

XIXth INTERNATIONAL RED CROSS CONFERENCE

REPORT OF THE COMMISSION ON INTERNATIONAL HUMANITARIAN LAW.

Madam Chairman,

I have the honour to present the report of the Commission of International Humanitarian Law.

The Commission sat from Tuesday morning to Saturday afternoon last week. At its first meeting it elected the following officers, proposed by the Council of Delegates:

Chairman: Mr. John A. MacAulay, QC
(Canadian Red Cross)

Vice-Chairmen: Madam Li Teh-Chuan
Red Cross of the Peoples Republic of China.

Dr. Agustin Inostroza
Chilean Red Cross

Justice U. Aung Khine
Red Cross of Burma

Prince Frederic de Merode - Belgium

Professor Gueorgui Miterev -
Alliance of Red Cross and Red
Crescent Societies of the USSR

Secretaries: Mr. R.Y. Wilhelm - I.C.R.C.

Mr. Ch. A. Schussele - L.R.C.S.

Mr. Henrik Beer
Swedish Red Cross, was on the
Chairman's proposal appointed
rapporteur.

On its agenda, as finalized by the Bureau of the Conference, the Commission had the important question which actually was the main theme of the Conference, namely, Protection of Civilians. Owing to the great interest in these questions, all delegations, Red Cross and Governmental, were present at its deliberations. It does not, therefore, seem necessary to present a long and comprehensive report on the trends and tendencies of the meetings. It should be emphasised, however, that many

matters

matters on the agenda could have been of a controversial nature, had not the Chairman's direction and the goodwill of the delegates present collaborated in creating a red cross spirit which gave the tenor to the work of the Commission from the first sitting to the last. In his initial remarks, the Chairman of the Commission emphasized that its task was to examine the questions on the agenda from a humanitarian standpoint only. He stated that the Rules, and the general principles of the Red Cross, forbade any discussion of a political nature, and that accusations or allegations by one delegate against the country of another would not be permitted. He expressed the wish that the debate should be dignified and worthy of the high aims of the Conference and the Red Cross.

Due to the unusual ability of the Chairman, the fairness and impartiality of his way of conducting the business of the Commission, the pains he took to explain the complicated procedure, and his conviction that the Commission wanted to cooperate with him in order to reach a positive result it can be stated that the wishes expressed by him at the first meeting were fulfilled. Not only were the debates kept at high level, but several delegations who had presented resolutions were willing to amend or withdraw them, not without obvious difficulties, in order to help the Commission to reach unanimous decisions. The Chairman paid special compliments to these delegations.

The second item on the agenda, after the election of officers, was the proposal of international Regulations concerning protection of civilian population against the dangers of indiscriminate warfare.

The basic document, the Draft Rules and the Commentary to these Rules, had been prepared by the International Committee of the Red Cross and distributed a long time before the Conference to the Governments and Red Cross Societies.

The Committee proposed a resolution on the procedure to follow concerning the future treatment of the Draft Rules.

A number of amendments to this proposed resolution were presented by different delegations. Other delegations proposed amendments to the Draft Rules.

Different opinions were offered concerning the procedure to follow. A number of delegations wanted the Commission to study the Rules paragraph for paragraph. Others, among them the ICRC stated that the final drafting and acceptance was a matter for the Governments, and that this Conference should limit itself to a debate of a more general nature. The chair ruled that a general debate should take place on the ICRC resolution, but every delegate was entitled to present, during this debate, remarks concerning special articles in the Draft Rules.

All that was said should be included in the verbatim reports of the deliberations of the Commission.

The Chair's ruling was upheld by the Commission.

The debate on this item continued for two full days. About fifty delegates took part in the discussion.

As mentioned before, a number of the delegations had presented formal amendments to the Draft Rules, including the German Democratic Republic, Rumania, Czechoslovakia, Hungary, Bulgaria, U.S.S.R., Austria and Poland.

To the resolution of the ICRC, concerning the procedure to follow after this Conference, amendments or alternate resolutions were proposed by the Danish, Finnish, Norwegian and Swedish Red Cross acting together and by the Polish Govt., by the Netherlands Red Cross, by the Swiss Government and by the Brazilian Red Cross.

On two occasions, the Chairman called special meetings to consider informal drafts. The Committees were composed of the delegates who had proposed resolutions and amendments. The final result of these efforts was the resolution you have before you, number 1, page 2 in Document P/20. In view of trying to reach unanimity, the authors of separate proposals who took part in the drafting withdrew their own resolutions. Only one amendment was presented to this final proposal of the drafting committee. The U.S.S.R. wanted the I.R.C. Committee to produce soonest a new draft on the basis of the present proposed Rules. This was defeated and afterwards, without anybody opposing, the resolution before you was adopted by the Commission. The wording of this resolution indicates all that was said during the debate shall be circulated to the governments, and it would also be communicated to the Red Cross Societies. This, and the fact that all delegations were present, has caused me to refrain from going into details of the debate. All of you have had, or will have, full opportunity to study the very important material brought before the Commission.

