international humanitarian law and the International Red Cross. Lastly, it was represented at the seminar on international humanitarian law and the peaceful settlement of disputes, organized at Tampa (United States), from 6 to 12 November, by the Henry Dunant Institute and the Inter-American Bar Association.

## **Other matters**

### **PROHIBITION OF CERTAIN WEAPONS**

#### **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, on 10 April 1981**

In conformity with the mandate entrusted to it by the Twenty-fourth International Red Cross Conference, the ICRC continues to pursue the subject of the prohibitions or restrictions on the use of certain conventional weapons.

The "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects" of 10 April 1981 and three Protocols were signed by 53 States within the time specified, i.e. from 10 April 1981 to 10 April 1982. By 31 December 1982, 16 States had formally become parties to the Convention and its Protocols: Bulgaria, Byelorussia, China, Czechoslovakia (the Convention only), Denmark, Ecuador, Finland, the German Democratic Republic, Hungary, Japan, Mexico, Mongolia, the Soviet Union, Sweden, Switzerland and Ukraine.

### **DISARMAMENT**

Concerned by the problem of disarmament and that of weapons of mass destruction, the ICRC, as it had already done in 1978, took part, as an observer, in the work of the second special session on disarmament of the United Nations General Assembly, held in New York, from 7 to 9 July (*see also the paragraph on the Commission on the Red Cross and Peace, in the present Report*).

In addition, in an appeal by the Presidents of the Standing Commission, of the ICRC and the League, addressed on 14

May to the participants at this special session, the Red Cross movement expressed its grave anxiety in the face of the escalation of the nuclear and conventional arms race and the stockpiling of weapons of mass destruction capable of destroying mankind. The appeal pointed out "that disarmament and peace are attainable goals and that human beings are not condemned to destroy each other, but can live in harmony, as shown by the very existence of the Red Cross movement which unites in a common ideal 230 million members of different races, beliefs and nationalities". It also stressed "that the Red Cross does not view peace simply as the absence of war, but rather as a dynamic process of co-operation between States and peoples; co-operation founded on freedom, independence, national sovereignty, equality, respect of human rights, as well as a fair and equitable distribution of resources to meet the needs of peoples". It exhorted States and the United Nations to adopt measures to stop armed conflicts and establish lasting peace. It urged governments to seek to achieve general and complete disarmament. The text of the appeal was published in the May-June 1982 issue of the International Review of the Red Cross.

### **NEW INTERNATIONAL HUMANITARIAN ORDER**

The ICRC took note of the project of Prince Hassan of Jordan, submitted to the United Nations and taken up by a Commission presided over by Prince Sadruddin Aga Khan, to promote a "New International Humanitarian Order". The ICRC is following this initiative with interest in view of its humanitarian aspect, as its first concern is to see that already existing texts on humanitarian matters are actually put into effect and respected, and then to examine the possibility of drawing up new humanitarian rules.

### **PARTICIPATION IN REGIONAL AND INTERNATIONAL MEETINGS**

ICRC personnel took part in several meetings and seminars, organized outside the Red Cross movement, which focused on subjects of a humanitarian nature or related to international humanitarian law, human rights or international public law.

— *The General Assembly of the Association of Palestinian Jurists, at Baghdad, from 7 to 9 January.*— The ICRC presented a paper on the protection of civilian populations against the effects of hostilities, on the basis of the provisions of the Protocols additional to the Geneva Conventions. It also recalled its principles with regard to violations of international humanitarian law (*see also 1981 Annual Report, page 66*).

— *The seminar on current problems of international humanitarian law, organized by the Institute of Peace and Development of the University of Nice, at Nice, on 28 and 29*



January. — Two papers entitled “The profile of the victim” and “International humanitarian law and human rights” were presented by the ICRC during this seminar organized for teachers and students preparing a doctorate in international public law. The ICRC also brought up the question of its collaboration with French universities concerning the dissemination of knowledge of international humanitarian law.

