

# Principles and law

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# PRINCIPLES AND LAW

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Legal activities by the ICRC in 1980 were especially marked by efforts to encourage ratification or accession to the Protocols additional to the Geneva Conventions by the greatest possible number of States.

## Structure of the Department of Principles and Law

The Department of Principles and Law, which is responsible for carrying out the various tasks described in the following pages, consists of three divisions, the Legal Division, the Division for Documentation and Dissemination and the Division of National Societies and Principles.

Among the activities of the Legal Division which are not dealt with in this report are the responses to legal questions frequently asked either from outside the organization or from one or another of the ICRC's own services. Such questions are increasingly concerned with matters of interpretation of the 1977 Protocols additional to the Geneva Conventions. We may note in this connection that members of the staff of the Legal Division are now drafting a commentary on these texts.

## International humanitarian law

### THE 1949 GENEVA CONVENTIONS

#### Approaches to "successor" States

In November 1980, the ICRC made approaches to the 19 so-called "successor" States which were not yet parties to the Geneva Conventions, inviting them to accede thereto.

These approaches were found to be necessary because of the adoption by the General Assembly of the United Nations at Vienna in 1978 of a Convention concerning the succession of States to treaties. The Convention made it clear that the international community did not consider a successor State to be a party to a treaty by which its predecessor had been bound, unless such a successor formally expressed its intention to accept the obligations of the treaty. Consequently, as the Rules of Procedure of the International Red Cross Conference specify that members of the Conference shall consist of:

- a) the delegates of National Red Cross Societies recognized in accordance with Article VI of the Statutes of the International Red Cross;
- b) the delegates of the States parties to the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1864, 1906, 1929 or 1949);
- c) the delegates of the International Committee of the Red Cross and those of the League of Red Cross Societies,

it was necessary to inform these successor States that it was not possible to regard them as legally qualified members of the Conference unless they expressed their intention to be formally bound by the Geneva Conventions.

Accordingly, the ICRC approached the following 19 successor States: Angola, Cape Verde, Comoros, Dominica, Grenada, Guinea, Equatorial Guinea, Kiribati, Maldives, Mozambique, Nauru, Saint Vincent, Saint Lucia, Solomon, Samoa, Seychelles, Tuvalu, Vanuatu and Zimbabwe. Another State which was approached, Buthan, a non-party to the Conventions, constitutes a special case, since it is not a former colony and is therefore not a "successor" State.

### FOLLOW-UPS TO THE DIPLOMATIC CONFERENCE OF 1974-1977

#### Steps taken to encourage ratification of the 1977 Protocols

On 8 June 1977, the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts adopted the two Protocols additional to the Geneva Conventions of 12 August 1949. During the time specified for signatures, from 12 December 1977 to 12 December 1978, sixty-two States signed Protocol I and fifty-eight signed Protocol II. On several occasions the Red Cross world encouraged States to ratify or accede to the two documents (Resolution III of the International Red Cross Conference at Bucharest in 1977; appeal by the ICRC in November 1978 to States which had participated in the Diplomatic Conference—Annual Report 1978, p. 55; Resolution by the Council of Delegates in 1979). The United Nations had taken similar initiatives (Resolutions by the General Assembly in 1977 and 1979).

In 1980, three years after the end of the Diplomatic Conference, the ICRC decided to intensify its efforts and to make more systematic approaches to stimulate the process of ratification or accession to the 1977 Protocols. It appeared to be of the greatest importance in humanitarian terms, especially for civilian populations, that in any possible armed conflict, whether of an international or non-international character, the 1977 Protocols, specially conceived for modern forms of conflict, should be applied; that the rules they contained should acquire the same universal character as those in the Geneva Conventions. The ICRC hoped that the largest possible number of governmental representatives would be in a position to inform the Twenty-fourth International Red Cross Conference in November 1981 that their States had become parties to the two 1977 Protocols.

To this end, the ICRC made approaches to governments through its President, the Director and other high officials of the Department of Principles and Law, general delegates and regional delegates in countries to which they were accredited.

The ICRC also contacted National Societies, seeking to have them associate themselves with the effort, and various governmental and non-governmental organizations.

The President, for example, raised the matter during missions in Austria, China and Italy. The Director of the Department of Principles and Law took up the question on the occasion of visits to the United States, the Soviet Union and some Latin American countries (Argentina, Costa Rica, Uruguay) and also spoke on the subject at the General Assembly of the Organization of American States (OAS) at Washington and at the Twelfth Conference of Arab Red Cross and Red Crescent Societies at Khartoum. The OAS passed a resolution asking its member States to support and facilitate the humanitarian work of the ICRC, especially in the development and dissemination of knowledge of international humanitarian law. The Khartoum Conference voted a resolution encouraging States to ratify or accede to the 1977 Protocols before the Twenty-fourth International Red Cross Conference. Other representatives of the ICRC carried out missions in the Middle East and Latin America, where they raised the same question.

At the United Nations Conference on Conventional Weapons (see below), the ICRC made a new appeal to all States, asking them to ratify or accede to the two Protocols, giving particular attention to States which still regarded those instruments as incomplete, in view of the absence of arms regulations.

At the end of January, the ICRC submitted to States which were already parties to the Protocols a document setting forth those provisions of the Protocols which might require legislative or other measures in order to put them into effect after ratification or accession. This document has also been given to States which ratified or acceded to the Protocols after that time. In addition, it was published in the July-August issue of *International Review of the Red Cross*. In some countries, ICRC specialists had discussions with the ministries concerned about the measures which should be taken within these countries in peacetime to satisfy the requirements of the two Protocols.

#### **Number of ratifications and accessions to the 1977 Protocols**

In 1980, six States deposited with the Swiss Federal Council their instruments of ratification or accession to the two Protocols additional to the Geneva Conventions. These States were Finland and Laos (ratification), Bahamas, Bangladesh, Gabon and Mauritania (accession).

