INTERNATIONAL COMMITTEE OF THE RED CROSS

Conference of Red Cross Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts

Vienna, 20 March – 24 March 1972
(Second session)

REPORT ON
THE WORK OF THE CONFERENCE

Geneva
April 1972
INTERNATIONAL COMMITTEE OF THE RED CROSS

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the Reaffirmation and Development
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A. INTRODUCTION

The first session of the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts was held in Geneva from 24 May to 12 June 1971.

The Conference was fruitful in its results, but it was not possible to deal fully with all the subjects, and some of them were not even broached. The experts unanimously recommended that a second session be held. The ICRC having decided to follow that recommendation, the second session will take place in Geneva from 3 May to 3 June 1972.

At the Council of Delegates' meeting in Mexico on 8 October 1971, the ICRC had the opportunity to inform National Societies of the progress made in its work in the field of the development of international humanitarian law. A large majority of the National Societies present there approved a plan to convene once again, before the second session of the Conference of Government Experts, a meeting of Red Cross experts. The purpose of this meeting was to allow the latter, after they had taken note of the results of the first session of the Conference of Government Experts, to proceed to a wide exchange of views on the texts which the ICRC had prepared for the second session.

After the ICRC had agreed to organize the meeting, it had the pleasure of receiving an invitation from the Austrian Red Cross for the Conference to be held in Vienna. This kind offer was most gratefully accepted.

The Conference of Red Cross Experts was held in Vienna from 20 March to 24 March 1972, under the chairmanship of Dr. Hans von Lauda, President of the Austrian Red Cross. It was organized jointly by the Austrian Red Cross and the ICRC.
The Conference elected Mr. Jean Pictet, Vice-President of the ICRC, to be Chairman at the working session. It also nominated as Vice-Chairman Dr. Friedrich Wendl, Legal Adviser of the Austrian Red Cross. Mr. Hans Polster, Secretary General of the Austrian Red Cross, and Mr. J.-L. Cayla, on the legal staff of the ICRC, were nominated Secretaries General.

Ten sittings in all were held, including the opening ceremony.

Summary records of the meetings were drawn up and circulated at intervals to the experts, except for the summary records of the last sittings which were sent later to the National Societies taking part in the Conference.

The ICRC would like once again to express here its warmest thanks to all those who participated in the Conference and also to all who made it possible. It allowed the ICRC to gather a wide variety of valuable views on the subjects that will be examined at the second session of government experts.
B. LIST OF EXPERTS DELEGATED BY THE RED CROSS
AND RED CRESCENT SOCIETIES OF THE FOLLOWING COUNTRIES:

AUSTRALIA
Miss Noreen Hinogue, Deputy Secretary General

AUSTRIA
Dr. Hans von Lauda, President
Dr. Robert Czedik-Eysenberg
Dr. Ernst Erben
Dr. Michael Haas
Mr. Hans Polster, Secretary General
Dr. Friedrich Wendl, Legal Adviser

BELGIUM
Mr. Guy Dolphin

BURUNDI
Dr. François Buyoya, President

CANADA
Major-General Arthur E. Wrinch, National Commissioner
Mr. J.W. Samuels, Legal Adviser
CZECHOSLOVAKIA
Dr. Gejza Hencer, Member of the Central Committee

DENMARK
Mr. Arne Fremm, Secretary General

EGYPT, ARAB REPUBLIC OF
Dr. Esmat Hamman

FINLAND
Mr. Kai J. Warras, Secretary General

FRANCE
Mr. Marcellin Carraud, President
General Georges Glain

GERMAN DEMOCRATIC REPUBLIC
Dr. Werner Ludwig, President
Dr. Bernhard Graefrath, Legal Adviser

GERMANY, FEDERAL REPUBLIC OF
Mr. Walter Bargatzky, President
Mr. Konrad Buschbeck, Legal Adviser
Dr. Anton Schloegel, Secretary General
Dr. Ignaz Seidl-Hohenveldern
Mr. Wolfgang Voit, Jurist

GREECE
Mrs. Alexandra D. Hantzoulinos, Jurist,
Member of the Central Committee
HUNGARY
Mr. Istvan Rostas, Secretary General
Dr. Goza Horczegh, Jurist
Dr. Tiber Meneth, Jurist

INDONESIA
Mr. A.S. Indrakesuma

IRELAND
Mrs. Tom Barry, Chairman
Miss Mary Murphy, Secretary General

JORDAN
Dr. Ahmad Abu Goura, President

KOREA, DEMOCRATIC PEOPLE'S REPUBLIC OF
Mr. Kim Dal Kouk
Mr. Kang Young Djoun
Mr. Ri Seung Ho
Mr. Jang Seun Houn
Mr. Kil Hak Tcheul
Mr. Kim Sou Tcheul

KOREA, REPUBLIC OF
Dr. Yong Woo Kim, Vice-President
Mr. Eun Bun Choc, Special Assistant
Mr. Sang-Chul Ro, Adviser
LEBANON
Prof. George Asmar, Member of the Central Committee

LIECHTENSTEIN
Prince Nikolaus von Liechtenstein

NETHERLANDS
Dr. F. Kalshoven, Legal Adviser

NORWAY
Mr. Torstein Dale, President
Mr. Edvard Hambro, Adviser
Mr. Hans Wilhelm Longva, Adviser
Mr. Haakon Mathiesen, Secretary General

PHILIPPINES
Mr. Manuel Lin, Chairman
Mr. Juan Dayang, Governor

POLAND
Dr. Jan Rutkiewicz, President
Dr. Slawomir Dabrowa
Dr. Tadeusz Wallil, Member of the Central Committee
Miss Danuta Zys

PORTUGAL
Dr. Rui Manuel Parente
Dr. Jose Manuel Borges Gama Cornelio da Silva
Mr. Afonso Malheiro
RONANIA
Mr. Tudor Popescu

SAUDI ARABIA
Mr. Abdul Ghani Ashi, Vice-President

SPAIN
Mr. Fernando Murillo, Legal Adviser

SWEDEN
Mr. Olof Stroh, Secretary General
Miss Sarah Forssner
Dr. Gunnar Sandberg

SWITZERLAND
Dr. Hans Haug, President
Mr. Pierre Audeoud, Vice-President
Miss Rosemarie Lang

UNITED KINGDOM
Mr. P.H.D. Pritchard, Adviser

U.S.A.
Mr. George Elsey, President
Mr. Ramone S. Eaton, Vice-President
Mr. Harold Starr, Adviser
U.S.S.R.
Prof. Igor Blishchenko
Mr. Innokentij Krasnopeev

VIETNAM, REPUBLIC OF
Mr. Dang-tran-Loi, Secretary General

YUGOSLAVIA
Mr. Maks Klansek, Member of the Central Committee
Dr. Vladimir-Djuro Degan
Dr. Bosko Jakovljevic, Legal Adviser
Prof. Petar Hangovski
Mr. Lazar Raonic

INTERNATIONAL COMMITTEE OF THE RED CROSS
Mr. Marcel A. Naville, President
Mr. Jean Pictet, Vice-President
Mrs. Denise Bindschedler-Robert, Committee Member
Mr. Roger Gallopin, Committee Member
Mr. Jean-Louis Le Fort, Secretary General
Mr. Claude Pilloud, Director
Mr. Pierre Gaillard, Assistant Director
Mr. Helchior Borsinger, Delegate-General
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Mr. Jean-Louis Cayla, Legal Adviser
Mr. Antoine Martin, Assistant of the Head of the Legal Division

Mr. Jean de Preux, Legal Adviser
Mr. Guy Winteler, Legal Adviser
Miss Françoise Bory, Press Officer
LEAGUE OF RED CROSS SOCIETIES

Mr. Medin Abut, Deputy-Secretary-General

Mr. Jacques Meurant, Special Assistant
Address by Dr. Hans von Lauda,
President of the Austrian Red Cross

Mr. President, Sir,
Excellencies,
Ladies and Gentlemen,

I would like to welcome first of all the Minister of Foreign Affairs, and, on behalf of everyone here, to thank him for having found the time, in the midst of his manifold occupations, to come and open this important Red Cross conference.

I also welcome to Vienna Mr. Haville and trust that he will derive much satisfaction from the work he will be carrying out here.

For the second time in a few years, the Austrian Red Cross has the honour to act as host to a Conference of the International Red Cross. In 1965, Austria had the privilege of organizing the XXth International Conference of the Red Cross. Today we receive experts from thirty-six National Red Cross Societies to discuss the development and reaffirmation of international humanitarian law.

While, in its essential aspects, the XXth International Conference of the Red Cross differs from this conference of experts, I am convinced that there is an immediate link between the two gatherings. In 1965, our essential task was to guard against the rift which had threatened the International Red Cross ever since the XIXth International Conference of the Red Cross, held in New Delhi in 1957, and to prevent the stagnation of international humanitarian law which had set in as far back as 1949. Today we can say that both those aims were achieved in Vienna. Despite differences of opinion, we succeeded in creating an atmosphere of co-operation, as manifest in the forty resolutions adopted by the Conference. It has, in fact, already been possible to put into practice many of the ideas summarized in those resolutions. I venture to remind you that the basic principles of the Red Cross,
proclaimed as the "Vienna Declaration", are already firmly rooted in the world conscience. We realize, of course, that in 1965 the foundations alone were laid in Vienna, and that the fulfilment of those ideas still calls for much effort. The Conference of Experts convened in Vienna by the International Committee of the Red Cross is in itself an effort to find a solution to the problems that still exist.

Basing itself on the fundamental resolution on measures for the protection of civilian populations which was adopted at the Vienna Conference, the XXIst International Conference of the Red Cross, in Istanbul in 1969, was also concerned about how international humanitarian law could be developed. Resolution XIII called upon the International Committee of the Red Cross to draw up proposals and submit them to governments.

The International Committee of the Red Cross is carrying out that mission in co-operation with National Red Cross Societies, and that is why it invited you to take part in a conference at The Hague last year, and to come to Vienna this year. The results of these conferences should contribute to facilitating the task of the International Committee of the Red Cross.

The fact that the two draft additional protocols to the four Geneva Conventions can now be submitted to the Red Cross experts as working documents indicates the extent to which the work underlying the adaptation of existing international law to changing war techniques and political conditions throughout the world has advanced.

So long as we have no means of preventing war, the development of international humanitarian law must be a special mission for the Red Cross. We must admit that international law has undergone profound changes over the past decade. In the era of atomic weapons, the aim of the humanitarian rules of international law is not only to relieve the sufferings of war victims, but to create conditions for the survival of mankind. With that aim, your task is a particularly important one.

I hope that this city will again demonstrate its pre-eminence as an international meeting place for the Red Cross. In my capacity as President of the Austrian Red Cross Society, I welcome you all most heartily to Vienna.

Mr. Navillo, will you now please take the floor.
Address by Mr. Marcel A. Naville,
President of the ICRC

Mr. President, Sir,
Excellencies,
Ladies and Gentlemen,

The International Committee of the Red Cross takes great pleasure here in declaring open the second Conference of Red Cross Experts on the Reaffirmation and Development of Humanitarian Law.

Last year, it was the Peace Palace at The Hague in a country that has accomplished a great deal for humanitarian law, that threw open wide its doors to greet us. Today, we are gathered here in Vienna, a renowned centre of thought and humanism. It should not be forgotten that it was in this very place that the first international legal instrument of a humanitarian nature was born. It was on 8 February 1815 that representatives of the European Powers, meeting during the Congress of Vienna, formally proscribed slavery in a Declaration which constitutes one of the historical foundations on which has been built that which is called today the Declaration of Human Rights.

But that is not all. In October 1965, the XXth International Conference of the Red Cross, conducted with competence and courtesy by Dr. von Lauda, whom I greet here with great pleasure and who so ably presides over the Austrian Red Cross, was held in the Hofburg, within these same stately rooms, which we contemplate with so much admiration. That Conference adopted a formal resolution, which we call the Vienna Declaration, relative to the protection of civilian populations against the dangers of indiscriminate warfare, the first result of our efforts in that field.

In that same Resolution XXVIII, the Conference urged the ICRC to pursue the development of international humanitarian law, and on the day when the Vienna Declaration was adopted, those of us who were present at that memorable meeting realized that the time to re-state humanitarian law was close at hand. We had a first vision of the plan of action which has today brought us together: to draw up for submission to States a number of
proposals not designed to recast the Geneva Conventions, but
to explain and complete them as regards some important points.
The success achieved in Vienna, in a specific sector, encouraged
a resolute step forward in that direction and was a good omen
for the future.

