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# African States and the promotion of humanitarian principles

by Mutoy Mubiala\*

## INTRODUCTION

It is well known that African societies are shaped by custom and tradition. African thought, deeply imbued with humanism, has given birth to concepts and practices that place these societies among the world's humanitarian civilizations. With the advent of the colonial era and the establishment of institutions based on foreign values, the manifestations of African ideas was put into abeyance. Subsequent independence, while giving African States the opportunity to participate alongside other nations in constructing a universal civilization, paradoxically brought the continent face to face with a dilemma in regard to economic, political, social and cultural matters: the choice between the wholesale adoption of foreign, particularly European, models, or a radical return to ancestral traditions. However, humanitarian concerns are among the few that can—and should—transcend such Manichean considerations.

This article is part of a general effort to rediscover the universal nature of the principles of humanitarian law, which are echoed by African traditions, and to study African humanitarian traditions “as a means of promoting a better understanding and acceptance of humanitarian law by African societies, states and peoples”.<sup>1</sup>

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\* The author wishes to thank Mr. René Kosirnik, Head of the ICRC Legal Division, for his advice on the drafting of this study. He is also grateful to Professor Mikuin Leliel Balanda who introduced him to international humanitarian law.

<sup>1</sup> “Dissemination of international humanitarian law. Fifth African Regional Seminar on International Humanitarian Law”, *International Review of the Red Cross (IRRC)*, No. 256, January-February 1987, p. 106.

## I. TRADITIONAL AFRICAN SOCIETIES AND THE LAW

Most authors, be they historians, ethnologists or sociologists, agree that traditional African societies, particularly in precolonial times, had certain common features.

Politically, these societies were organized into *hierarchical* but non-discriminatory *communities*. At their head was a chief flanked by notables and “griots” (witchdoctors-*cum*-minstrels). The other members of the community were classified according to occupation (blacksmiths, herders, farmers) and age (the elderly, the young). Reliance on *oral* communication, in the absence of a written language, explains the importance attributed to words and sound (tam-tams, balaphons). These deeply religious societies, instilled with belief in the hereafter, attached great value to human life and considered it man’s duty to live in harmony with his community and to place collective welfare above individual happiness.<sup>2</sup>

Predominant features of African culture such as these have left an indelible stamp on the continent’s legal system.<sup>3</sup> Traditional African rights strongly reflect the lifestyle, the nature of social relations, in short the entire civilization of traditional societies.

Such rights are above all communal. Individuals possess rights and obligations only as members of a group, with which they entertain a mutually complementary relationship. These rights are shaped by oral tradition and religious empiricism.<sup>4</sup> Their implementation emphasizes protection and rehabilitation rather than repression, which is an exceptional measure. This explains the key role attributed to dialogue and to reconciliation through discussion.<sup>5</sup>

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<sup>2</sup> Tempels, P., “La philosophie bantoue”, 5th edition, *Présence africaine*, Paris, 1965; “Société africaine et culture. Les religions africaines comme source de valeurs de civilisation”, Cotonou Symposium, 16 July-2 August 1970, *Présence africaine*, 1972, 472 pp.

<sup>3</sup> Olawale, T. E., “La nature du droit coutumier africain”, *Présence africaine*, Paris, 1961.

<sup>4</sup> Kalongo, M., “Individualisation et collectivisation du rapport juridique de responsabilité civile en droit privé zaïrois”, *Annales de la Faculté de Droit*, vol. I., 1972, pp. 39-40.

<sup>5</sup> Bayona-Ba-Meya, “Authenticité, droit et développement”, in *Authenticité et développement*, *Présence africaine*, Paris, 1982, pp. 133-134; Balanda Mikuin Leliel, “Les tribunaux de paix au Zaïre — fonctionnement, procédure et compétence”, exposé présenté dans le cadre des Deuxièmes Journées juridiques organisées par l’Association des jeunes avocats du Zaïre, *Revue juridique du Zaïre*, Nos. 1-3, January-December 1984, pp. 46-49.

Despite the diversity of African legal traditions,<sup>6</sup> many authors, such as Cheik Anta Diop, have succeeded in demonstrating their conceptual unity within the framework of the common cultural heritage shared by the peoples of the Islamic Sahel and of the sub-Saharan regions.<sup>7</sup> It is within this specific context that different humanitarian concepts, the existence of which can no longer be questioned, have emerged and developed.

## II. PROTECTION OF THE INDIVIDUAL IN TRADITIONAL AFRICA

The rights of individuals and their communities were guaranteed not only in time of peace but also and especially in time of armed conflict.

### A. Theory and practice of human rights in Africa

Many authors have shown that traditional African societies, as opposed to those ruled by a dog-eat-dog mentality, were essentially based on harmony between men. This concept, expressed in the Wolof proverb “Nit nit garabam” meaning “man is man’s remedy”<sup>8</sup>, implied respect for human beings. Despite their subordination to the group, which was in any event non-alienating, Africans traditionally enjoyed the right to life, initiation and work, and the freedom of expression, religion, association and movement.<sup>9</sup> Those rights were guaranteed not only by the legal system, but also by the political, economic and social systems. Nevertheless, it was above all in time of war that humanitarian precepts and behaviour took on their full significance in traditional Africa.

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<sup>6</sup> Kuassigan, G. A., *Quelle est ma loi? Tradition et modernisme dans le droit privé de la famille en Afrique noire francophone*, Librairie générale de droit et de jurisprudence, Vol. XI, Pédone, Paris, 1974.

<sup>7</sup> Cheik Anta Diop, “L’unité africaine, condition de survie des peuples africains” in *Problèmes actuels de l’Unité africaine*, Algiers Symposium, 25 March—12 April 1971, SNED, Algiers, 1973, pp. 410-417.

<sup>8</sup> Adama Dieng, “Les droits de l’homme en Afrique”, *Zaire-Afrique*, No. 191, January 1985, p. 7.

<sup>9</sup> Keba M’Baye and Birame Ndiaye, “The Organization of African Unity (OAU)”, in Karel Vasak, ed., *The international dimensions of human rights*, Vol. 2, Unesco, Paris, 1982, pp. 588-590; Ngom, S. B., *Les droits de l’homme et l’Afrique*, Editions Silex, Paris, 1984, pp. 21-26.

## **B. Protection of individuals and the environment in time of armed conflict**

The rules governing the waging of war, capitulation and surrender, the end of hostilities, reprisals, peace treaties, the fate of prisoners, asylum, neutrality, interventions and alliances were numerous, and varied from tribe to tribe, yet they converged in spirit. The same was true of the rules concerning the treatment of persons in time of war according to their role before and after hostilities (special envoys, mediators), their special duties (priests, magicians, medicine men), their physical condition (women, children, the elderly, the disabled), their status (non-combatants) and also of the rules ensuring the protection of sites and property that either had symbolic value (burial grounds, sacred forests) or were of vital importance (water sources, crops, cattle).

### **1. Protection of persons and property in time of armed conflict**

It must be recognized first of all that certain persons fulfilled a social role of prime importance. *Priests* accumulated great strength through experience, knowledge and position. They were patriarchs from the oldest families, magicians who had proven their merit and learned the religious rites during years of trials and asceticism, either in monasteries, as in Dahomey (Benin) and Nigeria, or under the wing of a certain elder, as in most tribes. They had learned the art of interpreting the will of God and regularly performed the rite that entailed the sacrifice of a cock in a burial ground.

*Diviners* or *medicine men*, also called *magicians* or *fetish men*, were able to detect disease through invocations and cure the sick by giving them talismans to wear or decoctions to drink. They were not to be confused with sorcerers, who were possessed with an evil lust for power. Great importance was also attributed to the *elders* (old people) who were close to the ancestors and guardian spirits.<sup>10</sup>

Certain persons were thus protected from the effects of war by virtue of either their sacred mission (magicians and priests) or their important historical role (elders and witchdoctors). The former even benefited from double protection since the sites at which they performed their duties were sacred and therefore also protected. Old people, who were the repositories of oral traditions and therefore veritable "living lib-

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<sup>10</sup> Genet, L. *et al.*, *Les civilisations du monde contemporain*, Hatier, Paris, 1966, pp. 375-395.

aries”, were also spared. As a Zairian proverb says: “You can destroy the pirogue but not the port”.

Because of the vital spiritual role played by nature in Africa, great importance was attached to property such as water, cattle and land, which were therefore collectively owned and exploited.<sup>12</sup> Cattle, crops and water sources were generally spared from despoliation and destruction in time of war because of their traditional role in ensuring the survival, not only of their owners and the community, but also of strangers, if only passing through, and even of enemies.

Professors Kappeler and Kakooza have pointed out in this connection that, among the lakeside peoples of East Africa, belligerents were prohibited from considering cattle, crops and water holes as military targets.<sup>13</sup>

Women, rightly considered as the “cradle” of African society, and children, regarded as inherently innocent, were also entitled to special protection in time of war.<sup>14</sup>

## 2. The conduct of war

While specific rules existed to protect non-combatants, there were others, equally strict, which combatants had to observe. This constituted a sort of law of war limiting the injury which could be inflicted. In Senegal, writes Diallo, “there was a genuine ethics of war which was taught to any young nobleman for his future calling as a warrior. He was taught never to kill an enemy on the ground...”.<sup>15</sup>

War could be declared only after negotiations had been undertaken and had failed and, in many regions, only by the King or Chief and in solemn form. Professor Emmanuel Bello cites the example of the Kabaka of Buganda. It was, moreover, an established rule that emissaries who declared war were inviolable and protected by a sort of diplomatic immunity.<sup>16</sup>

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<sup>11</sup> Verdier, R., “Féodalités et collectivisme africain”, *Présence africaine*, 4th quarter, 1961, pp. 79-100.

<sup>12</sup> Particular importance is attributed to these sites in Nigeria and Ashanti territory. See Diallo, Y., *African traditions and humanitarian law*, ICRC, Geneva, 1976, p. 11.

<sup>13</sup> Kappeler and Kakooza, papers presented to the Fifth African Regional Seminar on International Humanitarian Law organized jointly by the Henry Dunant Institute and the Institute of International Relations of Cameroon in Yaoundé from 26 November to 4 December 1986 (unpublished).

<sup>14</sup> Ndam Njoya, A., “La conception africaine”, in *Les dimensions internationales du droit humanitaire*, Unesco/Pédone/Institut Henry Dunant, Paris, Geneva, 1986, p. 24.

<sup>15</sup> Diallo, *op. cit.*, p. 10.

<sup>16</sup> Bello, E., *African customary humanitarian law*, Oyez Publishing Ltd./ICRC, Geneva, 1980, p. 19.

Yolande Diallo's study on African traditions and humanitarian law points to the prevalence, despite isolated instances of cruelty, of restrictions on the choice of both weapons and methods of combat. Among East African peoples, tradition prohibited the use of dangerous weapons against adversaries from the same ethnic group as well as the use of arrows and poisoned spears. Sages taught that "brothers do not kill each other". Furthermore, ambushes were allowed only under specific circumstances.<sup>17</sup>

As in other ancient civilizations, the problem of compensation for damages arose at the close of hostilities. Traditionally, the chiefs of the belligerent parties met in the presence of a member of a neutral group to settle the matter by payment in cash or kind.<sup>18</sup>

### **3. Places of asylum and truces**

Sacred trees, called *Mogouma-Manjathi*, were central to the institutions and culture of the Kikuyus of Kenya. Tribal unity, family continuity and communion with the earth, rain and nature depended on these trees. Areas where they grew were considered places of sanctuary where no man could be pursued. For the Masai of Kenya and Tanzania, the site used for the yearly circumcision of the young was sacred and could not be entered with belligerent intentions. In East Africa, as in West Africa, the place of sanctuary varied by ethnic group. They could be burial grounds, communal places, the sites of certain sacrifices or even entire districts. The burial grounds reserved for members of the Rwandese dynasties were considered inviolable places of asylum. Most ethnic groups also recognized truces during combat. "For example, among the Lugbara of Uganda, the suspension of hostilities came just before the periods for sowing and harvesting the crops".<sup>19</sup>

### **4. Prisoners and non-combatants**

Striking examples of indulgence are to be found among the traditional attitudes of African peoples towards combatants taken prisoner. Moslems respect the principles of reciprocity and avoidance of unnecessary suffering. Scholars agree that Islamic belief forbids the degrading or inhuman treatment of captured enemies. Hadith texts contain several

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<sup>17</sup> Diallo, Y., *African traditions and humanitarian law*, II, ICRC, Geneva, 1978, pp. 4-5.

<sup>18</sup> Ndam Njoya, *op. cit.*, p. 25.

<sup>19</sup> Diallo, *op. cit.*, II, p. 9.

relevant passages in this respect. The Prophet is therein said to have advised his fellow combatants to treat with compassion the prisoners taken at the Battle of Badr. After noticing that captives had been left in the sun during a battle, he ordered that they thenceforth be spared from enduring the heat of the sun in addition to the heat of combat.

Scholars also agree that the execution of non-combatants is prohibited. This opinion is based on Verse 190, Chapter II (The Cow) of the Koran: "Fight for the cause of God those who fight you, but transgress not, for God loves not transgressors". There are also precise directives concerning women, children, old people and monks or men of religion. In this respect, Abu Bakr recommended to Yazid Ibn Abi Soofian, 'Amr Ibn al 'As and Sharhabil Ibn Hassanah, before the conquest of Syria: "Do not attack children, women or elders; and you will find people who have sought seclusion in towers, leave them to devote themselves to what they are seeking".<sup>20</sup>

Tradition among animist populations, in Upper Volta (Burkina Faso) for example, ensured the protection not only of women, children and old people, but also of non-combatants.<sup>21</sup> Christianized populations adopted the Church's teachings concerning love of one's neighbour. During the era of Christian and colonial expansion, inter-ethnic and inter-tribal conflicts generally provided an opportunity for converted indigenous populations to demonstrate their adherence to such principles. The influence of biblical principles thus limited the human and material losses suffered during inter-ethnic conflicts, latent and open, in the Congo.<sup>22</sup>

### **C. The colonial era and the decline of humanitarian values**

The colonial period, transitory as it was, was marked by the introduction of formal education, the spread of the Christian religion, the creation of regular armies under the direct command of the State and the emergence of firearms and weapons of mass destruction.

Ambassador Adamou Njoya notes that colonial politics dealt a severe blow to African humanitarian concepts that was hardly offset by the preaching of Christian love. Colonialization isolated Africa from

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<sup>20</sup> Yadh Ben Ashoor, "Islam and international humanitarian law", *IRRC*, Geneva, No. 215, March-April 1980, p. 67; see also Sultan, H., "La conception islamique", in *Les dimensions internationales du droit humanitaire*, *op. cit.*, pp. 47-60.

<sup>21</sup> Ndam Njoya, *op. cit.*, p. 24.

<sup>22</sup> Mutombô, D., *La victoire de l'amour*, Bibliothèque de l'Etoile, Leverville, 1957.

the international community, stunting the development of political thought and the evolution of concepts and principles across the continent. This state of stagnation lasted from the late seventeenth century to the nineteen sixties. It was a period of colonial aggression that debased human values and trampled man's traditional nature. The face of the political system changed, becoming increasingly alienated from human and family concerns. A new form of aggression emerged which thrust members of the same community or family into opposite camps, fighting for objectives which they did not fully understand and which were designed to strengthen foreign dominion. The desecration of man and the destruction of the natural order shattered the prevailing belief in human values, filling many minds with doubt.<sup>23</sup>

It was during this very period that the 1949 Geneva Conventions were adopted, to be completed by two Additional Protocols in 1977. Those texts today constitute the foundations of international humanitarian law (IHL), a set of international legal provisions, written and customary, that ensure respect for human beings during armed conflicts. IHL draws its inspiration from feelings of humanity and rests on the principle that belligerents must not inflict on their enemy suffering out of proportion to the objective of war, namely to destroy or weaken the adversary's military potential. IHL comprises the Law of Geneva, designed to protect wounded and captured members of the armed forces and persons who are not taking a direct part in hostilities, and the Law of The Hague, which establishes the rights and obligations of belligerents in the conduct of hostilities and limits the choice of methods and means of warfare.<sup>24</sup>

By ratifying or acceding to these international legal instruments, States undertake not only to respect them, but also to spread knowledge of them and promote them. We shall now examine the implications for African States, taking into account their specific context, of the obligation to promote contemporary humanitarian rules.

### III. AFRICAN STATES AND THE PROMOTION OF INTERNATIONAL HUMANITARIAN LAW

Although African States made an outstanding contribution to the Diplomatic Conference on the Reaffirmation and Development of

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<sup>23</sup> Ndam Njoya, *op. cit.*, p. 27.

<sup>24</sup> "Basic rules of international humanitarian law in armed conflicts", in *Basic rules of the Geneva Conventions and their Additional Protocols*, ICRC, Geneva, 1983, p. 7.

International Humanitarian Law Applicable in Armed Conflicts (Geneva, 1974-1977)<sup>25</sup>, the conditions prevailing on the continent today are far from conducive to the harmonious development of humanitarian principles.

### **A. Obstacles to the development of international humanitarian law in Africa**

Such obstacles are very diverse, being linked to historical, economic, cultural, social and political factors.

**Historically**, the failure of IHL to take root in Africa is largely due to its European origin. Africans strongly distrust any European-inspired legal system, let alone one, such as humanitarian law, that proved ineffective during the colonial wars.<sup>26</sup>

The continent is at present in the throes of such grave **economic** difficulties that little interest can be aroused in efforts to promote general culture, not to speak of humanitarian issues. The dissemination of IHL therefore appears as a distant concern of low priority.<sup>27</sup>

In the **cultural** sphere, efforts to develop modern education have failed, in the face of rapid demographic growth, to reduce the high illiteracy rate. Moreover, as pointed out in numerous Unesco reports, Western education has proven on the whole unsuited to the mentality and needs of African people.

The radical modification of human relations brought about by the colonialist "divide and rule" policy generated **social** ills such as acute antagonism among both ethnic groups and States. As a logical consequence, Africa's current political climate is rife with tribal and international conflicts which take a heavy human toll.

