

Practical application and development of humanitarian law

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II. GENERAL ACTIVITIES

PRACTICAL APPLICATION AND DEVELOPMENT OF HUMANITARIAN LAW

The Geneva Conventions

By the end of 1959 the number of States parties to the four Geneva Conventions had reached 77. It was satisfactory to see that—ten years after signature—the Conventions were reaching a universal level.

Two further accessions were recorded in 1959 : Ceylon and New Zealand. Ceylon took part in the Diplomatic Conference of 1949 but signed only the first three Conventions. On February 23, 1959, the Ceylon Government acceded to the Fourth Convention and ratified the other three on February 28. New Zealand, which had signed the four Conventions of 1949, ratified them on May 2, 1959.

About ten States only are not parties to the Conventions. On the occasion of the tenth anniversary of the signature of the Geneva Conventions of August 12, 1949, the ICRC requested the National Societies of those countries to ask the authorities concerned to fulfil the last formalities for putting the Geneva texts into effect.

During the ten years following the Diplomatic Conference of 1949 the ICRC has brought an important task to conclusion : the complete Commentary on the Conventions is now finished. In 1959 the last volume was published, i.e. the Commentary (in French) of the Second Convention (for the Amelioration of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea) ; the English translation is in process of completion.

The Conventions having been ratified by the majority of States, and the Commentary published, the International Committee's

efforts will henceforth be concentrated on their dissemination. The need for this is recognised explicitly in each of the four Conventions which, in Articles 47, 48, 127 and 144, make it obligatory for the contracting parties to disseminate the texts of August 12, 1949, and to include the study thereof in their programmes of military and, if possible, civil instruction.

In order to give efficient co-operation in the spreading of knowledge of the Conventions, the ICRC has started to draw up a programme for their dissemination among armed forces and the population. During the meeting of the Board of Governors of the League (Athens, September 1959) Mr. J. Pictet, Director for General Affairs of the ICRC described the principal steps to be taken for this purpose. He pointed out that while some Governments and National Red Cross Societies had already made praiseworthy efforts, in other countries the results were still inadequate. All the National Societies had an important part to play in this field and the ICRC was prepared to give its full co-operation.

Furthermore, in conformity with Resolutions XXIX and XXX of the XIXth International Conference of the Red Cross (New Delhi, 1957) the ICRC and the League should work together to spread knowledge of the Geneva Conventions among young people. The ICRC therefore submitted to the Advisory Committee of the Junior Red Cross (which met in Athens in September 1959 at the same time as the Board of Governors of the League) a draft handbook based on the suggestions of the experts consulted at the end of 1958 ¹. This work consists of a methodical and brief commentary on the main points of the Conventions ; for schools and teachers in general this handbook will be a practical means for giving school children knowledge of the essential principles of these fundamental texts on humanitarian law. It was recommended that this handbook should be in use in every school throughout the world in order to affirm the principles of peace and fellowship which characterise the Red Cross and its charitable work.

The draft handbook was approved by the Advisory Committee of the Junior Red Cross and the final edition was completed by the ICRC and the League towards the end of the year. The two

¹ See *Annual Report 1958*, p. 43.

institutions decided to share the cost of publishing an illustrated edition in French (mimeographed translations have been made in English, Spanish and German which could serve as a model for National Societies wishing to publish this handbook in other languages).

PROTECTION OF THE CIVILIAN POPULATION

Reference has been made in previous annual reports ¹ to the "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War" established by the ICRC and approved by the International Conference of the Red Cross held in New Delhi in 1957. In 1959, during the autumn in particular, various groups expressed the wish for a diplomatic conference to be convened by the Swiss Federal Council in order to put the Draft Rules into effect. In the resolutions passed by these groups frequent allusion was made (rather inadequate in some cases) to the International Committee's work for the legal protection of civilians.

The ICRC took every opportunity of getting in touch with the groups concerned, or the National Societies they had approached on the subject, and of giving them more detailed information concerning the exact nature of the Draft Rules, their purpose and characteristics and the possibility of achieving practical results in this field. This also afforded an opportunity of spreading better knowledge, over a relatively wide range, of some of the important results of the New Delhi Conference.

INTERNATIONAL LEGAL STATUS OF CIVIL DEFENCE PERSONNEL

The ICRC continued to study this problem in 1959 ²; in order to collect the most complete documentation possible, a questionnaire was sent to nineteen National Red Cross Societies which

¹ See *Annual Reports 1957*, pp. 80-84, *1958*, pp. 44-46.

² See *Annual Report 1958*, p. 46.

laid special emphasis on the following points : status of civil defence bodies in international law ; uniform and emblem ; situation of the medical services of these bodies and the means available for their protection.

By the end of the year some interesting replies had already reached the ICRC which stressed the fact that great importance is attached everywhere to this problem and the measures required for its solution. The replies enabled the ICRC to develop its study and, by comparing the measures adopted in the various countries, to lay down general lines of procedure.

PROTECTION OF CIVILIAN MEMBERS OF THE MEDICAL PROFESSION

On February 6, 1959, the ICRC sent a circular letter to the National Red Cross Societies informing them of the conclusions arrived at by a working party entrusted with the study of the means of strengthening the protection of civilian medical personnel in times of armed conflicts. The working party included representatives of the World Medical Association, the International Committee of Military Medicine and Pharmacy and the ICRC.