The work has so far advanced considerably. The ICRC
first submitted its plan and its hopes to the XXIst International
Conference of the Red Cross, held in Istanbul in 1969. Then,
strengthened by the support and authority of that high assembly,
it prepared a considerable documentation which in the first
place was submitted to the Red Cross experts gathered at The
Hague last year, and subsequently to the Conference of
Government Experts, convened in Geneva in May 1971, which
assembled delegates from some forty countries. While that
Conference allowed an appreciable step forward, it was unable
to deal with its whole programme, and that is why a second
session which this time is open to all countries, is being
convened in Geneva this spring. Like last year, it seemed
necessary, in the first place, to call a meeting of experts
of National Red Cross Societies, all of which have been
invited to take part in this meeting. And that is the reason
why we are here.

I might add that, after the first session of government
experts, the ICRC held a series of consultations with experts
from different countries, in Geneva and elsewhere. We found
their advice invaluable in drawing up the draft protocols.

In addition, the ICRC called a meeting, held in Geneva
in November 1971, of representatives of the non-governmental
organizations which for many years have taken an unfailing
interest in the work done in the legal field. The results of
that Conference and the recommendations which it formulated
will also be submitted to the forthcoming session of govern-
ment experts.

Lastly, at earlier meetings the wish was expressed
that countries which had recently achieved independence should
be more closely associated in that task. The ICRC therefore
sent two missions to Africa. They went to a number of capitals
and contacted the authorities of those countries with a view
to awakening their interest in the joint cause. It is to be
hoped that following these missions more African countries will
send experts to the second session of experts.
Again, at a meeting of Red Cross and Red Crescent Societies in Arabic-speaking countries held in Baghdad early this month, ICRC representatives had an opportunity to draw the attention of these Societies, and through them that of their Governments, to our work and to the meeting to be held in May.

Now, you have before you what is, so to speak, the complete text of the two draft Protocols which the ICRC has been able to draw up. They comprise the provisions intended to supplement, on the one hand, the Geneva Conventions as a whole, in cases of international conflict, and, on the other, Article 3 common to those Conventions, relative to armed conflicts not of an international character. We have considered it advisable to concentrate the subject matter in two documents rather than submit a series of separate protocols. Yet the different fields are dealt with in distinct chapters, so that the two drafts could be split up, if the States preferred it that way, into as many independent protocols as there are chapters.

Let us now consider the broad outline of the new rules to be established. First of all, in the field of the wounded and the sick, which the Red Cross has always had so close at heart, two chapters have already been approved by experts: their purpose is to afford all civilian medical personnel, so long as it is under government supervision, the protection to which it is legally entitled and which it still lacks. It will henceforth be possible to set up in every country a civilian medical service entitled to display the red cross emblem, or to merge military and civilian health services.

A further chapter refers to medical transport. By perfecting technical marking systems it should be possible to recreate a medical flying corps immune from attack, and this, too, will call for a new set of rules.

A matter which is at the very core of the development of humanitarian law is the protection of the civilian population against the dangers of modern warfare. The Fourth Geneva Convention, which was finally concluded in 1949 for the benefit of civilians, protects them only against arbitrary action by the enemy authority and not against certain methods of warfare, particularly bombing. It should nevertheless be possible for the Powers to accept rules under which civilians would be spared. In this respect, our drafts make a clearer distinction between the civilian population and the military. They call on
belligerents to adopt certain precautions and safeguards for the benefit of non-combatants.

An equally important and sensitive problem is that of protecting the human person in conflicts not of an international character. Since 1949, the Geneva Conventions have contained a common Article 3 which applies to these cases and which has already rendered great service. But this is only a first step in the right direction, and experience has shown its shortcomings. There is an imperative need to adapt it to present needs: that is the aim of the second draft Protocol which we are submitting to you, a kind of miniature Convention but consisting of minimum, moderate and realistic provisions which any State can accept without thereby being unable to ensure the security of its population.

I cannot develop all the subjects on our present agenda and shall therefore confine myself to mentioning once more the problem of guerrilla warfare, a form of combat that in our present-day era has assumed such proportions that it can no longer be ignored. It arises, above all, where there is a marked imbalance between the opposing forces: one of the parties then tries to offset its weakness by having recourse to an underground struggle and even terrorism, in order to produce an atmosphere of insecurity. The opponent, too, is often inclined to make ill-use of the means of repression. The population, dragged this way and that, is sometimes involved in the confrontation. It is certainly the first victim. It is not possible to provide minimum rules which both parties should observe in order to ensure minimum protection for disarmed combatants, and particularly for non-combatants.

Lastly, there is a point of special interest to National Red Cross Societies and which deserves to be carefully studied, and that is the role which the Societies are to play in developing and spreading knowledge of humanitarian law. A fine field of action thus lies open before them. A number of leaders of National Societies have imparted their very interesting ideas. We welcome them because, although the Conventions ensure that a great many lives are saved, they can do so only if the Conventions are known to those who are to apply them.

This is the programme and these are the documents on which you will be expected to pronounce during the coming few days, before the second session of government experts meets on 3 May. We are convinced that that session will approve these texts and that we shall be able to submit them in the
not so distant future to an assembly of plenipotentiaries which alone has the power to endow them with the force of law.

Now it only remains for me to express the deep gratitude of the ICRC to the Government of Austria, here represented by such eminent figures, for the very real and wholehearted help it has once again given us.

All our gratitude goes, too, to the Austrian Red Cross, to its distinguished President, Dr. von Lauda, to its Secretary General, Mr. Polster, to all those who, in order to make this Conference possible, have worked with an efficiency and devotion to which I must pay tribute. I also thank them for the cordial hospitality which they are offering us and for all that they are doing to make our stay in the Austrian capital a pleasant one.

I should like at this point to mention how glad we are that it has been possible to collaborate, within our sphere of interest, with the United Nations Secretary-General and the Human Rights Division of that great international organization. That collaboration has developed for the greater good of our common cause. It will be a pleasure and honour for us to continue with that great Austrian, Mr. Kurt Waldheim - who has so formidable a task awaiting him in this troubled world - the excellent relations established with his predecessor, U Thant.

Finally, may I thank the National Red Cross, Red Crescent and Red Lion and Sun Societies which have been associated with us in this vast undertaking from the very outset. Many of them answered our call and have strongly encouraged us to press ahead. And then they joined us in this long-term effort, giving us moral and material support. Above all I would thank those Societies that have made a financial contribution and all of you who offer us your knowledge, your experience and, above all, your faith.

For faith it needs to build a new legal structure, to raise new barriers against the arbitrary at a time when violence and fanaticism are the order of the day and the individuals' most elementary rights are threatened.

But we shall succeed; faithful to the spirit of its founders, strengthened by its millions of members and the cohorts of young people who take up the torch, the Red Cross is the voice of the people in their true desire for peace, justice and humanity.
Address by Mr. R. Kirchschläger,
Minister for Foreign Affairs

Mr. President, Sir,

It was the suffering and extreme anguish of the wounded witnessed by a Swiss, Henry Dunant, at the battle of Solferino in 1859 that gave rise to the efforts for developing, also in time of war, a specific humanitarian way of thinking and establishing a humanitarian line of conduct.

Today's gathering is a milestone on the long road still to be covered by the Red Cross and by mankind, and we shall not be able to attain our final goal unless we or future generations after us shall find at last a way to establish world peace. You are gathered here, on the invitation of the Austrian Red Cross, at a meeting of experts where an opportunity is offered to National Red Cross Societies to set forth their views on the reaffirmation and development of international humanitarian law applicable to armed conflicts.

This conference seems to me particularly important as an attempt to ensure a wider dissemination of humanitarian ideas which nowadays are not yet or only inadequately recognized. This is why I consider it so striking that the Red Cross should endeavour to find ways and means of adapting the treaty principles essential to the application of international humanitarian law to present-day requirements, and thus as far as possible to fill the gaps which have appeared since the four Geneva Conventions were adopted in 1949.

At a time when the distinction between the concept of internal conflict and that of international conflict is getting increasingly blurred, and the classical notion of guerrilla warfare increasingly outdated, international humanitarian law must be developed further.

The Republic of Austria, as a neutral State in perpetuity, is happy to act as host to this Conference of Experts in Vienna. If there is a State whose moral and legal duty it is to help establish a more humane world, that is the neutral State. On behalf of the Austrian Government, I therefore extend a very cordial welcome to you as experts in the humanitarian field. Your activity is necessary because, in
this world, foreign policy has on the whole not yet attained its final and most important objective: to be an absolute and pure policy of peace. I therefore regard it as one of the aims of Austrian foreign policy to support your efforts, your work and the aid you render mankind. I do not think this assistance should be confined to understanding your humanitarian action. May the whole world be convinced that "pacigerence" should replace belligerence and that there is no problem in the world that cannot be solved better by "pacigerence" than by belligerence.

Your thoughts, quite rightly, will be directed not only to the future as we think it ought to be but to the present as it is now. We must admit that it has not been possible so far to find any solution to the Middle East conflict, nor to put an end to the war in Indo-China. It is a long and heavy task to watch over the respect of the Red Cross principles in areas of conflict such as the ones I have just mentioned.

The Republic of Austria endeavours, as far as it can, to co-operate in the settlement of conflicts. It also approved a resolution of the twenty-fifth General Assembly of the United Nations, in 1970, calling upon all parties to any armed conflict to comply with the terms and provisions of the Geneva Convention relative to the Treatment of Prisoners of War, which resolution endorsed the continuing efforts of the International Committee of the Red Cross to secure the effective application of that Convention.

The unspeakable suffering entailed by fighting in territories at war should give rise to more widespread international assistance. It calls not only for a more liberal interpretation, but for a broader application of the Geneva Conventions, whose sole purpose is to help people in a thoroughly impartial manner and, in particular, to protect women and children.

The idea and the purpose of the Red Cross are simple, and in that very simplicity lies their greatness. A task that is worth shouldering is not merely that of recognizing and pricing then, but of putting them into practice. May the efforts of the Red Cross receive the support they need, at international level and in the community of nations as a whole.
Mr. President, Sir,

On behalf of the Federal Government of Austria, I wish you all success at the Conference discussions and hereby declare open the Conference of Red Cross Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts.
D. SUMMARY RECORDS OF THE CONFERENCE
I. GENERAL DEBATE

The meeting was opened by Dr Hans von Lauda, President of the Austrian Red Cross, who proposed that Mr. Pictet, Vice-President of the ICRC, should take the chair at all the working sessions of the Conference. Mr. Pictet was unanimously elected by acclamation.

At Mr. Pictet's proposal, Dr. Friedrich Wendl, Legal Adviser, was nominated Vice-Chairman of the Conference. Mr. Polster, Secretary General of the Austrian Red Cross, and Mr. Cayla, on the legal staff of the ICRC, were nominated Secretaries General.

After having given some practical details on the running of the Conference, as well as some information on the documentation prepared by the ICRC and made available to the experts, Mr. Pictet opened the general debate.

The representative of the League took the opportunity to express the League's great satisfaction at its being associated with this meeting. He stressed the growing interest that was being universally shown in the development and reaffirmation of international humanitarian law, not only in the Red Cross world but also within the United Nations.

He went on to underline the progress obtained in the field of the reaffirmation of international humanitarian law. The two draft additional Protocols to the Geneva Conventions were eloquent proof of the advances made.

He added that National Societies should increasingly contribute to the propagation and development of international humanitarian law; to that end, he expressed the wish that the Conference should set up for National Societies a work programme that would back the ICRC's own efforts.

The experts who spoke in the course of the general debate wished to stress the progress achieved in the reaffirmation of international humanitarian law. They voiced their general approval to the ICRC's decision not to put forward several additional Protocols but to deal rather with the whole question in an additional Protocol relating to international armed
conflicts and in a single other additional Protocol relating to non-international armed conflicts. In this connection, some experts observed that certain, sometimes identical, rules were to be found in both instruments and that, with an additional effort towards simplification, it might perhaps be possible to draft a single Protocol covering all cases of armed conflicts. Other experts, on the contrary, supported the plan of having two additional Protocols, and thought that the Protocols represented the situation as it was to be found today in the world.

The experts brought up other points which were discussed at subsequent meetings: one of the experts felt that the provisions for the protection of the civilian population against dangers of hostilities could have been still more strictly framed; the 1954 Hague Convention was also mentioned, and it was emphasized that a stipulation recalling the obligations laid down in that Convention could be introduced into the additional Protocols.

Two experts mentioned the importance of the problem raised by armed struggles for self-determination and said that the international nature of such conflicts could no longer be challenged.

One of the experts, alluding to the provisions concerning the entry into force of the additional Protocols, thought that it would be easier to obtain their entry into force by means of a simple declaration, without such a declaration having to be followed obligatorily by a procedure of ratification.

Lastly, it was noted with satisfaction that the barriers which had stood between "Hague Law" and "Geneva Law" now no longer existed.
II. PROTECTION OF WOUNDED, SICK AND SHIPWRECKED PERSONS
IN INTERNATIONAL ARMED CONFLICTS

(Reference: Draft Additional Protocol to the Four Geneva
Conventions of August 12, 1949, - hereinafter
called draft Protocol I, - Part II, Section I.)