As of the end of 1980, 17 States were parties to Protocol I and 16 to Protocol II: Bahamas, Bangladesh, Botswana, Cyprus (Protocol I only), Ecuador, El Salvador, Finland, Gabon, Ghana, Jordan, Laos, Libya, Mauritania, Niger, Sweden, Tunisia and Yugoslavia.

Pursuant to Article 95 of Protocol I and Article 23 of Protocol II, the two Protocols entered into force for these States six months after deposit of their instruments of ratification or accession.

#### **United Nations Conference on Conventional Weapons—2nd Session**

The second session of the *United Nations Conference on Prohibition and Restriction on the Use of Certain Conventional Weapons Deemed to be Excessively Injurious or to have Indiscriminate Effects* took place in Geneva from 15 September to 10 October, with representatives present from about 60 States.

Reference to the first session of that Conference will be found in the Annual Report 1979, page 68. This conference on conventional weapons was organized to give effect to Resolution 22 of the *Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts*; the ICRC, at the request of some States, had previously organized conferences of government experts at Lucerne and Lugano.

As it had done at the first session of the UN Conference, the ICRC, whose delegation was led by Mr. Maurice Aubert, a member of the Committee, took part in the second session with the status of observer and expert. It was mainly a question for the ICRC of being available to the participants to answer questions on international humanitarian law and on the history of the problems discussed at the Conference and to make sure that due consideration would be given to the latest developments in international humanitarian law.

The main tasks confronting the participants in the second session were to choose the type or types of instrument to utilize, to define its field of application, to work out a procedure for revision and to agree finally upon the rules forbidding or restricting the use of incendiary arms and mines and booby traps.

These tasks were accomplished and the Conference adopted a Convention and three Protocols. The Convention set forth the general principles and in particular determined the field of application (international conflicts as defined in Article 2 common to the Geneva Conventions, including the situations described in Article 1, paragraph 4, of Protocol I of 1977); procedures for signature, ratification, accession and denunciation; entry into force (six months after deposit of the twentieth instrument of ratification or accession); and finally the machinery for revision, providing for the convening of a conference for revision at least every ten years at the request of a single State or every time that half of the States parties to the Convention—but no fewer than 18—should request it.

In a statement at the end of the Conference, the ICRC expressed its satisfaction at the conclusion of the work. It noted the importance of the mechanism for revision provided in the Convention, since it demonstrated that the concern to keep conventional weapons in conformity with the standards reaffirmed and developed in the Protocols additional to the Geneva Conventions was permanent. The ICRC stressed that the restriction provided concerning the use of mines and booby traps constituted an important step in the protection of civilian populations, due mainly to the principle that mines should be made harmless after fulfilling their military function. The ban on the use of incendiary weapons against

civilian populations and civilian objects served to strengthen the principle, reaffirmed in Protocol I of 1977, that civilian persons and property must not be subjected to attacks of any kind; the absolute ban on air attacks with incendiary weapons against military objectives located amidst civilian areas and the strict limitations on land attacks against such objectives constituted a new step forward for international humanitarian law. Forbidding the use of weapons designed to spread fragments which cannot be localized in the body is mainly a barrier for the future; it implies that no weapon should prevent the healing of the wounds it causes and thus gives a specific application to the rule set forth in Article 35 of Protocol I, stating that "It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering."

Finally, while noting that the Convention and Protocols adopted by the UN Conference are formally applicable only in international conflicts, the ICRC nevertheless expressed its hope that the States would immediately renounce any use, under all circumstances, of weapons in a manner contrary to these texts.

## PARTICIPATION IN INTERNATIONAL MEETINGS

Representatives of the ICRC took part in the following meetings, dealing with questions related to the Geneva Conventions and the 1977 Protocols or with other subjects connected with international humanitarian law or with international public law in general:

*Meetings of the Council of the International Institute of Humanitarian Law of San Remo, on 27 January and 27 May.* The Council adopted a document entitled "Body of Principles for the Procedures on the Reunification of Families". This was published in the *International Review of the Red Cross* in its issue of May-June 1980.

*Committee of Experts on illicit experiments on man and on the rights of persons detained for reasons of mental illness at Syracuse, from 26 to 31 May.* The purpose of the meeting was to consider means to prevent the use of defenceless persons as experimental animals in medical experiments and to prevent any persons regarded as cumbersome to their families or to society from being locked up and silenced, on the pretext of insanity. This work led to proposals for principles for the international regulation of experiments on man, to a draft Convention for the prevention and suppression of illicit experiments on man and to proposals of principles for the protection of persons suffering from mental conditions.

*Course at the school of the Judge Advocate General of the U.S. Army, Charlottesville, Virginia.* In May, the Director of the Department of Principles and Law gave a lecture at one of the annual courses on international humanitarian law given at the school of the Judge Advocate General of the U.S. Army to train specialists responsible for advising military commanders on all legal matters.

*World Congress on Education for Disarmament, Paris, from 9 to 13 June.* This congress, organized by UNESCO, was attended by more than 300 participants, who discussed not only the means for teaching the subject of disarmament at all levels but also the general question of assuring that teaching would favour disarmament and peace. At the suggestion of ICRC observers, the congress agreed that education for disarmament or for peace should be inspired by the principles of international humanitarian law.

*Training and refresher session on human rights for university instructors, Ankara, from 16 to 20 June.* This meeting was organized by the human rights centre of the faculty of political science of the University of Ankara, with the co-operation of UNESCO, mainly to discuss the particular problems encountered in African and Asian countries in the teaching of human rights. A representative of the ICRC, in a lecture on international humanitarian law, stressed the common objectives of this law and laws bearing on human rights, and the need for co-operation in teaching and disseminating knowledge of them.

*Eleventh session of the International Institute for Human Rights, Strasbourg, from 30 June to 26 July.* As it does every year, the Institute organized a training session for persons wishing to improve their knowledge of human rights and international humanitarian law. Representatives of the ICRC gave an introductory course in international humanitarian law and directed groups which discussed specific applications of this law.

*Fifty-third conference of the Association of International Law, Belgrade, from 17 to 21 August.* An ICRC representative attended the committee on medical and humanitarian international law. This committee adopted a draft model agreement for humanitarian relief actions in cases of natural disasters.

*Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, from 25 August to 5 September.* About one hundred States were represented at this congress, which dealt with several questions relating to crime prevention and the treatment of offenders. Special emphasis was given to possible strategies for attacking more effectively the causes of criminality in different parts of the world. Representatives of the ICRC, invited as observers, were particularly interested in the problem of standards and guiding principles in the administration of criminal justice. They also set forth the position of the ICRC on the problem of torture.

*Congress on International Solidarity and Humanitarian Actions, San Remo, from 10 to 13 September.* On the occasion of the 10th anniversary of the International Institute of Humanitarian Law, the usual round table on international humanitarian law was replaced by this congress on solidarity, which was attended by representatives of about thirty countries, international and non-international organizations and private individuals. The ICRC was represented by its President and by two members of the Committee, Mr. Maurice Aubert and Mr. Jean Pictet. The importance of international



solidarity was the common denominator for the wide range of topics discussed—human rights, development, disarmament, the Red Cross movement, help for disaster victims, protection of children, of refugees and of political detainees. International solidarity was found to be the guiding principle for humanitarian actions, in view of the fact that the causes, nature and dimensions of humanitarian problems are international.

*Thirtieth anniversary of the World Veterans' Federation, Munich, 27 and 28 November.* The ICRC was represented at ceremonies which marked the 30th anniversary of the Federation, which were attended by the President of the German Federal Republic.

## **Dissemination of knowledge of international humanitarian law and of the principles and ideals of the Red Cross**

### **RED CROSS ACTION PROGRAMME**

The ICRC and the League, in 1978, devised a *Programme Action of the Red Cross with respect to Dissemination of International Humanitarian Law and of the Principles and Ideals of the Red Cross*, for the period from 1978 to 1981. The four objectives of the programme, which served as a guide for the activities of the two institutions were:

- to encourage States to accede to the Protocols additional to the Geneva Conventions;
- to analyse the legal and practical consequences of the provisions of the Protocols additional to the Geneva Conventions;
- to disseminate and encourage the dissemination of international humanitarian law;
- to integrate the dissemination of the Principles and ideals of the Red Cross into all the Red Cross movement's activities.

These four objectives were divided into three quite separate parts as their nature differed:

- accession to the Protocols (objective 1)
- research (objective 2)
- dissemination, education and training (objectives 3 and 4).

The joint working group of experts in the dissemination of international humanitarian law and the principles and ideals of the Red Cross, established in 1979 to advise the League and the ICRC on putting the Action Programme into effect, met on 30 April and 6 October. The group is composed of representatives of the ICRC, the League and of experts from the National Societies of Spain, Finland, Libya, Malaysia and Czechoslovakia, appointed as individuals, and representatives of the Henry Dunant Institute. In these two meetings, the working group concentrated on the matter of ratification of

the 1977 Protocols and on its own contribution in this domain; on the follow up given to different plans provided for in the Action Programme for research and dissemination; on an initial evaluation of the regional seminars for dissemination organized by the ICRC and the National Societies concerned; and on the financing of the Action Programme. Lastly, the working group devised a project for a second Action Programme for the period from 1982 to 1985.

### **RELATIONS WITH UNESCO**

In the domain of international humanitarian law, the ICRC co-operates also with UNESCO, particularly in the development of a programme to intensify the teaching of this law, pursuant to a resolution by the UNESCO General Assembly in 1974.

One purpose of this programme is to study the possible establishment of regional institutes for teaching international humanitarian law and human rights. For this, experts have examined in the principal universities of several countries the present status of such teaching and what developments are possible (organization of seminars, creation of specific chairs, etc.), as well as possibilities for creating regional centres for the dissemination of international humanitarian law. One such evaluation was made in 1979 in a number of Latin American countries. In 1980, Mr. Gilbert Etienne, member of the ICRC and professor at the Graduate Institute of International Studies and at the Institute for Development Studies in Geneva, visited Cameroon, Senegal and Nigeria. Mr. Dietrich Kappeler, professor at the Faculty of Law in Nairobi, reported his observations at the Universities of Nairobi and Dar es Salaam. In Senegal, the University Council authorized the creation of an Institute for Human Rights and Peace in Africa.

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The President of the ICRC was invited to take part in a meeting organized by UNESCO on 4 June in Paris, which was attended by a number of winners of the Nobel Peace Prize. The discussions, very far-reaching, dealt with peace and human rights and their development.

The Director of the ICRC Department of Principles and Law participated in a meeting organized by the Director of the UNESCO Division of Human Rights and Peace to consider the problem of co-ordinating documentation on human rights. Also taking part in this meeting, at UNESCO headquarters in Paris, on 17 and 18 March, were representatives of the law faculties of various European universities and the universities of Cameroon, Senegal, Philippines, Kuwait and the Dominican Republic, as well as representatives of international bodies. The participants agreed on the need to provide a system for centralizing documentation on human rights. The representative of the ICRC brought up the human rights international humanitarian law relationship. He and UNESCO officials reviewed joint projects of the two organizations for the teaching of human rights, international humanitarian law and peace.

## **DISSEMINATION TO NATIONAL SOCIETIES AND GOVERNMENTS**

### **Regional seminars**

*First inter-American and national regional seminar on the dissemination of international humanitarian law and the fundamental principles of the Red Cross, Montevideo, from 30 May to 7 June.* As a follow-up to the regional seminar at Bogota, organized by the ICRC and the Colombian Red Cross in March 1979, the Uruguayan Red Cross convened the first regional inter-American and national seminar on dissemination. The programme was similar to that in Bogota (see Annual Report 1979, page 72). Ten National Societies in South America took part (Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela), as did also the Spanish Red Cross, the League and the ICRC. Some countries sent government representatives and legal experts. There were also participants from the host country's army, navy, airforce and police. The ICRC gave talks on international humanitarian law and the activities of the institution in the event of disorders and internal tensions. Particular emphasis was given to the need for all the participants to serve as "multiplying factors" by acting to disseminate knowledge of international humanitarian law and principles and to encourage others to do so. The participants in the Montevideo seminar confirmed the conclusions of the Bogota seminar and drew up a list of measures to be taken to promote the dissemination of international humanitarian law in the armed forces, schools, universities and National Societies.