However, the determining factor seems to be **institutional difficulties**. Among these, Professor Owona points to the lack of instruction and dissemination efforts directly or indirectly related to humanitarian law, the diversity of cultural traditions and the new national legal and political systems influenced by African ideologies that leave little room for humanitarian concerns.<sup>28</sup>

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<sup>25</sup> Wodie, V. F., "Africa and humanitarian law", *IRRC*, No. 254, September-October 1986, pp. 261-267.

<sup>26</sup> Hentsch, T., *Face au blocus. La Croix-Rouge internationale dans le Nigeria en guerre (1967-1970)*, Graduate Institute of International Studies, Geneva, 1973, pp. 5-8.

<sup>27</sup> Bello, *op. cit.*, p. 82.

<sup>28</sup> Owona, J., "Droit international humanitaire", in *Encyclopédie juridique de l'Afrique*, N. E. A., Paris, Dakar, 1982, pp. 381-382.

However, even the existence of all these obstacles does not relieve African States of the obligation to ensure the dissemination of humanitarian rules on their continent. On the contrary, many factors speak in favour of a policy of active promotion of contemporary humanitarian principles.

## **B. Foundations of a policy to promote international humanitarian law in Africa**

Such a policy must have sound political, moral, legal, social, cultural and technical bases.

In the *political and moral* spheres, the unconditional commitment of African States to the international instruments of IHL and the fact that these States face numerous problems arousing humanitarian concern (situations created by civil strife, national liberation wars, the presence of mercenaries and refugees, etc.) justify attributing high priority to the development of the humanitarian domain.

Furthermore, African States are under a moral obligation to implement the resolutions of International Conferences of the Red Cross. As underscored by one author, "the State must in all good faith abide by the resolutions and refrain from deliberately betraying their intents and purposes".<sup>29</sup> In its Resolution IV on the "Dissemination of international humanitarian law and the principles and ideals of the Movement in the service of peace", the Twenty-fifth International Conference of the Red Cross, in which African States played an active role<sup>30</sup>, requested "governments within their competence to continue the dissemination of the Geneva Conventions and other agreements containing rules of international humanitarian law applicable in international and non-international armed conflicts, not only within the armed forces but also within government circles, universities, schools, the medical profession, the general public and the mass media".<sup>31</sup>

In this connection the Council of Ministers of the Organization of African Unity (OAU), at its Forty-fourth Ordinary Session, invited "...Member States, in co-operation with their National Societies, to

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<sup>29</sup> Perruchoud, R., *Les résolutions des Conférences internationales de la Croix-Rouge*, Henry Dunant Institute, Geneva, 1979, p. 360.

<sup>30</sup> Moreillon, J., "Suspension of the government delegation of the Republic of South Africa at the Twenty-fifth International Conference of the Red Cross (Geneva 1986) — Different perceptions of the same event", *IRRC*, No. 257, March-April 1987, pp. 133-151.

<sup>31</sup> "Resolutions of the Twenty-fifth International Conference of the Red Cross", *IRRC*, No. 255, November-December 1986, p. 345.

support efforts to make public opinion more familiar with all the activities of the International Red Cross and Red Crescent Movement” (Resolution CM/Res. 1059 [XLIV] on the International Committee of the Red Cross).

**Legally**, the obligation to disseminate and promote the rules of IHL derives from the 1949 Geneva Conventions and their Additional Protocols of 1977. “It is understood that the States (parties to the aforementioned instruments) are under obligation to respect the commitments they have undertaken—*pacta sunt servanda!*” (Article 1 common to the Geneva Conventions and Article 80 of Protocol I of 1977) and “must contribute to ensuring respect for the Conventions wherever they apply, even in conflicts to which the said States are not a party”.<sup>32</sup>This obligation is unfortunately not complied with to any satisfactory degree.<sup>33</sup>

In the **social and cultural** realm, ancestral heritage appears to be regaining ground as the colonial era, unforgettable as it may be, recedes into the past. This is demonstrated by the popularity of ideologies promoting a return to African values (black pride, authenticity, African socialism, etc.), the emphasis placed on traditional thought and culture, the boom in African studies and the resurgent interest in African languages.

A propitious climate has thus been created for educators to recall traditional African humanitarian principles and thereby pave the way for greater acceptance of contemporary rules and a better adaptation of these rules to the African mentality. This constitutes a psychological factor of great importance in mobilizing support for the humanitarian cause.

In the field of **technology**, the mass media, particularly audio-visual means of communication (TV, radio), have entered a phase of slow but sure development. They offer a powerful means of reaching people in all walks of life (farmers, workers, urban populations, etc.).

This combination of factors forms an ideal framework for the implementations of an effective policy to promote humanitarian rules in Africa.

### **C. Strategy to promote humanitarian rules in Africa**

The cultural assimilation of contemporary humanitarian rules by African societies should be a major goal of dissemination. To do this,

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<sup>32</sup> Sandoz, Y., “Bilan de recherches de la section de langue française du Centre d’Etude et de recherche de l’Académie” in *L’application du droit humanitaire*, Centre d’étude et de recherche de droit international et des relations internationales, Académie de droit international (1986 session), The Hague, 1987, p. 25.

<sup>33</sup> Sandoz, Y., “Promotion et diffusion du droit international humanitaire”, *Annales de droit international médical*, No. 32, Monaco, 1985, p. 46.

African peoples must be convinced that these rules (Law of Geneva and Law of The Hague), despite their formal imported character, are remarkably similar to African traditions, the virtues and merits of which are currently being extolled across the continent.

To take the example of religion, the increasing use of "African rites" by the African Catholic Church today has stimulated Christian faith beyond any point achieved during the heyday of Roman liturgy, before Vatican II and the Africanization of the clergy.<sup>34</sup>

As for *methods of dissemination*, they must be chosen with discernment and take into account the duality of contemporary African society.

### 1. Among the educated

Greater use must be made of the customary channels of dissemination, the three main target groups being universities, the medical professions and the armed forces.

#### a) *Universities*

In this connection, Professor Eric David rightly considers that "Universities are not only 'temples of knowledge'; they are also places where humanism is taught. A university's mission is to train human beings, not just mental athletes. It must remind each succeeding generation of students which passes through it that even in war, when all rules seem to have been abolished, a certain amount of law remains and must be respected. If, as André Malraux wrote, humanism means rejecting that which the animal in us wants, and seeking out human values wherever one finds conditions which threaten to overwhelm them, the steadfast observance of international humanitarian law is a way of achieving this and preserving human values even amidst shot and shell.

If the duty of each of us towards our fellow man is to propagate such humanism, then it is, *a fortiori*, one of the basic obligations of any institution of learning".<sup>35</sup>

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<sup>34</sup> Ela, J. M., "Identité propre d'une théologie africaine", in Greffé, ed., *Théologie et choc des cultures*, Symposium of the Institut catholique de Paris, Editions du Cerf, Paris, 1984, pp. 23-54; Lufuluabo, "Mentalité religieuse africaine et christianisme", *Revue du clergé africain*, 1967, vol. 22, pp. 318-340; Ngindu Mushiete, "L'histoire de la théologie en Afrique. De la polémique à l'irénisme critique", *Libération ou adaptation? La théologie africaine s'interroge*, Accra Symposium, L'Harmattan, Paris, 1979, pp. 30-48; Mulago, V. *Un visage africain du Christianisme. L'union vitale bantu face à l'unité vitale ecclésiale*, Présence africaine, Paris, 1965.

<sup>35</sup> David, E., "Dissemination of international humanitarian law at university level", *IRRC*, No. 257, March-April 1987, p. 156; see also Meurant, J., "Dissemination and education", *Australian Yearbook of International Law*, Vol. 9, Sydney, 1985, pp. 364-383; Junod, S., "La diffusion du droit international humanitaire", in *Studies and essays on international humanitarian law and Red Cross principles—in honour of Jean Pictet*, Swinarski, C., ed., ICRC, Geneva, and M. Nijhoff Publishers, The Hague, 1984, p. 367.

In addition to the efforts needed in Africa at the national level, Professor Bello proposes the creation, at the continental level, of an “African Institute of International Humanitarian Law (AIIHL)” which “would be constituted so as to enjoy the intellectual stature of an authoritative centre (...) for legal understanding and the development of the norms, principles and ideals of the ICRC and the principles of human rights in international armed conflicts”. As a regional centre, it would advise African governments and it would inspire credibility by remaining neutral and outside politics.<sup>36</sup>

b) ***Military academies, headquarters and barracks***

States party to the humanitarian conventions have the obligation to teach the principles contained therein to the members of their armed forces. Lieutenant-Colonel Frédéric de Mulinen is adamant in this respect: “The States which have accepted international treaties on the law of war are bound ‘to respect and to ensure respect for these treaties in all circumstances’. This general principle, stated in the 1949 Geneva Conventions, has to be put into practice. For that reason, States ‘undertake, in time of peace as in time of war, to disseminate the text of the treaties as widely as possible and, in particular, to include the study thereof in their programmes of military (...) instruction, so that the principles thereof may become known to the entire population, in particular to the armed forces’. Proper instruction in the law must take place in peacetime, but must take account of the realities of armed conflict: ‘each Party to the conflict, acting through its commanders-in-chief, shall ensure the detailed execution of the treaties and provide for unforeseen cases, in conformity with the general principles of the law of war’.”<sup>37</sup>

Combatants must therefore receive appropriate instruction and training enabling them to assimilate the humanitarian principles, apply them over and above the rules of discipline and follow the dictates of their conscience in agonizing moments of genuine conflict between humanitarian and military necessities.<sup>38</sup>

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<sup>36</sup> Bello, E., “A proposal for the dissemination of international law in Africa pursuant to the 1977 Protocols additional to the Geneva Conventions of 1949”, *The Military Law and Law of War Review*, Vol. XXIII, Nos. 1-4, Brussels, 1984, pp. 311-323. The Henry Dunant Institute and the Institute of International Relations of Cameroon have organized regularly since 1977 regional seminars in Yaoundé for lawyers, diplomats, teachers, etc.

<sup>37</sup> De Mulinen, Frédéric, “Law of war training within armed forces—twenty years experience”, *IRRC*, No. 257, March-April 1987, p. 168.

<sup>38</sup> Verri, P., “Institutions militaires: le problème de l’enseignement du droit des conflits armés et de l’adaptation des règlements à ses prescriptions humanitaires” in *Studies... in honour of Jean Pictet, op. cit.*, p. 618.

c) *Medical, paramedical and health institutions*

Let us see what Médecin Général Inspecteur J. Miné has to say on this point. He feels strongly that medical services must teach the principles of international humanitarian law to doctors and other medical personnel, then verify through practical training courses, exercises and even examinations whether they have acquired a firm understanding of these principles and a true commitment to the ensuing responsibilities. These include the duty to collect, respect, protect and care for the sick, wounded and shipwrecked to the best of one's ability; the duty not to discriminate, that is to make no distinction other than medical between the wounded, whether friend or foe; the duty to set medical priorities on the sole basis of emergency and the duty not to abandon the sick or wounded who fall into enemy hands.<sup>39</sup>

## 2. In predominantly oral cultures

Oral dissemination must make use of the talent of "griots" (minstrels), where they still exist, and of other resources of traditional folklore; popular gatherings may be organized with the support of local chiefs; radio programmes may be broadcast and films projected in local languages; recourse may also be had to popular tales and stories and works of naive art.

Government efforts along these lines may be supplemented as needed by those of non-governmental organizations, as suggested by the Senegalese lawyer Adama Dieng in his proposal for "popular instruction and dissemination" of human rights: "(...) How can this be achieved on a continent where the majority of people live in rural areas? (...) How can legal experts make their contribution, which seems essential, when such a wide gap separates them from rural people who, more often than not, consider them as agents of their oppression? Such difficulties, although undeniable, can be overcome with the assistance of development-oriented NGOs which have gained the confidence of rural people. This form of dissemination requires a permanent commitment on the part of human rights activists known as paralegal workers or barefoot lawyers. To borrow the words of President Abdou Diouf of Senegal, it is a way for State institutions to both bring the law to the people and draw it from the people".<sup>40</sup>

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<sup>39</sup> Miné, J., "The Geneva Conventions and medical personnel in the field", *IRRC.*, No. 257, March-April 1987, pp. 183-194.

<sup>40</sup> Adama Dieng, "Promotion et diffusion des droits de l'homme dans le contexte africain", *Annales de droit international médical*, Monaco, No. 32, 1985, pp. 43-44.

## D. Literature, mass media and the dissemination of humanitarian principles in Africa

As already mentioned, both written and audio-visual means of communication are essential components of an effective State policy for the dissemination of humanitarian law and principles in Africa. The written material to be put across consists primarily of the *basic texts*, that is, the 1949 Geneva Conventions and the 1977 Additional Protocols. These documents should be translated into local languages to ensure their more widespread dissemination among the general public which, although it may be literate, is not always familiar with the languages of Voltaire and Shakespeare. Universities should supply their faculty libraries with *works on IHL*, both *general* (treaties), *didactic* (textbooks) and *specialized* (doctoral theses, undergraduate papers, dissertations). Importance should also be attached to *texts for the layman* (magazines, pamphlets, bulletins, press articles) and these should be distributed equitably among urban and rural populations to ensure that the humanitarian message reaches as many people as possible. As for *military and paramilitary forces*, African States should overcome the prevailing lethargy and consider publishing military manuals and adopting national provisions for the application of IHL. To our knowledge, few of them have taken such steps as yet.<sup>41</sup>

Schools and academic institutions seem at present to constitute the most effective channel for dissemination owing to the far-reaching effects of formal education. In this respect, *occasional* measures (organizing symposia and seminars) should alternate with *intermittent* events (special teaching sessions) and particularly *permanent* efforts (courses, academic seminars), first of all at the national level. However, regional and sub-regional meetings, organized in co-operation with the ICRC and the Henry Dunant Institute, should also be encouraged and, despite financial constraints, receive increased support from African governments.

Care should be taken, however, to avoid an elitist training policy in promoting humanitarian principles, which stand to gain most from popularization. In this respect, African universities have an important role to play in stimulating public interest in literature, preferably of African origin, which is deeply committed to furthering contemporary humanitarian values by highlighting their similarity to ancestral pre-

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<sup>41</sup> *Bibliography of international humanitarian law applicable in armed conflicts*, ICRC and Henry Dunant Institute, 2nd ed., Geneva, 1987, pp. 453-460.

cepts.<sup>42</sup> Research on African humanitarian traditions is currently being carried out at university level with this goal in mind. The working group appointed in this connection by the Fifth African Regional Seminar on International Humanitarian Law held in Yaoundé (26 November to 4 December 1986) comprises Professors Nahum (Ethiopia), L. P. Ngongo (Cameroon), D. Kappeler (Switzerland), M. L. Balanda (Zaire), M. Rwelamira (Tanzania), Lifanu (Zambia), Nwogugu (Nigeria), A. Mahiou (Algeria), K. El Madmad (Morocco) and M. Kourouma (Senegal).

Dissemination in Africa cannot succeed without the mass media. Local newspapers, both governmental and non-governmental, should be used by African scholars to express the basic principles of IHL in lay terms. Articles such as those written by J. Owona and Kontchou-Kouogmeni, pointedly entitled "International humanitarian law: non-destabilizing rules for the protection of humanity that carry specific sanctions" and "International humanitarian law: neither a Trojan horse nor a demotivating illusion"<sup>43</sup>, which appeared in the "Cameroon Tribune" on 13 and 8 December 1977, are conducive to the effective mobilization of large numbers of people in support of humanitarian issues, people who, *nolens volens*, cannot all benefit from the bibliographical resources of the Institute of International Relations of Cameroon or of the University of Yaoundé.

*Music* is an ideal means of dissemination. The song *Ancien combattant*, which was recorded by the Congolese composer Zao and has dominated the African hit-parade for several years, has successfully drawn the attention of music-lovers and public opinion in general to the dire consequences of a possible third world war.

Effective use could also be made of *comic strips*, preferably to tell *stories*, considering the appeal they hold for the African public in general and schoolchildren in particular. In this respect, the pamphlet entitled *Les histoires de Noko Lisapo*, published by the Togolese Red Cross, should be used experimentally in other African nations. *Radio and television* broadcasts of conferences, discussions and interviews on humanitarian questions should also be encouraged and expanded.

The view, shared by many Africans, that the ICRC alone is responsible for the dissemination of humanitarian principles must be corrected.

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<sup>42</sup> On the future of African literature in general, see Kimoni, Y., *Destin de la littérature négro-africaine ou problématique d'une culture*, P.U.Z., Kinshasa, 1976.

<sup>43</sup> Owona, J., *op. cit.*, p. 381.

It is certainly true that the institution, by virtue of its Statutes, functions and experience, is called upon to “participate actively in the effort to disseminate knowledge of international humanitarian law by (...) circulation of appropriate information for the dissemination of the Geneva Conventions and the [Additional] Protocols” and by “organizing, on its own initiative or when requested by Governments or National Societies, seminars and courses on international humanitarian law, and co-operating for that purpose with States and appropriate institutions”.<sup>44</sup> However, this should not serve as a pretext for other members of the international community, including the African elite and governments, to consider dissemination as the exclusive domain of the “residents of the Avenue de la Paix” or their delegates in the field. The ICRC’s activities in this area should be considered as a contribution to local participation in a broad-based humanitarian campaign.