After listening to remarks on this subject introduced
by one of the experts of the ICRC, the experts made the following
observations:

Article 11.— Definitions

One of the experts emphasized that this article contained
a number of useful definitions of a very general nature; he was,
however, surprised that the term "civilian", one of the key-words
here, had not been defined as had been done in other parts of
the additional Protocol.

With regard to paragraph (a) of Article 11, an expert
considered that those temporary medical establishments where
first aid is given to the wounded and sick should be included
under para. (a), and that the wording of the latter should be
amended to: "The term 'medical establishments and units' means
hospitals and other establishments, whether fixed or temporarily
improvised ..."

Regarding paragraph (c), many experts thought that the
definition of medical personnel was too restrictive and that the
expression "and exclusively" should be deleted in order to cover
temporary medical personnel. It was observed that, in National
Societies, auxiliary aids for medical tasks played a significant
part; they were temporary, because they were not assigned
exclusively to these tasks. It was proper to ensure that the
same protection was given to them as to permanent medical
personnel.

One of the experts thought that medical personnel in
charge of disease prevention, first aid and social assistance
could well be included in this category of protected persons.
Lastly, it was put forward that the medical service personnel attached to civil defence organizations should also be included in this definition. To this end, the expression "for the purposes of the present Part" should be deleted.

Article 12.- Protection and care

One of the experts observed that the principle of non-discrimination should be specified by a non-exhaustive enumeration of concepts such as sex, race, nationality, religious beliefs and political opinions.

Article 14.- Civilian medical establishments and units

One of the experts pointed out that there was, indubitably, general agreement to reinforce the protection of civilian medical establishments and units and of civilian medical personnel, and to extend a similar protection to the medical staff of civil defence services. It was certainly necessary to increase that protection by giving them the right to make use of the distinctive emblem. But it would have to be laid down that these medical establishments and units with their medical personnel should not be allowed to use the emblem except in time of armed conflict, for if they were authorized to do so in peace-time, this might lead to considerable difficulties for some National Red Cross Societies by reason of the confusion that might ensue.

The use of the emblem implied that the assistance was given in conformity with the principles of the Red Cross and that it was free of charge. Its use by a large number of establishments and by medical personnel whose services were offered for a fee was liable to create an ambiguous situation to the disadvantage of National Societies and of the Red Cross as a whole.

Article 18.- Civilian medical personnel

Paragraph 2:

An expert proposed that it should be specified at the end of this paragraph that "the identity card must correspond to the model annexed to the present Protocol".
Another expert suggested that, in this article, it should be specified whether the time taken to go from one's home to the place of work was included or not in the expression "while on duty".

Paragraph 3:

One of the experts noted that the obligation stipulated in this paragraph was weakened by the expression "in so far as possible", but that it was, nevertheless, an obligation, contrary to what stated in the commentary on this article to the effect that "assistance is required to be given in so far as possible; it therefore is not an obligation".

An expert expressed the wish for the harmonization of the terms employed in Articles 14, 16 and 18, while others pointed out translation discrepancies between the French and English texts.

The Chairman then resumed the discussion of other proposals submitted by several experts.

(a) A proposal was made to delete in Article 11 (c) the word "exclusively", in order to ensure the protection also of temporary personnel. Some delegations asked that the word "regularly" should also be deleted, while others wished that the neutrality of temporary personnel, and thus its protection, should be made certain. The conclusion that emerged was that it was not enough to delete the adverbs in para. (c), but that it was necessary to study and set up an ad hoc provision for the protection of temporary personnel (cf. Annex I, 01).

(b) An objection was made regarding the works "it therefore is not an obligation" at the end of the second paragraph on page 40 of the Commentary: these works will be deleted.

(c) It was proposed to delete the words "in so far as possible" at the beginning of para. (3) of Article 18. The proposal was seconded by several delegations. The ICRC's proposed new version: "Every possible assistance shall be given to ..." was approved.

(d) In Article 18, it was found that the discrepancies between the English and French versions were in fact existent. The French was the sole authorized version.
(e) In Article 11 (c), a proposal to add a phrase concerning disease prevention was approved. The other suggestions made by the representative of the Red Cross Society in the Federal Republic of Germany with regard to first aid, social welfare and civil defence seemed to point to a need for the article to be worded in suitably general terms, possibly combining various scattered provisions and dealing with specific points. The Yugoslav Red Cross supported the observation made by the Red Cross Society in the Federal Republic of Germany.

(f) Several delegations took part in the discussion on discrimination in Article 12 (2), some proposing some other expression such as "without any adverse distinction", others suggesting the inclusion of an enumeration as in Article 12 of the First Convention, and others still proposing to introduce a reference to this provision of the First Convention. A study was to be carried out on this question so as to decide on the best solution to be adopted.

(g) Certain observations were formulated concerning the adjectives "medical" and "civilian" in Article 14 (1) and the loss of "civilian" status if it were qualified by "medical", but there did not appear to be sufficient support for this question, and it was dropped.

(h) It was pointed out that there was a contradiction in the terms of paras. 1 and 2 in Article 17. This observation was accepted and the article was to be reworded to remove the contradiction.

Article 16. - Civilian medical transports

A delegation pointed out that para. 1 of Article 16 provided for a document to be drawn up, but not para. 2. It proposed that the question of the emblem should be provided for in Article 14. This matter will be examined.

Article 18 Civilian medical personnel

Paragraph 2:

It was proposed that the period "on duty" should include the time taken to go to and return from the place of work. These details were to be added.
Article 18 a: see the annexed joint proposal submitted by the Austrian and Yugoslav Red Cross Societies concerning an additional article for the protection of temporary personnel, as well as a counter-proposal presented by the Belgian Red Cross (cf. Annex I, 01 and 02).

Article 19. - Protection of medical duties

Paragraph 4:

The proposal that the word "annonce" in the French version should be replaced by the word "déclaration" was approved.

Article 20. - Role of the population

Paragraph 1:

One of the delegations thought that the verb "permit" was inadequate. A proposal was made to replace it by the expression "shall be authorized" or to write "shall authorize". The point was that it should be indicated that it was not an offence to tend, even in the absence of an authorization. A delegation wished to add, after the words "shall permit", the words "facilitate and protect". The Chairman drew the conclusion that the Conference endorsed the idea for expanding Article 20.

III. PROTECTION OF THE WOUNDED, SICK AND SHIPWRECKED IN NON-INTERNATIONAL ARMED CONFLICTS

(Reference: Draft Additional Protocol to Article 3 common to the Four Geneva Conventions of August 12, 1949, - hereinafter called draft Protocol II, - Chapter III.)

One of the delegations made three observations:

(a) to include in Article 7 the provision of Article 13, para. (2) in Protocol I concerning medical experiments; the proposal was seconded by a delegation and was approved.
(b) to require governments to enjoin the respect of the rule in Article 9 (1); see the annexed commentary presented by the Canadian Red Cross and proposed amendments to Article 9 (Protocol II) and Article 20 (Protocol I) (cf. Annex I, 03).

(c) to harmonize Protocols I and II concerning marking, which is provided for in Article 14 (3) of Protocol I but not in Protocol II, Article 11.

Concerning Article 7, para. (3), a delegation requested that the word "dignity" should be mentioned.

IV. MEDICAL AIR TRANSPORT

(Reference: Draft Protocol I, Part II, Section II.)

The subject was introduced by an ICRC expert.

One of the delegations considered that the wording of Article 26 was too much on the negative side; it suggested to use the term "may fly" and, instead of the word "agreement", to use "declaration" or "notification". The proposal was put to the vote but did not obtain the required majority of votes.

A further point was raised concerning the respective fields of Articles 25 and 26, which appeared to some delegations not to be clearly defined.

A delegation proposed that the end of para. 1 of Article 25 should be amended to "all medical aircraft" and to delete the last part concerning helicopters.
V. ROLE OF NATIONAL SOCIETIES

An expert of the ICRC referred to a proposal, presented in 1971 by the experts of Yugoslavia and Switzerland (Government Experts Report, 1971, p. 31), which had received a large measure of support in Mexico. He also referred to the provisions in the Geneva Conventions and in Protocols I and II, in which National Societies are mentioned. The Yugoslav delegation pointed out that it was necessary for National Societies to know more clearly what their activities were exactly and who were those who should benefit from such activities. It recalled the 6 points of its 1971 proposal and stressed the need for certain facilities in order to act in those situations not provided for in the Conventions on behalf of refugees, stateless persons, nationals of countries without any diplomatic or consular representatives, and in short on behalf of all persons liable to become victims. The ICRC, and also the League, could benefit from such provisions. The Yugoslav delegation therefore proposed to introduce in the Protocol a general provision along those lines.

This proposal was seconded by the Swiss delegation; not only the medical, but also the general activities of National Societies had to be covered, and that protection had to be given in all circumstances. Furthermore, care had to be taken not to omit to protect a National Society with regard to the State to which it belonged.

A third delegation in its turn supported the proposal and stressed the highly important social tasks performed by National Societies. These tasks and the persons to be protected had to be determined and equal treatment afforded to all personnel.

Another delegation too voiced its support for this proposal. National Societies should be invited to co-operate in the application of all Red Cross principles. They were closely involved in conflicts and had to perform work which had to be adequately protected.

A proposal that the International Red Cross should be mentioned was also put forward.
The Chairman set up a working group, consisting of representatives of Yugoslavia, Switzerland, the Federal Republic of Germany, Poland, Jordan, together with an expert of the ICRC, in order to study the Yugoslav proposal.

After completing its examination of the question, the working group put forward a proposal to introduce a new article under Part I (General Provisions) of draft Protocol I, the purpose of which was to ensure the protection of National Societies in time of armed conflict (cf. Annex I, 04).

VI. CIVILIAN POPULATION

(Reference: Draft Protocol I, Part IV.)

Section I: "General Provisions" and
Section II: "Protection of the civilian population against dangers resulting from hostilities"

Part IV was introduced by an expert of the ICRC, who then spoke in more detail on the questions dealt with in Sections I and II (Articles 40 to 56).

In the discussion, some experts first of all deplored the present draft did not sufficiently take into account the proposals put forward some time previously by the Norwegian Government experts (cf. proposal submitted by the Norwegian experts, CE/Com.III/19, Report on the work of the Conference of Government Experts, 1971, p. 65; see also "Position Paper of the Norwegian Red Cross" Annex I, 05). The ICRC expert, on the other hand, was of the opinion that most points of the Norwegian statement had been taken into consideration in the draft Protocol or that they were already covered by the Fourth Geneva Convention.

In the course of the discussion, many observations were made concerning Articles 40 to 56 and specific amendments put forward.
Article 40. - **General Protection of the Civilian Population**

An expert proposed, with a view to consistency, to add after "civilian population" the words "as such", which appear in Article 45 (respect for the civilian population), and to add a new phrase to the article, "... in all territories under the control of the Parties to the conflict". The ICRC expert thought that this additional phrase would be useful, but that Article 40 should not all the same lose the character of a declaration of a very general nature.

Article 41. - **Definition of the Civilian Population**

The definition of the population was not made the object of any observations of principle, but it was proposed, in order to avoid any misunderstanding, to draft the second paragraph as follows: "The civilian population comprises all persons fulfilling the conditions stipulated in the foregoing paragraph." (cf. Annex I, 06).

The same delegation proposed a more logical wording for para. 4 of the same article, again, however, without modifying its sense: "In case of doubt as to whether persons fulfil the conditions stipulated in para. 1, they shall be presumed to belong to the civilian population so long as the doubt persists" (cf. Annex I, 06).

The ICRC expert stated that these two re-wordings met with his entire approval.

Article 42. - **Definition of Objects of a Civilian Character**

No objection was made to the principle of stating a definition for objects of a civilian character, but certain amendments to Article 42 were put forward.

Regarding paragraph 1, a purely formal amendment, concerning only the English translation, was presented: "Objects, which, by their nature or use, are intended for the civilian population ..." (cf. Annex I, 06).
Some experts proposed to supplement the list of "objects which are indispensable to the survival of the civilian population", but no written proposal was submitted for re-arranging the order of the objects listed and giving a more general description of the civilian nature that could be attached to them (cf. Annex I, 06).

Here, too, the ICRC expert declared he agreed with these amendments.

Article 43.- Definition of military objectives

Several delegations were doubtful whether this article should have been included in a draft concerned with the protection of the civilian population and which should be inspired by purely humanitarian considerations. The ICRC expert explained that the purpose of its inclusion was in fact to prevent a too narrow interpretation of the definition of objects of a civilian character through a reference to a definition of military objectives which would be adopted unilaterally by the Parties to the conflict and which might be wider than the one proposed in Article 43.

