

## COMMISSION OF EXPERTS

FOR THE LEGAL PROTECTION OF CIVILIAN POPULATIONS  
AND VICTIMS OF WAR FROM THE DANGERS OF  
AERIAL WARFARE AND BLIND WEAPONS

Geneva, from 6 to 13 April 1954

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## DOCUMENTS AND SUMMARY RECORDS

I - Preliminary documentation:

- 1) Explanatory Note
- 2) Collection. Constitutional texts and documents concerning the legal protection of populations and war victims from the dangers of aerial warfare and blind weapons
- 3) Commentary on the provisional agenda

## II - List of experts

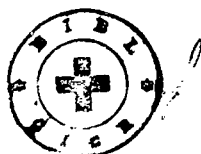
## III - Summary records of the meetings, Nr 1 to 12

## IV - Report of the Commission of experts for the legal protection of civilian populations and victims of war from the dangers of aerial warfare and blind weapons, April 1954

V - Documents presented by the Experts:

- 1) Document presented by Prof. Enomoto (Tokyo)  
General outline of measures taken by the Japanese Government concerning aerial bombardment
- 2) Effects of the Bikini hydrogen bomb test, upon fishery and social life, by Dr. Juji Enomoto
- 3) Document presented by Dr Tsuzuki. Atomic bomb injury from medical point of view
- 4) Medical effects of the Bikini-Ashes (a preliminary report) by Dr Tsuzuki, Masao, M.D. Tokyo University

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- 5) Observations of Captain Cyril Falls. The Trend of Modern Warfare
- 6) Paper by Dr. Costedoat on certain weapons of the future
- 7) Proposition de M. le Général Jovanovic (en français seulement)
- 8) Address to the Experts by Professor La Pira, Mayor of Florence
- 9) Draft resolution tabled by General Costedoat

VI - Press Release of April 6th and 13rd

VII - Communications to the National Societies of Red Cross

- 1) Summary of the opinions expressed by the Experts
- 2) Circular-letter of April 23, 1954
- 3) " " of May 14, 1954

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COMITÉ INTERNATIONAL  
DE LA  
CROIX-ROUGE

Commission of Experts  
for the legal protection of civilian populations  
and victims of war from the dangers of  
aerial warfare and blind weapons

Explanatory Note

Reason for and purpose of the Meeting

In revising the humanitarian Conventions of 1929, and setting up a new Convention for the protection of civilian persons, the representatives of sixty-one Powers who met in Geneva in 1949 reaffirmed the desire of mankind to define the limits where, as already emphasised in the St. Petersburg Declaration of 1868, "the necessities of war ought to yield to the requirements of humanity".

This is particularly true for the Convention dealing with Civilians; the representatives made it fully apparent that persons taking no direct part in hostilities should in all circumstances be treated humanely and should not be the object of attack. Once again therefore, the nations agreed to confirm their intention of limiting the cruellest aspects of war - until the supreme objective, its exclusion for all time, could be reached. That fact remains true, even if the essential purpose of the Geneva Conventions is to afford protection, not against the destructive effects of arms - for that is more the function of the Hague Regulations - but against the violence of men, namely the enemy.

This agreement was the cause of the greatest satisfaction to all who value respect for the individual, not least to the International Committee of the Red Cross.

The satisfaction felt is, however, marred by one fact which is becoming more obvious every day.

It must be observed, with the deepest anxiety, that whereas the nations have succeeded in again defining, for certain fields of warfare, the imperative requirements of humanity, this is not the case in regard to methods of warfare such as some forms of bombing from the air and the use of blind weapons, which lead to the wholesale and indiscriminate extermination of defenceless persons. In this field there is not only a lack of precise rules, but even the fundamental principles of the laws of war are questioned by some.

In the face of such a paradoxical situation, none who attach a value to the human being as such can possibly remain indifferent.

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The International Committee of the Red Cross, for its part, when making its Appeal of April 5, 1950, concerning atomic and blind weapons, drew public attention to a very important question: does not the use of methods or weapons of mass extermination largely undermine the efforts made so far for the legal protection of non-combatants (civilians or disabled military personnel) ? In short, how can the complete failure, in certain fields, to observe the distinction between combatants and non-combatants be compatible with the observance of humanitarian regulations which were in fact based on this distinction ?

A concrete example will suffice to show the urgent nature of this question. The Geneva Convention of 1949 specifies that hospitals may in no circumstances be attacked; they also provide that, for the greater protection of hospitals or safety zones, these should both be sufficiently far removed from military objectives.

If there is no longer any common conception of what constitutes a military objective, and if the idea of massive attacks upon urban districts is accepted, the above provisions are in great danger of becoming largely meaningless. As the International Committee stated in its Appeal, "Such arms will not spare hospitals, prisoner of war camps and civilians. Their inevitable consequence is extermination, pure and simple".

Since this Appeal was launched, no essential measures have been taken to dissipate the fears which inspired it. The International Committee considered that it was therefore its duty to take further action.

In so doing, it is prompted not only by the sense of responsibility felt by every man conscious of the terrible dangers with which the use of blind weapons threatens our civilisation, it is also animated by the wish faithfully to maintain the fundamental Red Cross attitude - a firm refusal to regard as admissible certain forms of unnecessary suffering.