## CONCLUSION

From the foregoing it appears essential to place heavy reliance on both popular African culture and modern means of communication in spreading the humanitarian message. In any event, whatever the strategy adopted, the promotion of humanitarian principles warrants as much attention as, for example, economic development. As stressed by His Excellency François-Xavier Ngoubeyou at the Twenty-fifth International Conference of the Red Cross: “Knowledge of international humanitarian law is not a luxury in Africa, a continent that holds the grim record for numbers of refugees and contains among the world’s largest numbers of prisoners of war, political detainees and gravely wounded and displaced persons. Assisting these people, protecting them and finding solutions to their problems requires knowledge of the basic principles enshrined in the international rules governing their situations. (...) Awareness of the rules of international humanitarian law leads to better treatment and improved conditions for the unfortunate victims of political and military upheavals and facilitates their

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<sup>44</sup> Tschiffeli, A., “Dissemination—a concept of long standing”, *Dissemination*, No. 1, April 1985, p. 12.

return to a normal life. In other words, we are convinced that the dissemination of international humanitarian law must be considered as an indispensable complement to material relief".<sup>45</sup>

### Mutoy Mubiala

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**Mutoy Mubiala** was born in Zaire in 1959. He holds a law degree from the University of Kinshasa (1984) and a diploma from the International Institute for Peace Research in Geneva (September 1988). He has been a barrister, a consultant to the ICRC regional delegation and a legal adviser to the *Contentieux des relations internationales du département des droits et libertés du citoyen* in Kinshasa (1985-88). As an assistant professor at the University of Kinshasa Faculty of Law since 1986, he has participated in and made valuable contributions to several seminars and study sessions on international law, particularly at the International Institute of Human Rights in Strasbourg in July 1985, the Institute of International Relations of Cameroon in Yaoundé in December 1986 and the Ministry of Foreign Affairs of Senegal in Dakar in May 1988. The author was also a trainee at the *Section internationale de l'Ecole nationale de magistrature* in Paris in June 1985 and the ICRC Principles and Law Department in Geneva in October 1987. He is currently engaged in postgraduate studies on humanitarian issues at the Graduate Institute of International Studies in Geneva.

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<sup>45</sup> Ngoubeyou, F. X., excerpt from the address given at the Twenty-fifth International Conference of the Red Cross (Geneva, October 1986); Annex V to the *Report on the Fifth African Regional Seminar on International Humanitarian Law* held in Yaoundé from 26 November to 4 December 1986.

# Fighting by the rules: Instructing the armed forces in humanitarian law

by **Françoise J. Hampson**

It is commonly accepted that education in human rights may be one of the most effective tools in promoting the observance of those rights. Those whose profession entails the exercise of power over others have an obvious need to know the limits of their power and members of the armed forces represent just such a group. Their acts engage the responsibility of their State under human rights treaties, wherever those acts are committed.<sup>1</sup> Some instruction in human rights law, particularly non-derogable rights,<sup>2</sup> is therefore necessary but the body of rules which imposes the greatest prohibitions and restraints on the conduct of armed forces is humanitarian law. That term is used here as including both “The Hague law”, which imposes limits on the means and methods of warfare, and “Geneva law”, which seeks to protect certain victims of the conflict, such as the wounded and sick in the field, the wounded, sick and shipwrecked at sea, prisoners of war and civilians living under belligerent occupation.<sup>3</sup> The latter body of rules was updated in 1977

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<sup>1</sup> The test is one of the effective exercise of jurisdiction; it does not depend on the territory in which the alleged breach of human rights law was committed. *Burgos v Uruguay* (R 12/52) HRC 36, 176; *de Caseriego v Uruguay* (R 13/56) HRC 36, 185 under the International Covenant on Civil and Political Rights (ICCPR); *Cyprus v Turkey*, 8007/77, 13 D & R 85 under the European Convention on Human Rights (ECHR).

<sup>2</sup> Human rights treaties provide that there are certain rights from which no derogation is possible; in other words they apply even in wartime. These include the prohibition of torture and cruel, inhuman and degrading treatment or punishment and protection of the right to life (subject to an exception in the case of lawful acts of war under the ECHR); see Article 4 ICCPR and Article 15 ECHR.

<sup>3</sup> For texts of the relevant Conventions, see Roberts & Guelff, *Documents on the Law of War*, Clarendon Press, Oxford, 1982.

by the addition of two Protocols which extended the range of protection by incorporating elements of “The Hague law”. The 1949 Geneva Conventions have been ratified by 166 States <sup>4</sup> and Hague Convention IV, with which we shall principally be dealing, was held by the Nuremberg Tribunal to represent customary international law. To all intents and purposes then, every State is bound by the two bodies of rules. In addition, the 1977 Protocols are binding on those States which have ratified them.

Both bodies of rules provide for some form of dissemination. So, under Article I of Hague Convention IV, “The contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the laws and customs of war on land, annexed to the present Convention”. This does not require that armed forces receive instruction in the law of land warfare; merely that the State should ensure that such regulations as are issued comply with those rules. Article 26 of the Geneva Convention regarding the Amelioration of the Condition of Soldiers Wounded in Armies in the Field, 1906, was more specific in that signatories were required to “... take the necessary steps to acquaint their troops, and particularly the protected personnel with the provisions of this Convention and to make them known to the people at large.” <sup>5</sup> The four Geneva Conventions of 1949 <sup>6</sup> went further in expressly requiring the instruction of the military and encouraging that of the civilian population and in requiring the dissemination of the Conventions both in war and in peace-time. The provision, similarly worded in all four Conventions, stipulates that “the High Contracting Parties undertake, in time of peace as in time of war, to disseminate the text of the present Convention as widely as possible in their respective countries, and, in particular, to include the study thereof in their programmes of military and, if possible, civil instruction, so that the principles thereof may become known to the entire population, in particular to the armed fighting forces, the medical personnel and the chaplains”. The last two groups are replaced in the Third and Fourth Conventions by those having special responsibilities towards prisoners of war and civilians respectively. A similar provision

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<sup>4</sup> *Dissemination*, August 1987, ICRC, p.11.

<sup>5</sup> Article 27 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, 1929, was framed in identical terms.

<sup>6</sup> Article 47, 1st Geneva Convention; Article 48, 2nd Geneva Convention; Article 127, 3rd Geneva Convention; Article 144, 4th Geneva Convention.

is to be found in the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.<sup>7</sup>

The obligation in the Geneva Conventions is reinforced by common Article I, under which “the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.” The requirement to disseminate is reiterated in Protocol I, which also provides that “any military or civilian authorities who, in time of armed conflict, assume responsibilities in respect of the application of the Conventions and this Protocol shall be fully acquainted with the text thereof”.<sup>8</sup> The instruction of the armed forces is one of the functions of the legal advisers, who are to be available to advise military commanders.<sup>9</sup> In striking contrast to human rights texts, those setting limits on the conduct of armed forces expressly require both dissemination of the texts and the instruction of the armed forces. Whilst this is the position in law, the practice of States is much less encouraging. Amongst the States which are active in dissemination, we can mention the Federal Republic of Germany which provides regular courses of instruction<sup>10</sup> and considerable efforts are made in Yugoslavia, India and Poland.<sup>11</sup> In the United States, substantial changes were made in the quantity and form of instruction, following experience in the Vietnam war.<sup>12</sup> The extent to which the obligation to disseminate and instruct is being implemented seems to vary considerably. There is a striking level of agreement amongst commentators that ignorance of humanitarian law is one of the main explanations for its non-observance in armed conflict.<sup>13</sup>

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<sup>7</sup> Article 25.

<sup>8</sup> Article 83.

<sup>9</sup> Article 82.

<sup>10</sup> Draper, G.I.A.D., “The place of laws of war in military instruction” (Lecture), *Royal United Service Institutional Journal* (London), Vol. III, August 1966, pp. 189-192; Fleck, Dieter, “The employment of legal advisers and teachers of law in the armed forces”, *International Review of the Red Cross (ICRC)*, No 145, April 1973, p. 173.

<sup>11</sup> Draper, *op. cit.*, note 10, p. 193.

<sup>12</sup> McGowan, J. J., “Training in the Geneva and Hague Conventions: A Dead Issue?”, *Revue de Droit Pénal Militaire et de Droit de la Guerre*, XIV-1-2, 1975, pp. 51-55.

<sup>13</sup> Furet M.-F., Martínez J.-C. & Dorandev H., *La guerre et le droit*, Ed. A. Pedone, Paris, 1979, p. 212; Bolongo L., “Les conseillers juridiques dans les forces armées: Leur rôle et les conditions de leur efficacité”, *Revue de Droit Pénal Militaire et de Droit de la Guerre*, XXII-3/4, 1983, pp. 343-355; Verri P., “Institutions militaires; le problème de l’enseignement du droit des conflits armés et de l’adaptation des règlements à ses prescriptions humanitaires”, in *Studies and essays on international humanitarian law and Red Cross principles in honour of Jean Pictet*, Swinarski C. (Ed), Nijhoff/ICRC, 1984, pp. 603-606; *Report of the House Armed Services Investigation Subcommittee Investigation of the My Lai Incident*, 91st Cong., 2d Sess. 6 (1970) cited in McGowan, *op. cit.*, note 12, p. 51.

This is surely an over-simplification. Ignorance of the Conventions would explain the non-observance of what might be termed administrative provisions. Matters such as the responsibility for the provision of clothing and footwear for prisoners of war are essentially a matter of administrative regulation. It is important that the parties to a conflict should know on whom the responsibility falls and for that they need to be familiar with the Conventions. There is no obvious issue of right and wrong. This is in contrast to rules which seek to protect civilians from deliberate attack. It is unlawful for a soldier intentionally to kill civilians but it is to be hoped that the armed forces do not need to know that it is in breach of Article 51(2) of Protocol I. They ought to think such attacks wrong.<sup>14</sup> The function of the rule in that situation is not to define responsibilities but rather to confirm what the soldier already knows. Ignorance of the Conventions might give rise to breaches of the first type of rule but should not do so in the case of the second. Massacres of civilians nevertheless occur. There is not only the notorious example of My Lai. Two Soviet Assistant Military Attachés told a meeting in the UK that the Soviet armed forces had a great deal of instruction in humanitarian law<sup>15</sup> and yet both the UN Special Rapporteur on Afghanistan<sup>16</sup> and the Report of the Independent Counsel in International Human Rights<sup>17</sup> have found considerable evidence of the deliberate targeting of civilians by Soviet troops in Afghanistan. It is likely that some of the causes for such behaviour are a matter for the psychologist rather than the lawyer. The effect of long exposure to combat and of fear on usual inhibitions need to be examined if the prohibition of certain types of conduct is to be effectively enforced. They are beyond the scope of this paper. Such violations of the Geneva Conventions do, nevertheless, have a bearing on dissemination in that they suggest that instruction needs to take place within a context of respect for the law. The object of dissemination is not the mere provision of information but rather the effective implementation of the Conven-

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<sup>14</sup> The preamble to Hague Convention IV in the famous "Martens clause" provides that "... the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and *the dictates of the public conscience*" (emphasis added).

<sup>15</sup> Draper, *op. cit.*, note 10, discussion at p. 195.

<sup>16</sup> e.g. Reports of the Special Rapporteur of the Commission on Human Rights (A/40/843, A/41/778 & A/42/667).

<sup>17</sup> Report of the *Independent Counsel in International Human Rights on the Human Rights Situation in Afghanistan*, Washington, November 18, 1987.

tions.<sup>18</sup> This has fundamental implications for the manner and form of the instruction of the armed forces in the principles of humanitarian law.

The most effective inhibiting factor may well be the individual soldier's conscience. That needs to be an informed conscience rather than a product of unthinking prejudice. The soldier must know what he regards as right and wrong, whilst recognising that others may disagree with him on certain questions. The armed forces can foster such an attitude by encouraging discussion between the men and their commanding officers and chaplains. The discussion needs to be practical and to consider situations in which the soldiers will find themselves. The content will vary according to the group and so will the elements of the law that will need to be raised. The officers will therefore not only need to be familiar with the Conventions generally but also with the specific rules of most relevance to their particular group. The 1978 Red Cross Fundamental Rules of International Law Applicable in Armed Conflicts<sup>19</sup> provide a very accessible introduction. It is not being suggested that this form of instruction can entirely replace more conventional teaching in the requirements of the Conventions. The object of such discussions is to get the soldiers to internalise their knowledge, to make it part of themselves. If they realise that their sense of right and wrong is confirmed by the international legal rules, they may approach the formal study of the latter without the negative attitude that so often accompanies the study of law by non-lawyers. The Geneva Conventions are less likely to seem remote, incomprehensible and irrelevant. This will make the armed forces better able and more willing to absorb the full range of legal rules which they need to know and which provide for the practical implementation of their own moral impulses. Evidence from books about soldiers and soldiering suggests that such discussions and psychological preparation for combat play an important part in effectively preventing excesses by individual soldiers.<sup>20</sup>

The soldier's sense of what he can and cannot do in combat and in dealing with the victims of hostilities is not, of itself, sufficient. It needs

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<sup>18</sup> See, for example, common Article I to the four Geneva Conventions of 1949; McGowan, *op. cit.*, note 12, at p. 52.

<sup>19</sup> Roberts & Guelff, *op. cit.*, note 3, p. 466.

<sup>20</sup> On the role of a chaplain, provided he has the right personal qualities, see Arthur, M., *Above All, Courage*, Sphere, London, 1986, pp. 197-8. On the effective reinforcement of inhibitions, see the attitude of soldiers faced with the possibility of having to fire at unarmed women at Greenham Common in Parker, T., *Soldier, Soldier*, Coronet, London, 1987, p. 239 and pp. 246-252.

to be reinforced in three ways. He must know that the same standards are shared by his commanding officers and those responsible for the conduct of the conflict. He must be used to confronting moral dilemmas in practice, so as to be familiar with applying the rules in the chaos of combat. In other words, training exercises must include situations in which the armed forces are required to put the law into practice. Finally, the soldier must know that a breach of the rules will entail punishment. These three factors reinforce one another. They must now be examined in turn.

Research is needed into the question of the correlation between massacres and other atrocities by groups of soldiers and the unlawful conduct of hostilities. Walzer, for example, in discussing the My Lai massacre, points out that the village was in a free-fire zone and was routinely shelled and bombed. He quotes a soldier who asked, "If you can shoot artillery... in there every night, how can the people in there be worth so much?" He goes on, "in effect, soldiers were taught that civilian lives were not worth much, and there seems to have been little effort to counteract that teaching except by the most formal and perfunctory instruction in the rules of war".<sup>21</sup> It is submitted that endless hours of instruction might not have made much difference to the behaviour of individual soldiers if the hostilities had continued to be conducted in the same manner by those responsible for its planning. The same problem arises in relation to the conflict in Afghanistan, where there is evidence both of indiscriminate and deliberate attacks on villages and also of massacres by individual group of soldiers.<sup>22</sup> The impact that the attitude of commanders can make on individual soldiers is illustrated by an account of an Israeli unit entering Nablus during the Six Day War. "The battalion CO got on the field telephone to my company and said, 'Don't touch the civilians... don't fire until you're fired at and don't touch the civilians. Look you've been warned. Their blood be on your heads.' In just those words. The boys in the company kept talking about it afterwards.... They kept repeating the words... 'Their blood be on your heads' "<sup>23</sup>. The episode is striking on account of the attitude shown by the CO but even more for the effect on his men.

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<sup>21</sup> Walzer, M., *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, Pelican, London, 1980, p. 322 (footnote omitted); see also McGowan, *op. cit.*, note 12, pp. 54-55.

<sup>22</sup> See texts referred to in notes 16 and 17.

<sup>23</sup> *The Seventh Day: Soldiers Talk About the Six Day War*, London, 1970, p. 132, cited in Walzer, *op. cit.*, note 20, p. 310.

The second way of reinforcing the educated conscience of the soldier is by testing it and giving the soldier the confidence to rely on it. This requires the incorporation of situations involving the application of humanitarian law into training exercises.<sup>24</sup> Any evaluation of a soldier' or officer's performance in such exercises should include an assessment of how he handled legal problems. This is not only relevant to questions such as leadership potential but would also encourage the soldier to regard the subject as important. Quite clearly, such training must be the product of close co-operation between lawyers attached to armed forces and the tacticians responsible for planning the exercise. Certain armed forces are already adopting this approach.<sup>25</sup>

The third form of reinforcement is the certainty of a legal sanction in the event of a breach of humanitarian law. For this to be effective, the soldier must know that any alleged violations will be investigated. This will only happen if he knows that the facilities exist for such investigations, even during an armed conflict, and that the political will exists to ensure that they are carried out. There is a close interrelationship between this and the first factor, the attitude of commanding officers as evidenced by the manner in which hostilities are conducted. One example will illustrate the significance of this element. In the film 'Platoon', which is supposed to be an accurate evocation of the war in Vietnam, a staff sergeant deliberately attacked civilians in a village. Another sergeant reported the matter to the company CO. He was under pressure both to let nothing stand in the way of the accomplishment of the mission and to ensure field troops did not mistreat villagers. The captain told the alleged wrong-doer to submit a detailed report and said that the matter would be looked into when they got back to base camp. The men took that as a signal that military considerations prevailed over legal ones.<sup>26</sup> It is not merely a question of carrying out

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<sup>24</sup> Williams, W. L., "The Law of War and "Personnel infrastructure": A proposed inquiry into maximizing the contributions of nonlawyer officers and of military instruction in support of the law of war", *Revue de Droit Pénal Militaire et de Droit de la Guerre*, XV-1-2, 1976, pp. 19-30; Mulinen, F. de, "Instruction et application du droit de la guerre", *Revue Militaire Suisse*, No 7/8, juillet-août 1979, pp. 325-327.

<sup>25</sup> e.g. In a recent exercise throughout the UK the British armed forces protected strategic installations against attacks from Spetznaz "troops" who had entered the country clandestinely. When any of the "infiltrators" were captured, the detaining troops had to determine their status. This depended on whether they thought the Geneva Conventions applicable (i.e. was there an armed conflict) and whether those captured were entitled to combatant status and therefore to prisoner-of-war status on capture.

<sup>26</sup> Dye, D. A., *Platoon*, based on a screenplay by Oliver Stone, Grafton, London, 1987, p. 143 et seq.

investigations; there must, in addition, be the political will to prosecute those who are alleged to have committed grave breaches of the Geneva Conventions. Such prosecutions are an independent treaty obligation under the Conventions<sup>27</sup> but, in this context they are seen as an essential adjunct to effective dissemination. If a soldier is to believe that compliance with legal rules matters, he must know that there is a heavy price to pay for noncompliance.