Article 45.- Respect for the civilian population

There were also some objections to Article 45. The first of these concerned paragraphs 2 and 3, which exemplified the prohibition formulated in paragraph 1 and which, it was feared, might weaken it. A proposal, approved by the ICRC, was then put forward by another delegation, with the aim of underlining more strongly the exemplary nature of paragraphs 2 and 3, by including them both in the first paragraph, as follows:

"1. The civilian population as such, as well as individual civilians, shall never be made the object of attack; the following, inter alia, shall be prohibited:

(a) terrorization attacks;
(b) attacks which, by their nature, are launched against civilians and military objectives indiscriminately."
A proposal was presented to include a further provision, which would constitute a new paragraph 5:

"Attacks which, by their nature, are liable to pollute and disturb the balance of the natural environment shall be prohibited." (cf. Annex I, 07).

The delegation that proposed the foregoing also suggested, regarding this aspect of the question, to delete the fifth paragraph of the preamble to Protocol I, beginning with the words: "Emphasizing that the methods and measures ...".

Certain delegations attacked paragraph 5 of Article 45, on the ground that it was out of step with the general purpose of the draft (cf., for example, Annex I, 07, which does not include this provision). The ICRC expert explained that the intention was in fact to ensure the protection of civilians, who, by their work, participated in the war effort, in all places other than the undertaking where they worked and which would itself be in most cases a military objective. But he agreed that a more acceptable formula, starting from the notion of protection, might be sought.

One of the delegations proposed to add to this article a further paragraph as follows:

"Attacks which, by their nature, are liable to imperil cultural property constituting a country's national inheritance are prohibited." (cf. Annex I, 08).

Article 47.- Respect for objects of a civilian character

One of the experts thought that it was not logical to include this article, the whole structure of Part IV of the Protocol being thereby impaired, since civilian objects were here shown as liable at the same time to be military objectives. A proposal, with which the ICRC expert concurred, was therefore put forward to amend it as follows:

"Objects of a civilian character shall not be made the object of attack. They shall lose their civilian character whenever they are used directly and mainly for military purposes." (cf. Annex I, 06).
Article 48.

Respect for and safeguarding of objects indispensable to the survival of the civilian population

Paragraph 1, which prohibits reprisals only against "objects indispensable to the survival of the civilian population", and not against all objects of a civilian character, was much criticized.

It was pointed out by some experts that Red Cross Conferences had always condemned all reprisals whatsoever, and this stand had to be firmly maintained. The ICRC expert pointed out that the ICRC had not deemed it realistic to extend the prohibition of reprisals to all civilian objects as that would have meant almost a complete prohibition of this type of sanctions. Some experts replied that the only kind of reprisals of practical importance were those carried out against the civilian population, the absolute prohibition of which had been included in the draft; that, on the other hand, reprisals against civilian objects had only minor military significance, and that, consequently, it was quite possible to consider the full prohibition of reprisals against all objects of a civilian character. It was found, on a show of hands, that a substantial majority of the delegations were in favour of the extension of the prohibition of reprisals as suggested.

It was then proposed that the reservation of "unavoidable military necessity", which weakens the prohibition to destroy "objects indispensable to the survival of the civilian population", contained in Article 48, paragraph 2 (b), should be removed.

The ICRC expert pointed out that the notion of military necessity also appeared in Article 53 (prohibited destruction) of the Fourth Convention, and that its removal from Article 48 would mean that heavier obligations would be imposed upon the State than upon the occupying power. But it was replied to this that Article 48 concerned solely objects indispensable to the civilian population and that, consequently, the protection of those objects should prevail over military necessity. The great majority of experts were, on a show of hands, in favour of the deletion of the words "except in cases of unavoidable military necessity and only for such time ...".
Article 50. Principle of proportionality

The principle of proportionality laid down in this article was also criticized as to whether it was compatible with the basic idea of a draft that had to stipulate primarily measures of protection, and its deletion was demanded by one of the delegations (cf. Annex I, 07). A demand was specially put forward for the deletion of paragraph 3, which was challenged as being meaningless. The ICRC expert explained that the purpose also of Article 50 was to limit as much as possible destructions and not to authorize them, and that paragraph 3 in particular could eventually be of significance when, in order to attain an equal military advantage, a choice had to be made between two possible measures both of which would appear not to be disproportionate to the result sought, but one of which presented nevertheless a lesser danger to the civilian population and civilian objects. When asked for their view a majority of the delegations showed that they were in favour of retaining Article 50.

However, a delegation pointed out that paragraph 2 of this same article concerned less the principle of proportionality than the prohibition to attack the civilian population as such and that, consequently, this provision should be included in Article 45 (cf. Annex I, 07). The ICROR expert stated that he did not have any objection to this change, although the question could well be considered also from the angle of the principle of proportionality; he thought that this provision could be included in Article 45 as sub-paragraph (c) of paragraph 1.

Article 53. Non-defended localities and
Article 54. Neutralized localities

These provisions were attacked as not being sufficiently clear and not easily applicable during hostilities. In particular, the criticism levelled against Article 53 was that it would inevitably lead to the lapse of Article 25 of the Hague Regulations, despite its paragraph 8 which contained a reservation in respect of these Regulations, as it was to be feared that military commanders would assume that, in the absence of any agreement, the locality were defended and therefore open to attack. The ICRC expert explained that the situations in the two articles differed in that the purpose of Article 53 was to remove any uncertainty which often existed as to whether a particular locality on the front was in fact defended or not.
and whether it could be occupied or not without firing a shot, while the purpose of Article 54 was, on the other hand, to enable with certainty to determine that a particular locality behind the lines did not contain any military target to be bombed. The ICRC expert was of the opinion that the ideas underlying those two articles were valid but admitted that the wording was perhaps somewhat ponderous. A majority among the experts showed that they were in favour of Article 54 in principle being retained (cf. Annex I, 18).

Section III: "Assistance to the civilian population"

The expert of the ICRC made a brief introductory statement on the articles concerning the protection of children (Chap. I, Arts. 57 to 62).

Article 58. — Safeguarding of children

This article gave rise to some observations. One of the experts said that, in his view, it was not possible to prevent children joining the inhabitants of an occupied country in their struggle against occupying forces; for that reason, he rejected the first proposal. But recruiting children for service in armed forces was another thing; consequently, he was in favour of Proposal II. Another expert stated that his delegation approved Proposal III.

An expert of the ICRC next presented the articles concerning relief (Draft Protocol I, Part IV, Section III, Chapter II).

Article 64. — Humanitarian assistance

The Jordanian delegation proposed an amendment to paragraph 2 of this article, as shown in its written proposal, Annex I, 09.
An expert of the ICRC pointed out that this article only contained a mere statement concerning offers put forward. The motivation of relief actions was not questioned. He wondered if it were necessary to link Red Cross Societies' actions with those of States. He considered that no such statement be included in a text of this kind and proposed that the Red Cross should not be mentioned in this provision.

Some experts proposed to delete the first five words of Article 64, "To the fullest extent possible". An expert thought, too, that the wording of paragraphs 2 and 3 was too restrictive. On the other hand, another expert approved the wording of Article 64, but would have liked that a more precise meaning were given to what was understood by the term "recognized society". He also pointed out that States and Red Cross Societies were placed on an equal footing. It was necessary to specify that neutral States were involved, or else to omit all mention of them. The Chairman noted that relief societies were already mentioned in Article 26 of the First Convention. An expert was in favour of an amendment to Article 64, paragraph 2, and added that the League should be added to the list of relief societies. This proposal was supported by several experts. It was pointed out by an expert that the text of paragraph 2 of Article 64 had been proposed by the Canadian and Norwegian delegations. He requested the ICRC to study the text of this article in order to alter somewhat its negative phrasing so as to bring out the assistance that was offered as a friendly act.

The Chairman decided to set up a working group to put forward proposals relating to the problem of humanitarian assistance. The working group was composed of the representatives of the National Societies of the German Democratic Republic, Jordan, Norway, Sweden, U.S.A. and Yugoslavia, and of an expert of the ICRC.

Lastly, an expert declared that, during the Korean War, populated areas and civilian institutions, like schools, hospitals and cultural property, had been bombed. He therefore proposed to add to Articles 54 and 55 of the draft Protocol more specific provisions prohibiting all barbarous acts of war, all indiscriminate bombing, in particular that of undefended localities, and the use of bacteriological and chemical weapons.
Section IV: "Civil defence organizations"

The subject was introduced by an expert of the CICR. Some experts stressed the necessity of giving special protection to civil defence organizations and stated they were pleased with the ICRC proposals in this field.

A few minor amendments were suggested:

Article 67.- Definition

Paragraph 1:

One of the experts pointed out that not all disasters were natural disasters, and that some could also be caused by our civilization's high level of technical complexity. He suggested to change the relevant phrase to "resulting from hostilities or disasters".

Article 69.- Protection in occupied territories

It was pointed out that civil defence organizations could fall into the hands of an enemy outside occupied territory, and that it would perhaps be more advisable to deal with this question under a separate provision.

Article 71.- Markings

It was suggested, concerning this article, to delete the words "medical and non-medical".

In conclusion, the ICRC expert said that, on a number of points, the tasks of civil defence organizations were very similar to those of National Red Cross Societies.
VII.- COMBATANTS

(Reference: Draft Protocol I, Part III.)

An expert of the ICRC introduced Part III. The tendency in certain quarters to drop all reference to combatants was criticized by an expert who went on to say that the United Nations, in their resolutions, had requested the ICRC to deal with that question; that was the express wish of governments. Further, it was found that there was a current tendency to speak about the provisions of The Hague, as well as those of Geneva, as humanitarian laws. Finally, it should not be forgotten that the merit of the Red Cross lay, not in putting forward proposals to governments which the latter could be expected with reason to accept, but in persuading them to go still further.

Article 30.- Means of combat

Two draft proposals were presented, one by the experts of the German Red Cross in the Federal Republic of Germany, and the other by the experts of the Swiss Red Cross (cf. Annex I, 10 and 11).

An expert of the Swiss Red Cross, introducing paragraph 1 of his proposal, regretted that the ICRC had dropped the classical formula used in the Law of The Hague, which was, in his opinion, more comprehensive on the humanitarian plane.

The Parties to the conflict were those responsible for the choice of weapons, and not the combatants. Of course, it would have been more appropriate, in order to take into account existing international law, to use the expression "Parties to the conflict" instead of the term "belligerents", which was a direct allusion to the jus ad bellum, now prohibited. Finally, this expert considered that the classical formula "injuring the enemy" was more comprehensive than the ICRC's new version.

This proposal was supported by some experts. When the Chairman asked the experts to express their opinion on this question, a clear majority were in favour of the version as laid down at The Hague.
The expert of the German Red Cross in the Federal Republic of Germany next presented his proposal and stated that the National Societies were not to go only as far as what governments were ready to accept in this field. It was necessary to advance along the lines laid down by the resolutions adopted by the International Conferences of the Red Cross in Vienna and Istanbul. It was also pointed out that paragraph 3 of Article 45 entitled "Respect for the civilian population" lost all significance if, at the same time, it was accepted that weapons of mass destruction and of terrorization could be used.

The ICRC proposal, as well as that of the experts of the German Red Cross in the Federal Republic of Germany, received the support of several delegates. One of them observed that, all the same, Article 30 was an advance and was formulated in a way that was acceptable to all, since it provided for the prohibition of certain weapons. However, on comparing the ICRC draft with that of the German Red Cross in the Federal Republic of Germany, he did not see that there was so much difference between them and hoped that both drafts would be submitted to the government experts. Nevertheless, he recognized that he did somewhat prefer the German proposal, which took more extensive account of the New Delhi and Vienna resolutions.

Another expert, who also supported the proposal of the German Red Cross in the Federal Republic of Germany, emphasized that the United Nations resolutions not only called for the reaffirmation, but also for the development of international humanitarian law. But, he said, it was impossible for international humanitarian law to countenance the use of weapons that could not distinguish between the civilian population and military objectives. In this respect, the Geneva Protocol of 1925 quite likely went further than the document proposed by the ICRC.

An expert put forward an amendment to paragraph 3 of Article 30, for the deletion of the expression "in the present Protocol".

Article 38.- Guerrilla fighters

Some experts thought that paragraph 1 should contain only the first six lines as far as the words "Detaining Power", and that all the rest was superfluous. The word "organized"
in the second line was sufficient for these movements to be covered by Article 39, and hence by international law applicable in armed conflicts and the present draft Protocol. Others took the view that it was quite impossible to consider the deletion of all the conditions enumerated in paragraph 1, although sub-paragraph (b) could well be deleted. There was a contradiction between the freedom conceded under sub-paragraph (b) and the penalties which were to be inflicted in the case of breaches of the laws and customs of war applicable in armed conflicts.

One of the delegations considered that if the "movement" to which guerrilla fighters belonged respected the rules applicable in armed conflicts, individual combatants who had violated those rules should not be deprived of prisoner-of-war treatment. But another delegation pointed out that it would then be necessary, and not optional as stated in sub-paragraph (b), to carry the emblem.