With your permission, Mme. Chairman, I shall now proceed to read this resolution.

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Mme. Chairman, I beg to move the adoption of this resolution.

Point 3 on the agenda was the Role of National Societies in the sphere of civilian protection.

Two reports on this subject had been circulated before the Conference, one by the IRCC containing proposed directives and programmes for the Red Cross Societies, one by the League, giving summaries of the present activities of the member Societies in civilian defence and including a Guide for the Societies.

A resolution was proposed by the Swiss Red Cross.

This resolution was unanimously adopted by the Commission. You find it in Document P/20, number 2, page 3. I now proceed to read this resolution.

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Mme. Chairman, I beg to move the adoption of this resolution.

Point 4 on the Agenda

The Geneva Conventions

included three sub-titles:-

- a) Ratification, diffusion and application.
- b) Application to Police Officers of the provisions of the IV Geneva Convention.
- c) Proposed resolutions of the Syrian and Lebanese delegations on freedom of practice of Medicine in time of internal conflicts.

(Addition to article 3 of the Geneva Convention)

On point (a) application and diffusion of the Conventions, a report previously circulated, was presented by the ICRC.

During a short debate, some delegates commented on the importance and technique of the diffusion of the Conventions. A representative of the World Medical Association gave a statement on the studies on medical ethics in time of war and on the proposed special emblem for the designation of medical personnel not specially protected by the Red Cross Conventions. The Commission's resolution on this point covers also point (b). I, therefore, proceed with the report on this item.

On point (b) application to Members of the Police Force of the IV Geneva Conventions, placed on the agenda by the French Red Cross, a comment was given by a representative of the ICRC, a chapter on this subject being included in the Committee's reports on point 4 of the agenda. During the debate, it was suggested that this question needed further study, and that it was more prudent not to take a position at this stage.

The Commission adopted a resolution covering points (a) and (b).

I now proceed to read this resolution that you will find under number 3 page 4 in document P/20.

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Mme. Chairman, I beg to move the adoption of this resolution.

The Syrio-Lebanese resolution, point 4, on the protection of the medical personnel during internal conflicts, and free circulation of medicaments, caused a discussion, during which some delegates pointed out that with its present wording, difficulties could arise with relation to national legislation in several countries. It was suggested that the resolution

be referred to the Medico-Social Commission for further study by the medical experts present.

The proponents of the resolution pointed out, however, that their proposal was mainly concerned with the legal aspects of the matter, and they insisted on having it voted on in this Commission. This opinion was upheld by the Commission, it being understood that the proposal should be studied by IRCC.

The resolution was adopted with 64 votes for and 22 against. I now proceed to read the resolution, no 5 page 5 in document P 20. Madam Chairman, I beg to move the adoption of this resolution. Point 5, on the Agenda - Legal assistance to foreigners. A resolution had been circulated by the IRCC and was presented to the Commission.

Without debate the Commission adopted the resolution: You will find under No 4 page 4

Madam Chairman, I beg to move the adoption of this resolution.

Point 6 on the Agenda

Eventual Prohibition of Nuclear Weapons Tests

This item had been included in the agenda on the demand of the Japanese Red Cross, which had circulated a memorandum and a text of a proposed resolution to the members of the Conference. A revised version of this resolution from the Japanese Red Cross was circulated in New Delhi, taking the place of the earlier document. Other resolutions on this subject were presented by the Soviet delegation, by the Indian Red Cross and by the Czechoslovak delegation.

This question was discussed during one and a half days' sessions. More than thirty delegates spoke during the debate. All speakers taking part in the discussion expressed sympathy with the general humanitarian ideas behind the Japanese resolution, but a majority of them were of the opinion that the Indian text was so worded that it could meet with unanimous approval. It was said that this resolution corresponded both with the spirit and the competence of the Red Cross as a moral force. It did not enter into details on questions which were now discussed by the Governments in the U.N. Even the advocates of

resolutions.....

resolutions which demanded a definite stand from the Conference on the questions of prohibition of nuclear tests and banning of nuclear weapons, stated that they were in agreement with the principles of the Indian resolution. The general spirit of reconciliation prevailed and it was clear that the Commission wanted to try all possibilities to reach a common solution. In this spirit, the authors of the Japanese, USSR and Czechoslovak resolutions, withdrew their proposals and thanked by the Chair for their loyalty.