*European seminar on medical circles in the Red Cross and international humanitarian law, Warsaw, 11 to 14 November.* A regional seminar on international humanitarian law had taken place at Warsaw in 1977, as a result of which the Polish Red Cross and the ICRC agreed to convene three further seminars on the same theme, for three distinct audiences: at Gdansk in 1978 for youth, at Crakow in 1979 for university professors and at Warsaw in 1980 for the medical corps.

The Federal Republic of Germany, Belgium, Bulgaria, Finland, France, Great Britain, Netherlands, Poland, Portugal, Sweden and Switzerland sent representatives of National Societies and top public health officials, as did the League and the Henry Dunant Institute. The ICRC delegate was led by Dr. de Rougemont, member of the Committee.

Participants in the Warsaw seminar discussed international humanitarian law and the fundamental principles of the Red Cross, the medical function in the Geneva Conventions and in the 1977 Protocols, dissemination among military medical officers, nurses and schools of medicine, the medical activities of the ICRC, the medico-social functions of League delegations and National Societies and the recruiting of medical staff and personnel to carry out social service tasks. Participants in the meeting stressed the need to develop the dissemination of international humanitarian law and Red Cross principles in medical circles.

One phase of the seminar was devoted to consideration of the fundamental concepts of international humanitarian law

which should be known to medical personnel supplied by National Societies to the ICRC or the League for various emergency actions. A number of principles appropriate for the guidance of such personnel were singled out. They will constitute the subject of a short publication which will be given to all doctors and nurses leaving on emergency Red Cross missions.

### **Relations with National Societies**

The ICRC was invited to attend a seminar organized by the League and the Philippine Red Cross in Manila in February on the themes of information and fund-raising. Part of the seminar, attended by representatives of 14 National Societies, was devoted to dissemination of the Geneva Conventions and the principles of the Red Cross. The seminar provided an occasion for recalling the importance of dissemination and the role which can be played in this domain by the National Societies. It was apparent that the regional seminar organized at Kuala Lumpur in 1978 by the ICRC and the Malaysian Red Crescent Society, to sensitize the National Societies of Asia and Australia to the need for dissemination of international humanitarian law had accomplished its aim.

In connection with the dissemination of knowledge of international humanitarian law, the ICRC maintained its contacts with the Belgian Red Cross and attended its congress entitled "From 1980 to the year 2000", which took place at Liège in early March. Participants in the congress were divided into ten working groups, each dealing with one Red Cross activity, including a group on the teaching of international humanitarian law. Members of this group recognized the need for the Belgian Red Cross to establish a service devoted exclusively to dissemination, as recommended by the regional seminar in Warsaw in 1977. The ICRC was also represented at the General Assembly of Disseminators of the Geneva Conventions of the Flemish section of the Belgian Red Cross on 6 September.

At the invitation of the Portuguese Red Cross, an ICRC representative went to Lisbon to discuss the problem of dissemination with leaders of the Society. On the same occasion, he gave talks on general matters to members of the National Society, various ministries, the armed forces and to student groups.

The regional delegate for the Andean countries represented the ICRC at the first symposium on the dissemination of international humanitarian law organized by the Ecuadorean Red Cross at Machala in November, which was attended by all branches of the National Society.

## **DISSEMINATION IN THE ARMED FORCES**

In 1979, the ICRC appointed a delegate to the armed forces with the aim of encouraging and helping in the teaching of international humanitarian law to armed forces. To support the activities of the delegate, it also established a Commission for Armed Forces under the chairmanship of Mrs. Andrée Weitzel, a member of the Committee.

### **Preparation of a manual for the armed forces**

The delegate and the Commission for Armed Forces continued their work in 1980, concentrating principally on the preparation of a manual on international humanitarian law for the use of armed forces, taking into account their requirements and drafted in such a manner as to correspond to customary military organization and terminology. The manual includes a summary for commanding officers, following the pattern of the manual itself and containing essential instructions for the purposes of military command. In addition a handbook of simple rules for all combatants will be drawn up.

### **Courses and meetings on the law of war**

The delegate to armed forces maintained contact with the International Institute of Humanitarian Law at San Remo, with the International Society of Military Penal Law and the Law of War and also with the International Committee of Military Medicine and Pharmacy.

As in the past, the delegate was in charge of international courses on the law of war organized by the institute at San Remo for commanders of land, air and sea forces, General Staff instructors and officers responsible for teaching the law of war.

During 1980, the 8th course in English was given at San Remo and the 9th course in Italian at Florence. The San Remo course was attended by participants from 14 States—Argentina, Belgium, Canada, Finland, German Federal Republic, Great Britain, Indonesia, Ireland, Israel, Netherlands, New Zealand, Nigeria, Sweden and the United States. The course in Italian was attended by participants from Argentina, Italy and Spain. High level officers took part in both courses. The courses organized by the San Remo Institute are aimed at familiarizing the participants with the law of war, studying this law in relation to military needs and realities, dealing with the subject matter in depth so as to render it effective and credible. In 1980, the length of the courses was extended to two weeks, making it possible to devote more time to the subject of respect for law in the conduct of fighting and to study, from a practical point of view, some of the specific provisions in the 1977 Protocols (especially Articles 57 and 58 of Protocol I).

The delegate to the armed forces took part in two courses organized by the International Committee of Military Medicine and Pharmacy—the 9th international refresher course for young military medical officers at Athens and the 2nd seminar on the law of war for senior officers in armed forces medical services at the Henry Dunant Institute in Geneva.

The former course is organized every two or three years, in close co-operation with the military medical services of the host country. It is based on the needs of military medical services and combines theoretical lectures and practical exercises. The ICRC provides instruction on the Geneva Conventions and the 1977 Protocols, emphasizing the possibilities these offer to medical officers whose duty it is to use them to the fullest extent for the benefit of the wounded and sick—

with particular reference to co-ordination between civilian and military medical services, medical evacuations by air, means of signaling, etc.