Still another delegation gave its full support to the ICRC text on this matter, which has been the subject of controversy for many years, and considered that its wording was realistic in its approach.

Divergent views having been expressed concerning this draft article, the Chairman requested the experts to indicate, by a show of hands, whether these conditions should be deleted: only a small minority were in favour of deleting the conditions.

Article 39.- Organization and discipline

Finally, an observation was made, regarding the wording of this article, by an expert who deplored that international law was not explicitly mentioned in it. He proposed that the following words should be added: "rules of international law applicable in armed conflicts".
VIII. PLAN TO BE APPLIED BY NATIONAL RED CROSS SOCIETIES

(Reference: Annex II.)

The ICRC expert submitted the "Plan of action to be applied by National Societies in spreading knowledge of and in developing international humanitarian law applicable in armed conflicts".

A large number of delegations took the floor.

The first delegation to do so thought that the division of the plan in two separate parts (I and II) was somewhat arbitrary, and insisted that emphasis should be placed on education, that all available means afforded by the mass media should be utilized and that steps should be taken to organize scholarships and to apply to foundations and specialized institutions. The very great receptivity of the younger generation, whose views were not to be neglected, had to be taken into account. Lastly, public opinion could not be won over if one did not have faith in one's own ideas.

A second delegation considered that the plan offered a solid basis on which to build and made the following suggestions:

(a) to prepare long-term plans and to make periodical reappraisals;
(b) to co-ordinate their application with the authorities;
(c) to train instructors;
(d) to let the authorities deal with that which was within their own sphere of competence;
(e) to constitute a Red Cross - Government working group, particularly where implementation and penalties were concerned.

A third delegation advocated to start by spreading knowledge among specialized groups, as it was not easy to reach the general public. The creation of appropriate material would allow the latter to be reached. First of all, the question should be methodically dealt with by the National Society at a high level, and then submitted to the ICRC for a study in depth. A "clearing" exchange between National Societies, where comments of all kinds could be interchanged, would be also useful.
A fourth delegation approved the ICRC plan and recommended the organization of seminars.

A fifth delegation also approved the ICRC plan and recommended the constitution, in every country, of a special committee that would promote the spread of knowledge of the Conventions.

A sixth delegation considered that the work to be done was a somewhat thankless task and that spectacular results were not to be expected. It was essential that it should be comprehensive. It imagined the humanitarian law specialist as the conscience of the highest ranking officers, that specialist belonging to the Red Cross. The question of supervision therefore had to be probed deeper.

A seventh delegation advocated extending dissemination at two separate levels: among the general public, and among specialized circles. It suggested co-operating with the Henry-Dunant Institute.

The delegation of a National Society numbering two million members asserted that much could be done among the general public, as well as among specialized circles. The aim was to strengthen peace, security and international co-operation.

A ninth delegation, while approving the ICRC plan, stressed that the spirit of the Conventions should be instilled throughout the world and emphasized the importance of students.

A tenth delegation said that dissemination in a country at war was very difficult and that the ignorance of humanitarian law could be likened to a natural disaster.

An eleventh delegation was of the opinion that "dissemination" should not be confused with "propaganda". Every country was different, but with the young it was essential to start early, in order to train their minds. In spite of some scepticism on the part of the public, seminars were very useful. It was necessary to put in methodical and persistent work. It was important that National Societies should receive first-class training, even in respect of new proposals of texts, so that they might present a correct point of view. These was here a comprehensive task to be fulfilled, for which one had to feel oneself responsible. The ICRC plan received this delegation's approval.
A twelfth delegation thought that at the forthcoming International Conference of the Red Cross, to be held in 1973 at Teheran, there would be an opportunity for extensive dissemination.

A thirteenth delegation approved the plan which provided all the necessary foundations for making full use of the mass media.

A fourteenth delegation, while recognizing that, in its own country, the work pursued within the framework of human rights was still insufficient, hoped that an account of the measures adopted in other countries, particularly those which had newly acquired their independence, might be made known. Each Society should prepare, with ICRC assistance, a document to be presented to its government. It would be appropriate, too, to know the various legislations adopted in this respect in each country and to compile a manual of international humanitarian law illustrating the different systems in force in the various countries.

A fifteenth delegation approved the plan and proposed the creation of a National Societies publications centre.

A sixteenth delegation declared that, in its own country, humanitarian law was taught as a separate subject. It thought that UNESCO should be mentioned in Article 76 of Protocol I.

An expert of the League emphasized that humanitarian law should be included in the curricula of senior officials' training courses.

IX. OBSERVERS AT THE 1972 CONFERENCE OF EXPERTS

The Chairman proposed that National Societies, that were not represented in the delegation sent by their country to the 1972 Conference of Government Experts and that wished to send observers to that Conference, were to apply within fifteen days to the ICRC (Mr. Gaillard) or the League (Mr. Abut). The ICRC
had taken into account the possibility for a small number of observers from National Societies to attend meetings at the Conference.

X. WARS OF LIBERATION

The ICRC expert introduced the subject.

One of the delegations expressed the view that, without a definition of wars of liberation, a declaration such as the one proposed (Commentary, Part I, p. 182) was inapplicable. This point of view was supported by another delegation.

XI. MEASURES INTENDED TO REINFORCE THE IMPLEMENTATION OF THE EXISTING LAW

(Reference: Draft Protocol I, Parts I, V and VI.)

Part I: "General provisions"

An expert of the ICRC introduced the subject. In accordance with the wish expressed at the first session of the Conference of Government Experts, a questionnaire concerning measures intended to reinforce the implementation of the existing law (Doc. D-0-1210 b) was prepared by the ICRC and sent to all governments of States that expressly became parties to the 1949 Conventions. The very interesting replies that were received were to appear collected in a document to be submitted to the attention of the government experts at the second session.

Article 6.- Appointment of Protecting Powers and of their substitute

The delegation of the German Red Cross in the Federal Republic of Germany signified its interest in the proposed Article 6 and expressed its satisfaction at the ICRC's declaration
at the first session of the Conference of Government Experts that it was ready to take upon itself, as a substitute for Protecting Powers, all the functions falling to the latter under the 1949 Conventions that could be considered as humanitarian functions. The delegation presented a written proposal intended to give greater precision to Article 6 (cf. Annex I, 12).

1. For the sole purposes of applying the Conventions and the present Protocol, each of the Parties to the conflict has the obligation to designate a Protecting Power from the beginning of the hostilities, and must accept the activities on its territory of a Protecting Power designated by the adverse Party. If, for any reason, a Party to the conflict fails to designate, or to accept, a State as Protecting Power, it shall designate or accept, as substitute, the International Committee of the Red Cross or any other impartial humanitarian organization. If, despite the foregoing, the designation and acceptance of a Protecting Power or of a substitute is not made within a reasonable time from the beginning of the hostilities, the Parties to the conflict shall accept, as substitute, the International Committee of the Red Cross.

2. (Unchanged)

3. (Unchanged)

4. (A paragraph should be added along the lines of Article 9 of the First, Second and Third Conventions and Article 10 of the Fourth Convention, in order to make clear that the designation and the acceptance of the International Committee of the Red Cross or any other impartial humanitarian organization as a substitute for a Protecting Power do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may undertake, in accordance with the Conventions and the Draft Additional Protocols, for the protection of wounded, sick and shipwrecked persons, prisoners of war and civilians.)

Various observations were made concerning the first paragraph of this article:

(a) Several experts, while endorsing the above proposal, considered that this paragraph should be made more explicit and that, in particular, the time required for the appointment and acceptance of a Protecting Power or a substitute should be specified. Certain experts supported this proposal concerning the time necessary for the appointment and acceptance of the ICRC
as a substitute. An expert, referring to the period of time fixed in the proposal submitted by the United States government experts at the first session (cf. Report on the Work of the Conference of Government Experts, 1971, p. 115, proposal CE/Com.IV/2), thought that the expression "within a reasonable time from the beginning of hostilities - contained in the proposal in Annex I, p. 12, was vague. It was pointed out the thirty days' period provided for in the proposal CE/Com.IV/2 was too long.

The delegation of the Hellenic Red Cross submitted a written proposal (cf. Annex I, 13) on this same paragraph 1.

Some experts pointed out that the whole question still required detailed study and that it was up to the governments to decide.

(b) Other experts thought that it was difficult to imagine the "automatic" appointment and acceptance of a Protecting Power or its substitute, as it appeared to be provided for in the ICRC draft article. In their view, it was essential that such appointment or acceptance should be linked with an agreement from the Parties to the conflict. However, neither the proposed article nor the ICRC commentary on that article gave any clear indication as to that requisite agreement.

(c) It was pointed out, in respect of the second phrase of the article proposed by the ICRC that the automatic acceptance was only possible in the case of the ICRC, but that it could not be considered for any other "impartial humanitarian organization" which would not have been very clearly specified beforehand.

(d) An expert thought that, taking into account the proposed article, it would be advisable to stress that the notion of Protecting Power as understood in the Geneva Conventions was not identical with that in general international law.

(e) An expert of the ICRC emphasized that it was necessary to be most realistic concerning supervision of application, because the rejection, in practice, of the machinery set up would lead to a weakening of the Conventions. This point of view was shared by some experts.
Conclusion

The question was to be studied at the second session of the Conference of Government Experts, and the views expressed at the present meeting and the replies sent by governments to the questionnaire mentioned above were to be taken into account. The Chairman observed, in respect of paragraph 4 of the proposal in Annex I, 12, that its meaning was self-evident but that it would perhaps be better to state it expressly as was suggested in this proposal.

Article 7.— Qualified persons

An expert referred to the proposal submitted by the delegation of the Canadian Red Cross at the 1971 Hague Conference relating to the creation of advisers who would be attached to the officers in charge of military units and whose main task would be to spread knowledge of the Geneva Conventions and to instruct the rank and file on the law of armed conflicts, and thought that neither the proposed Article 7 nor the ICRC commentary on it laid any stress on the role that National Red Cross Societies would be called upon to play, in accordance with that proposal, in the training of such advisers.

One of the ICRC experts replied that it was upon governments themselves to take decisions in this field, particularly where the training of advisers was concerned. However, the observation formulated by the expert above was noted. It was clear that National Societies, in their capacity as auxiliaries of the public services, should also bring their own contribution to the training of qualified personnel, as provided for in this article.

Article 8.— Co-operation of the High Contracting Parties

Some experts thought that the sentence where the "High Contracting Parties .... are invited to co-operate in the application ...." should be amended in such a way as to render more imperative the undertaking by the Contracting Parties to co-operate in the application of the law.
Article 9. - Meetings

An expert considered that this article, like Article 8, constituted a specific elaboration of the collective undertaking entered into by the High Contracting Parties under Article 1 common to the 1949 Conventions. He pointed out, however, that the third sentence in paragraph 1 of the proposed Article 9 ("The meeting may likewise examine any amendment to these instruments ...") should be deleted, for The Hague Convention of 1954, on which this article was patterned, contained, in addition, very precise provisions regarding revision, while that was not the case for the Geneva Conventions.

The delegation of the French Red Cross presented an amendment (cf. Annex I, 14).

The amendment was supported by several delegations.

One of the experts, who thought that the proposal was an interesting one and pointed out that it took Istanbul Resolution XXI into full account, expressed his doubts as to whether Article 9 would work in practice. Though giving his support to the convening of meetings of the High Contracting Parties, he considered that the question should be studied further in detail. National Societies could meet for preparatory studies, but final decisions would always have to be taken at a Diplomatic Conference of the High Contracting Parties.

Conclusion

The Chairman noted that the additional paragraph proposed in Annex I, 14, would certainly be of great utility. Considerable support on the whole was expressed for the proposal submitted by the French Red Cross.

Article 10. - Permanent body

Referring to the ICRC commentary on this article, some experts stated that a permanent supervisory body set up within the United Nations would be very much liable to be swayed by political influences. It would probably take years before such a body could start to operate. An expert emphasized that in the
first paragraph of Article 10 common to the 1949 Conventions (Art. 11 of the Fourth Conv.), the words "an organization which offers all guarantees of impartiality and efficacy" did not refer to the United Nations, which was more of a political body. Another expert, referring to the fact-finding body (organisme d'enquête) mentioned in the ICRC commentary, affirmed that any publicization ran counter to the tasks Protecting Powers were called upon to discharge in the humanitarian field. If the ICRC were able, in certain cases, to carry out de facto the substitute tasks, that was made possible because of the complete discretion that was kept. The establishment of a permanent body would not further the purpose in view. In any case, that was a field where duties should fall on the ICRC and not on the United Nations.

Part V: "Execution of the Conventions and of the present Protocol" and Part VI: "Final Provisions"

A representative of the ICRC introduced the subject. Regarding Part V, he said that the ICRC had asked in its Questionnaire D-0-1210 b what would be the most appropriate measures to be taken to reinforce the rules relating to penal sanctions against persons committing breaches of the Geneva Conventions, and that it was on the basis of replies received that it would be possible to consider more detailed and complementary provisions to be added to the legislation in this field.