The conclusions recommended the reaffirmation, dissemination and universal recognition of the general principles of humanity on which medical work is based, which are again set forth in the " Rules of medical ethics in war-time " as well as in the " Rules governing the care of sick and wounded, particularly in time of conflict ". Furthermore, the working party recommended the adoption of a distinctive emblem for the medical and allied professions, i.e. the staff of Aesculapius, red on a white ground.

The ICRC laid emphasis in the circular on the fact that the conclusions of the working party had received the unanimous approval of the institutions represented and expressed the hope that National Societies would help towards their adoption by all the States.

INTERNATIONAL REFRESHER COURSE FOR MILITARY MEDICAL OFFICERS

Acting on a suggestion of its Secretary-General, recommendation was made by the International Information Office for Military Medicine and Pharmacy (Liège, Belgium), during its 21st session in April 1959, for periodic refresher courses to be organised to enable young military medical officers in all countries to complete their professional training on an international level. The understanding attitude of the Chief of the Swiss Army Medical Service made it possible to organise the first of these courses, under the auspices of the International Committee of Military Medicine and Pharmacy with the co-operation of four other organisations (International Committee of the Red Cross, League of Red Cross Societies, World Health Organisation and the World Medical Association). It took place from September 11 to 29 at the Sports Training Centre in Macolin (near Bienne, Switzerland). About sixty military medical officers of twenty-two countries were present and attended lectures and talks each day, mainly on general principles for the organisation of health services, points of medicine and surgery and army health services. One day was devoted specially to the Red Cross. A member of the Legal Department (Mr. R.-J. Wilhelm) gave two talks, one on the Geneva Conventions and the other on the rights and duties, according to the Conventions, of military medical officers and civilian doctors.

The participants also went to Geneva where they were received at the ICRC headquarters by Mr. Leopold Boissier, President, and some of his colleagues, and members of the directorate and staff. Talks were given on the history and activities of the ICRC.

LEGAL ASSISTANCE TO ALIENS

The International Centre for the Co-ordination of Legal Assistance, created in 1958 under the auspices of the Conference of Non-Governmental Organisations interested in Migration, continued its work in co-operation with the ICRC¹. Mr. H. Coursier,

¹ See *Annual Report 1958*, pp. 47-48.

the representative of the ICRC to the Conference is the President of the International Centre.

In July 1959, in New York, the Conference passed a recommendation for the Centre to be given definite statutes ; these were drawn up by a special committee after consultation with United Nations agencies (in the first place the High Commissioner for Refugees) which were particularly interested in the establishment of this Centre. The statutes are based on the general principles set forth in the previous report.

PROTECTION OF HOSPITAL SHIPS AND RESCUE CRAFT

Since the Diplomatic Conference held in 1949, a problem which is closely linked with the Second Geneva Convention concerning war on sea has remained in abeyance, i.e. communication between hospital ships, on the one hand, and land, naval and air forces on the other hand. Draft regulations in this connection had been prepared under the auspices of the Italian Government but the Committee of Experts which was to study the matter was unable, owing to various circumstances, to meet for the purpose.

For their part, the Scandinavian countries were interested in the question and, through the efforts of Captain H. Hansson, Director of the Swedish Sea Rescue Institution, a set of regulations was drafted. The International Committee of the Red Cross was requested to communicate this second draft to the Swiss federal authorities for transmission to the States party to the Conventions.

Since two draft texts were in existence it seemed necessary to make a comparative study of both, while taking into account the principal comments submitted by States on the first Italian draft. At the suggestion of Sweden, it was decided to arrange for a small group of experts to meet representing the countries most directly concerned (Italy and Sweden). The International Committee offered accommodation for the meeting and the necessary material assistance. The Swiss federal authorities agreed to send experts on international law and telecommunication.

The following persons participated in the meeting—For Italy : Captain G. Fiorani, of the Italian Admiralty, and Mr. F. Nicotera, Engineer, Inspector-General in the Ministry for Postal, Telegraph and Telephone Services ; for Sweden : Captain H. Hansson, Director of the Swedish Sea Rescue Institution, Captain A. Bjöling, of the Swedish Admiralty and Mr. T. Overgaard, Director in the Swedish Telecommunication Office ; for Switzerland : Mr. H. Thévenaz, Professor of international law at the University of Neuchâtel (representing the Federal Political Department), Mr. C. Gillioz and Mr. R. Monnat, respectively Chief and Inspector in the Radio Section of the Swiss Postal, Telegraph and Telephone Administration.

The meeting was held from June 9 to 11, 1959 ; Professor Thévenaz acted as Chairman. It soon became apparent that agreement could easily be reached on principles and the technical means for their application.

The experts were thus able to draw up new regulations which were submitted to the Italian and Swedish Governments for study by the services concerned. The text of the draft regulations was also presented to the VIIIth International Lifeboat Conference (Bremen, June 22 to 25, 1959). A resolution was adopted calling on States, in the event of this text being transmitted to them, to make a careful study of the proposals of which the sole object is to increase the protection afforded by the Second Geneva Convention to hospital ships and rescue craft.

RELATIONS WITH RED CROSS INSTITUTIONS

In 1959, the year which marked the centenary of the Battle of Solferino and Henry Dunant's charitable action, the ICRC maintained particularly close and cordial relations throughout the Red Cross movement. It was represented by Mr. Leopold Boissier, President, and a number of persons, at the ceremonies organised in Solferino and places in the neighbourhood for the commemoration of the birth of the Red Cross Idea. This provided an excellent opportunity for meeting representatives of many National Red Cross (Red Crescent, Red Lion and Sun) Societies and in particular the Italian Red Cross Society which organised the ceremonies.