The second course, directed in part by the ICRC delegate, was a repetition of one given in the autumn of 1979 (see Annual Report 1979, page 74). Designed along the lines of courses at the San Remo Institute, this seminar, however, gave emphasis to the needs of military medical services. Unlike the 1979 seminar which was in French, for participants from Europe, Africa and Latin America, the seminar in 1980 took place in English. Participants came from several European countries—Denmark, German Federal Republic, Netherlands, Sweden and Switzerland—and from Canada.

The delegate to the armed forces was also invited to give a lecture to the "Hochschule der Bundeswehr" on the problems presented by the 1977 Protocols in the exercise of military command. The purpose of the lecture was to give credibility to the new law constituted by the Protocols by demonstrating, on the basis of given situations, possible solutions which would conform to the Protocols and also be acceptable to military leaders.

## **DISSEMINATION AMONG YOUNG PEOPLE**

### **The launching of a contest in Latin America**

To give effect to a resolution adopted at the first inter-American seminar on the dissemination of knowledge of international humanitarian law at Bogota in 1979, the ICRC and the League jointly organized a contest for secondary school students in South America, on the theme of solidarity, one of the seven fundamental principles of the International Red Cross.

The main purpose of the contest was to encourage the dissemination of the principles of the Red Cross and of international humanitarian law in secondary schools, and in so doing draw the attention of health ministries and teachers to the importance of this task.

Secondary school students in seven countries submitted texts to their respective National Societies. Fourteen of these were sent to Geneva for the final choice. Three candidates, from Brazil, Uruguay and Ecuador, won the first, second and third prizes. The winner of the first prize will make a study visit to Geneva and to the Spanish Red Cross; winners of the other two prizes will be awarded visits to one or two National Societies in South America.

### **Red Cross Teaching Guide**

The Sudanese Red Crescent received copies of the Arabic version of the Red Cross Teaching Guide. In view of the importance of this publication, the National Society set up a committee, including teachers in both public and private schools, to study it and provide commentaries for it and to prepare for its distribution throughout the country.

### **School Textbook**

The director of the Youth Bureau of the League examined with leaders of the Red Cross Society of China the plans and

needs of this Society in the dissemination of international humanitarian law among young people. The National Society gave priority to publication of the school textbook. *The Red Cross and My Country*, of which a Chinese version exists for primary school pupils. Accordingly, during his mission in China, the President of the ICRC donated 56,000 Swiss francs to the National Society to pay for the printing of 100,000 copies of a combined version of the *Teacher's Manual* and *The Red Cross and My Country*.

Ten thousand copies of the textbook and 1,000 copies of the *Teacher's Manual* were sent to Angola, where the National Society provided for their distribution. Both were the Portuguese African texts published in 1979.

Five thousand copies of the textbook and 1,000 of the *Teacher's Manual* were sent to the Rwanda Red Cross as a contribution to its programme of dissemination among young people.

The *Teacher's Handbook* produced jointly by the ICRC, the League and the Cameroon Red Cross and published in 1979, came out in English in 1980 in an edition of 700 copies.

### Participation in various courses and meetings

The ICRC participated in a number of courses and meetings which discussed the dissemination of knowledge of international humanitarian law among young people and in meetings of the Junior Red Cross:

*Meeting of leaders of the Junior Red Cross in Asia and the Pacific, Melbourne, 10 to 16 February.* One of the themes taken up at this meeting was international humanitarian law and the principles of the Red Cross. The need to disseminate knowledge of this law and these principles among young people was reaffirmed and participants in the meeting adopted a recommendation urging the League, the ICRC and the Henry Dunant Institute to create audio-visual material to assist in this undertaking.

*Fifth Regional Meeting of European National Red Cross Youth Directors, Budapest, from 17 to 22 March.* The purpose of this meeting, organized by the League and attended by representatives of 21 National Societies was to evaluate the work accomplished by the national youth bureaus since the preceding meeting at Oslo in 1978. The National Societies had been active in disseminating the principles of international humanitarian law among young people, notably by translating the *Red Cross Teaching Guide* and distributing copies in the schools of their respective countries. In preparing plans for the future, there were two major topics of discussion: the work of the Red Cross with university students and ways and means for international co-operation among the Junior Red Cross sections in different countries.

*National Youth Leaders' Seminar, Nairobi, from 7 to 12 April.* About 60 leaders of the Kenya Junior Red Cross, including a number of teachers, participated in this seminar which provided an occasion for the ICRC to discuss the dissemination of the Geneva Conventions and to familiarize the participants with the activities of the organization.

*Austrian Junior Red Cross seminar, Château de Puchber, from 12 to 14 May.* The Austrian Junior Red Cross had developed a system of teaching about the Red Cross and the Geneva Conventions in secondary schools, as part of their history courses. This seminar was the outcome of a series of experimental seminars and was designed to make the system more widely known. It was attended by about 50 history teachers from different parts of the country. The ICRC attended this seminar, as it had most of the experimental ones preceding it.

*First Afro-Brazilian training course for leaders of the Junior Red Cross, at Rio de Janeiro and Teresopolis, Brazil, from 9 to 14 June.* This course was attended by about 15 delegates from Angola, Brazil, Guinea-Bissau, Mozambique and Sao Tome and Principe. It provided an opportunity to familiarize the participants with the world of the International Red Cross. The ICRC representative described the institution, its worldwide activities and the principles of international humanitarian law, illustrating his talk with films.

## DISSEMINATION IN UNIVERSITIES

### Follow-up to Cracow seminar

As a follow-up to the Cracow seminar in 1979, whose purpose was to interest professors of international public law in the teaching of international humanitarian law (see Annual Report 1979, page 73), the ICRC and the Polish Red Cross have worked together and in co-operation with the League and the Henry Dunant Institute on the organization of summer courses on international humanitarian law. These courses, designed for law students in Europe and North America, will begin in 1981. They will be devoted both to teaching the fundamental principles of international humanitarian law and of the Red Cross and to discussions with each individual student of the activities that he or she may undertake to promote the dissemination of this law in his or her own university.