Article 74.—Prohibition of reprisals and exceptional cases

An expert stated that paragraph 2 of the proposed article, relating to reprisals (not yet prohibited by the law in force) by belligerents during the conduct of hostilities, and intended to reaffirm norms which limit the resort to such reprisals, either should be deleted or at least should take the place of the present paragraph 1 which would then become paragraph 2. It would then be more clearly apparent that no exception would be permitted in this sphere for the purpose of the Geneva Conventions. Many other experts shared this view and thought that this paragraph should be deleted. One of them said that such a paragraph should not be included in Geneva Law.
Certain experts went even further and thought that the whole of Article 74 should be deleted. For some, such an article should not be included under the heading relating to the execution of the law. Others considered that, on the one hand, the 1949 Conventions and, on the other, Articles 45 and 48 of the draft Protocol I already prohibited reprisals against protected persons and property and that, consequently, it was unnecessary to repeat the prohibition under Part V.

Conclusion

The Chairman inferred from the discussions that a majority of experts wished that Article 74 should be deleted or, at the very least, thoroughly re-examined.

Article 75.- Orders and instructions

An expert considered that paragraph 2 of this article should fully reaffirm all the principles of international law recognized by the Nuremberg Tribunal.

A representative of the ICRC replied that this wish was recorded and that that suggestion had already been put forward in the ICRC commentary on Article 75.

Article 82.- Reservations

An expert stated that the proposed article ran counter to the principles to the Vienna Convention of 1969 on the Law of Treaties which allowed contracting States, in the case of multilateral treaties, to formulate reservations. Furthermore, he thought that the prohibition to formulate reservations to additional articles was liable to deter States from acceding to the Protocol.

An expert of the ICRC replied that this article, part of which had been left blank, did not contain the absolute prohibition to formulate reservations, and that when it was drawn up, recent developments in the law of treaties in this respect, including the 1969 Vienna Convention, were taken into consideration. A question on this subject had been included in Questionnaire D-0-1210 b.
XII. DRAFT RESOLUTION ON PEACE

An expert of the ICRC presented the draft Resolution concerning Disarmament and Peace to be annexed to the Final Act of the Diplomatic Conference (cf. ICRC, Basic Texts, Geneva 1972, p. 48).

The delegation of the German Red Cross in the Federal Republic of Germany explained the purpose of the amendment (cf. Annex I, 15), which was to give some indications on some points which were not covered by the draft Protocols.

One of the delegations suggested that both texts, that is to say, the one presented by the German Red Cross in the Federal Republic of Germany and the ICRC text, should be submitted to the government experts.

This proposal was accepted.

XIII. DRAFT ADDITIONAL PROTOCOL TO ARTICLE 3 COMMON TO THE FOUR GENEVA CONVENTIONS OF AUGUST 12, 1949

An expert of the ICRC gave a general introduction to the matter and presented each chapter.

Chapter I.- Scope of the Protocol

Several delegates spoke on Article 1: "Material field of application". The condition which it contained regarding "organized armed forces under the command of a responsible authority" led some experts to fear that a substantial number of armed conflicts might not be covered by draft Protocol II. An expert submitted to the attention of the Conference a definition which seemed to him to be preferable: "situations where both sides resort to collective armed force". In any case, he proposed that the words "under the command of a responsible authority"
which appear in Article 1 should be deleted. Faced with the
difficulty of agreeing upon a definition, an expert expressed
the wish to go back to the wide and general wording of common
Article 3. On the other hand, a delegation entertained doubts
whether governments would consent to bind themselves if there
were not an objective definition of the conditions of applica-
tion, this point of view being supported by several delegations
which considered that the ICRC draft constituted a suitable
foundation. In this respect, an expert stressed that it was
essential to distinguish cases of non-international armed
conflicts from situations of internal disturbances.

An expert considered that the application of the Protocol
should be founded on the principle of non-interference and that
that principle should be stated in the preamble, which, further-
more, should mention the instruments relating to human rights.

With regard to non-interference, another expert said that
there could be no question of interference when the protection
of the fundamental rights of the human person was involved, and
that, moreover, the entire international community must be
concerned with armed conflicts which were the cause of so many
victims.

As to human rights, an expert wished that they should be
clearly distinguished from the rules of international humanitar-
ian law applicable in cases of non-international armed conflict.

Chapter II.- General protection of the population

One expert said that paragraph 2 of Article 6 should be
simplified; it would not be possible, for instance, to ensure
the identification of all children. This view was not shared by
another expert, who thought that paragraph 2 of the same article
would be applicable in case of non-international armed conflict;
the identification of children could, in fact, be effected by
taking measures already in peacetime.

In paragraph 3 of Article 6, it would be expedient to
specify that the offences mentioned here were those committed in
connection with hostilities, according to an expert, who added
that "there could be no interference with the administration of
justice in any country except in so far as penalties were inflicted upon persons by reason of their participation in the conflict”. Lastly, it was suggested to substitute the word "persons", in that same paragraph 3, for "civilians". This latter suggestion was approved.

Chapter III.– Protection of the wounded, sick and shipwrecked

An expert of the Philippine National Red Cross suggested that a provision should be added to Article 9, paragraph 2 (Role of the population), similar to the one included in Article 19, paragraph 4, of draft Protocol I, and which could be formulated thus: "... or be compelled to disclose the identity of persons who have received assistance or the place where they may be found". This proposal was approved.

Chapter VI.– Persons whose liberty has been restricted

The delegation of the Netherlands Red Cross submitted a proposal (cf. Annex I, 16), allowing certain categories of combatant members of armed forces not fulfilling all the conditions of Article 4 A (2) of the Third Geneva Convention to receive prisoner-of-war treatment under Article 25. These armed forces should nevertheless respect certain basic humanitarian conditions.

A delegation pointed out, in respect of Article 26, paragraph 1, that the expression "interned or detained after sentence" was ambiguous and that it might be understood that protection was not granted before sentence. It was agreed that the wording here should be re-examined.
Chapter VII.- Penal prosecutions

With regard to Article 27 (Individual responsibility), an expert pointed out that a commanding officer could be held responsible, contrary to this article, for offences committed by the men under his command.

Concerning Article 28 (Penal prosecutions against combatants) the expert of the Canadian Red Cross wondered whether this special protection should be extended solely to captured combatants. Although the government experts had shown some reserve with regard to the proposal to abolish or suspend the death sentence, there was nothing to indicate that, when necessary, they would have been prepared to extend that protection only to combatants. The expert thought that all persons, civilians and combatants, should be granted that protection. To this effect, he put forward the following proposal:

1. Subject to paragraph 2 below, when the death sentence is pronounced on a person by reason of his having taken part in the conflict, the sentence shall not be carried out before the end of the conflict.

2. When the conflict leads to the creation of a new State, whether or not this new entity be recognized by the former authorities of the territory, the death sentence shall not be carried out, and measures shall be taken for the release of the person under sentence.

This proposal left open the possibility of punishing by death all grave breaches of the law of armed conflicts.

Chapter VIII.- Relief

An expert proposed to substitute, in Article 33, paragraph 1 (National Red Cross and other relief societies), the word "principles" for "rules" (4th line), and to add after "relief societies" the words "duly recognized and approved by their governments". These proposals were approved.

Concerning Article 30 (Humanitarian assistance), it was decided to refer to the results proposed by the working group set up to study a new formulation for Article 64, "Humanitarian assistance", of draft Protocol I.
Chapter IX.— Executory provisions

An expert proposed to add, in Article 37 (Co-operation in the observance of the present Protocol), the words "such as the ICRC" after the word "efficacy". The proposal was approved.

XIV. REGULATIONS CONCERNING SPECIAL CASES OF ARMED CONFLICTS NOT OF AN INTERNATIONAL CHARACTER

(Reference: Draft Protocol II, Annex.)

An expert of the ICRC introduced the "Regulations concerning Special Cases of Armed Conflicts not of an International Character", annexed to the additional Protocol to common Article 3. An expert observed that it would be advisable not to prejudge the type of conflicts in question. He, therefore, requested that the ICRC would delete all mention of special cases in the draft Protocol itself (deletion of Article 35) and, also, that it would amend the title of the annex.

XV. REPORTS PRESENTED BY THE WORKING GROUPS

The working group set up to study a draft provision to be included in the additional Protocol to the four Geneva Conventions of 1949 on the protection of National Societies in time of international armed conflict submitted to the experts a proposal which is to be found in Annex I, 04 of the present report.

Paragraph 1, the only general clause, was unanimously approved by the working group members. Concerning points 2 and 3, there were two contrary bodies of opinion; some experts wished to draw up an exact enumeration of the tasks incumbent on National
Societies, while the others thought that, as the tasks of National Societies were widely known, it would be sufficient to draw up a provision drafted in general terms.

An expert then made the following proposal:

"1. The Parties to the conflict shall give to the National Red Cross (Red Crescent, Red Lion and Sun) Societies and to International Red Cross bodies all facilities, assistance and protection necessary for the performance of all their humanitarian activities to be carried out in accordance with the Red Cross Principles as defined by International Red Cross Conferences."

In addition, points 2 and 3 of the draft would be deleted.

There being divergent views about this suggestion, the President asked for experts to express their opinion. The ICRC expert's proposal was approved by a very large majority.

A second working group had been set up to study a new text for Article 64, "Humanitarian assistance". In accordance with the proposal put forward (cf. Annex I, 17), with which an ICRC expert fully agreed, only paragraph 2 of Article 64 would receive a substantive amendment: "Relief for the benefit of the civilian population is to be provided without discrimination. The offer of such relief by an impartial international humanitarian body such as the Red Cross shall not be regarded as an unfriendly act."

Paragraphs 1 and 3 of the ICRC original proposal were slightly amended with regard to form. An expert of the Netherlands Red Cross proposed to amend the wording of the first sentence of paragraph 3 as follows: "The Parties to the conflict shall exercise their right to prescribe technical arrangements, the sole purpose of which is to facilitate the conveyance and distribution of relief."

With regard to the expression "unfriendly act", one of the members of the working group expressed a reservation. He pointed out that the use of such an expression would not strengthen, but on the contrary, would weaken the position of the Red Cross. No one had so far ever imagined considering Red Cross action as an unfriendly act and such a notion should therefore not be suggested.

An expert wondered if it were appropriate to use in an International Convention the term "Red Cross" without qualifying it somehow. He proposed the following wording: "The offer of
relief by an impartial humanitarian body, such as an organ of the International Red Cross, shall not be regarded as an unfriendly act."

On this point, the experts were divided. Some considered it would be expedient to mention the "International Red Cross" with a view to covering the actions of all Red Cross bodies. Other experts, on the other hand, thought that an ambiguous situation might be created if the adjective "international" were used, because it was not certain that also the actions of National Societies would be covered. As there was no time left for the experts to reach agreement on a definitive text, the Conference decided to leave it to the ICRC to seek a solution to this question.
ANNEXES
ANNEX I

PROPOSALS SUBMITTED BY THE EXPERTS

01. Proposal submitted by the experts of the Belgian Red Cross, relating to the status of temporary medical personnel and the respect by the latter of the rules applicable in armed conflicts (Articles 11 and 18 of draft Protocol I*)

1. Amend Article 11; para (c), to read as follows:
   (c) the term "medical personnel" means permanent or temporary personnel engaged in the operation or administration, etc. ... (remaining part unchanged).

2. Do not add an Article 18 (a), the problem of the protection of temporary personnel having been settled by the extension of the definition of the term "medical personnel" as proposed above.

3. Add to Article 18 a sixth paragraph, on the following lines:
   The medical personnel shall be disposed organically in ranks, administered internally according to appropriate disciplinary regulations, ... which shall confirm the rules applicable in armed conflicts.

* Draft additional Protocol to the four Geneva Conventions of August 12, 1949.
02. Joint proposal submitted by the experts of the Austrian and Yugoslav National Red Cross Societies, relating to the protection of first aid teams of National Societies (Article 18 of draft Protocol I)

Article 18a

1. The personnel of teams of National Societies or other relief societies recognized by the competent authorities, engaged temporarily in the search for, rendering first aid to, or the removal and transport of wounded, sick and shipwrecked persons, shall be respected and protected while they are engaged in such duties.

2. The aforesaid personnel shall be identified by means of an identity card bearing a photograph of the holder and embossed with the stamp of the responsible authority, indicating their function as members of first aid teams; while on duty, the medical personnel shall wear on the left arm a stamped armband bearing the distinctive emblem, issued by the State.

3. National Societies, or other recognized relief societies, shall have an up-to-date list of the personnel mentioned in paragraph 1 of this article and shall control the proper use of the distinctive emblem by this personnel.

