

# Implementation and development of humanitarian law

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The Council of Delegates comprises representatives from all National Societies, the ICRC and the League. Delegates from governments which are parties to the Geneva Conventions join the Red Cross representatives in assembly to constitute the International Red Cross Conference. The next of these should take place in Vienna in 1965 and the Centenary Congress has made a positive contribution to the preparatory work.

## **IMPLEMENTATION AND DEVELOPMENT OF HUMANITARIAN LAW**

### **The Geneva Conventions**

#### **Notifications and Accessions**

By the end of 1963, 98 States were bound by the 1949 Geneva Conventions. In addition, ten powers, although not yet parties to these Conventions, were still bound by those of 1929, 1906 or 1864.

In the course of the year the following States became parties to the 1949 Conventions: Senegal (by declaration of continuity on April 23), Trinidad and Tobago (accession on May 17), Saudi Arabia (accession on May 18), Somalia (accession on July 12), Malagasy Republic (declaration of continuity on July 19), Federal Republic of Cameroon (declaration of continuity on September 21).

#### **Dissemination of the Geneva Conventions**

Distribution of the " Illustrated Manual ", published jointly by the ICRC and the League to promote dissemination of the Geneva Conventions in schools and Red Cross instruction centres, has continued extensively.

At the request of one government, the ICRC has drafted a handbook on acts and customs of war with particular emphasis on humanitarian law. This draft could later be available to other governments which so desire.

The Course of Five Lessons by Mr. Coursier, intended primarily for instruction in universities, met with a degree of success which justified its publication in French and English. The ICRC Infor-

mation Bulletin began this publication and the German Red Cross has produced a German version which it appended to its monthly bulletin.

### **Application of the Geneva Conventions by the UN Forces**

The presence of military contingents in the Congo under UN command gave rise to a rather delicate problem, as UNO itself is not a signatory to the Geneva Conventions. Following events in Katanga in which UN contingents took part, the President of the ICRC wrote to Mr. Sture Linner, Head of the UN Mission to the Congo, on the question of the application of the Conventions by UN armed forces when on military operations.

The matter was raised before the Council of Delegates in a report drawn up by the ICRC. After expressing approval of the conclusions in that report, the Council adopted a resolution in the following terms :

The Council of Delegates,

considering that the States which are parties to the Geneva Conventions have undertaken to respect and to ensure the respect of these Conventions ;

considering that it is necessary that the United Nations Emergency Forces shall observe and be protected by these Geneva Conventions ;

expresses its appreciation for the efforts already made by the United Nations to that effect and recommends :

- (a) that the United Nations be invited to adopt a solemn declaration accepting that the Geneva Conventions equally apply to their Emergency Forces as they apply to the forces of States parties to the said Conventions ;
- (b) that the Governments of countries providing contingents to the United Nations should as a matter of prime importance give them, before departure from their country of origin, adequate instructions on the Geneva Conventions as well as orders to comply with them ;

- (c) that the Authorities responsible for these contingents should agree to take all necessary measures to prevent and repress any infringements of the said Conventions.

### **Development of International Medical Law**

In pursuance of the studies it has been carrying out for several years, in co-operation with the large international organizations in which civilian and military doctors are represented, the ICRC submitted to the Council of Delegates an exhaustive report on the protection of civilian medical and nursing personnel (Doc. DD 3 c/1). This contains draft regulations intended to strengthen protective legislation in favour of the wounded, the sick, and civilian medical and nursing personnel in times of conflict.

The need for such regulations is felt more and more acutely in cases of internal disturbances and it has become necessary to complete the provisions of the Geneva Conventions affecting military medical service personnel by provisions relating to civilian personnel.

According to the terms of Resolution No. VIII, the Council of Delegates :

“ having taken note of the Draft Rules for the Protection of the Wounded and Sick and Civil Medical and Nursing Personnel in time of conflict submitted by the International Committee of the Red Cross,

invites the International Committee of the Red Cross to pursue the study of the problem, if possible with the help of Government experts, and present a Report to the next International Conference of the Red Cross.”

Similarly, the Council of Delegates took cognizance of draft regulations on the use of the emblem of the red cross, red crescent and red lion and sun. It invited the ICRC to submit the draft to the next International Conference of the Red Cross. The Council recommended National Societies in the meanwhile “ as a trial measure, to give immediate consideration, as far as possible, to ensuring full and proper implementation ” of the draft. (Resolution No. X, Council of Delegates, Geneva, September 1963).