Two ways of procedure were suggested: one, to nominate a Drafting Committee, the other to rally without further discussion behind the Indian resolution in its present state.

The proposal to nominate a Sub-Committee lost with a majority of three votes.

An amendment to the Indian resolution was presented by the USSR, asking for immediate discontinuance of atomic tests, or at least the suspension of such tests.

The amendment lost, and thereafter the Commission adopted the Indian resolution unanimously.

I now proceed to read the resolution that you will find on page 6 No. 6 in document P 20.

Madam Chairman, I beg to move the adoption of this resolution.

..... For technical reasons, Point 8 on the agenda - the Argentine resolution on distribution of relief in case of international disturbances was presented to the Commission before point 7.

The representative of Argentine informed the Conference that his first resolution had been revised by his delegation, in collaboration with the Haitian, Chilean, Peruvian, Equadorian and Uruguayan delegations.

..... This resolution was adopted by the Commission without opposition. I now proceed to read it, you will find it under No 7, page 7 in your document.

Madam Chairman, I beg to move the adoption of this resolution.

The last day of the Commission's activities, was devoted to point 7 on the agenda "Reunion of Families". A resolution covering the general aspects of this subject had been proposed by the Canadian Red Cross. Another resolution of general nature, concerning the possibilities for persons living in foreign countries to return to their homeland was tabled by the Japanese Red Cross. Resolutions concerning specific subjects under this heading were tabled by the Hungarian Red Cross delegation and the delegation of the Red Cross of the Republic of Korea.

On point 7 a, the Canadian resolution, the Canadian delegation reminded the Commission of the resolution of the Toronto Conference on reunion of families, separated by the last world war. He had had the personal satisfaction to follow many cases with several Red Cross Societies, especially in central and eastern Europe which had made great efforts to show that they wanted to act on the resolution. These Societies were thanked by the Canadian delegate, who then proceeded to state the reasons for the need of a new resolution.

Several delegates spoke in favour of the Canadian proposal, among those the representative of the British Red Cross, who offered an amendment in order to make the special interest of the minor child one of the main reasons for the decision on where it should be permanently settled. After a discussion it was suggested that this amendment might make it more difficult to reach a unanimous decision, the British delegate withdrew her amendment. Previously the Japanese delegate had withdrawn his resolution in the understanding that the Canadian resolution covered what he had wanted to express.

The resolution was adopted without opposition. I now proceed to read this resolution which you will find under No.8, page 8, in document P20.

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Madame Chairman, I beg to move the adoption of this resolution.

Item 7 b, the question of repatriation of Hungarian children, was introduced by the delegate of the Hungarian **Red Cross**. During this presentation of a question of specific interest for one country, the Chairman, recalling his initial remarks, stated that this Commission was not a court of justice, and could therefore not accept evidence from any party. He also repeated that he would rule out all political matters introduced in the debate.

During the following discussion the Hungarian delegate amended his resolution in order to make it more acceptable to the Commission. It was, however, rejected (37 votes against, 27 for and 21 abstentions).

Item 7 c on the agenda was the resolution presented by the Red Cross of the Republic of Korea on repatriation of Korean civilians.

After the presentation of the resolution by the representative of the Red Cross of the Republic of Korea, a statement was given on the matters raised in the Resolution by the delegate of the Korean Democratic Republic. In the ensuing discussion, where a representative of the IRCC informed the Commission of his organisation's efforts to obtain results in this question, the Chairman, supported by several delegates, expressed the wish that the two Societies should get together taking advantage of the good offices of the International Red Cross Committee.

In view of the discussion, the Red Cross of the Republic of Korea withdrew its resolution, it being understood that its general aims were covered by the Canadian resolution already accepted by the Commission.

The delegate from the Japanese Red Cross mentioned in this connection that his Society by special reasons would also like to take part in these discussions.

The Chairman concluded the matter by expressing his personal opinion that difficulties between two Red Cross Societies should always be solved by direct contact between the parties concerned, and he hoped that such discussions could take place during the present Conference.

This was the last matter on the Commission's agenda.

The Ethiopian delegate finally asked for the floor and thanked the Chairman on behalf of the Commission for his excellent manner in leading the debate and for his fairness and friendliness which had created the spirit of unity prevailing during the Commission's meetings.

The Chairman, in his final remarks, thanked the Vice-Chairmen of the Commission, the Secretaries, the rapporteur and all delegates for their interest and loyalty and stated that the Red Cross spirit he had felt during the meetings would be one of the greatest and most positive memories from his work in Red Cross.

This, Madam Chairman, concludes the business of the International Humanitarian Law Commission.

H.W. Beer
rapporteur

MM/(500)
5/11/57
1245 hrs.