03. Comments by the experts of the Canadian Red Cross on the protection of the wounded, sick and shipwrecked (Chapter III of draft Protocol II*)

Article 9(1) is similar to one of the provisions in Article 18 of the First Geneva Convention and to Article 20(2) in the first draft Protocol. It places a responsibility directly

* Draft additional Protocol to Article 3 common to the four Geneva Conventions of August 12, 1949.
on individuals of the civilian population. The legal responsibility of individuals under international law is unclear. It is probably correct to say that customary international law, concerning fundamental laws of humanity, does impose a direct obligation on individuals. It is not so certain what is the legal effect on individuals of conventional international humanitarian law arising out of agreements between States. References to the existing international human rights legislation are misleading because this legislation has not yet been widely accepted on a truly international scale, and we have little experience with the effect on individuals apart from the effect through national legislation.

Furthermore, it is not at all clear that a State bears responsibility for all the acts of its nationals. Indeed, the works of international law are replete with statements exonerating a State from the acts of its nationals.

In the light of these two considerations, it is suggested that Article 9 in the second draft Protocol, and Article 20 in the first draft Protocol, should contain a provision engaging the State's responsibility to ensure that the civilian population does comply with the obligation imposed upon it. A suggested addition might be:

"The Parties to the conflict shall take appropriate measures, by means of legislation or otherwise, to ensure that the civilian population complies with the obligations imposed herein."

04. Proposal submitted by the working group composed of the experts of the National Red Cross Societies of the Federal Republic of Germany, Poland, Switzerland and Yugoslavia, and of the Jordanian Red Crescent, concerning a new article to be inserted under General Provisions in draft Protocol I, on the protection of National Societies in time of international armed conflict.

1. The Parties to the conflict shall give to the National Red Cross (Red Crescent, Red Lion and Sun) Societies and to International Red Cross bodies all facilities, assistance
and protection necessary for the performance of all their humanitarian activities to be carried out in accordance with the Red Cross Principles as defined by International Red Cross Conferences.

(2) These activities, in favour of wounded, sick and shipwrecked persons, prisoners of war, internees, refugees, children, the aged, the handicapped and all other victims of conflict, consist, inter alia, in the training of medical and social welfare establishments and units, blood transfusion services, social welfare work, rescue services, collection, transportation and distribution of relief supplies, tracing services and the reuniting of families.

3. Victims of conflicts may apply to the National Society of the territory in which they live (alternative: concerned) for assistance. National Societies shall be empowered to give this assistance in the most appropriate fashion.)

05. Position Paper submitted by the experts of the Norwegian Red Cross on the scope and economy of a new international instrument relating to the reaffirmation and development of international humanitarian law applicable in armed conflicts

The Scope of possible new Rules

The 1949 Geneva Conventions on the Protection of War Victims contain a basic distinction between armed conflicts not of an international character and international armed conflicts. This same distinction is maintained to define the scope of the substantive rules contained in the two draft Protocols proposed by the International Committee of the Red Cross in Document I: Basic Texts, Geneva, January 1972.

It is the view of the Norwegian Red Cross beyond doubt, that, once hostilities have reached a certain level, the need of the civilian population and of other war victims for protection will be the same regardless of the legal classification of the conflict. To a large extent the same substantive rules should therefore apply in all armed conflicts. The Norwegian Red Cross holds the view that this principle, which is already laid down
in several unanimous decisions of competent bodies of the United Nations and incorporated in the draft convention on "Protection of Journalists Engaged in Dangerous Missions", submitted by the Government of France at the 27th session of the United Nations Commission on Human Rights, must continue to be a guiding principle for the drafting of new substantive rules. A proposal in this respect was also submitted by the Norwegian Government Experts at the Conference of Government Experts at Geneva in 1971.

It was argued by certain experts at this Conference that, unless the entire structure of international law were modified, there was no possibility for changing the distinction between armed conflicts not of an international character and international conflicts. According to this line of thought, proposals based on the abolition of the distinction between internal and international conflicts alter the entire structure of the Geneva Conventions and indeed of international law in general.

In the view of the Norwegian Red Cross, the present structure of international law does not favour the use of the same mechanisms of implementation of the Geneva Conventions in international conflicts as in armed conflicts not of an international character.

The Norwegian Red Cross therefore holds the view that problems relating to the question of implementation of the Geneva Conventions should be studied separately for these two categories of conflicts.

On the other hand, the Norwegian Red Cross fails to see that there is any incompatibility between the present structure of international law and a possible abolition of the distinction between international conflicts and armed conflicts not of an international character as far as the elaboration of new substantive rules of international law is concerned. The Norwegian Red Cross wishes to note in this respect that the very principle that substantive rules of international law can apply both in international conflicts and in armed conflicts not of an international character is recognized both in the present international legal system and in the structure of the Geneva Conventions of 1949 by the incorporation of common Article 5 into these Conventions. The possible abolition of the distinction between international conflicts and armed conflicts not of an international character in the elaboration of new substantive rules therefore has no bearing on the structure of the international legal system, and must be regarded as a simple question of convenience. The most imperative humanitarian considerations
impose a partial or complete abolition of this distinction in
the elaboration of new rules.

A further reason for not maintaining the distinction
between international conflicts and armed conflicts not of an
international character in the drafting of new substantive rules
is the difficulty of classification of specific conflict
situations. This difficulty, which can easily be used by the
belligerents as a loophole to avoid the fulfilment of their
obligations, is emphasized by the International Committee of
the Red Cross in document VI submitted to the first session of
the Conference of Government Experts, where the International
Committee at page 50 refers to "conflicts not corresponding
entirely to the conventional definition envisaged in Articles 2
and 3 of the Geneva Conventions ...".

The Economy of possible new International Instruments

In its documentation submitted to the first session of
the Conference of Government Experts in Geneva, the International
Committee of the Red Cross proposed a series of draft additional
protocols to the existing Geneva Conventions of 1949. In order
to simplify this system of international instruments and to avoid
overlapping and duplications, the Norwegian experts at the said
Conference submitted for consideration whether the proposed
additional Protocol to Article 5 relative to the protection of
civilian population in time of armed conflict, the proposed
Protocol relative to the protection of civilian population in
time of armed conflict and the proposed Protocol interpreting
Article 4 of the Third Geneva Convention, as well as the proposed
draft model rules covering guerrilla warfare, could be replaced
by one single international instrument applicable in all armed
conflicts (Doc. CE/Com.II/1, 2 and 3). Such an international
instrument could be elaborated as an additional Protocol to the
Third and Fourth Geneva Conventions. According to the Report on
the Work of the Conference, (Geneva, August 1971), "several
experts were in favour of this proposal" (paragraph 111). On the
other hand, "other experts objected to the idea of a single
protocol on the ground that it would be of too vast a scope and
give rise to numerous points that were still premature"
(paragraph 112).

The Norwegian Red Cross shares the view that it is
desirable to simplify the network of additional protocols
proposed by the International Committee of the Red Cross and,
if possible, reduce the number of additional protocols to the
Third and Fourth Geneva Conventions to one. The usefulness of
such a reduction of the number of additional protocols to one is, in the opinion of the Norwegian Red Cross, confirmed by the two draft Protocols submitted by the International Committee of the Red Cross in Document I, Basic Texts (Geneva, January 1972). These two Protocols contain many draft articles which are either identical or have a very similar wording. This duplication clearly calls for simplification.

The Norwegian Red Cross cannot agree with the view expressed by some delegates at the Conference of Government Experts that one single additional protocol would be of too vast a scope or give rise to points that are still premature. It is not the intention in such a protocol to deal with any problems which are not already dealt with by the International Committee of the Red Cross in the draft Protocols contained in Document I, Basic Texts. The only objective is to achieve a simplification of the proposed treaty network. The Norwegian Red Cross envisages that it may be convenient to subdivide such a single protocol in several parts which may, if it proves to be desirable, be given different scopes of application. This is already the economy of the Fourth Geneva Convention of 1949, which, in Articles 3, 4 and 13, makes different parts of the said Convention applicable to different groups of protected persons.

06. Proposal submitted by the experts of the Netherlands Red Cross; relating to the civilian population
(Draft Protocol I, Part IV)

Proposals

Art. 41:

Paragraph 2: The civilian population comprises all persons fulfilling the conditions stipulated in the foregoing paragraph.

Paragraph 3: The presence, amidst the civilian population (etc.).

Paragraph 4: In case of doubt as to whether persons fulfill the conditions stipulated in paragraph 1, they shall be presumed to belong to the civilian population so long as the doubt persists.
Art. 42:
Paragraph 1: Objects, which, by their nature or use, are intended for the civilian population (etc.).

Paragraph 2: Objects of a civilian character comprise, in particular, objects which are indispensable to the survival of the civilian population, such as crops, provisions and other foodstuffs, drinking water supplies and dwellings and buildings sheltering the civilian population or which the latter habitually uses, as well as those objects serving mainly relief and other peaceful purposes.

Paragraph 3: In case of doubt as to whether objects fulfil the conditions stipulated in paragraph 1, they shall be presumed to have a civilian character so long as the doubt persists.

Art. 47: Objects of a civilian character shall not be made the object of attack. They shall lose their civilian character whenever they are used directly and mainly for military purposes.

Art. 64:
Paragraph 2: delete the words "inadequately supplied".

Paragraph 3: delete "needy".

07. Proposals submitted by the experts of the Hungarian Red Cross, relating to the Preamble and Article 45 (respect for the civilian population) and Article 50 (principle of proportionality) of draft Protocol I

1. Delete the fifth paragraph of the Preamble to Protocol I, "Emphasizing that the methods and measures..."

2. Amend Article 45 as follows:
   1. ...
   2. ...
3. Attacks which, by their nature, are launched against civilians and military objectives indiscriminately, shall be prohibited; in particular, it shall be prohibited to attack, by bombardment or by any other means, a zone comprising several military objectives at a distance from each other and situated in inhabited areas.

4. ... 

5. Attacks which, by their nature, are liable to pollute and disturb the balance of the natural environment shall be prohibited.

3. Delete Article 50 concerning the principle of proportionality.

08. Proposal submitted by the experts of the Hellenic Red Cross relating to respect for the civilian population (Article 45 of draft Protocol I)

Add to Article 45 a new paragraph, as follows:

"Attacks which, by their nature, are liable to imperil cultural property constituting a country's national inheritance are prohibited."

09. Proposal submitted by the experts of the Jordan National Red Crescent Society, relating to humanitarian assistance (Article 64, paragraph 2, of draft Protocol I)

The offer of relief, whether coming from a State, or a National Red Cross, Red Crescent, Red Lion and Sun Society, or any other recognized society, or the International Committee of the Red Cross, or the International Red Cross (joint effort of the ICRC and the League of Red Cross Societies), or from any other impartial humanitarian body, in favour of the inadequately supplied civilian population, should not be regarded as an unfriendly act.
10. Proposal submitted by the experts of the German Red Cross in the Federal Republic of Germany, relating to means of combat (Article 30 of draft Protocol I)

Article 30. - Means of combat

1. ...

2. It is forbidden to use weapons, projectiles or substances causing unnecessary suffering, or to use methods and means which are particularly cruel or allow no distinction between military objectives and the civilian population.

11. Proposal submitted by the experts of the Swiss Red Cross, relating to means of combat (Article 30 of draft Protocol I)

Article 30. - Means of combat

1. The right of Parties to the conflict to adopt means of injuring the enemy is not unlimited.

2. It is forbidden to employ arms, projectiles, or material, as well as methods and means, which are not justified by military necessity, and calculated, consequently, to cause unnecessary suffering.

12. Proposal submitted by the experts of the German Red Cross in the Federal Republic of Germany, relating to the appointment of Protecting Powers and of their substitute (Article 6 of draft Protocol I)

Article 6. - Designation of Protecting Powers and of their substitute
1. For the sole purposes of applying the Conventions and the present Protocol, each of the Parties to the conflict has the obligation to designate a Protecting Power from the beginning of the hostilities, and must accept the activities on its territory of a Protecting Power designated by the adverse Party. If, for any reason, a Party to the conflict fails to designate, or to accept, a State as Protecting Power, it shall designate or accept, as substitute, the International Committee of the Red Cross or any other impartial humanitarian organization. If, despite the foregoing, the designation and acceptance of a Protecting Power or of a substitute is not made within a reasonable time from the beginning of the hostilities, the Parties to the conflict shall accept, as substitute, the International Committee of the Red Cross.

2. (unchanged)

3. (unchanged)

4. (A paragraph should be added along the lines of Article 9 of the First, Second and Third Conventions and Article 10 of the Fourth Convention, in order to make clear that the designation and the acceptance of the International Committee of the Red Cross or any other impartial humanitarian organization as a substitute for a Protecting Power do not constitute an obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may undertake, in accordance with the Conventions and the Draft Additional Protocols, for the protection of wounded, sick and shipwrecked persons, prisoners of war and civilians.)
13. Proposal submitted by the experts of the Hellenic Red Cross, relating to the appointment of Protecting Powers and of their substitute (Article 6 of draft Protocol I)

Article 6. - Appointment of Protecting Powers and of their substitute

For the sole purposes of applying the Conventions and the present Protocol, each of the Parties to the conflict has the obligation to appoint a Protecting Power within a period not exceeding ... after the beginning of hostilities, and must accept the activities on its territory of a Protecting Power appointed by the adverse Party. If, despite the foregoing, the appointment of a Protecting Power is not made, the rights and duties of the Protecting Powers shall be automatically (eo ipso) assumed by the International Committee of the Red Cross.

