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II. GENERAL AND PERMANENT ACTIVITIES

1. HUMANITARIAN LAW

The Geneva Conventions

New accessions. — On December 31, 1965, the Government of Honduras informed the Swiss Federal Council of its adherence to the four 1949 Geneva Conventions, thus becoming the 109th State to accede formally to these Conventions.

In the course of 1966, five new States became parties to the four 1949 Geneva Conventions, namely the Central African Republic (by a declaration of continuity on August 1, 1966, with effect from August 13, 1960), the Republic of Korea (accession on August 16, 1966), Kenya (accession on September 20, 1966), Zambia (accession on October 19, 1966) and Gambia (by declaration of continuity on October 20, 1966, with effect from February 18, 1965).

The dates mentioned above are those on which the official deeds of participation were received by the Swiss authorities. In the cases of the Central African Republic and Gambia, accession took effect on the dates of their achieving independence. We would add that except for the Republic of Korea these accessions were qualified by no reservation.

On December 31, 1966, the number of States formally bound by the 1949 Geneva Conventions was 114.

Dissemination of Geneva Conventions. — Implementing resolution No. XXI adopted by the XXth International Conference of the Red Cross at Vienna in October 1965, the ICRC sent all States parties to the Geneva Conventions and to all National Societies, a memorandum concerning dissemination of these Conventions.

This document requested all governments to distribute among their armed forces a summary of the essential principles of the Conventions, an appropriate specimen of which was attached. All States parties to the Geneva Conventions were requested to draw up a programme for dissemination, a suggested model being attached to the memorandum, and to inform the ICRC of measures taken to that effect to enable a detailed report to be submitted to the XXIst International Conference of the Red Cross.

During a seminar which took place in Rabat, attended by the National Societies of Arabic-speaking States, it was recommended that a standard Arabic version of the Geneva Conventions be published. The ICRC offered to co-operate with interested National Societies. The authorities of the United Arab Republic, on being approached, kindly undertook to have the Arabic version of the Conventions re-edited and to make the new edition available to other countries.

As in previous years, the staff of the ICRC's Legal Department made their contribution to the various four-day introductory courses on the Geneva Conventions organized by the Swiss army for its officers.

International Medical Law

The *Journées d'études de droit international médical* held in December 1965 at Liège was the occasion for a forum of opinion attended by representatives of the International Committee of the Red Cross, the International Committee of Military Medicine and Pharmacy, the World Medical Association, and observers from the World Health Organization and the League of Red Cross Societies. It also included a joint meeting of the International Law Association's Medico-Legal Commission and the Liège *Centre d'études de droit international médical*.

The ICRC delegated Mr. Jean Pictet, Director-General, to these meetings which he acquainted with resolution No. XXV of the XXth International Conference of the Red Cross. This resolution is a step forward towards the application of the Geneva Conventions by the United Nations emergency forces.

The main item on the agenda was the protection of civilian medical and nursing personnel and participants in the forum noted

the approval of the XXth Conference in Vienna of the principle of the draft rules drawn up by a working group, and of the additional study considered necessary with respect to the protective emblem.

Other subjects dealt with were medical aviation and training courses for junior medical officers, the last of which took place in Madrid in 1965, and which are a pronounced success. Two-hour courses are planned to be given at the next session by the ICRC and by the League.

From August 14 to 20, 1966, the International Law Association held its 52nd session at Helsinki. The International Committee of the Red Cross delegated Mr. Frédéric Siordet, Vice-President, as an observer.

The session adopted two important resolutions concerned with International Medical Law, namely:

“ The 52nd Conference of the International Law Association . . .