Having seen that to ensure respect for humanitarian law requires far more than mere instruction, some consideration must be given to the problems alleged to exist in relation to the provision of it. Three difficulties need to be overcome. There is, firstly, scepticism amongst the military as to whether adherence to such rules is compatible with the object of winning a war. There are, secondly, practical difficulties in deciding what form such training is to take and who is to lead it. There is, finally, the very real problem of convincing both the armed forces and their political masters that the rules of humanitarian law matter and need to be complied with.

Military scepticism takes various forms. Some question the compatibility of humanitarian law with military effectiveness. Others question not the principle of legal regulation itself but rather the actual content of the legal rules. They believe that the rules, particularly those designed to protect civilians in Protocol I, unduly impede legitimate military operations.<sup>28</sup> Yet others question the existence of the political will to demand compliance with the norms of humanitarian law. They would base themselves on the refusal of nuclear-weapon States to countenance the applicability of Protocol I to the use of such weapons and on the alleged use of weapons prohibited under the 1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare in the conflicts in Vietnam, Afghanistan and in the war between Iran and Iraq. Another factor is the lack of war crimes trials for those fighting on behalf of the Allies in World War II and who allegedly committed war crimes. The military are justifiably sceptical about the political will to implement

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<sup>27</sup> Article 49, I<sup>st</sup> Geneva Convention; Article 50, II<sup>nd</sup> Geneva Convention; Article 129, III<sup>rd</sup> Geneva Convention; Article 146, IV<sup>th</sup> Geneva Convention; see also Articles 85-87, Protocol I.

<sup>28</sup> Verri, P., *op. cit.*, note 13 at pp. 608-9 shows that the questioning of the content of the actual rules causes the armed forces to question the applicability of any rules. This would lead to the abandonment of even those limitations which are consistent with military necessity, such as proportionality.

humanitarian law if it is a matter of winning or losing. If compliance mattered, political leaders would be familiar with the principles fundamental to that law. Yet, in the South Atlantic Conflict in 1982, as late as 26 April the British Ministry of Defence and Prime Minister denied that Argentine military personnel captured on South Georgia were prisoners of war because no state of war was believed to exist between the United Kingdom and the Argentine.<sup>29</sup> The Conventions had in fact been applicable since early April. The statement was corrected and, thereafter, the conflict was notable for the degree of compliance with the requirements of the Geneva Conventions but one may question whether, at the political level at least, this was the product of a desire to act lawfully or else of the need to win the battle of international public opinion.

It is submitted that the other grounds for military scepticism are, generally, ill-founded. The rules imposed by the Geneva Conventions do not impede the conduct of hostilities. They deal rather with the protection of those either never or no longer taking an active part in the hostilities. There is no conflict between humanitarian imperatives and military necessity in relation to the four Geneva Conventions.<sup>30</sup> Protocol I does impose limitations on the means and methods of warfare.<sup>31</sup> They may mean that a conflict lasts longer than it would otherwise have done and higher military casualties may be sustained but the rules may help to attain other objects. The conflict is being fought in order to achieve peace. That may be easier if there is little of the bitterness usually produced by atrocities. In that regard, there is a marked difference in attitude between those on the Western front taken prisoner by the German Army and those taken prisoner by the Japanese in the Far East in World War II. Again, in interviews with Afghan refugees, it emerged that the manner in which the DRA and USSR armed forces had conducted the hostilities was a real barrier to the establishment of the political co-operation necessary to achieve peace.<sup>32</sup> No doubt, the same might be said as regards the methods of warfare employed by the opposing party. Adherence to the rules of humanitarian law, even at the price of some inconvenience, serves another, equally important, purpose. It is in the interests of military

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<sup>29</sup> Best, G., *Humanity in Warfare*, Methuen, London, 1983, p. 391.

<sup>30</sup> Schwarzenberger, G., *International Law as applied by International Courts and Tribunals*, Vol. II — *The Law of Armed Conflict*, Stevens, London, 1968, pp. 10-13.

<sup>31</sup> e.g. Protocol I, Articles 35, 44, 48-58.

<sup>32</sup> See also Draper, *op. cit.*, note 10, p. 194.

necessity, indeed it is vital to the efficient conduct of operations, that the armed forces should remain disciplined. "Discipline ensures stability under stress; it is prerequisite for predictable performance.... Self-discipline is a voluntary compliance with directives and regulations of leaders whose requirements are established in the interests of the organization."<sup>33</sup>

In other words, compliance with the provisions of the Protocol is in the interests of discipline and therefore of military efficiency.<sup>34</sup> It has sometimes been argued that one possible exception might be where the very existence of the State is threatened. It would appear paradoxical if States were free to abandon the rule of law in order to protect their existence. One may question whether there would then be anything worth saving. Reliance on nuclear deterrence is supposed to prevent that ultimate threat materializing.

The second problem identified above was that of training. Certain indications of the form that training must take have emerged from earlier discussions. Thus, it needs to be practical and to address problems which the group in question is likely to encounter.<sup>35</sup> In other words the content of the training depends on the particular audience and its military function. It is not a matter of rank.<sup>36</sup> Instruction needs to be on-going<sup>37</sup> and to be reinforced by experience in exercises. The law should not be seen as something set apart from the carrying out of other professional duties but as an integral part of them. This means that training, except perhaps for that of the trainers themselves, should not be done solely by lawyers.<sup>38</sup> To ensure that soldiers regard the limits

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<sup>33</sup> US Department of the Army Field Manual (FM) 22-100, *Military Leadership*, 4-2 (1973), cited in Williams, *op. cit.*, note 23 at p. 27; see also generally, Karsten, P., *Law, Soldiers and Combat*, Greenwood Press, London, 1978.

<sup>34</sup> Verri, *op. cit.*, note 13 at p. 609 implies that where the other party to a conflict does not apply the rules of humanitarian law, which arises perhaps most commonly where it is fighting for an ideology, the first party cannot be expected to do so. Draper, *op. cit.*, note 10, at p. 194 argues convincingly against this position. Experience in such conflicts (e.g. Vietman, Algeria and wars of colonial independence) suggests that if a State cannot win by fighting according to the rules, it will not be able to win at all.

<sup>35</sup> McGowan, *op. cit.*, note 12, p. 55.

<sup>36</sup> Draper, *op. cit.*, note 10, discussion, p. 195.

<sup>37</sup> Williams, *op. cit.*, note 23, p. 29.

<sup>38</sup> It must, however, only be undertaken by adequately informed personnel. Verri, *op. cit.*, note 13, at p. 607 cites an unfortunate example of a soldier asking a question about humanitarian law and being told to sit down and be quiet because the officer was not sufficiently well-informed to answer his question.

imposed by humanitarian law as important, the effectiveness of the training needs to be monitored. The American system, under which dissemination is a matter of command responsibility, may be a useful model in this respect.<sup>39</sup> If the training is to be effective, the soldiers must know that their commanding officers and those responsible for planning operations regard compliance with the law as important. If that is the case, those officers themselves need to have effective access to legal advice<sup>40</sup> and to use it. This need led to the obligation to appoint legal advisers imposed by Article 82 of Protocol I.<sup>41</sup> The final text is a much watered-down form of the original proposal but, if implemented, it may have a useful “knock-on” effect on the attitude of the armed forces to the law. The argument that there are insufficient resources, in terms both of time and money, to provide either the training or the legal advisers is unconvincing.

Ultimately, it is a matter of the importance attached to compliance with the Geneva Conventions. If that is seen as a high priority, whether out of humanitarian concern, political calculation or the need to maintain disciplined forces, the resources will be found. One way in which the costs could be reduced would be through co-operation between States. This is all the more important in the case of an integrated military

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<sup>39</sup> Williams, *op. cit.*, note 23, p. 29.

<sup>40</sup> It is said that the one member of the British Army Legal Service who was sent to provide advice in the South Atlantic conflict did not reach the islands until Port Stanley had been recaptured by the British because the transport of other personnel and equipment had a higher priority. It is not known whether the lack of a qualified lawyer made a material difference to the implementation and enforcement of the Geneva Conventions.

<sup>41</sup> The legal adviser is to advise commanders at the appropriate level on the application of the Conventions and Protocol and on the appropriate instruction to be given to the armed forces. The advisers are to be available both in peace-time and during armed conflicts. It is not clear whether the adviser is to proffer advice or only to give it on request. His role in relation to the investigation of possible breaches of the Conventions and Protocol is not clearly defined. The military commanders would not appear to be bound by the advice given. The relationship between the commander and the legal adviser, almost certainly of lower rank, will need to be developed in peace-time if it is to work well during a conflict. In both Israel and the Federal Republic of Germany, the independence of the legal adviser is assured by making him militarily accountable to the commander but accountable in matters of law to his commanding officer in the legal service. See generally, *Shefi, D.*, “The status of the legal adviser to the armed forces: His functions and powers”, *Revue de Droit Pénal Militaire et de Droit de la Guerre*, XXII-3/4, 1983, p. 259; Moritz, G., “Legal Advisers in Armed Forces—Position and functions”, *Recueils de la Société Internationale de Droit pénal militaire et de Droit de la Guerre*, Bruxelles, 1982, p. 483; Draper G.I.A.D., “Role of Legal Advisers in Armed Forces”, *IRRC*, No 202, January-February 1978, p. 6; Green, L. C., “The Role of Legal Advisers in the Armed Forces”, *7 Is Ybk HR* (1977) p. 154; Fleck, D., “The employment of legal advisers and teachers of law in the armed forces”, *IRRC*, No. 145, April 1973, p. 173.

alliance, such as NATO. Some NATO States are bound by Protocol I and others are not. There needs to be agreement as to what rules would bind the armed forces in the event of a conflict to avoid the problem of an American giving what is, for him, a lawful order to a Norwegian, for whom it would be unlawful to obey the order. Co-operation in training in humanitarian law would therefore serve two purposes. The provision of resources is a matter of the priority attached to compliance with the Geneva Conventions and that, in turn, depends on political will.

The third problem identified in relation to the provision of effective dissemination raises the same issue. It is also one of the elements which accounts for the scepticism of the armed forces. It would therefore appear that the central problem in establishing effective dissemination of humanitarian law lies in convincing the armed forces of the importance of compliance with the Geneva Conventions. In a democracy at least, that is a matter of political will. It has already been seen that the one-sidedness of war crimes trials and the violations of rules prohibiting the use of certain weapons cause the armed forces—and others—to question the effectiveness of the law of armed conflicts.<sup>42</sup> In that case, it is for the general public to create the necessary political will on the part of governments. Civilians only appear to find the matter important when it concerns them, usually on account of the participation of their State in an armed conflict.<sup>43</sup> The first step, then, must be to educate public opinion. The emphasis in Article 83 of Protocol I on dissemination amongst the civilian population and the increased willingness of national societies of the Red Cross to take part in such activities may help to promote awareness of humanitarian law obligations. When public opinion is educated, it can then be mobilized. This was done most effectively in the United States during the Vietnam war. The existence of a campaigning organization, like Amnesty International, of unquestionable impartiality and independence, would facilitate the mobilization of international public opinion. The Red Cross campaigns for the implementation of and respect for the provisions of humanitarian law in general and has made specific pleas in this regard to the belligerents involved in such conflicts as those in Afghanistan, the Western

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<sup>42</sup> Verri, *op. cit.*, note 13, pp. 610-611.

<sup>43</sup> Compare the provision of courses in military law in university courses in Israel; Shefi, *op. cit.*, note 40, p. 264, with Levie's experience in the USA during and after the Viet Nam war; Levie, H. S., "Teaching Humanitarian Law in Universities and Law Schools", 31 *American University Law Review*, (1982), No. 4, p. 1005.

Sahara and Kampuchea and the parties to the Iran-Iraq conflict.<sup>44</sup> It has also urged other High Contracting Parties to bring pressure to bear on the belligerents for the implementation of their obligations. In addition, the ICRC has sought to obtain Israel's recognition of the *de iure* applicability of the Fourth Geneva Convention to the occupied territories. The Red Cross cannot, however, expose specific violations of humanitarian law on account of its real need to maintain confidentiality in order to be allowed to fulfil its humanitarian function.

The need for impartial and well-documented evidence of specific violations has been shown in the field of human rights law. Complaints from groups relying on such evidence cannot be dismissed out of hand either by the government in question or by other governments under the pressure of domestic and international public opinion. Such reports provide an informed basis for effective campaigning. If an appropriate organization were to be established, it would form a bridge between Amnesty International and the Red Cross. It should be remembered that the mobilization of public opinion in this way can only take place in democracies. Only in such States can the public create the political will to ensure the effective dissemination and implementation of humanitarian law. Such pressure does, nevertheless, have an indirect effect on other States, as is shown by experience in the related field of international human rights law. It is now accepted that a State's human rights practices are not merely a matter of domestic jurisdiction. Changing attitudes is a slow process. It is up to the public, lawyers and human rights activists to create a climate of opinion in which the armed forces know that the effective implementation of humanitarian law is important. This will be evidenced by increased resources for improved training and the certainty of investigation and prosecution for any alleged violation of the rules. The test of effective dissemination of humanitarian law lies not in the number of copies of the Conventions that are distributed, nor even in the number of legal advisers, but in the conduct of members of the armed forces during a conflict. The best peace-time preparation lies in the inculcation of "the law habit" by ensuring that the requirements of humanitarian law are taken into account in the

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<sup>44</sup> See generally, "Under the Presidency of Mr. Alexandre Hay: the ICRC from 1976 to 1987 — Controlled expansion", *IRRC*, November-December 1987, pp. 621-630.

planning of operations and training exercises. Anything less is inconsistent with the obligation of States "... to ensure respect for the... [*Geneva Conventions* and *Protocol I*] ... in all circumstances".

**Françoise J. Hampson**

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## *Synopsis VIII*

# **Conventions and Neutral Powers**

**by Jean de Preux**

## **I. SICK AND WOUNDED**

### **1. Right of passage**

#### *a) By land*

#### **Conditions governing the right of passage**

A neutral Power may authorize the passage over its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose (Hague Conv. No. V, Art. 14). (Personnel and materials necessary to treat the sick and wounded are consequently authorized).

#### **Detention of sick and wounded prisoners of war**

The sick or wounded brought by virtue of the right of passage into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations (Hague Conv. No. V, Art. 14). The said neutral Power is also duty bound to detain prisoners transported by their captors in a medical aircraft that has landed, voluntarily or not, on neutral territory (P. I. Art. 31).

Persons interned shall be treated as prisoners of war (C. I, Art. 14; C. III, Art. 4 B 2).<sup>1</sup> (*See below for general conditions of internment*). The cost of hospital treatment and internment shall be borne by the State to which those persons belong (P. I, Art. 31).

### **Detention in naval warfare**

Wounded, sick or shipwrecked members of the armed forces taken on board a neutral warship or a neutral military aircraft or landed in neutral ports with the consent of the local authorities shall be so guarded by the neutral Power that the said persons cannot again take part in operations of war (C. II, Arts. 15, 17). (According to legal experts, this rule does not apply if the wounded, sick or shipwrecked are taken aboard a neutral merchant vessel that has not been hailed for inspection.<sup>2</sup>

The costs of hospital accommodation and internment shall be borne by the Power on whom the wounded, sick or shipwrecked persons depend (C. II, Art. 17).

### **Exception to the obligation to detain**

The neutral Power is obliged to detain only where so required by international law (C. I, Art. 37; C. II, Art. 40; C. III, Art. 4 B 2; P. I, Art. 31). This means that persons who accompany the armed forces without actually being members thereof (P. I, Art. 50; C. III, Art. 4 A 4) and other civilians (particularly those mentioned in C. III, Art. 4 A 5) shall not be detained except for medical reasons. Medical and religious personnel belonging or attached to the armed forces may be detained only in circumstances similar to those laid down in the First and Second Conventions (C. I, Art. 28; C. II, Art. 37).

### **Treatment on neutral territory**

The First, Second and Third Conventions as well as the pertinent provisions of Protocol I apply to the sick and wounded and to members

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<sup>1</sup> Except where indicated otherwise, the Roman numerals refer to the First (I), the Second (II), the Third (III) and the Fourth (IV) Geneva Conventions (C). The abbreviation P. I stands for Additional Protocol I.

<sup>2</sup> See Morris Greenspan, *The Modern Law of Land Warfare*, University of California Press, Berkeley and Los Angeles, 1959, p. 567.

of the medical and religious personnel of a Party to the conflict, whether they belong to the armed forces or not, who are received or interned on neutral territory, as well as to dead persons found (Hague Conv. No. V, Art. 15; C. I, Art. 4; C. II, Art. 5; P. I, Art. 19; C. III, Arts. 4 B 2 and 4 C).

At the conclusion of peace the expenses caused by the internment shall be made good (Hague Conv. No. V, Art. 12; C. III, Art. 4 B 2).

b) *By air*

### **Flying over neutral territory**

Except by prior agreement, medical aircraft belonging to the Parties to the conflict shall not fly over the territory of neutral States.

In the event of such an agreement, medical aircraft shall obey any summons to land or to alight on water. Should the aircraft fly over neutral territory by accident (navigational error, emergency), it shall make every effort to give notice of the flight, to identify itself and to obey any summons to land or to alight on water (P. I, Art. 31).

If a medical aircraft seeks refuge on the territory of a neutral State, the latter is free to grant or refuse the request (Hague Conv. No. V, Art. 11, by analogy).

### **Inspection**

A medical aircraft having landed or alighted on water is subject to inspection to determine that it is indeed a medical aircraft. Any such inspection shall be undertaken without delay and conducted expeditiously. The wounded and sick shall not be removed from the aircraft unless their removal is essential for the inspection (P. I, Arts. 30, 31).

### **Resumption of flight**

If the inspection discloses that the aircraft is in fact a medical aircraft, the aircraft with its occupants (except for prisoners of war) shall be allowed to continue its flight and shall be given the necessary facilities to do so (P. I, Arts. 30, 31).

## **Seizure**

If the inspection discloses that the aircraft is not a medical aircraft, it shall be seized (P. I, Arts. 30, 31).