- *The ninth meeting of the “Pugwash workshop on chemical weapons”, at Geneva, from 12 to 14 March.* — The ICRC had the opportunity of stating its point of view on enquiries into the alleged use of chemical weapons to about thirty experts on the subject.
- *A meeting of the Editorial Committee of the International Centre of Research and Sociological, Penal and Penitential Studies, at Genoa, from 26 to 28 March.* — This Committee is responsible for a handbook on human rights intended for medical students, two articles of which are devoted to the Red Cross: one deals with the status of hospital personnel and the rights of protected persons in the event of conflicts or natural disasters; the other gives an account of the ICRC’s work on behalf of prisoners of war, civilian internees and political detainees.
- *The International Congress of Legal Medicine on Human Rights and the Constraint of Persons, at Geneva, on 15 and 16 April.* — The International Academy of Legal Medicine and of Social Medicine brought together several forensic doctors, magistrates and representatives of international organizations who, during this congress, discussed topics of social medicine and human rights, medical ethics in prisons, the attitude of doctors confronted with the problem of torture, international humanitarian law and the function of non-governmental organizations. The ICRC representatives had the opportunity to recall the place which should be given in the teaching of medicine to human rights and more especially to international humanitarian law.
- *Round Table on means of averting the mass exodus of refugees, at San Remo, from 27 to 30 April.* — The ICRC took part in this Round Table, organized by the International Institute of Humanitarian Law, which studied the causes leading to the mass exodus of refugees and the rôle of existing organizations in finding a solution to this problem (see also the July- August 1982 issue of the *International Review of the Red Cross*).
- *The ninth session of the Medico-Legal Commission of Monaco, at Monaco, from 12 to 15 May.* — of the subjects discussed, namely “International Organizations and Internal Conflicts”, particularly interested the ICRC, whose rôle in internal conflicts, disturbances or internal tensions was duly recognized by the Commission which, in a resolution, requested governments to give the ICRC every facility to carry out its humanitarian work in the

above-mentioned situations (see also the chapter in the present Report on the additional Protocols).

- *The seminar on international law of the United Nations International Law Commission at Geneva, in May.* — As in 1981, the ICRC presented, at this seminar, a paper on international humanitarian law as a branch of international law. The International Law Commission organizes this kind of seminar, on the occasion of its annual session, for jurists, diplomats and professors. In addition, President Hay received the participants in the seminar and then the members of the Commission at ICRC headquarters.
- *The Colloquium on Law and Weapons, at Montpellier, from 3 to 5 June.* — This colloquium, organized by the French Society for International Law, brought together experts on international humanitarian law. Three topics were discussed: prohibitions or restrictions on the use of weapons in international law; the arms traffic and international law; the international status of specific areas (demilitarized zones, etc.) and weapons.
- *The meeting of the UNHCR working group of government representatives on the rescue of asylum seekers at sea, at Geneva, from 5 to 7 July.* — Seventeen Western and South-East Asian States, the Intergovernmental Committee for Migration, the International Maritime Organization and the ICRC took part in this meeting, which examined how countries of the first port of call could revise the guarantees they require of persons seeking asylum before they authorize them to disembark. The report which was adopted at the end of this meeting also stresses the duty to assist persons seeking asylum who find themselves in distress at sea.
- *The thirteenth session of the International Institute of Human Rights, at Strasbourg, from 26 to 30 July.* — As in previous years, the ICRC made an active contribution to this course, intended for those wishing to advance their knowledge of human rights and international humanitarian law.
- *The eighth round table on the current problems of international humanitarian law and Red Cross Symposium, at San Remo, from 8 to 11 September.* — Organized by the International Institute of Humanitarian Law, the eighth round table was attended by about a hundred participants: jurists, diplomats and representatives of National Societies; the ICRC was represented by the President and two members of the International Committee, Mr. Aubert and Mr. Schindler. Four topics were discussed: “The United Nations forces and international humanitarian law: applicability and instruction”; “Journalists in armed conflicts: their role, responsibility and protection on dangerous professional missions”; “The protection of refugees in armed conflicts and internal disturbances”; and lastly, on the basis of an ICRC report, “Follow-up



action on the resolutions adopted by the Twenty-fourth International Red Cross Conference”.

- *The seventeenth General Assembly of the World Veterans Federation at Nice, from 22 to 27 October.* — Miss Weitzel, a member of the Committee, led the ICRC delegation and presented a paper on the position of women in international humanitarian law. One of the resolutions adopted by the General Assembly invites the Federation and its member organizations to collaborate with the Red

Cross movement to bring about respect of international humanitarian law and its dissemination.

- *The International Conference on the Islamic Penal System, at Chicago, from 28 to 31 October.* — Organized by the Law Faculty of De Paul University, this conference enabled the ICRC representative to give an account of the ICRC’s activities in Islamic countries and the connection between international humanitarian law and Islamic traditions.