### Initiatives in Latin America

Approaches were made to the Andean countries to encourage the teaching of international humanitarian law in the universities. Talks on this subject were given at the Central University and the Catholic University in Quito, Ecuador.

### Florence seminar

A seminar on the teaching and dissemination of international humanitarian law, organized by the Universities of Florence and Rome and the Italian Red Cross, with the participation of the ICRC, took place in Florence from 27 to 29 November. The purpose of the seminar, the first of its kind, was to provide an initial outline of international humanitarian law to about forty professors and assistant professors of international public law and political science in the principal cities of Italy.



## PUBLICATIONS

ICRC publications in 1980 were:

- *International Review of the Red Cross*, a bimonthly publication in French, English and Spanish with an abridged issue in German (see also page 82);
- *Islam and international humanitarian law*, reprinted from *International Review* (French and English);
- *African Customary Humanitarian Law* by E. Bello;
- *The Fundamental Principles of the Red Cross, Peace and Human Rights*, reprinted from *International Review* (French, English and Spanish);
- *Annual Report 1979* (French, English, Spanish, German and Arabic);
- *Summary of Annual Report 1979*, reprinted from Annual Report 1979 (French, English, Spanish and German);
- *European Seminar on Humanitarian Law* (English);
- *Soldier's Manual* (Khmer);
- *The Red Cross* (new version in English, taking into account the adoption of the 1977 Protocols);
- *Fundamental Rules of International Humanitarian Law applicable in Armed Conflicts* (Portuguese);
- *The ICRC and Human Rights* (reprinted from *International Review*, French, English, Spanish and German);
- *Resolution on Family Reunification* (reprinted from *International Review*, in English, French, Spanish and German, plus an Arabic version);
- *Implementation of the Protocols* (reprint from *International Review* (English, French and Spanish);
- *The ICRC and its Activities in the World* (bi-lingual, English-French);
- *Presenting the ICRC*, new edition in English, French, German and Spanish.

## Relations with Red Cross institutions and National Red Cross Societies

### RELATIONS WITH THE LEAGUE OF RED CROSS SOCIETIES

The usual close relations were maintained between the League and the ICRC. In addition to regular monthly official meetings between the two institutions, their representatives were in daily contact on a great number of extremely varied subjects. There were also various joint committees and study groups, permanent or ad hoc, depending on the subjects dealt with.

In April and October, the ICRC was invited to attend meetings of the League's Executive Council as an observer.

#### Joint League-ICRC meetings

As provided in Article VIII of the International Red Cross Statutes, the relations required between the ICRC and the

League to co-ordinate their activities and avoid overlapping were sustained by meetings at least once a month of representatives of the two organizations.

In addition to other problems of common interest, these joint meetings dealt with preparatory work for the Twenty-fourth International Red Cross Conference. They kept abreast of the proceedings of the joint working groups which had been set up pursuant to Resolution II of the Twenty-third International Red Cross Conference (Bucharest, 1977) to study questions concerning the development of National Societies, information and assistance.

#### Joint ICRC-League Commission on the Statutes of National Societies

Resolution VI of the Twenty-second International Red Cross Conference asked National Societies which wished to change their statutes to notify the two international institutions of the changes they intended to make and to take into account their possible recommendations. In accordance with this resolution, the joint ICRC-League Commission on the Statutes of National Societies met six times in 1980—22 January, 1 April, 4 June, 29 July, 23 September and 18 December—under the chairmanship of Professor Patrnoic of the League.

The Commission studied amendments or statutory revisions for 15 National Societies: Bahamas, Bolivia, Botswana, Cuba, Ethiopia, Italy, Lesotho, Nepal, Norway, Panama, Poland, Portugal, Spain, Zaire and Zambia. It also considered the problems of National Societies in their formative stages and made a number of proposals to help them satisfy requirements for recognition and membership in the International Red Cross.

#### Development of National Societies

In 1979, the General Assembly of the League proposed the development of a strategy for the development of National Societies in the decade of the 1980s. To follow up this resolution and discuss such a strategy, the League, in co-operation with the Swiss Red Cross, convened a meeting at Bern in October of the National Societies of several countries. The ICRC was invited to attend as an observer because of its special interest in the development of National Societies with respect to the creation of tracing agencies, the dissemination of international humanitarian law, preparation for the tasks incumbent upon a National Society in the event of conflict, etc. Subsequently, especially in their joint meetings, the League and the ICRC sought to work out a co-ordinated policy of assistance to the development of National Societies.

#### Third Regional Conference of European Red Cross and Red Crescent Societies

The Organizing Committee for the Third Regional Conference of European Red Cross and Red Crescent Societies held its second and third preparatory meetings in



Geneva in 1980. The Conference was scheduled to take place at Budapest in May 1981. It was defined as a regional conference under the terms of the League Constitution, and it was the first time that the ICRC was invited to participate in preparations for such a conference.

The Organizing Committee was chaired by Mr. Hantos, President of the Hungarian Red Cross. It consisted of representatives of the League, the ICRC, the Henry Dunant Institute and the National Societies of Finland, France, the Federal Republic of Germany, Spain and Yugoslavia. Its mandate was to draw up the rules of procedure and the agenda for the Budapest Conference, which was to consider two major themes: development of co-operation among European Societies on the dissemination of international humanitarian law, youth activities and solidarity with the National Societies of developing countries, and secondly exchanges among European National Societies of experience in the health and social services of their respective countries and in the Action Programme of the Red Cross as a Factor for Peace.

The committee studied the documents prepared for the Conference.

## RELATIONS WITH NATIONAL SOCIETIES

### Briefing and consultative meetings at the ICRC with the leaders of National Societies

As it had done since 1978, the ICRC organized meetings for consultation with leaders of National Societies who had come to Geneva to take part in various meetings on the occasion of sessions of the League Executive Council. There were two such meetings in 1980.