## **Detention of occupants**

The military crew of an aircraft that is not in fact a medical aircraft shall be detained (Hague Conv. No. V, Art. 11; C. III, Art. 4 b 2; P. I, Art. 31). The civilian crew of such an aircraft should likewise be interned until the cessation of hostilities (Hague Conv. No. V, Art. 11, by analogy; C. III, Art. 4 B 2). Prisoners of war brought in these circumstances into the territory of a neutral State shall be released (Hague Conv. No. V, Art. 13). (See also above “Detention of sick and wounded prisoners of war” and “Exception to the obligation to detain”).

## **2. Accommodation agreements**

### **Principle**

Throughout the duration of hostilities, Parties to the conflict shall endeavour, with the co-operation of the neutral Powers concerned, to make arrangements for the accommodation in neutral countries of sick and wounded prisoners of war and the internment in a neutral country of able-bodied prisoners of war who have undergone a long period of captivity (C. III, Art. 109).

### **Categories of persons covered**

The following categories of persons may be accommodated in a neutral country:

- Wounded and sick whose recovery may be expected within one year of the date of the wound or the beginning of the illness;
- Prisoners whose mental or physical health is seriously threatened by continued captivity, but whose accommodation in a neutral country might remove such a threat (C. III, Art. 110).

### **Status and treatment**

The status of prisoners of war accommodated in a neutral country is in principle established by agreement between the Powers concerned (C. III, Art. 110). The First and Third Conventions are applicable to their case (C. I, Art. 4; C. III, Art. 4 B 2; Hague Conv. No. V, Art. 15). (See below for reservations contained in Art. 4 B 2).

### **Repatriation conditions**

The conditions for repatriation from a neutral country shall be fixed by agreement between the Powers concerned, except in cases where the conditions for direct repatriation are fulfilled (C. III, Art. 110; Annexes I and II).

No sick or injured person may be repatriated against his will during hostilities (C. III, Art. 109).

## **II. MEDICAL SERVICES**

### **1. Medical services on land**

A neutral or other State which is not a Party to a conflict may make its medical services available to a Party to the conflict (P. I, Art. 9). A recognized Society of a neutral country may do the same with the previous consent of its own Government (C. I, Art. 27; P. I, Art. 9). These medical services shall be placed under the control of the Party to the conflict which accepts such assistance. The neutral State and the Party to the conflict receiving the assistance shall notify the latter's adversary that such a service is being rendered (C. I, Art. 27). This type of assistance does not constitute interference in the conflict (C. I, Art. 27).

### **Marking**

The medical units belonging to neutral countries shall fly the flag of the Convention, the flag of the Party to the conflict to which they are lending their services, providing this is the latter's practice, and their own national flag unless otherwise instructed by the responsible military authorities (C. I, Arts. 42, 43).

## **Release**

Neutral medical units which have fallen into the hands of the adversary of the country they are assisting shall have permission to return to their country as soon as a route for their return is open and military considerations permit. If this is not possible, they shall be authorized to return under the same conditions to the territory of the Party to the conflict in whose service they were (C. I, Art. 32).

## **Treatment**

The members of these units shall receive, pending their release, the same food, lodging, allowances and pay as are granted to the corresponding personnel of their captor. The food shall in any case be sufficient to maintain a normal state of health (C. I, Art. 32). They shall continue their medical work and shall preferably be engaged in the care of the wounded and sick of the Party to the conflict in whose service they were (C. I, Art. 32).

## **Material and equipment**

On their departure, these units shall take with them their effects, personal articles and valuables and the instruments, arms and if possible the means of transport belonging to them (C. I, Art. 32). (These provisions guarantee, in effect, that neutral medical personnel who have fallen into the hands of the adversary of the Party being assisted shall receive the treatment stipulated in 1929 for all medical personnel (1929 Geneva Conv., Arts. 9-13). The Detaining Party shall therefore bear the cost of maintaining such personnel pending their release.

## **Other relief organizations**

These provisions apply also to the personnel made available to a Party to the conflict by an impartial humanitarian organization (P. I, Art. 9).

## **Civil defence**

Civilian civil defence organizations of neutral States which perform their tasks in the territory of a Party to the conflict, with the consent

and under the control of that Party, shall be respected and protected. Notification of such assistance shall be given as soon as possible to any adverse Party concerned and such assistance shall not be deemed to be an interference.

In occupied territories, the Occupying Power may restrict such assistance only if it can ensure the adequate performance of civil defence tasks from its own resources or those of the occupied territory (P. I, Arts. 62, 64).

## **2. Medical services at sea**

### **Appeal to neutral vessels**

The Parties to the conflict may appeal to neutral merchant vessels, yachts or other craft to take on board and care for wounded, sick or shipwrecked persons, and to collect the dead (C. II, Art. 21).

These vessels, and those having lent assistance of their own accord, shall enjoy special protection and facilities and may, in no case, be captured on account of any such transport (C. II, Art. 21). However, the adverse Party shall have the right to demand that the wounded, sick or shipwrecked members of the armed forces taken on board be surrendered (C. II, Art. 14). This does not apply to civilians (P. I, Art. 22).

### **Hospital ships of neutral countries**

Hospital ships of neutral countries that have placed themselves under the control of a Party to the conflict, with the previous consent of their own governments and with the authorization of the Party to the conflict concerned, shall have the same protection as military hospital ships of the Parties to the conflict. They shall be exempt from capture and attack and shall be respected and protected on condition that their names and descriptions have been notified to the Parties to the conflict ten days before those ships are employed (C. II, Arts. 22, 25; P. I, Art. 22).

This protection shall extend to their lifeboats and small craft, their personnel and crews and the wounded, sick and shipwrecked on board. Civilians shall not be subject to surrender to any Party which is not their own, or to capture at sea (P. I, Art. 22).

### **Rescue craft**

Rescue craft used by a neutral State, or by officially recognized relief societies of such a State, to take on board the wounded, sick or shipwrecked shall also be respected and protected (C. II, Arts. 21,25). They shall fly their national flag and a white flag with a red cross (C. I, Art. 43).

### **Marking of hospital ships**

Hospital ships of neutral countries that have placed themselves under the control of a Party to the conflict shall make themselves known by hoisting their national flag and the flag of the Party to the conflict whose direction they have accepted. A white flag with a red cross shall be flown at the mainmast as high as possible (C. II, Art. 43).

### **Other relief organizations**

These provisions apply also to hospital ships and vessels made available to a Party to the conflict by an impartial humanitarian organization (P. I, Art. 22).

### **Right of control and search**

The Parties to the conflict shall have the right to control and search neutral ships and vessels other than warships which assist the wounded, sick and shipwrecked of a Party to the conflict (C. II, Art. 31; P. I, Art. 22).

### **Neutral warships**

If wounded, sick or shipwrecked members of the active armed forces of a Party to the conflict are taken on board a neutral warship, it shall be ensured that they can take no further part in operations of war (C. II, Art. 15).

### **Stay in a neutral port**

Hospital ships and rescue craft belonging to the Parties to the conflict are not classed as warships as regards their stay in a neutral

port (C. II, Art. 32). For example, their stay is not limited to 24 hours (Hague Conv. No. XIII, Art. 12) nor are they subject to time restrictions concerning repairs (*ibid.*, Art. 17) or refuelling (*ibid.*, Art. 19).

### **Official information bureaux**

Neutral States which receive, on their territory, prisoners of war of any Party to the conflict shall institute an official information bureau for them (C. III, Art. 122).

### **Central agency**

A central information agency shall be created in a neutral country (C. III, Art. 123; C. IV, Art. 140).

## **III. INTERNED MEMBERS OF THE ARMED FORCES AND PRISONERS OF WAR**

### **1. Interned members of the armed forces**

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war (Hague Conv. No. V, Art. 11).

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose (Hague Conv. No. V, Art. 11; C. III, Art. 21).

It shall decide whether officers (and internees in general: C. III, Art. 21) can be left at liberty on giving their parole not to leave the neutral territory without permission (Hague Conv. No. V, Art. 11).

This principle applies only to members of the active armed forces (C. III, Art. 4 B 2) (see “Right of passage” and “Exception to the obligation to detain” above).

### **2. Prisoners of war**

#### **Escaped prisoners of war**

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain on its territory it may assign them a place of residence (Hague Conv. No. V, Art. 13).

### **Deserters and defectors**

Deserters shall be treated by neutral Powers as escaped prisoners of war. Defectors shall be interned.

### **Nationals of a neutral State who have enlisted in the active armed forces of a Party to the conflict**

Such persons cannot avail themselves of the neutrality of their State of origin. If captured, they shall be treated as prisoners of war on equal terms with members of the active armed forces of the Party to the conflict in whose service they have placed themselves (Hague Conv. No. V, Art. 17).

### **Agreement concerning the internment of prisoners of war**

The Detaining Power, the Power on which the prisoners of war depend, and a neutral Power agreed upon by these two Powers shall endeavour to conclude agreements which will enable prisoners of war to be interned on the territory of the said neutral Power until the close of hostilities (C. III, Art. 111).

When prisoners of war are transferred under such circumstances, responsibility for the application of the Convention rests on the Power accepting them while they are in its custody (C. III, Art. 12).

## **3. Treatment of prisoners of war and interned members of the armed forces**

Interned members of the armed forces and prisoners of war received on the territory of a neutral country are protected by the provisions of the Third Convention. The expenses incurred in keeping the prisoners and internees shall nevertheless be borne by the Power on which they depend (Hague Conv. No. V, Art. 12; C. III, Art. 4 B 2).

### **Control**

Where diplomatic relations exist between the Party to the conflict on which the prisoners and internees depend and the neutral Power,

the said Party to the conflict shall be allowed to perform the function of a Protecting Power as provided in the Third Convention (C. III, Art. 4 B 2).

### **Attempted escape**

A neutral Power is not obliged to respect the limitations set by Art. 92 of the Third Convention concerning punishment for attempted escape applicable to prisoners or internees detained on neutral territory (Hague Conv. No. V, Art. 5).

### **Official information bureaux**

The neutral Power shall institute an official information bureau for the interned members of the armed forces and prisoners of war it has received on its territory (C. III, Art. 122).

### **Central information agency**

A central information agency shall be created in a neutral country (C. III, Art. 123).

### **Mixed medical commissions**

The mixed medical commissions appointed to examine prisoners of war on the territory of the Parties to the conflict, and to make all appropriate decisions regarding them, shall be composed of three members, two of whom shall belong to a neutral country, the third being appointed by the Detaining Power. One of the neutral members shall take the chair (C. III, Art. 112; *ibid.*, Annex II, Art. 1).

## **IV. CIVILIANS**

### **1. Applicability of the Fourth Convention**

Nationals of a neutral State who find themselves in the territory of a belligerent State shall not be regarded as persons protected by the

Conventions while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are (C. IV, Art. 4).

## **2. Children**

The reception in a neutral country of children who are nationals of the Parties to the conflict shall be facilitated (C. IV, Art. 24). Children who are not nationals of the Parties to the conflict may be evacuated to the territory of a neutral Power only under specific conditions (P. I, Art. 78). See “Synopsis III: Special protection of women and children”<sup>3</sup>.

## **3. Relief**

See “Synopsis IV: Relief”.<sup>4</sup>

## **4. Accommodation in a neutral country**

The Parties to the conflict shall endeavour during the course of hostilities to conclude agreements for the accommodation in a neutral country of certain classes of internees, in particular children (with the reservation mentioned below), pregnant women and mothers with infants and young children, wounded and sick, and internees who have been detained for a long time (C. IV, Art. 132).

# **V. PROTECTING POWERS**

Neutral countries shall act as Protecting Powers and shall appoint delegates for this purpose from amongst their own nationals or the nationals of other neutral Powers (C. I-IV, Arts. 8, 8, 8, 9; P. I, Art. 5). See “Synopsis I: Protecting Power”.<sup>5</sup>

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<sup>3</sup> *IRRC*, No. 248, September-October 1985, pp. 292-302.

<sup>4</sup> *Ibid.*, No. 254, September-October 1986, pp. 268-278.

<sup>5</sup> *Ibid.*, No. 245, March-April 1985, pp. 86-95.

## **Conciliation procedure**

The Protecting Powers may propose for approval by the Parties to the conflict a person belonging to a neutral Power to undertake a conciliation procedure concerning the application or interpretation of the Conventions or the Protocol (C. I-IV, Arts. 11, 11, 11, 12).

## **VI. METHODS AND MEANS OF WARFARE**

It is prohibited to make use in an armed conflict of the flags or military emblems, insignia or uniforms of neutral or other States not Parties to the conflict (P. I, Art. 39).

**Jean de Preux**  
*Former Legal Adviser  
at the ICRC*

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## **125th ANNIVERSARY OF THE INTERNATIONAL RED CROSS AND RED CRESCENT MOVEMENT**

*The Review is pleased to publish the thoughts of Dr. Olga Milosevic on the significance and lasting nature of the Red Cross, 125 years after its inception.*

*Dr. Milosevic was an assistant at the University of Belgrade Faculty of Medicine before the Second World War, and a fighter in the Yugoslav War of Liberation. From 1947-1963 she was Secretary General of the Red Cross of Yugoslavia and a member of its Central Committee. She is still an active member of the Red Cross of Yugoslavia. With her extensive social welfare activities and her position at the Yugoslav Red Cross, Dr. Milosevic has helped foster Red Cross acceptance of the principle of service to the community.*

*As a League of Red Cross and Red Crescent Societies expert, she helped draw up the League Development Programme and assess seminars organized for developing National Societies.*

*The depth of her personal commitment to humanitarian work and her outstanding devotion in the field of care for the wounded, the sick and the victims of war, make her a model of modesty and humanity.*

*It was for these merits that the Standing Commission of the International Red Cross unanimously decided, during the Council of Delegates on 25 October 1985, to award her the Henry Dunant Medal.*

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### **The lasting nature of the Red Cross**

The idea of the Red Cross was born of suffering, suffering in war. It was followed by humanitarian action for the benefit of all humanity, and has been enhanced with the knowledge and experience gained throughout the many years of its long history.

We have seen how one man, a good man, struck with compassion for those who were suffering, was able to arouse that same compassion and will to help in many hitherto indifferent people, how he was able to convince them to give what was best in them to a noble humanitarian cause. In doing their humanitarian work, these people did not ask who was friend and who was foe. Only one thing mattered: to alleviate suffering and save human lives.

The experience of Solferino, the effect the suffering of others had on him, the need he felt to organize assistance, were all factors which inspired Henry Dunant and incited him, with a group of men sharing the same ideas and goals, to found an institution which was subsequently to become the Red Cross. From that moment on the institution has never stopped growing. It is now universal, for in every country in the world, more and more men and women have joined the International Red Cross and Red Crescent Movement to fulfil its humanitarian goals.

In the course of its history, the Red Cross has become an important part of life. It is one of the oldest institutions working for humanity—we can even wonder by what miracle, in spite of all the disruptive events to which our world is prey, it has stood fast for so long and why? The answer is obvious. The Red Cross has deep historical roots, a long tradition of service in the name of justice and good. Unique in kind, it has resisted the test of time, fortified by the confidence of the members it has never let down.

Born in war, the Red Cross is making a substantial contribution to the defence of peace and exerting a peaceable influence on the very causes of war, for peace is not just the absence of war.

From the outset, the Red Cross has also been committed to the well-being of humanity, attentive to community needs and constantly adapting its mission and its tasks to them.

The Red Cross has managed to make men and women aware of their own strength and accept the principle that every individual has the right to live in dignity. The cause of a better life is undoubtedly greatly furthered by helping those who suffer, but it is also important to help prevent suffering, often the result of ignorance and poverty. This means everyone, in particular the Red Cross, must take on new, increasingly weighty tasks.

For all these reasons, the Red Cross has brought together more and more people anxious to work for justice and truth, it has been able to win their loyalty and to attract new members. It is with the Red Cross and Red Crescent that generations of young people ready to do what is right have been raised, so that in adulthood, nurtured on humanistic

principles, they would carry on the humanitarian work of their elders for a better world.

Throughout its history the Red Cross has worked for greater equity, for more universal social and cultural development, for truth and humanism, the fulfilment of man's loftiest ideals. By sharing in the plight of peoples throughout the world, by adapting to modern needs, the Red Cross has weathered all the storms of the nineteenth and twentieth centuries. It has advanced the struggle for man's dignity, for mutual respect and consideration, for a world of love and peace.

For my part, I cannot say when I really became a member of the Red Cross. I think it happened when I got to know the organization's humanitarian objectives. As a doctor, these objectives were not only familiar to me, they were also a part of my professional life, and they could easily be accomplished in conditions of peace.

When a mighty power overran my country, spreading poverty, destruction and death, the people rose up in defence of their dignity and freedom, against enslavement. I joined them, and by doing so acquired new experience which showed me, in particularly cruel circumstances, everything that was good in man, how utterly selfless individual people can be, the effort they can make to lead, to teach, to defend life.

I thus unfortunately lived through the same thing—if I may be permitted to say so—as Henry Dunant did in Solferino. But with one difference: the Red Cross already existed and we had to apply its principles in action. In the midst of the bloodshed, of destruction and fire, humanitarian virtues are seen in their true dimension, but also how impossible it is to humanize savagery.

At the end of the Second World War, I dedicated myself to the Red Cross of Yugoslavia with the desire to serve my people and others and to let them benefit from my knowledge. I have never looked back.

In a country which was once again free, which had learned the lessons of the past and the war, we worked to improve day-to-day community life. We used our strength to help people, to teach them how to take care of themselves and those around them, so as to improve their everyday life and foster social equality. We became teachers to show the dangers of everyday life, which threaten individual and community health and social welfare. We launched and organized operations calling on all volunteers to participate in the work of the Red Cross.

We wanted to share this experience with other Red Cross and Red Crescent Societies, and in turn benefit from the experience of others.

Our people gave itself wholeheartedly to Red Cross activities, willing to help in Yugoslavia and elsewhere and to try to solve the problems facing mankind.

The Red Cross of Yugoslavia has always championed the cause of “lasting fellowship”, for misfortune strikes every day, and sickness, poverty, famine and ignorance are no lesser blights than natural disasters. It is in such circumstances that the Red Cross can mobilize considerable forces to alleviate suffering and that the feeling of fellowship is strongest.