14. Proposal submitted by the experts of the French Red Cross, relating to meetings (Article 9 of draft Protocol I)

With reference to Resolution XXI of the International Conference of the Red Cross at Istanbul, the French Red Cross proposes to add to Article 9 of Protocol I an additional paragraph, which could be worded as suggested below:

3. Furthermore, the International Committee of the Red Cross is empowered to organize, in case of need, any other suitable meeting relating to the particular case concerned, which it might deem to be appropriate for the application of the Conventions and the present Protocol.
15. Proposal submitted by the experts of the German Red Cross in the Federal Republic of Germany, relating to the Draft Resolution concerning Disarmament and Peace to be annexed to the Final Act of the Diplomatic Conference (Basic Texts, p.48)

The Conference,

noting that the existing provisions concerning the prohibition of weapons of mass destruction are still unsufficient;

convinced that those weapons are contrary to the dictates of humanity;

expects all members of the international community to absolutely renounce their use;

(The two last paragraphs remain unchanged.)

16. Proposal submitted by the experts of the Netherlands Red Cross, relating to the treatment of combatants who have fallen into the power of the enemy (Article 25 of draft Protocol II) and guerrilla fighters (Article 25 of draft Protocol I)

A. To replace Article 25 of draft Protocol II by the following text:

Article 25. - Treatment of members of armed forces who have fallen into the power of the adversary

1. Members of armed forces taking part in the armed conflict, who have fallen into the power of the adversary, shall receive a treatment similar to that provided for prisoners of war in the Geneva Convention relative to the Treatment of Prisoners of War of August 12, 1949, provided that such armed forces fulfil the following conditions:
(a) that of conducting their operations in accordance with the principles of the law of armed conflicts and of the rules laid down in the present Protocol;

(b) that of distinguishing themselves in their operations from the civilian population, either by carrying arms openly, or wearing a distinctive sign, or any other means;

(c) that of being organized and commanded by a person responsible for his subordinates.

2. Individual infringements, by members of an armed force, of the conditions set out in paragraph 1 shall not have the effect of depriving other members of that force, who have observed those conditions, of the treatment provided in that paragraph.

B. To replace Article 38, paragraph 1 (a) - (c) of draft Protocol I by the text of the conditions (a) - (c) as set out under A.

17. Proposal submitted by the working group composed of the experts of the National Red Cross Societies of the German Democratic Republic, Norway, Sweden, the United States and Yugoslavia, and of the Jordanian Red Crescent, relating to humanitarian assistance (Article 64 of draft Protocol I)

Article 64.- Humanitarian Assistance

1. The Parties to the conflict shall accept and facilitate relief actions destined exclusively to the civilian population placed under their control, in law or in fact.

2. Relief for the benefit of civilian population is to be provided without discrimination. The offer of such relief by an impartial international humanitarian body such as the Red Cross shall not be regarded as an unfriendly act.

3. The Parties to the conflict shall exercise their right to prescribe technical arrangements so as to facilitate the conveyance and distribution of relief. They may not, in any way whatsoever, divert relief consignments from their proper destination nor delay their conveyance. They have the right to be reasonably satisfied through the Protecting Power, its
substitute or an impartial humanitarian organization, that these consignments are exclusively used for the relief of the needy civilian population.

18. Proposal submitted by the experts of the German Red Cross in the Federal Republic of Germany, relating to neutralized localities (Article 54 of draft Protocol I)

Paragraph 1:

The words "and which, consequently, are no longer of military interest to the Parties to the conflict" seem to weaken the first part of the paragraph and should be deleted.
PLAN OF ACTION TO BE APPLIED BY NATIONAL SOCIETIES IN SPREADING KNOWLEDGE OF AND IN DEVELOPING INTERNATIONAL HUMANITARIAN LAW APPLICABLE IN ARMED CONFLICTS

This plan has been prepared for National Societies, in accordance with their wishes as expressed at the meeting in The Hague in February 1971 and with resolution I of the Council of Delegates held in Mexico in October 1971. This document lists the activities which could be undertaken by all National Societies and not just by the older and more developed of these Societies. Our plan, which is not all-encompassing, comprises two distinct parts, both of which supplement the activities of National Societies, viz.

I. The role of National Societies in spreading knowledge of the Geneva Conventions of August 12, 1949 (hereinafter referred to as "the Conventions")

II. The role of National Societies in developing international humanitarian law.

I. DISSEMINATION OF KNOWLEDGE OF THE CONVENTIONS AND OF RED CROSS PRINCIPLES

Many resolutions adopted at international conferences lay stress on the responsibility of National Societies in this respect. The task of spreading knowledge of the Geneva Conventions is inextricably bound up with that of spreading knowledge of the general principles of the Red Cross on which they are based.
The Conventions themselves stipulate that the governments of the States parties thereto are bound to ensure that the content thereof is brought to the attention of the people but National Societies, too, have an important role to play in helping the public authorities in this task.

1. Direct action by National Societies

a) Appealing to public opinion

This is probably the most difficult task of all, the "popularising" of the Conventions in as simple and accessible a way as possible. To do this, we suggest making use of current events by stressing, whenever the occasion arises, what the Conventions envisage or allow in any given situation of conflict that may occur. National Societies could also recall Red Cross principles and those of the Conventions at a more general level, quite apart from current affairs.

Methods to be used include:

- television (daily newscast)
- radio (daily newscast and debates)
- the press
- films
- lectures
- exhibitions
- literature.

b) Appealing to youth

Here, as with the general public, National Societies are almost the only bodies able to take action. Naturally, each National Society will have to adapt its activities to its own country.

The ICRC has, for its part, produced the means, in the form of the school textbook "The Red Cross and my Country" and the "Teacher's Manual", whereby National Societies can reach all children attending school and not just those affiliated to the Junior Red Cross. Our school textbook is meant to be used by last-year primary school pupils and its success depends largely on the interest and understanding of the teacher. We consequently recommend most heartily that all National Societies undertake a thoroughgoing and extended campaign, with the agreement of their Ministries of Education, in order to ensure that all primary school teachers are given some basic instruction on the
Red Cross and guidance in how to use the textbook (in those countries in which it has been adopted).

This activity at primary level should be followed by further explanations of the Red Cross, its work and principles, given at secondary level when young minds start developing a sense of criticism.

Naturally, the role of members of those National Societies with Junior Red Cross sections will be capital in spreading knowledge of Red Cross principles and of the Conventions.

2. Indirect action by National Societies

National Societies, being auxiliaries of the public authorities, are further bound to ensure that those authorities take the measures necessary to ensure that the Conventions are properly brought to the notice of those specialised circles which are responsible for teaching or applying them (universities, army, medical circles).

a) Universities

The ICRC has just called on National Societies, encouraging them to find out from their universities how the Geneva Conventions are - or are not - taught in the faculties most directly concerned, i.e. Law, Political Science, Medicine. While on the subject of university education, we would recall resolution 2 of the Mexico Council of Delegates (October 1971) which invited National Societies to intensify their activities in this specific sector. The ICRC responded to that resolution by sending all National Societies a plan for a model course on humanitarian law to help them in their efforts. A detailed commentary on this plan is being prepared.

National Societies should concentrate on the following points:

- they must ensure that in ordinary courses on public international law sufficient attention is paid to the teaching of the Conventions and that, during examinations, questions are systematically set on that subject (Law and Political Science);

- ensure that courses on medical ethics for future doctors include their rights and duties under the Conventions;
- they must, where the syllabus allows, arrange for a special course on international humanitarian law to be introduced;

- they must encourage students preparing their doctorate thesis to choose subjects from the sphere of international humanitarian law. (The Henri Dunant Institute and the ICRC can provide a list of subjects for theses);

- they must ensure that faculties of Law and Medicine have sufficient literature (bibliography) on the Conventions and humanitarian law.

b) Armed forces, security forces, civil defence, police

National Societies must ensure that:

- army officers have received sufficient systematic instruction on the Conventions that they may one day be called on to apply;

- the troops, too, are given some general guidance on the Conventions;

- the preceding recommendations are likewise applied to the police and the civil defence.

If National Societies are to be able to effectively help their authorities in this way, they must make available staff which is capable of teaching the basic principles of the Conventions. These Societies would therefore be well advised to train staff for that purpose and the ICRC is prepared, if they so wish, to help in that task.

c) Medical and nursing circles

Until such time as doctors and nurses receive systematic and official instruction in the Conventions as part of their studies, National Societies must ensure that:

- medical associations, and
- nursing schools

give all members of their staff clear instructions with regard to the Conventions so that, should armed conflict or other trouble arise, they, too, can be called on either to respect or claim the protection of the provisions of the Conventions. Particular attention must be paid to the problem of displaying the Red Cross emblem.
As is known, the ICRC has tried to help National Societies in this task by producing a number of texts (the use of which we earnestly recommend) to fill those gaps where the authorities have not produced their own informative matter.

The complete list of ICRC publications will be found attached. The ICRC is also preparing some audio-visual aids (slides and films) which it will offer to National Societies some time this year. It hopes that these aids will be widely used.

The ICRC would like to hear from those National Societies which have already launched, or which intend to launch, intensified campaigns spread knowledge of the Conventions, how they have approached the different sectors that we have listed above and what means they used.

II. THE ROLE OF NATIONAL SOCIETIES IN DEVELOPING INTERNATIONAL HUMANITARIAN LAW

Many National Societies wish to support the efforts being made by the ICRC to develop humanitarian law, as their presence in The Hague bore witness.

We should consider the two very distinct phases of National Society action in this respect.

1. Phase 1 : Until the current experts' consultations draw to a close

Until such time as the work of the Government Experts draws to a close and the ICRC has prepared the final draft, it would be premature to widely advertise the work being done or the proposals being examined. In the present state of affairs we see the role of National Societies as follows.

They should:
- keep fully informed of ICRC proposals;

- appoint one or more legal experts from each National Society able to completely assimilate the legal subject currently under examination. With this in mind, the ICRC is prepared to help National Societies to train their experts by accepting trainees in Geneva, by sending - in so far as its resources permit - a legal expert to any country so requesting, or else by covering these problems in regional seminars for the training of National Society officials;
- give their members limited information on the legal work currently in hand;

- support ICRC efforts by:
  a) inducing their Governments to participate in the second session of the Conference to be held in Geneva in May 1972.
  b) convincing their Governments to support ICRC projects as broadly as possible.

With this in mind, it would be desirable if each National Society could have an Inter-ministerial Committee convened, in which it would be represented by its legal experts whose job would be to

a) study the proposals to be discussed in Geneva,

b) deal permanently with all matters relating to the application and dissemination of humanitarian law.

Such committees already exist in some countries and they make for harmonious integration of Red Cross and Government activities. These Committees should involve, in particular, the participation of the Ministries of Foreign Affairs, Defence, Justice and Domestic Affairs.

2. Phase 2: After the work of the government experts has drawn to a close

As soon as it is published, the ICRC's report on the second session of the Conference of Government Experts will be sent to National Societies.

Then once the ICRC has prepared its final drafts for submission to the next International Conference of the Red Cross, and then to a diplomatic conference, National Societies will have to do all they can to inform the general public because governments will have to be made to feel that public opinion sets great store by the adoption of the new protocols and is solidly behind the efforts being made by the Red Cross.

This must, however, be accompanied by the above mentioned contacts with the government departments directly concerned.

When the time is ripe, the ICRC will make further suggestions as to how National Societies can spread knowledge of the Draft Additional Protocols to the Conventions.

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LIST OF WORKS PUBLISHED BY THE ICRC
TO SPREAD KNOWLEDGE OF THE CONVENTIONS

1. Schools
School textbook "THE RED CROSS AND MY COUNTRY"
English, Arabic, Sinhala, French, Indonesian, Laotian,
Spanish, Chinese, Korean, Burmese, Nepalese, Malay, Thai.
"TEACHER'S MANUAL" (Same languages)

2. Army - Police
- Brief summary of the
  Conventions for the use of
  officers
  " " " " 
- "Soldier's Manual"
  " " " " "

3. Doctors and nurses
- Doctors and the Conventions
  " " " "
- The Rights and Duties of
  Nurses
  " " " "

4. Universities
- A course of five lessons on
  the Geneva Conventions
  " " " "
- Plan for a model course on
  international humanitarian
  law
  " " "

A detailed commentary on this
course is being prepared.

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