An information session was held on 24 April, attended by 47 representatives of 33 National Societies, representatives of the League and the Henry Dunant Institute and several members of the Committee. The first part of the session was devoted to a presentation of the activities being carried out by the ICRC. In the second part of the session, the participants were divided into two groups, which studied, respectively, the following two questions: 1) the taking of hostages, the principles of the ICRC in this connection and the implications for the National Societies, and 2) the attitude of Red Cross institutions in case of occupation of their premises.

In addition to representatives of the League and the ICRC, 42 National Societies participated in the second information meeting on 8 October, which followed the pattern of the first. After a presentation of the activities of the ICRC, two topics were proposed to the participants: international humanitarian law and human rights; and the dissemination, within National Societies, of information received from the ICRC.

### Visits to the ICRC by National Societies

The ICRC welcomed to its headquarters about 2,000 members of National Societies, including a number of leaders, apart from the meetings it organized on the occasion of meetings of the League Executive Council.

## Missions by the President and members of the ICRC to National Societies and Governments

The President of the ICRC attended ceremonies marking the 100th anniversary of the Austrian Red Cross at Vienna, from 19 to 21 September. Members of the Committee, Mrs. Marion Bovée, Miss Andrée Weitzel, Mr. Maurice Aubert, Mr. Jakob Burckhardt and Mr. Marcel A. Naville, went to Bern on 22 January to visit the new quarters of the Swiss Red Cross. Mr. Robert Kohler attended a meeting of the General Assembly of the Swiss Red Cross. Mr. Victor H. Umbricht participated in ceremonies marking the 70th anniversary of the Mexican Red Cross in October. Mr. Jacques F. de Rougemont led the ICRC delegation to the European seminar on medical circles in the Red Cross and international humanitarian law at Warsaw, in November.

During missions related more directly to ICRC operations and the financing of the organization, President Hay met representatives of the National Societies and governments of the following countries: Kuwait, Bahrain, Qatar, Oman, United Arab Emirates (January and February), Democratic Kampuchea, Socialist Republic of Vietnam, Thailand (February and March), Italy, Vatican (June), Libya (July) and the People's Republic of China (November), while Mr. Richard Pestalozzi visited Burma and Thailand (January) and the USSR (October); Mr. Rudolf Jäckli went to Indonesia and East Timor (February), Singapore (February) and Thailand (May); Miss Andrée Weitzel visited Israel and Mr. Athos Gallino went to Cambodia and Thailand (November).

### Participation in regional meetings and seminars

ICRC representatives attended various regional Red Cross or Red Crescent meetings or seminars apart from those which dealt with dissemination and which are mentioned under the heading "International humanitarian law".

In *Africa*, the ICRC was represented at the 12th Conference of Red Crescent and Red Cross Societies in Arab Countries, which took place at Khartoum from 8 to 11 December. The ICRC representative reported on the organization's activities and took part in discussions on the emblem, and on the dissemination of international humanitarian law and the 1977 Protocols.

In *Latin America*, the ICRC was represented at the first Meeting of Presidents and Technical Seminar of the Red Cross Societies of South America at La Paz, Bolivia, from 2 to 4 March, at the first Meeting of Presidents and Technical Seminar of the National Societies of the Caribbean at Port-au-Prince, Haiti, from 27 to 30 May and the ninth Meeting of Presidents and Technical Personnel of the National Red Cross Societies of the United States, Mexico, Central America and Panama, at Mexico City, from 9 to 12 July. These meetings were all concerned with the action programmes of the National Societies (to give effect to the American Societies' plans for 1980-1984) and with their development, taking into account the possibilities in each country. The meetings provided an occasion for the ICRC to report on its activities,

especially in Latin America, and to draw special attention to the role which could be played by National Societies in times of conflict.

At a biennial training seminar of the Bahamas Red Cross in May, an ICRC representative gave talks on the Geneva Conventions and 1977 Protocols and the role of the ICRC in international and non-international armed conflicts.

In *Europe*, the ICRC attended as an observer the first conference of the National Red Cross and Red Crescent Societies of the Mediterranean at Sveti Stefan, Yugoslavia, from 4 to 7 February, to discuss relief in the event of natural disasters, protection of the environment, migrant workers and lifesaving. It was also present at a seminar organized by the Balkan Red Cross and Red Crescent Societies at Bucharest in May, on the subject of the training, role and activities of voluntary nurses.

#### **Change of emblem by the Iranian National Society**

After informing the League and the ICRC, the Islamic Republic of Iran, on 4 September, notified Switzerland, the depositary State for the Geneva Conventions, of the change in the emblem and the name of the Iranian National Society. It replaced the symbol of the red lion and sun with that of the red crescent and thenceforth assumed the name Iranian Red Crescent Society.

The Swiss Government informed the States parties to the Conventions of this change on 20 October; the League and the ICRC announced it to the central committees of the National Societies of the Red Cross and Red Crescent on 5 November.

#### **STANDING COMMISSION**

The Standing Commission of the International Red Cross met in Geneva on 28 April and 8 October under the chairmanship of Sir Evelyn Shuckburg of the British Red Cross.

The Standing Commission was mainly concerned with preparations for the Twenty-fourth International Red Cross Conference, to take place in Manila in 1981. It prepared the provisional agenda for the Conference and submitted it to the National Societies to obtain their views. It also adopted a resolution designed to reserve use of the term "international conference" solely for the statutory meetings of the supreme deliberative body of the International Red Cross. It adopted a proposal for new regulations for the Henry Dunant Medal, an award for recognition of outstanding service to the Red Cross cause by one of its members. The proposal will be submitted to the Manila Conference.

#### **COMMISSION ON THE RED CROSS AND PEACE**

The Commission on the Red Cross and Peace was created pursuant to a decision of the Council of Delegates in 1977 at the Twenty-third International Red Cross Conference at Bucharest. Its purpose is to continue the implementation of the "Programme of action of the Red Cross as a Factor of

Peace", adopted at the World Conference of the Red Cross on Peace at Belgrade in 1975. The Commission consists of representatives of the ICRC, the League, the Henry Dunant Institute and twelve National Societies: Australia, Canada, Egypt, El Salvador, France, German Democratic Republic, Indonesia, Mauritania, Philippines, Senegal, Yugoslavia and Zaire. Mr. Harald Huber, Vice-President of the ICRC, is chairman of the Commission.