## **Humanitarian assistance to the victims of internal conflicts**

Since the signing of the four Geneva Conventions of August 12, 1949, which all have in common Article 3, providing protection for victims of non-international conflicts, the ICRC has had to intervene in a great many serious situations in the course of various internal conflicts.

Encouraged by results and desiring to consolidate the humanitarian work of the Red Cross in this field, the Board of Governors of the League at its meeting in Prague in 1961, on a proposal by the Yugoslav Red Cross, made known the interest of National Societies in the ICRC's efforts. It had requested the ICRC to study ways and means of developing these efforts systematically and to submit appropriate proposals to the International Conference.

Our previous Annual Report gave an account of the conclusions arrived at by the Commission of Experts which the ICRC consulted in October 1962. This Commission, continuing the work it began in 1953 and 1955, put forward an authoritative opinion on the state of international law as it affects the relationship between the State and its own nationals having taken up arms against it.

This commission's opinion, which favoured the development of ICRC action, was submitted to the Council of Delegates in Geneva, in September 1963. Having taken note of the Report of the Commission of Experts, the Council, according to its Resolution No. IX, requested the ICRC "to continue its action with a view to extending the humanitarian aid of the Red Cross to the victims of non-international conflicts" and recommended National Societies "to support these efforts in their respective countries in conformity with the Red Cross principles".

## **Protection of the civilian population**

In the course of 1963, the ICRC held further consultations with persons of international repute, with the aim of submitting to the next International Conference of the Red Cross a report on the problems connected with the "Draft Rules for the Limitation of the Dangers incurred by the Civilian Population in Time of War".

These draft rules had been submitted by the ICRC to the New Delhi Conference in 1957, and it was in the course of their preparation that the problem of a special status for civil defence organizations was brought to the ICRC's attention, at the express request of several National Societies.

After studying a report drawn up by the ICRC on this subject, the Council of Delegates passed the following Resolution (No. VII) :

“ The Council of Delegates :

referring to Resolution No. IV relative to the participation of National Red Cross Societies in Civil Protection, which was adopted by the Council of Delegates assembled in Prague in the autumn of 1961,

having studied the report presented by the International Committee of the Red Cross to the Council of Delegates concerning the Status of personnel of Civil Protection Services,

- (a) notes with satisfaction the intention of the International Committee of the Red Cross, if it obtains such governmental support as it deems necessary, to draw up, in consultation with experts provided by the interested Governments and National Red Cross Societies, draft international rules defining the status of personnel, equipment and installations of civil protection organisations in the event of armed conflict ;
- (b) expresses the wish that these draft rules, if drawn up, be submitted to the XXth International Conference of the Red Cross ;
- (c) hopes the National Societies will support the efforts of the International Committee of the Red Cross and draw the attention of their Governments to this proposal which aims at strengthening appreciably the protection of war victims, unceasingly advocated by the Red Cross.”

### **Aid to Refugees**

At the beginning of October, the ICRC was represented at the General Meeting of the Association for the Study of Refugee Problems. This took place in Trieste and Rome and was honoured

by an audience with His Holiness Paul VI. The Association's President is Mr. H. Coursier, Adviser in the Legal Department of the ICRC, and it is sponsored by the Prince Francis Joseph of Liechtenstein Foundation.

### **Legal Assistance**

The ICRC has continued to give support to the International Centre for Co-ordination of Legal Aid, a body affiliated to the International Council of Voluntary Agencies, which operates from the ICRC building in liaison with the ICRC legal department. This Centre is the scene of close co-operation between the Voluntary Agencies and the U.N. Commissioner for Refugees.

During his mission in Latin America<sup>1</sup>, Mr. Jequier, a delegate of the ICRC, gave his attention to reviving the interest of the Venezuelan Red Cross in legal assistance to indigent refugees and stateless persons, in conformity with the conclusions of the International Conference of the Red Cross at Stockholm in 1948.

Thanks to Mr. Jequier's efforts, and the able backing of the Venezuelan Red Cross, a number of lawyers agreed to contact the Centre with a view to granting free legal aid to the needy, under the Centre's auspices.

## **INTER-RED CROSS RELATIONS**

The Centenary Year provided the ICRC with many opportunities to maintain and develop its normal contacts with National Societies.

### **Recognition of New National Societies**

Within the purview of its statutory terms of reference, the ICRC recognized twelve new National Red Cross and Red Crescent Societies in 1963.

At its plenary session on July 4, the Committee pronounced its official recognition of the National Societies of Malaya, Cameroon, Congo (Leopoldville) and Algeria. Similarly, on August 8, it officially

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<sup>1</sup> See pp. 34-35.