Noting the unanimous resolutions adopted at the International Red Cross Congresses in 1963 and 1965 recommending, respectively, that the United Nations adopt a solemn declaration accepting that the four Geneva Conventions of August 12, 1949, be applied to their Emergency Forces, and that appropriate arrangements be made to ensure that armed forces placed at the disposal of the United Nations observe the provisions of these Conventions and be protected by them;

Notes that the Diplomatic Conference convened by UNESCO in The Hague in 1954 in a unanimous resolution expressed the hope that the competent organs of the United Nations should decide, in the event of military action being taken in implementation of the Charter, to ensure application by the armed forces taking part in such action of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, of 14 May 1954;

Notes with satisfaction that the States providing contingents to the United Nations Forces in Cyprus have undertaken, in their agreements with the United Nations, to take appropriate steps to ensure the enforcement of the Geneva Conventions of 1949 and the UNESCO Convention of 1954 in respect of the members of their contingents serving with the Forces;

Notes the provisions in article 2 common to the four Geneva Conventions and in article 18 (3) of the UNESCO Convention to the

effect that the contracting parties are bound by the Conventions, even vis-a-vis a non-contracting party if the latter accepts and applies their provisions;

Recommends that, in order to secure legal protection under these Conventions for the members of the armed forces on both sides and for all other persons involved in any armed conflict in which any United Nations Force might become involved, the United Nations should declare that it accepts the provisions of the Geneva Conventions of 12 August 1949 and the Hague Convention of 14 May, 1954 and that any forces of the United Nations will apply these provisions in the event of any armed conflict."

* * *

" The 52nd Conference of the International Law Association held in Helsinki in August 1966,

Thanks the President, the rapporteur and the members of the International Medical Law Commission for the considerable work they have done;

Reaffirms the necessity of applying the Geneva Conventions of 1949 to any armed conflict, whether of an international or of a non-international character, and particularly insists upon:

- a) the universal application of the principle that nobody should be penalized for having succoured the victims of any such conflict, and
- b) the obligation undertaken by States parties to these Conventions to publish them in time of peace;

Recommends that the National Branches of the International Law Association use their influence with their respective governments to promote the above-mentioned objectives;

Requests the International Medical Law Committee to propose and formulate, in co-operation with the humanitarian international organizations such as the International Committee of the Red Cross, the International Committee of Military Medicine and Pharmacy and the International Committee for the Neutrality of Medicine, solutions consistent with the Charter of the United Nations and acceptable to all parties concerned;

Expresses the wish that a legal study of the prevention and punishment of violations of humanitarian rights be undertaken under the auspices of the United Nations in co-operation with the Human Rights Commission of the United Nations and the principal humanitarian organizations."

Office international de Médecine Militaire

The ICRC was represented at the 27th session of the "Office international de documentation de médecine militaire" which took place at San Marino from September 21-24, 1966.

The session was attended by army doctors from some forty countries. Its agenda covered, apart from scientific topics, relief missions in non-conventional warfare.

A paper on this important subject was submitted by *Colonel-médecin* Jean-Maurice Rübli (Switzerland) who described how the Geneva Conventions had been applied in non-international—or non-conventional—warfare. This report stressed that the strict application of article 3, which is common to all four Conventions, considerably alleviates the suffering brought about by such conflicts.

At the same time, however, the report did not hide the fact that application of Conventions sometimes met with difficulties which could no doubt be overcome by better dissemination of knowledge and understanding of the Geneva Conventions and the humanitarian principles on which they are based.

Doctor Rübli concluded by saying:

"Observance of article 3 of the Geneva Conventions in conflicts not of an international character, whatever form they may take, involves first and foremost a moral problem. Parties to the conflict must want to observe the humanitarian principles of the Geneva Conventions. They must also want to co-operate with the ICRC.

The implementation of this article in such conflicts is a test of the political maturity and degree of civilization attained by the parties to the conflict."

In the course of discussion, emphasis was laid on the army doctors' important role in this field, by using their influence with their superiors to have military rules and regulations take the Geneva Conventions into account.

Importance was also attached to the need to study thoroughly the position of military and civilian doctors in time of international conflict, with a view to defining their status and the protection which might be afforded them.

Implementation of the Geneva Conventions

Detention standards

The ICRC had suggested to the Medico-Legal Commission of Monaco the undertaking of a study on standards of treatment of persons deprived of their freedom for reasons other than those connected with ordinary penal legislation. This important humanitarian question should be examined both from the point of view of administration and discipline on the one hand, and the medical and hygiene point of view on the other.