The Commission on the Red Cross and Peace met twice, in April and October, at ICRC headquarters, and examined documents prepared by the secretariat of the League and by several Societies represented on the Commission. These studies dealt with the protection of health, relief and solidarity, and international understanding among young people, as factors of peace. These documents will constitute elements in the report of the Commission to the Council of Delegates in 1981. The Commission also took note of the report and appeal by the Round Table of Institutions Awarded the Nobel Peace Prize and took up the subject of the Red Cross and disarmament. Lastly, it discussed the question of its own mandate and of its possible renewal by the Council of Delegates which will meet in Manila just prior to the Twenty-fourth International Red Cross Conference.

#### **WORKING GROUP ON THE EMBLEM**

The ad-hoc working group set up by the Council of Delegates on the occasion of the Twenty-third International Red Cross Conference continued its efforts to find ways and means to return to the unity of the emblem.

It will be recalled that this group is composed of representatives of the ICRC, the League, the Henry Dunant Institute and or nine National Societies: Iran, Malaysia, Niger, Spain, Switzerland, Syria, Turkey, USA and USSR.

At two meetings in 1980, the group was mainly concerned with analyzing replies from National Societies to the questionnaire concerning the emblem which had been sent to them on 11 June 1979 and with the proposals made by the ICRC in its letter of 8 April 1980 addressed to the working group (see box, page 78). The change of the emblem in Iran was also discussed.

#### **SHÔKEN FUND**

The joint League-ICRC Commission responsible for distributing the income from the Empress Shôken Fund met on 15 April in Geneva in the presence of Ambassador Fumihiko Suzuki, representing the Japanese Red Cross. In conformity with the criteria for the distribution, a total of 180,000 Swiss francs was divided in this 59th distribution to the National Societies of the following six countries: Afghanistan, El Salvador, Haiti, Pakistan, Senegal and Syria. The funds distributed will enable these Societies to improve their equipment, especially through the purchase of ambulances, and to develop their activities in blood transfusion, first aid and medico-social action.

## THE ICRC AND THE QUESTION OF THE EMBLEM

*Excerpt from a letter sent by the ICRC on 8 April 1980 to members of the working group on the emblem of the International Red Cross:*

Without prejudice to the Group's conclusions, it appears, from a reading of the replies from National Societies to the questionnaire on the emblem, that none of the proposed solutions in the document meets with unanimous approval or even seems likely at this stage to give rise to a consensus. Nevertheless, the ICRC still hopes that a fair and satisfactory solution can be found and it urges our Group to continue its efforts to that end.

As regards the substance of the question, the ICRC itself has always advocated a return to the single emblem of the red cross on a white background and it continues in the belief that ideally this would be the best solution. By the very simplicity of its design, the original emblem gives optimum protection. Moreover, the adoption of a single universal sign would be proof of our movement's unity. However, the ICRC admits that such a solution is not at present realistic for it would require some countries to forgo the sign they have displayed for many decades and to which their people are strongly attached, a sentiment which the ICRC respects.

Of the solutions proposed in the questionnaire which offer something new, there is one which the ICRC would accept, namely, the universal adoption of the red cross combined, for those who wish, with a special sign of equal size, such as the red crescent, the red lion and sun\*, or any other freely chosen by the State and admitted by the international community. The re-introduction of a common sign in the movement's emblems would surely demonstrate the solidarity of its members while permitting of diversity in unity and facilitating the movement's genuine universality.

Another solution, not examined by the Group, could be envisaged, namely the combination of a new unifying sign with one or other of the existing emblems, or even with a new emblem admitted by the international community; such a new unifying sign could be, for example, a red heart, or a red circle, or a red border enclosing the emblem concerned. This proposal, which is also in line with a return to the unity of the emblem, would put all existing emblems on an equal footing, the same concession being required of adherents to the red cross as that demanded from those who display the red crescent and the red lion and sun\*.

If discussions within our movement do not reconcile the views of one and all, the ICRC would have to acknowledge that present circumstances do not lend themselves to a change of the situation as it stands.

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\* This letter was written before the adoption of the sign of the Red Crescent by Iran.

The Empress Shôken Fund was set up in 1912 with a gift from Her Imperial Majesty of Japan to finance humanitarian activities of National Societies, mainly in peacetime. Since then, the Fund has received several gifts from the Japanese Imperial Family, the Japanese Government and the Japanese Red Cross.

*(The balance sheet and statement of income and expenditure of the fund, with details of allocations, were published in issue No. 218 of International Review of the Red Cross, September-October 1980.)*

### RELATIONS WITH THE HENRY DUNANT INSTITUTE

The ICRC, which shares membership in the Henry Dunant Institute with the League and the Swiss Red Cross, continued to follow the Institute's activities closely. The Assembly of the Institute, in 1980, elected Mr. Jean Pictet, a member of the ICRC, to a two-year term as its President.

The ICRC took part in a number of courses and seminars

organized by the Institute during the year. As in the past, it played an active role in the fourth introductory course to the international activities of the Red Cross for the benefit of French-speaking National Societies, at the headquarters of the Institute, from 28 May to 4 June. The course contributed to the training of National Society staff concerned with international questions or who may carry out missions for the ICRC or the League. Twenty-six National Societies were represented, most of them from the Third World. From 25 November to 3 December, an identical course (the fifth) was given in Spanish at Madrid for members of National Societies of sixteen Latin American countries and of Portugal, Spain and Morocco. A special course of a similar nature was given in Geneva from 10 to 13 November for national and cantonal staff of the Swiss Red Cross. The ICRC played an active role in all these courses by giving lectures. It also took part, from 16 to 21 June, in Geneva, in a seminar for Norwegian journalists. The purpose of this seminar was to familiarize the journalists with the activities of the International Red Cross, the Geneva Conventions and the 1977 Protocols.