As a contribution to co-operation in the International Red Cross and Red Crescent Movement, I felt it my duty to share our experiences and the results obtained, the means and methods we have used. During all these years, I have had the great privilege of receiving sincere and friendly co-operation in my work with international organizations and the individuals they are made up of.

We have always supported Red Cross co-operation with other international organizations with similar mandates. In this respect, we are aware of the important part to be played by the International Red Cross and Red Crescent Movement in achieving the goal set at the Alma-Ata Conference: “Health for all by the year 2000”. This goal will not be met unless everyone helps. By adopting it, the Red Cross remains true to its basic mission: to prevent and alleviate human suffering in all circumstances, to protect life and health and respect for the human being. By counting on the broadest possible support of the general population it is able to fulfil its humanitarian duty for the well-being of man.

After many years of work with the Red Cross, my National Society paid me the great honour of bestowing on me the highest distinctions of the Red Cross of Yugoslavia and nominating me for the most noble award of the International Red Cross and Red Crescent Movement—the Henry Dunant Medal, which I received in 1985. Allow me to repeat what I said on that occasion:

“The Henry Dunant medal is for me not only a great honour, it is much more than that. It symbolizes the conviction that, in spite of the difficulties and obstacles, humanity aspires to a better future, that peoples should know each other better, respect each other and help each other at all times. That they should lend each other a helping hand and live in peace, freedom and dignity.

With what strength I have left, I will continue my life’s work, and to all those at work for the Red Cross throughout the world I wish

much courage, so that the Red Cross and Red Crescent banner— which, as Henry Dunant said, stands for no country but for all humanity—may continue to fly”.

**Dr. Olga Milosevic**

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## **ICRC President in Belgium**

Mr. Cornelio Sommaruga, President of the ICRC, Mr. Michel Convers, head of the ICRC's Operational Support Department and Mr. Andreas Lendorff, head of its General Relief Division, were in Brussels from 8 to 11 February to take part in celebrations to mark the 125th anniversary of the Belgian Red Cross and to meet representatives of the Belgian Government and the European Community.

The National Society's 125th anniversary ceremony took place on 9 February in the presence of Their Majesties the King and Queen of the Belgians, members of the Government and the diplomatic corps, representatives of other National Societies and 2,000 Belgian Red Cross volunteers. Speeches were made by H.R.H. Prince Albert of Belgium, who is President of the National Society, Mr. Cornelio Sommaruga, Mr. Mario Villarroel Lander, President of the League, and the Belgian Deputy Prime Minister.

The ICRC representatives were also received by Mr. Leo Tindemans, Minister of Foreign Affairs, for talks on the Protocols additional to the Geneva Conventions and the Belgian contribution to the ICRC budget. They also reviewed the ICRC's activities around the world.

During a visit to the Commission of the European Communities the ICRC delegates met Mr. Abel Juan Matutes, Commissioner for Mediterranean Policy and North-South Relations. Mr. Sommaruga explained the specific nature of the ICRC's mandate and gave a detailed description of its operations worldwide. He thanked Mr. Matutes for the Community's support and Mr. Matutes reaffirmed that support.

Mr. Sommaruga also visited Mr. Frans Andriessen, Commission Vice-President for External Relations and Trade Policy, and Mr. Martin Bangemann, Commission Vice-President for the Internal Market. He once again described the ICRC's current activities and together they discussed more specific topics such as the ICRC's special role under the Fourth Geneva Convention and its procedures for visiting places of detention.

The three ICRC representatives then met several of the people within the Commission with whom the ICRC has regular contacts.

Finally, Mr. Sommaruga had a working lunch with the Permanent Representatives of the European Community. The Secretary-General of the Commission of the European Communities was also present.

The mission ended on 11 February in Flanders, where the Flemish-speaking community of the Belgian Red Cross had organized a ceremony attended by leaders of the “community” and local authorities at the home of the painter Rik Bourguignon in Diegem. Mr. Bourguignon gave Mr. Sommaruga two of his seascapes as a gift to mark the ICRC’s 125th anniversary.



## **Recognition of the Dominica Red Cross Society**

Geneva, 21 March 1989

CIRCULAR No. 551

*To the Central Committee of the National Red Cross  
and Red Crescent Societies*

LADIES AND GENTLEMEN,

We have the honour to inform you of the official recognition of the Dominica Red Cross Society by the International Committee of the Red Cross. This recognition, which took effect on 15 March 1989, brings to 148 the number of National Societies members of the International Red Cross and Red Crescent Movement.

The new Society applied for recognition by the International Committee of the Red Cross on 13 December 1988. In support of its application it forwarded various documents, including a report on its activities, the text of its Statutes and a copy of governmental decree No. 5/83 adopted by the House of Assembly on 7 March 1983, signed by the President of the Commonwealth of Dominica on 25 March 1983 and published in the Official Gazette on 7 April 1983. This attests that the Dominica Red Cross Society is recognized by the Government as a voluntary aid society auxiliary to the public authorities in accordance with the provisions of the First Geneva Convention of 1949.

These documents, which were examined jointly by the International Committee and the Secretariat of the League of Red Cross and Red Crescent Societies, showed that the ten conditions for the recognition

of a new National Society by the International Committee had been fulfilled.

The International Committee and the League have observed very closely the activities of the Dominica Red Cross Society for several years. Representatives of the two institutions have ascertained that the Dominica Red Cross Society is set up in accordance with the fundamental principles of our Movement. It has formed seven local committees, one for each administrative district in the country, and is developing its activities in several spheres: first-aid training, disaster preparedness and community assistance, such as help for the aged and the needy. Much stress is also placed on youth activities.

The Commonwealth of Dominica became party to the Geneva Conventions of 12 August 1949 by a declaration of succession received on 28 September 1981 by the Swiss Federal Council. This took effect retroactively on 3 November 1978, the date on which the Commonwealth of Dominica became independent.

The Dominica Red Cross Society is presided over by Dr. P.N. Griffin. Its Director General is Mrs. Celia Fadelle. Its headquarters is located in Roseau. The address is as follows: Dominica Red Cross — P.O. Box 59 — Roseau.

The International Committee of the Red Cross has pleasure in welcoming the Dominica Red Cross Society to membership of the International Red Cross and Red Crescent Movement, in accrediting it and commending it, by this circular, to all other National Societies, and in expressing sincere good wishes to the Society for its future and for the success of its humanitarian work.

FOR THE INTERNATIONAL COMMITTEE  
OF THE RED CROSS

**Cornelio Sommaruga**  
*President*

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*EXTERNAL ACTIVITIES**January-February 1989***Africa****Mozambique**

On 4 January, after a suspension of more than five months, the ICRC was able to resume its flights in the country, starting with the provinces of Manica and Sofala. Delegates flew to several isolated districts to assess the needs of the civilian population there and to provide people with the relief they required. Heavy rains, however, repeatedly prevented the planes from landing and impeded the delegates' work.

ICRC delegates continued visiting security detainees held by the Ministry of Security who were either awaiting trial or had already been sentenced. In January, they visited Quelimane Prison, and in February they went to Temba (Cabo Delgado Province), Lichinga and Cuamba (Niassa Province) Prisons. They began visiting prisons in the country on 27 June 1988 and have now been to all the detention centres in the capital and the provinces under the authority of the Ministry of Security.

**South Africa/Angola/Namibia**

On 9 and 13 January and on 6 February the ICRC delegation in Pretoria visited an Angolan pilot captured after a forced landing in Namibia on 13 December 1988. The three visits were carried out in accordance with the ICRC's customary criteria.

The ICRC had already paid an initial visit to the pilot on 20 December 1988.

The ICRC delegation in Luanda visited one Namibian prisoner of war on 19 January.

## **Sudan**

Despite several interruptions due to security problems, the ICRC's operations in the south of the country continued as they had begun on 4 December 1988. ICRC aircraft flew to Wau and Aweil in the zone under government control and to Akon and Yirol in SPLA-controlled territory, taking off from Khartoum, Lokichokio (Kenya) or Entebbe (Uganda). In Wau and Aweil, the ICRC distributed food, blankets and soap to persons displaced because of the conflict. It also provided relief to hospital patients and to detainees in Wau Prison. In Yirol and Akon, the ICRC vaccinated 55,000 head of cattle, which is the local population's main means of subsistence. Medical supplies were distributed to dispensaries and hospitals.

## **Somalia**

On 20 February a team of ICRC delegates, including a doctor, a sanitary engineer and an administrator, set up a base in Berbera, in the north of the country, in order to carry out a precise assessment of the local medical infrastructure and requirements.

## **Uganda**

On 9 January, an ICRC convoy of three vehicles on its way from Soroti to Amuria in eastern Uganda for a fourth consecutive day of relief distributions to displaced persons was attacked by armed men. A member of the Uganda Red Cross was killed and an ICRC delegate was wounded. The ICRC's assistance operation in Amuria was temporarily suspended after the attack. Some 11,000 people had already been registered, and an operation to provide some 58,000 people with kitchen utensils and soap had begun. However, the ICRC continued its relief programme for displaced civilians around the town of Gulu in northern Uganda, distributing food, blankets and kitchen utensils and vaccinating against measles. The ICRC also went on visiting places of detention throughout the country. A second series of visits to army detention centres began on 20 February (the first series took place in November and December 1988).

## **Liberia**

The ICRC regional delegate based in Lagos and an ICRC doctor visited ten security detainees in Monrovia Central Prison at the end of February.

## Latin America

### Peru

After an interruption of over one year (January 1987), the ICRC had been able to resume its activities in the Ayacucho region, an area in a state of emergency, in March 1988 (visits to places of detention and ad-hoc assistance operations). At the end of June, however, the necessary authorizations had once again been suspended. The ICRC's repeated efforts to obtain permission to resume work finally succeeded, and the Ayacucho sub-delegation was reopened on 1 March. The delegates' first task will be to provide material and medical assistance to civilian victims of the violence and to launch a dissemination campaign among the armed forces, the police and the civilian population in the area.

### Paraguay

Following the *coup d'état* on 3 February, the ICRC delegates based in Buenos Aires immediately went to Asunción to take stock of the situation there and to discuss the details of further ICRC action in the country with the new Paraguayan authorities. They also considered the possibility of providing support to the National Society. The delegates made one last visit to a prisoner of Chilean origin, Mr. Mella Latorre, who was released soon afterwards, on 17 February, after nine years in detention.

### Other countries

Visits to security detainees were carried out in Chile, Colombia, El Salvador, Nicaragua and Suriname.

The South African prisoner of war held in Cuba was also visited once again on 23 February

On 11 January, 234 Haitian nationals who had been shipwrecked off the Cuban coast were repatriated under the auspices of the ICRC and in co-operation with the Red Cross Societies of Cuba and Haiti.

Assistance programmes on behalf of the civilian population continued in El Salvador, Nicaragua and Peru.

The regional delegates based in Argentina, Colombia and Costa Rica went on numerous missions to Bolivia, Brazil, Ecuador, Jamaica, Mexico, Panama and Suriname.

## **Asia**

### **Afghan Conflict**

At the end of 1988 the ICRC had stepped up its operation in Afghanistan. Activities further increased in January 1989, and surveys were carried out in the eastern provinces of Paktika and Kunar where two new first-aid posts were opened. In December 1988 and January 1989 a team of ICRC delegates spent approximately two months in Herat to assess humanitarian needs. In Kabul, the ICRC delegation carried on its work, and during the withdrawal of the Soviet troops in February some 40 expatriates went on performing war surgery, protecting vulnerable groups of people—in particular detainees in Pul-I-Charki Prison—and carrying out tracing activities, which are an extremely important part of the ICRC's humanitarian task.

On 26 February, an aircraft chartered by the ICRC flew from Pakistan to Kabul carrying the mortal remains of nine crew members and passengers of a plane that had crashed in Pakistani territory.

In Pakistan, the two ICRC hospitals in Peshawar and Quetta continued treating victims of the Afghan conflict. Delegates based in Pakistan also carried out a number of surveys in Logar (south of Kabul) and Wardak Provinces.

### **Kampuchean Conflict**

The beginning of 1989 saw increased diplomatic contact between countries in the region, especially between Thailand and Viet Nam. This involved discussions centred mainly on the search for a political solution to the Kampuchean conflict. However, hopes of the parties directly involved in the conflict reaching an agreement in the same length of time seem more remote. In view of a possible negotiated solution, the international organizations are increasing their initiatives to ensure that the Khmer civilian population displaced along the border have an orderly and internationally guaranteed safe return to their country.

Another cause for concern is the fact that the ICRC and other organizations have no access to certain camps under the control of Democratic Kampuchea. And yet, in the midst of such gloom, Otrao Camp was reopened on 28 January to delegates of the ICRC and other international organizations. Some 6,000 were found there (as opposed to 16,500 several months previously).

A third major worry continues to be the violence within the camps, especially in Site 2, which can be attributed to the steady deterioration in the quality of life.

### **Viet Nam**

On 4 January 1989, and for the third time since 1979, the ICRC had access to Chinese prisoners held in Viet Nam. Ten out of the 12 people visited had been seen previously in September 1987. Between 11 and 19 January, however, members of the Hong Kong delegation made a series of visits to 40 Vietnamese prisoners held in China; a further 28 prisoners were registered.

Between 13 and 19 February the Deputy Delegate General made an official visit to the Vietnamese Socialist Republic, where he met senior members of the National Society. Meetings were also held with several high-ranking officials from the Ministries of Foreign Affairs, Defence, Labour and the Interior. An agreement was signed with the Labour Ministry for the production of orthopaedic components in Ho Chi Minh City to help war disabled. The ICRC centre was officially opened on 18 February.

### **East Timor**

During the pre-harvest "lean" period in January, an ICRC medical team spent three weeks in East Timor assessing the medical and nutritional situation in five of the island's districts. Surveys of this kind have been made on an annual basis since 1985.

While on the visit the ICRC did not come across any conditions requiring emergency action. Nevertheless, an ICRC nurse based in Bili will monitor the situation as it develops. In addition, a sanitation programme, set up towards the end of 1988 and involving 11 villages, is being continued.

## **Middle East**

### **Lebanon**

It will be recalled that on 20 December 1988, following the serious threats made against its delegates on mission in Lebanon, the ICRC was forced to suspend its humanitarian activities in the country and to repatriate all its Swiss staff. The ICRC immediately embarked upon a

series of representations and contacts in an effort to have the threats withdrawn unequivocally and credibly. In view of the assurances received concerning safety guarantees for the delegates in their work, the ICRC decided to resume its activities in Lebanon step by step, as of 6 February.

During its seven-week absence the ICRC maintained its administrative and operational infrastructure in Lebanon through its local staff. It also continued to support the activities of the Lebanese Red Cross by providing medical and relief supplies for distribution to the hospitals and civilians most in need.

### **Israel and the occupied territories**

Tension in the Israeli-occupied territories has not eased with the beginning of 1989. The ICRC has therefore sustained its efforts to protect and help the victims of the disturbances.

On 4 February, whilst negotiating to have an ambulance admitted to a camp in the Gaza Strip, an ICRC delegate was wounded in the leg by a bullet fired by an Israeli soldier. The delegate was repatriated to Switzerland where he is recovering.

The ICRC continued its dialogue with the Israeli authorities in order to obtain their assurance that ICRC delegates will enjoy the safety conditions necessary for the accomplishment of their task and that the fundamental rules of international humanitarian law will be better respected in the occupied territories.

### **Iraq-Iran**

Whilst the arrangements for the repatriation of all Iranian and Iraqi prisoners of war remain in deadlock, the beginning of the year nevertheless saw, on two occasions, the unilateral release and repatriation of sick or wounded prisoners of war. Thus 255 Iranian prisoners were released on 23 and 24 January and 233 Iraqis on 21, 22 and 23 February. The ICRC organized their transport and maintained its efforts to find an overall solution to this thorny problem. In addition, the Baghdad delegation began the first of the annual series of visits to camps holding Iranian prisoners of war and continued its visits to civilian internee camps.

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# IN THE RED CROSS AND RED CRESCENT WORLD

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8 MAY 1989

## THE HUMANITARIAN GESTURE

*Appeal to all States  
on the 125th anniversary  
of the International Red Cross and Red Crescent Movement*

*During its November 1987 meeting in Rio de Janeiro, the Council of Delegates adopted a programme (Resolution No. 7) to commemorate the 125th anniversary of the International Red Cross and Red Crescent Movement. For one event it was decided that all States would be asked to make an exceptional "Humanitarian Gesture" on 8 May 1989, World Red Cross and Red Crescent Day. This gesture was intended to restore a sense of hope and dignity to people or groups of people who are destitute, in despair or forgotten.*

*To that end, the President of the ICRC, Mr. Cornelio Sommaruga, and the President of the League of Red Cross and Red Crescent Societies, Mr. Mario Villarroel Lander, sent a letter to all National Red Cross and Red Crescent Societies on 10 February, asking them to call on their respective governments to make such a gesture and to present them with a precise, concrete and feasible proposal.*

*With this in mind, the ICRC and the League drew up a document for the National Societies to promote the Humanitarian Gesture (see below). It contains a list of suggestions drawn up jointly by the two international institutions.*

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### **125 years at work... protecting human life**

The purpose of commemorating this 125th anniversary is to promote the Red Cross and Red Crescent and project the image of a youthful, universal and dynamic movement.

We want this anniversary to be an opportunity to celebrate, for the 250 million people, young and old, who belong to the Red Cross and Red Crescent family. The volunteers of National Societies and staff of the ICRC and the League are proud to be links in the chain of international solidarity. It is a family united in its endeavour to develop, to become more effective in protecting human life.

We want this anniversary to mark a return to our roots, to the principles which gave birth to our Movement and today form the basis for its revival: *Iter arma caritas, Per humanitatem ad pacem.*

This anniversary would be of little importance were it merely a reminder of those principles. But it is also an opportunity to appeal to all States, to the entire family of man. The original Geneva Convention was signed 125 years ago. Our appeal will be the culmination of this year of commemoration.

The humanitarian reflex which spurred Henry Dunant into action at Solferino had far-reaching consequences. We are calling for a worldwide series of such humanitarian gestures on 8 May 1989, World Red Cross and Red Crescent Day.