Although for numerous and varied reasons it has not so far been possible for the minimum requirements of humanity to be recalled and proclaimed in respect of aerial warfare, as they have been for other fields of war, it can not be believed that the nations have, at heart, finally abandoned the idea. The International Committee considers that now is the time, if ever, to attempt to ascertain and define these minimum requirements, in order to protect defenceless persons, to the greatest possible degree, from the effects of all forms of attack from the air. This is the essential purpose of the proposed meeting.

The International Committee could not, in spite of its experience, bring this work to a successful conclusion by its own efforts, as it has not an adequate knowledge of this particular field. It therefore considers it advisable to call a meeting in Geneva of experts from several countries, whose knowledge of law, of present-day military questions, and also of moral and social requirements will be of great assistance in this undertaking.

This by no means represents a new initiative, as it is part of the long series of representations and other action undertaken by the International Committee, since 1920, for the protection of civilian populations against chemical and aerial warfare. It is equally a matter of interest to <sup>the</sup> world wide Red Cross movement; in several Resolutions of its International Conferences, and again recently, forcible expression has been given to the anxiety felt regarding the effects of chemical and aerial warfare by urging authorities to reach agreement on the banning of blind weapons.

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#### Nature of the Meeting and Provisional Agenda.

The work for which the International Committee has thought fit to convene a certain number of experts is unquestionably fraught with great difficulties, largely due to the considerations of all descriptions which are inevitably involved in this question. It is therefore essential that at this stage the matter should be studied solely from the humanitarian point of view. For this reason the International Committee thought that the proposed Meeting should be of a purely private nature; it will consist only of Experts invited in their personal capacity, and those taking part in the discussion will do so as private individuals.

It also seems preferable for the Meeting to be limited to a relatively small number of Experts, in order that discussion may be more direct and free, and thus more profitable.

The International Committee wishes to make it clear that, in accordance with its usual custom, it does not intend to give any publicity, either to the discussions or to the findings of the Meeting, without the express agreement of the participants.

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With regard to the Agenda of the Meeting, may we recall that (as we have already stated) its purpose is to endeavour to ascertain and define the requirements of humanity in connection with aerial warfare. The work of the Meeting should aim at fixing the rules and limits which must be respected in the conduct of aerial warfare, and of bombing in particular, in order to ensure the widest possible protection for defenceless persons, whatever the arm or the method employed may be.

Four main points are provisionally suggested for discussion by the Meeting -

- (1) General introductory discussion as to the desirability of enquiries with a view to defining or determining the rules relating to war from the air, with the object of increasing the protection of defenceless persons.
- (2) Enquiry, in the light of humanitarian requirements and having regard to the realities of war, into the rules which are, or should be, applicable to the conduct of bombing from the air (including bombing by blind weapons or engines guided from a distance);
  - (a) Study of the treaty provisions in force (in particular of the Hague Regulations of 1907),
  - (b) Study of the provisions with regard to war from the air embodied in draft Conventions not sanctioned by Governments (such as the "Hague Rules" of 1923), or in Resolutions of international organisations (such as the Resolution adopted by the 19th General Assembly of the League of Nations in 1938),
  - (c) Enquiry into other possible standards for the governance of bombing from the air or at any rate the guidance of Governments in the matter.
- (3) Study of the existing possibilities of taking proceedings to prevent or ascertain breaches of the rules resulting from paragraph 2, with a view to ensuring respect for the same.
- (4) Study, if necessary, of the form (declaration, Convention, etc.) to be given to the fundamental rules and proceedings elaborated by the Committee, with a view to facilitating as far as possible their recognition at a subsequent stage and practical application by Governments.

It need hardly be said that this is merely a Provisional Agenda, and the International Committee would be very pleased to receive, as from the present date, any remarks or suggestions the Experts may wish to offer on the subject. The Committee will take them into account as far as possible when drafting the more complete programme of work which will duly be submitted to the Experts, provided of course that they are basically in accord with the aims of the Meeting.

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### Documents.

Following its usual practice and in order to facilitate the work of the Meeting, the International Committee wishes to supply Experts with preliminary documents on the subject matter.

In this connection the Committee will have the pleasure of sending three booklets in due course.

The first entitled "La Protection des populations civiles contre les bombardements" (The Protection of Civilian Populations against Bombing) is a summary of the opinions of several eminent legal experts whom the International Committee consulted in 1931. Although this booklet was published some time ago, and does not take into account very important developments which have occurred since its publication, it nevertheless sets forth opinions which on the whole are still of great interest, and throw useful light on the subject which the Experts are to study.

The second document will consist of a brief summary of legal principles and rules applicable to bombing from the air, particularly in regard to civilian populations. It includes, in chronological order, not only the rules officially in force but also those embodied in draft international Conventions which have never been ratified, as well as in Resolutions of the League of Nations and of Law Associations; it also contains certain statements of principle by Governments<sup>and</sup> the International Committee of the Red Cross. This document is of course not intended to be exhaustive.

The Experts will be receiving from the Committee a Memorandum giving a brief outline of the main questions which may be considered in connection with each item of the Provisional Agenda, as well as questions to which the Commission should, as far as it may be possible, find an answer.

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