Following up this recommendation, the Medico-Legal Commission of Monaco, at its June 1966 meeting, approved the "Minimum rules for the protection of non-delinquent persons" which were drafted by Professor Jean Graven, Judge at the Supreme Court of Appeal in Geneva.

The ICRC intends shortly to publish this momentous study, which will undoubtedly be of valuable service to all concerned with problems connected with detention.

Medical aviation

It is well known that the 1949 Diplomatic Conference, far from improving on the provisions—although embryonic—of the 1929 Convention on the protection of medical air transport in time of war, made the immunity of any medical aircraft in time of war subject to prior agreements between belligerents. It has been rightly said that such a stipulation was equivalent to grounding medical aircraft.

Yet today's large aircraft, convertible into flying ambulances, and the wide development of helicopter transport, have considerable potential in relief operations and the evacuation of the wounded and the sick.

The stumbling-block which frustrated the experts in 1949 was that medical aircraft had no means of effectively signalling their identity as a safeguard against modern and rapid anti-aircraft defence methods. Since that time, identification techniques have made immense progress so that, according to the experts, there is no longer any insuperable obstacle.

In view of the changed situation, and in the light of the study by Général-Médecin E. Evrard entitled: "The Legal Protection of Aero-Medical Evacuation in War-time", the International Committee of the Red Cross has urged the Medico-Legal Commission of Monaco to carry on its work in this field. In compliance with this request, the Monaco Commission has set up a working group which met on several occasions in 1966 and drawn up a set of draft articles examined and adopted by the Commission itself in June 1966. The International Committee of the Red Cross was associated in the work, with observer status.

The text of the "Draft Regulations Relative to Medical Transport by Air in Time of Armed Conflict", as approved by the Commission, is as follows:

Considering that respect for wounded, sick and shipwrecked members of armed forces is one of the fundamental principles of the humanitarian Geneva Conventions and that its effective implementation must be ensured by every possible means;

considering that this major problem should induce governments to supplement the Geneva Conventions of August 12, 1949, either when these are revised or without awaiting such revision, by means of an additional agreement in the form of a codicil; the aim thereof being to ensure, in time of armed conflict:

1. the development of air transport of wounded, sick, medical personnel and medical equipment, by the use of a greater number of aircraft, and

2. maximum safety standards for such transport by means of appropriate technical specifications and legal regulations;

considering that technological progress in radio and telecommunications as applied to navigation and air defence makes it possible to equip aircraft on medical missions with identification systems and signals which could increase the degree of safety provided by traditional protective markings¹;

convinced of the need to relieve aircraft on medical missions of the present obligation stipulated in the Conventions to draw up a flight programme to be agreed by belligerents in view of the difficulties inherent in the very circumstances arising from hostilities;

¹ Cf. markings suggested in Article 36 (2nd para.) of the First 1949 Convention.

the *Commission medico-juridique de Monaco* recommends that the necessary steps be taken to ensure implementation of the following regulations.

Article 1

Military aircraft used, whether temporarily or permanently, by parties to a conflict for the evacuation of wounded and sick and for the transport of medical personnel and equipment shall not be attacked, but shall be respected and protected throughout their mission.

Article 2

All aircraft operating for army medical services shall be respected and protected in all circumstances, both in time of peace and of war.

Not only State-owned aircraft may be specially fitted out for medical duties, but civilian aircraft of all types may also be converted to suit that purpose, provided they are not transferred to other duties during the conflict.

Neutral Powers, National Red Cross Societies and officially recognized relief societies may provide one or more parties to a conflict with medical aircraft.

Article 3

Aircraft belonging to inter-governmental organizations, to the Specialized Agencies of the United Nations or to the International Committee of the Red Cross assigned to the operations aforesaid shall be respected and protected in all circumstances.

Article 4

The aircraft mentioned in the foregoing articles shall display conspicuously the distinctive sign of the red cross (red crescent, red lion and sun).