### **An unprecedented appeal**

To mark the 125th anniversary, all States party to the Geneva Conventions are being invited to make some exceptional humanitarian gesture to demonstrate their commitment to the Movement's ideals and principles. This appeal is the result of a resolution adopted unanimously at the 1987 Council of Delegates in Rio de Janeiro to approach the anniversary not only as an occasion for self-congratulation but rather as an opportunity to call on all States, on all mankind, to heed its universal conscience and act in the interest of the victims of natural disasters and armed conflicts.

In 1859, Henry Dunant was horrified to see so many thousands of soldiers left to die slowly on the battlefield at Solferino, of their wounds and of hunger and thirst.

Is it possible not to feel similar horror today at the arbitrary, senseless violence committed against so many people in the world? Is it possible not to do everything in our power to put an end to these cruel acts so unworthy of our humanity, to save the lives and relieve the suffering of those who, accidentally or unjustly, become the victims of natural or man-made disasters?

Our Movement continues to base its conviction and determination on the human capacity to be moved by the suffering of others and to refuse to see that suffering as unavoidable. The Red Cross and Red Crescent are symbols of man's concern for the welfare of his fellows. They carry their message to all

corners of the globe and strive to ensure respect for fundamental rights and human dignity. The members of the Movement are idealists but also realists. They are united by the same principles and the same commitment to humanitarian action, to ensuring respect for international humanitarian law and promoting a wider knowledge of that law.

The chain of solidarity which the Movement represents still depends on the support and co-operation of States. By becoming party to the Geneva Conventions, the world's most widely accepted treaties, those States have united for humanity and undertaken to protect human life.

The humanitarian gestures made by States on 8 May 1989 will be an extraordinary way of marking 125 years of solidarity with the victims of conflict and natural or man-made disasters, 125 years of fidelity to our fundamental principles and unity transcending frontiers and differences.

As the heirs of Henry Dunant, we are being idealistic in calling on States to seize this opportunity to make a gesture of solidarity, humanity and peace, to mark the Movement's anniversary. But we remain realistic in our determination to put forward proposals which are precise, specific and feasible.

Bringing about an event that catches the public eye, building momentum for a much-needed humanitarian mobilization and, in so doing, fostering fraternity, justice and peace, are the aims of this unprecedented appeal to be addressed by the 147 National Red Cross and Red Crescent Societies to their respective governments.

### **A light in the darkness**

Even in the most desperately inhuman and violent situations, one humanitarian gesture can be the spark that kindles a gleam of hope for a better way of life and eventually ignites the flame of peace.

Every humanitarian gesture contributes to a spirit of harmony, understanding and co-operation. When you reach out with open arms in a situation otherwise dominated by the clenched fist, you can, in the midst of violence and disaster, foster trust and brotherhood. You help promote a spirit of peace. This is because such a gesture is inspired not by fear of domination, but by respect for people as human beings. It is proof that, in the face of suffering, it is possible to cease being enemies and to work together for the common good.

The Movement's 125 years of experience have shown that humanitarian ideals are not an illusion. The unselfish, impartial and independent work of the Red Cross and Red Crescent has rescued millions of people from death, contempt or oblivion.

As we approach the end of the millenium, the solutions to the great problems of our time cannot be dissociated from respect for the universal values on which

humanitarian endeavour is based. Whether we are trying to protect human life and alleviate human suffering, fighting hunger and disease or promoting understanding and co-operation, no lasting progress can be made unless our work is backed up by measures to safeguard human life and dignity.

We must redouble our efforts to encourage this awareness, this new realism. We must persuade people to convert their minds and redirect their energies, by demonstrating that the interests and values of all mankind converge—both in situations of conflict and in the growing number of natural and man-made disasters.

It is possible today to take a new and realistic approach to humanitarian undertakings, for their justification lies not only on moral grounds but also in practical necessity.

The prevailing tendency, it is true, remains that of giving precedence to immediate political and security imperatives over humanitarian considerations. Nevertheless, though man's deeds almost invariably deviate from the principles he espouses, fighting has recently been stopped and negotiations have been opened in many areas of conflict. At the same time, progress has been made in disarmament and human rights. These are all hopeful signs that the priorities of States may be beginning to correspond to humanitarian priorities.

This is why the various Humanitarian Gestures of 8 May 1989 can be a symbol of a new departure, a new commitment.

This being the case, the Humanitarian Gesture provides a valuable opportunity to present the Movement as a strong and close-knit family, and to make use of all the moral force of its universality in the struggle to ensure respect for human life and dignity.

This is a struggle which we can and must win.

### **An exceptional request**

Our objective is ambitious and it is clear: 147 National Societies ask 147 governments to carry out 147 special Humanitarian Gestures for World Red Cross and Red Crescent Day, 8 May 1989.

The success of the Humanitarian Gesture will depend on the active participation of each National Society which will have the responsibility of approaching its government with one or several specific proposals.

This will not be easy, either for the Society presenting it or for the government receiving it. Much courage will be required to ask one's government to do something it does not normally do and firm conviction will be necessary to believe that it will nevertheless be done, for the Red Cross and Red Crescent, for its anniversary. Knowing that 146 other National Societies are also approach-

ing their governments, with similar requests for the same day and in the same spirit, will help give each Society the courage and conviction it needs.

Of course, each individual Society knows best what *exceptional* gesture it can reasonably ask of its government. But it will make its request, explaining that members of a universal Movement have decided to join forces in obtaining from all their respective governments 147 “gifts” to celebrate a common anniversary.

The obstacles are many but we believe that cohesion between all the Movement’s components can make this possible. Therefore, in response to the desire expressed by some National Societies, and naturally only at their request, the ICRC and the League might consider giving appropriate support to approaches made by National Societies to their governments.

To do this, in association with the National Societies, we must be very clear not only about our objective but also about how it can be reached. So we shall now describe the kind of measure that would constitute such a Humanitarian Gesture and make some suggestions.

## **What should a humanitarian gesture be?**

The Humanitarian Gesture announced by each State on 8 May 1989 might be viewed as a “birthday present” to the Red Cross or Red Crescent Society. It will demonstrate the State’s commitment to our Movement’s principles and ideals; it will be a message of compassion and conciliation and will illustrate the spirit which guides our work.

### **A gesture of humanity**

We are seeking authentically humanitarian acts. They must have the effect of protecting life and alleviating suffering. They must therefore be specific, and directly benefit people in need. The Humanitarian Gesture will restore hope and dignity to persons or groups of persons who are deprived, forgotten and in despair, and whose condition could not be improved without some gesture of exceptional benevolence made on that day.

### **An exceptional gesture**

Like all birthday gifts, the Humanitarian Gesture will be something exceptional. It will provide governments with an opportunity to take humanitarian measures which they would not otherwise be willing or feel in a position to take.

### **A “costly” gesture**

We are asking governments to make a special effort to mark the anniversary of the Red Cross and Red Crescent. It may require some measure of sacrifice on the part of governments: not necessarily a financial sacrifice, and not necessarily for the benefit of the National Societies.

### **A reasonable gesture**

It need not be extravagant nor spectacular. What is important is that it should be feasible in the short term, that it should be for the protection and assistance of people in need and contribute to the ongoing work of the Red Cross and the Red Crescent.

### **Suggestions**

This list drawn up by the League and the ICRC is not exhaustive. It is merely a list of suggestions.

#### **Measures to benefit refugees or displaced persons**

- *Non-refoulement* of political refugees, in particular humanitarian cases.
- Increasing the government’s quotas.

#### **Measures to benefit separated families**

- Distributing and forwarding messages to restore contact between members of families separated by armed conflict or natural disaster.
- Tracing and identifying people reported missing or whose relatives are without news of them.
- Reuniting families.

#### **Measures to benefit detainees**

- Releasing “political” detainees, giving priority to humanitarian cases: old people, the disabled, the sick and minors.
- Releasing “illegal immigrants” and placing them in the care of national organizations. These are people with no papers, who are not recognized as citizens of the country detaining them and are not “repatriable” because they are not even recognized as citizens of their countries of origin.
- Granting amnesty or a stay of sentence for certain persons who have been condemned to death.

### **Measures to benefit prisoners of war**

- Notification and forwarding of family messages.
- Releasing and repatriating prisoners of war in areas where hostilities have ceased (ceasefire), with priority given to the wounded, the sick and minors.

### **Financial measures**

Direct or indirect financial support for the National Society and other components of the Movement:

- Annual grant, reductions (for fuel, communications or shipping costs).
- Free use of buildings, permission to organize an annual lottery, to issue postage stamps or design postmarks.

### **Administrative measures**

- Exempting National Societies from customs duties and simplifying administrative formalities for donations, in kind towards the Society's relief and assistance activities.
- Fixing a preferential exchange rate for the transfer of funds to support the National Society's humanitarian work.
- Assigning the National Society a permanent radio frequency, indispensable for emergency communications.
- Drawing up a National Emergency plan which specifically defines the role of the National Society.
- Recognizing and supporting the National Society's efforts to promote voluntary unpaid blood donation.

### **Legislative measures**

- Where no National Society exists, give national recognition to the local interim committee; then enact legislation to establish a National Society.

### **Educational and promotional measures**

- Teaching primary school pupils about the humanitarian principles and activities of the Movement.
- Distribution in secondary schools and universities of publications on the Movement's work in connection with natural disasters and armed conflicts.
- Obliging candidates for driving licences to take first-aid courses organized by the Red Cross or Red Crescent.
- Conducting an official ceremony to give the name "Henry Dunant", "Red Cross" or "Red Crescent" to a street, a square or a park.

**“Directions” for the use of this list might contain three main recommendations:**

1. *The gesture must be authentically humanitarian in nature. It must be something exceptional, yet reasonable, and costly. The significance and credibility of our initiative depends on this. The media and public opinion will judge it on the actual “weight” of the government’s action, and its impact will depend on its measurable beneficial effect on people and situations.*
2. *These measures are not necessarily meant to be taken in isolation. They can and, in certain circumstances, must be complemented by others, such as accompanying an exclusively financial or legal measure by a gesture which will directly and visibly benefit certain persons or groups of persons.*
3. *It is up to each National Society to judge whether these suggestions are relevant in its particular case and to decide what it will ask its government to do on 8 May 1989. The decision will naturally take into account the local situation and the humanitarian priorities of the moment.*

**An international event**

The simultaneous announcement of such Humanitarian Gestures being carried out on 8 May 1989 will constitute an international “event”. It will attract the attention of the media and the public.

Such a manifestation of universal commitment to humanitarian ideals and principles will stimulate a mobilization of forces to:

- stir the conscience of the political authorities and encourage them to develop a “humanitarian reflex”;
  - strengthen currents of opinion favouring respect for humanitarian principles;
  - enhance the Movement’s credibility and freedom of action and build up its resources;
  - lend moral support to people working for dialogue, reconciliation and solidarity, aimed at peaceful and lasting settlements to conflicts.
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## **“HUMANITY AND THE MEDIA”**

The representatives of 24 national associations of journalists from the African continent together with nine international organizations (including UNESCO, UNHCR and UNDR0) took part in a seminar held in Tunis from 7 to 11 February on the theme “Humanity and the media”.

Organized jointly by the ICRC and the Union of African journalists (UAJ) in collaboration with the Association of Tunisian Journalists, this meeting was the second of its kind; the first one took place in Nairobi in 1985 and dealt with the theme “African Journalists and International Humanitarian Law”.

The ICRC delegation was led by Mr. R. Jäckli, a member of the Committee, accompanied by Mr. A. Modoux, Director of the Communication Department, Mr. Y. Sandoz, Director of the Department of Principles and Relations with the Movement, Mr. T. Germond, in charge of the regional delegations for Africa, Mr. Zen Ruffinen, regional delegate in Tunis, and Mr. S. Caccia, in charge of public relations, and assisted by Mrs. Y. Capel.

The seminar concentrated mainly on examining the contribution of African journalists to reconciliation, peace and development on the African continent; it concluded by appealing to African journalists to help in establishing a climate of peace and understanding amongst peoples by disseminating as widely as possible to governments and the public a knowledge of humanitarian principles and ideals. Similarly, the participants stressed the role the African media should play in making the public aware of the need to counter the adverse effects of conflicts and natural disasters on development.

The participants also launched an appeal for greater freedom of the press and better protection for journalists in the performance of their professional activities. They recommended the implementation of alternative information policies with a view to achieving greater involvement of all sections of the population in the development effort, together with in-job training for journalists and exchanges between communication experts.

Lastly, the participants recommended that the ICRC and the UAJ propose to the United Nations Secretary-General that a Year of International Humanitarian Law be proclaimed.

## **DEATHS OF EMINENT MEMBERS OF THE MOVEMENT**

The ICRC was very sad to hear of the death of **Justice J. A. Adefarasin**, President of the League of Red Cross and Red Crescent Societies from 1977 to 1981 and National President of the Nigerian Red Cross. His election as head of the world federation of National Red Cross and Red Crescent Societies marked an important stage in the history of the League, further enhancing the spirit of universality which has inspired its work since 1919.

Judge Adefarasin was also able to give the League the benefit of his long experience in the service of the Red Cross and with his personal qualities of open-mindedness, moderation and altruism set a high example of devotion to the Red Cross ideal.

The ICRC was also grieved by the death, at the age of 97, of **Dr. Pavle Gregoric**, Honorary President for life of the Red Cross of Yugoslavia.

A highly qualified doctor and public health specialist, and later Member of Parliament and Minister of Health, after the Second World War he worked to set up preventive health care services. In doing so he was given the full support of the Red Cross of Yugoslavia, of which he was President from 1947 to 1967. Dr. Gregoric was extremely active in the fields of disaster relief, health education and international co-operation. He was awarded the Henry Dunant Medal in December 1973.

The ICRC will always remember these two great servants of the humanitarian cause.

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**Accession to the Protocols of  
the Republic of Mali**

The Republic of Mali acceded, on 8 February 1989, to the Protocols Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and Non-International Armed Conflicts (Protocol II), adopted in Geneva on 8 June 1977.

Pursuant to their provisions, the Protocols will come into force for the Republic of Mali on 8 August 1989.

This accession brings to 80 the number of States party to Protocol I and to 71 those party to Protocol II.

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***In 1989***

The *International Review of the Red Cross* will deal, *inter alia*, with the following subjects:

- **Implementing and disseminating international humanitarian law;**
- **Protecting human life;**
- **Retracing the origins of international humanitarian law—to mark the 125th anniversary of the adoption of the Geneva Convention of 22 August 1864 (special edition);**
- **The red cross and red crescent emblem (special edition).**

## BOOKS AND REVIEWS

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### WINNING THE HUMAN RACE?

The Independent Commission on International Humanitarian Issues sees humanitarianism “as the bridge between ethics and human rights, both of which are needed to make global society healthy and secure for the present and future generations” (p. 186). This viewpoint permeates the entire Report of the Commission, giving it force and consistency.\*

*Consistency* because in tracing the links between global issues (population growth, the environment, poverty and development, militarization, terrorism, drug abuse), the authors resolutely adopted a common denominator—that of humanity, especially suffering humanity. This report derives its *force* from its concentration on vulnerable groups (the young, the uprooted, stateless persons, the unemployed, indigenous peoples, people threatened by the “odious practice of disappearances”). The “health of the world” can be assessed by paying close attention to these categories. It is true that this health is precarious, as is the consensus on humanitarian issues in today’s world.

The Commission stressed the importance of international humanitarian law and called for the Protocols additional to the Geneva Conventions to be signed by every single State. It furthermore regretted that there was no legal instrument for the protection of vulnerable groups during internal disturbances and tensions (as is known, such situations are not covered by Protocol II): in this area perhaps more than elsewhere a basic “code of conduct” is urgently needed, a minimum set of humanitarian rules which could not be waived.

This particular recommendation underscores the Commission’s intention to propose an ethic of human solidarity for adoption by States and non-governmental organizations, as the only way to avert the threat to humankind and ensure survival. Although the Commission’s recommendations are at times far reaching they are never utopian nor in any way defeatist. Purely and simply they spell out what must be done:

- the strengthening of legal instruments to protect human rights; the broadening of international humanitarian law to include “The Law of Peace”, i.e. to cover the various situations constituting a serious threat to human life, dignity and welfare;

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\* *Winning the human race?* Report of the Independent Commission on International Humanitarian Issues, Zed Books Ltd., London and New Jersey, 1988, 220 pp.

- in situations of emergency, humanitarian priorities should prevail over political considerations, for example by the granting of “mercy corridors” in order to reach the victims speedily;
- closer attention should be paid to the actual causes of disasters and early warning systems should be improved; the provision of external aid which might lead to a state of dependency should be avoided;
- co-ordination amongst the various non-governmental organizations should be improved and young people encouraged to lobby government bodies more effectively;
- an Independent Bureau for Humanitarian Issues, empowered to promote multilateral action, should be established; an attempt should be made to set up independent commissions in each country, and even Ministries of Humanitarian Affairs.

The entire report attributes great importance to dialogue. Itself an outcome of listening to governments, non-governmental organizations, experts, etc., it calls for a consideration of ethical imperatives, for a heightened awareness of the dignity and universality of the human being. The International Red Cross and Red Crescent Movement can but endorse the report in this approach.

*Jean-Luc Blondel*

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## WARS OF NATIONAL LIBERATION IN INTERNATIONAL HUMANITARIAN LAW

No other provision in the Protocols additional to the Geneva Conventions has received as much written comment in the twelve years since their adoption as Article 1, paragraph 4 of Protocol I. This new provision places wars of national liberation fought by a people in the exercise of their right to self-determination (originally considered to be the internal affair of the colonial State among wars governed by the law of international armed conflict). In writing his doctoral thesis,<sup>1</sup> which has now been published in the *Europäische*

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<sup>1</sup> Christian Koenig, *Der nationale Befreiungskrieg im modernen humanitären Völkerrecht. Ein Beitrag zum Geltungsumfang des Artikels I Absatz 4 des I. Zusatzprotokolles von 1977 zu den Genfer Konventionen von 1949 (Wars of national liberation and modern international humanitarian law. A consideration of the scope of application of Article I, para. 4 of Additional Protocol I to the 1949 Geneva Conventions)*, *Europäische Hochschulschriften*, Vol. 752, Peter Lang, Frankfurt am Main-Berne-New York-Paris, 209 pp. + appendix.