They shall, moreover, be fitted with a continuous system of either light signals or of instantaneous electrical and radio identification, whichever is appropriate to operating conditions, or with both.

Article 5

It is forbidden for all aircraft mentioned in the present regulations to fly over enemy or enemy-occupied territory or areas where belligerents are engaged in military operations.

Notwithstanding the preceding clause, exceptions shall be permissible by special agreement between belligerents or with an international organization.

Article 6

All aircraft covered by the present regulations when flying over enemy or enemy-occupied territory shall be respected but shall obey any order to land or alight on water.

In the event of a landing on enemy or enemy-occupied territory, whether forced or as a result of fortuitous circumstances, the wounded and sick may, in the absence of any contrary agreement between the parties in conflict, be taken prisoner of war. The medical personnel and crew shall be treated in conformity with the provisions of the present Convention.¹

Aircraft mentioned in article 2 above may not be seized unless for use on medical missions.

Aircraft mentioned in article 3 above and all persons aboard thereof, after control, shall be permitted to continue their mission.

Article 7

Aircraft mentioned in these regulations may, in case of need, fly over or land on the territory of a neutral Power. They shall notify the neutral Power of their passage and obey any order.

However, a neutral Power may lay down conditions and restrictions on flight over or landing on its territory. Such conditions or restrictions shall apply equally to all parties to the conflict.

Article 8

In the event of a forced or ordered landing in a neutral country, an aircraft and its occupants shall be permitted to continue the flight after control, if the neutral Power decides to effect such a control. The aircraft may not be detained unless the control reveals the commission of or intention to commit acts incompatible with the humanitarian mission for which the aircraft is intended.

Any wounded or sick disembarked with the consent of the local authorities shall, failing any agreement to the contrary between the neutral Power and the parties in conflict, be detained by the neutral Power when international law so requires, in such a manner as to preclude their taking further part in the hostilities. Hospital charges and the cost of maintenance in internment shall be borne by the Power to which the wounded or sick persons belong.

If an aircraft having landed in neutral territory is in no condition to resume flight, its crew and medical personnel shall be returned to their own authorities.

The general rules of the Convention concerning the rights and obligations of neutral Powers and persons in time of war shall be applied to aircraft, crews and medical personnel of neutral countries.²

¹ Cf. First Convention, Article 24 and ff.

² Articles 39 and 40 of the Second Convention should be replaced by provisions similar to the foregoing. Article 22 of the Fourth Convention should likewise be amended.

Legal protection of civilian populations against the dangers of war

In 1966 the ICRC consulted several authorities, in implementation of two important resolutions adopted by the XXth International Conference of the Red Cross.

Resolution XXIX, acknowledging the need to improve international law protection for civil defence organizations, requested the ICRC to pursue its efforts to that end and to convene a further meeting of experts. The ICRC turned to governments especially interested in this problem, for their views on the *modus operandi* of such a meeting; it delegated to several capital cities to confer with the relevant government departments Mr. Pilloud, Director, and Mr. Wilhelm, Assistant Director, who, in December, discussed the matter in Geneva with a representative of the Swedish Civil Defence, who informed the ICRC of the progress of talks held among the civil defence services of the Scandinavian countries.

The ICRC attributes particular importance to Resolution XXVIII. This postulates certain essential principles on civilian population protection which any authority responsible for the conduct of operations should observe. Not only did the ICRC disseminate this resolution—which may be termed “the Vienna Declaration”; it also sought ways and means—as required by the resolution—of having the principles thereof sanctioned and elaborated by international treaty law. For that purpose the ICRC from mid-1966 onwards took advantage of missions abroad by its delegates to consult a number of persons in various parts of the world.

2. RELATIONS WITH RED CROSS INSTITUTIONS

Recognition of new National Societies

The ICRC officially recognized two new National Red Cross Societies in 1966. They were the Societies of Kenya (November 3) and Zambia (December 8).

The number of officially recognized National Societies thus rose to 108.