Hochschulschriften series, Christian Koenig has undertaken to explain how this controversial innovation came into being, what it concerns and the way in which it takes effect. The author has succeeded in giving a well balanced and documented account, paying particular attention to the problems encountered in actual practice.

At the beginning of his study, Koenig discusses several aspects which must be thoroughly grasped to understand the matter at hand. He explains the inadequacy of the current system of law and its division into two parts, internal strife and international conflict, by pointing out that a new concept—the people's right to self-determination—has meanwhile emerged and that it is precisely wars of national liberation which give rise to problems of particularly grave humanitarian concern. For lawyers the chapter about the various teachings on guerrilla war and wars of national liberation, giving the standpoints of East, West and South, is a good introduction to the legal questions involved. In discussing the attitude adopted by the United States, Koenig sites a kind of "forerunner" to the solution provided by Article 1, paragraph 4: during the war in Vietnam, senior American commanders decided that captured Vietcong fighters should be treated as prisoners of war provided that they had been openly bearing arms (and not using terrorist methods). Such a pragmatic solution for an acute human and political problem still deserves attention today, especially for situations in which the new rule created by Article 1, paragraph 4 has no legal force because the State concerned has not ratified Protocol I.

The author then proceeds from an analysis of current law to a description of how Article 1, paragraph 4 came into being, from the preparatory phase characterized by considerable hesitation on the part of the ICRC to its proposal by the Third World countries and finally, after heated controversy, its adoption by the Diplomatic Conference. He considers that the adoption of Article 1, paragraph 4 created new international treaty law and rightly rejects the view that it was a matter of "instant custom" that customary law was merely codified thereby.

The author places a restrictive interpretation on the terms defining the new article's area of application (colonial domination, alien occupation, racist regimes). This is also the prevailing approach in literature on the subject and of governments around the world. Only the concept of "alien occupation", contained in Article 1, paragraph 4, could be regarded as an innovation of some importance. It remains to be seen whether the classic legal concept of *occupatio bellica* which is based on the law of The Hague can also cover interventions purportedly in response to a "call for help" when such an intervention obviously takes place against the will of the people and when the puppet government doing the inviting is under the influence of the "invited" foreign troops.

Koenig's work makes some things clear which, in the often confused and confusing debate about Article 1, paragraph 4, must be repeated time and time again. In particular, Koenig stresses that the new provision adopted in 1977 solves only one problem of international humanitarian law. The question of whether the use of force is legitimate or not must be decided according to other criteria. Article 1, paragraph 4 is not guilty of mingling *jus in bello* with the right of recourse to force.

This well-documented work is enriched by its many references to the practical implementation of humanitarian law, especially the work of the ICRC. It is a useful contribution to our understanding of this new provision. By putting the whole matter in its proper perspective, Koenig makes, in his own words, a "plea" for ratification of Additional Protocol I.

*Hans-Peter Gasser*

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## THE LAW OF WAR AND NEUTRALITY

Recently published: *The Law of War and Neutrality—a Selective English-language Bibliography*, prepared by Howard S. Levie, Oceana Publications, Inc., Dobbs Ferry, New York, 1988.

This bibliography has been compiled by an American who is very well known among experts on the law of armed conflicts. It is especially intended for English-speaking readers since it refers only to works published in English. Research workers in this field will find the new bibliography by Levie invaluable.

The bibliography lists 2,284 references; to facilitate consultation it is divided into 21 sections which are further broken down into a large number of sub-sections. At the end there is a helpful author index.

## FIELD GUIDE FOR THE CARE AND PROTECTION OF UNACCOMPANIED CHILDREN

### *in War, Refugee Movements, Famine, and Natural Disasters*

In a large-scale emergency, unaccompanied children are the most vulnerable of victims and the group most in need of adequate care and protection. And, because they are children, they are the least well fitted to seek out the care and protection they require.

It is therefore necessary to give them special help. This is both a moral imperative and a principle well established in national and international law. While there may be discussion about who should provide it and what form it should take, the need for that help is beyond dispute.

Every society has some tradition, some arrangement for looking after children who are not under the protection of their parents. However, history has repeatedly confirmed that in emergencies a great many children are left without the assistance and protection they need. Such situations are sometimes even aggravated by attempts made to help. The family, the local community and the State are generally recognized as having primary responsibility in this area. But when they are not in a position to assume this responsibility—or are unwilling to do so—other organizations are called in.

Thus in conflict situations, when large numbers of refugees are on the move or when natural disaster has struck, unaccompanied children may be aided by people from the local community but also by national bodies, international organizations, non-governmental agencies or people who have no particular affiliation. Whether acting professionally or as individuals, all who assume this task face the same questions and decisions as to what services are required and how they can best be provided.

Often help comes by chance and then only belatedly and sometimes, in spite of the best intentions, it falls short of what is needed for the child's development. Worse still, it can happen that the assistance provided does more harm than good. When this is the case, it is rarely deliberate; it is more likely to be due to lack of preparedness or expertise on the part of those trying to help or lack of the information that would enable them to plan and implement a suitable programme.

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\* *Unaccompanied Children in Emergencies: A Field Guide for their Care and Protection*, International Social Service, Jan Williamson, Geneva, Audrey Moser, London, 1987—*Unaccompanied Children: Care and Protection in Wars, Natural Disasters, and Refugee Movements*, by E. M. Ressler, N. Boothby, D. J. Steinbock, Oxford University Press, Oxford, 1988.

Providing adequate assistance to unaccompanied children in emergency situations is complicated by various factors. The needs of each child vary according to his background, his present circumstances, his age, his expectations and his own individual problems. Even in "normal" times it is not easy to do the right thing. But when the general situation sharply deteriorates, when there is a threat to life itself, when people are displaced, when there is uncertainty and economic hardship and public services break down—to mention but a few examples of disruptive factors—the child's situation becomes much more difficult and solutions are harder to find. In addition to all this, there are differences of culture and tradition which must be taken into account. Thus in many respects the provision of services to unaccompanied children is neither simple nor obvious.

It would be ideal if in every major emergency people from the local community would take care of all unaccompanied children in such a way as to meet each one's personal needs, and to preserve their rights as individuals and above all as children. If those involved require help in doing this, it would be best if they could turn to people with experience and background knowledge in the matter. However, in most such situations at present, those who have to take the decisions and those who have the task of implementing those decisions have no particular experience or expertise in the field of child welfare.

To ease the burden of the individuals and institutions who undertake this vital task, three experts, Everett M. Ressler, Neil Boothby and Daniel J. Steinbock, carried out a remarkable study which, when it was completed in 1985, was welcomed by all the organizations, whether governmental or non-governmental, working in this area. It was then suggested that a summary be made of the study for use as a guide by people working in the field.

The Field Guide was published in 1987 and has certainly come up to expectations. The first part deals with the principles on which action to protect unaccompanied children should be based and legal aspects, including means of preventing mass movements of children and of preserving family units.

The second part addresses the practical problems to be faced: how individuals, organizations and governments can prepare emergency measures for children before a disaster occurs; how to prevent families from being separated, how to locate, register and arrange care for unaccompanied children; and what action to take at each stage in the process. The Guide also indicates methods of tracing families and children and gives advice on steps to take for the reunification of families and on long-term placement, including adoption, of children.

The ICRC Central Tracing Agency made a major contribution to this study with its vast experience in registering the victims of armed conflict, tracing missing persons and reuniting separated families. And in recognition of the Guide's importance, ICRC President Cornelio Sommaruga has written the Foreword.

*Nicolas Vecsey*

## ADDRESSES OF NATIONAL RED CROSS AND RED CRESCENT SOCIETIES

- AFGHANISTAN (Democratic Republic of) — Afghan Red Crescent Society, Puli Hartan, *Kabul*.
- ALBANIA (Socialist People's Republic of) — Albanian Red Cross, Boulevard Marsel Kashen, *Tirana*.
- ALGERIA (People's Democratic Republic of) — Algerian Red Crescent, 15 bis, boulevard Mohamed V, *Algiers*.
- ANGOLA — Cruz Vermelha de Angola, Av. Hoji Ya Henda 107, 2. andar, *Luanda*.
- ARGENTINA — The Argentine Red Cross, H. Yrigoyen 2068, 1089 *Buenos Aires*.
- AUSTRALIA — Australian Red Cross Society, 206, Clarendon Street, *East Melbourne 3002*.
- AUSTRIA — Austrian Red Cross, 3, Gusshausstrasse, Postfach 39, A-1041, *Vienne 4*.
- BAHAMAS — The Bahamas Red Cross Society, P.O. Box N-8331, *Nassau*.
- BAHRAIN — Bahrain Red Crescent Society, P.O. Box 882, *Manama*.
- BANGLADESH — Bangladesh Red Crescent Society, 684-686, Bara Magh Bazar, Dhaka-1217, G.P.O. Box No. 579, *Dhaka*.
- BARBADOS — The Barbados Red Cross Society, Red Cross House, Jemmotts Lane, *Bridgetown*.
- BELGIUM — Belgian Red Cross, 98, chaussée de Vleurgat, 1050 *Brussels*.
- BELIZE — Belize Red Cross Society, P.O. Box 413, *Belize City*.
- BENIN (People's Republic of) — Red Cross of Benin, B.P. No. 1, *Porto-Novo*.
- BOLIVIA — Bolivian Red Cross, Avenida Simón Bolívar, 1515, *La Paz*.
- BOTSWANA — Botswana Red Cross Society, 135 Independence Avenue, P.O. Box 485, *Gaborone*.
- BRASIL — Brazilian Red Cross, Praça Cruz Vermelha No. 10-12, *Rio de Janeiro*.
- BULGARIA — Bulgarian Red Cross, 1, Boul. Biruzov, 1527 *Sofia*.
- BURKINA FASO — Burkina Be Red Cross Society, B.P. 340, *Ouagadougou*.
- BURMA (Socialist Republic of the Union of) — Burma Red Cross Society, Red Cross Building, 42, Strand Road, *Rangoon*.
- BURUNDI — Burundi Red Cross, rue du Marché 3, P.O. Box 324, *Bujumbura*.
- CAMEROON — Cameroon Red Cross Society, rue Henri-Dunant, P.O.B 631, *Yaoundé*.
- CANADA — The Canadian Red Cross Society, 1800 Alta Vista Drive, *Ottawa*, Ontario K1G 4J5.
- CAPE-VERDE (Republic of) — Cruz Vermelha de Cabo Verde, Rua Unidade-Guiné-Cabo Verde, P.O. Box 119, *Praia*.
- CENTRAL AFRICAN REPUBLIC — Central African Red Cross Society, B.P. 1428, *Bangui*.
- CHAD — Red Cross of Chad, B.P. 449, *N'Djamena*.
- CHILE — Chilean Red Cross, Avenida Santa Maria No. 0150, Correo 21, Casilla 246-V., *Santiago de Chile*.
- CHINA (People's Republic of) — Red Cross Society of China, 53, Ganmien Hutong, *Beijing*.
- COLOMBIA — Colombian Red Cross Society, Avenida 68, N.º 66-31, Apartado Aéreo 11-10, *Bogotá D.E.*
- CONGO (People's Republic of the) — Croix-Rouge congolaise, place de la Paix, B.P. 4145, *Brazzaville*.
- COSTA RICA — Costa Rica Red Cross, Calle 14, Avenida 8, Apartado 1025, *San José*.
- CÔTE D'IVOIRE — Croix-Rouge de Côte d'Ivoire, B.P. 1244, *Abidjan*.
- CUBA — Cuban Red Cross, Calle Calzada 51 Vedado, Ciudad Habana, *Habana 4*.
- CZECHOSLOVAKIA — Czechoslovak Red Cross, Thunovská 18, 118 04 *Prague 1*.
- DENMARK — Danish Red Cross, Dag Hammarskjölds Allé 28, Postboks 2600, 2100 *København Ø*.
- DJIBOUTI — Société du Croissant-Rouge de Djibouti, B.P. 8, *Djibouti*.
- DOMINICA — Dominica Red Cross Society, P.O. Box 59, *Roseau*.
- DOMINICAN REPUBLIC — Dominican Red Cross, Apartado postal 1293, *Santo Domingo*.
- ECUADOR — Ecuadorean Red Cross, calle de la Cruz Roja y Avenida Colombia, *Quito*.
- EGYPT (Arab Republic of) — Egyptian Red Crescent Society, 29, El Galaa Street, *Cairo*.
- EL SALVADOR — Salvadorean Red Cross Society, 17C. Pte y Av. Henri Dunant, *San Salvador*, Apartado Postal 2672.
- ETHIOPIA — Ethiopian Red Cross Society, Ras Desta Damtew Avenue, *Addis-Ababa*.
- FIJI — Fiji Red Cross Society, 22 Gorrie Street, P.O. Box 569, *Suva*.
- FINLAND — Finnish Red Cross, Tehtaankatu, 1 A. Box 168, 00141 *Helsinki 14115*.
- FRANCE — French Red Cross, 1, place Henry-Dunant, F-75384 *Paris*, CEDEX 08.
- GAMBIA — The Gambia Red Cross Society, P.O. Box 472, *Banjul*.
- GERMAN DEMOCRATIC REPUBLIC — German Red Cross of the German Democratic Republic, Kaitzer Strasse 2, DDR, 8010 *Dresden*.
- GERMANY, FEDERAL REPUBLIC OF — German Red Cross in the Federal Republic of Germany, Friedrich-Erbert-Allee 71, 5300, *Bonn 1*, Postfach 1460 (D.B.R.).
- GHANA — Ghana Red Cross Society, National Headquarters, Ministries Annex A3, P.O. Box 835, *Accra*.
- GREECE — Hellenic Red Cross, rue Lycavittou, 1, *Athens 10672*.
- GRENADA — Grenada Red Cross Society, P.O. Box 221, *St George's*.
- GUATEMALA — Guatemalan Red Cross, 3.ª Calle 8-40, Zona 1, *Ciudad de Guatemala*.
- GUINEA — The Guinean Red Cross Society, P.O. Box 376, *Conakry*.
- GUINEA-BISSAU — Sociedad Nacional da Cruz Vermelha de Guiné-Bissau, rua Justino Lopes N.º 22-B, *Bissau*.
- GUYANA — The Guyana Red Cross Society, P.O. Box 10524, Eve Leary, *Georgetown*

- HAITI — Haitian National Red Cross Society, place des Nations Unies, (Bicentenaire), B.P. 1337, *Port-au-Prince*.
- HONDURAS — Honduran Red Cross, 7.<sup>a</sup> Calle, 1.<sup>a</sup> y 2.<sup>a</sup> Avenidas, *Comayagüela D.M.*
- HUNGARY — Hungarian Red Cross, V. Arany János utca, 31, *Budapest 1367*. Mail Add.: *1367 Budapest 51. Pf. 121*.
- ICELAND — Icelandic Red Cross, Raudararstigur 18, 105 *Reykjavik*.
- INDIA — Indian Red Cross Society, 1, Red Cross Road, *New-Dehli 110001*.
- INDONESIA — Indonesian Red Cross Society, II Jend Gatot subroto Kar. 96, Jakarta Selatan 12790, P.O. Box 2009, *Jakarta*.
- IRAN — The Red Crescent Society of the Islamic Republic of Iran, Avenue Ostad Nejatollahi, *Tehran*.
- IRAQ — Iraqi Red Crescent Society, Mu'ari Street, Mansour, *Bagdad*.
- IRELAND — Irish Red Cross Society, 16, Merrion Square, *Dublin 2*.
- ITALY — Italian Red Cross, 12, via Toscana, 00187 *Rome*.
- JAMAICA — The Jamaica Red Cross Society, 76, Arnold Road, *Kingston 5*.
- JAPAN — The Japanese Red Cross Society, 1-3, Shiba-Daimon, I-chome, Minato-Ku, *Tokyo 105*.
- JORDAN — Jordan National Red Crescent Society, P.O. Box 10001, *Amman*.
- KENYA — Kenya Red Cross Society, St. John's Gate, P.O. Box 40712, *Nairobi*.
- KOREA (Democratic People's Republic of) — Red Cross Society of the Democratic People's Republic of Korea, Ryonhwa 1, Central District, *Pyeongyang*.
- KOREA (Republic of) — The Republic of Korea National Red Cross, 32-3Ka, Nam San Dong, Choong-Ku, *Seoul 100-043*.
- KUWAIT — Kuwait Red Crescent Society, P.O. Box 1359 Safat, *Kuwait*.
- LAO PEOPLE'S DEMOCRATIC REPUBLIC — Lao Red Cross, B.P. 650, *Vientiane*.
- LEBANON — Lebanese Red Cross, rue Spears, *Beirut*.
- LESOTHO — Lesotho Red Cross Society, P.O. Box 366, *Maseru 100*.
- LIBERIA — Liberian Red Cross Society, National Headquarters, 107 Lynch Street, P.O. Box 5081, *Monrovia*.
- LIBYAN ARAB JAMAHIRIYA — Libyan Red Crescent, P.O. Box 541, *Benghazi*.
- LIECHTENSTEIN — Liechtenstein Red Cross, Heiligkreuz, 9490 *Vaduz*.
- LUXEMBOURG — Luxembourg Red Cross, Parc de la Ville, B.P. 404, *Luxembourg 2*.
- MADAGASCAR — Malagasy Red Cross Society, 1, rue Patrice Lumumba, *Antananarivo*.
- MALAWI — Malawi Red Cross Society, Conforzi Road, P.O. Box 983, *Lilongwe*.
- MALAYSIA — Malaysian Red Crescent Society, JKR 32 Jalan Nipah, off Jalan Ampang, *Kuala Lumpur 55000*.
- MALI — Mali Red Cross, B.P. 280, *Bamako*.
- MAURITANIA — Mauritanian Red Crescent, B.P. 344, aneue Gamal Abdel Nasser, *Nouakchott*.
- MAURITIUS — Mauritius Red Cross Society, Ste Thérèse Street, *Curepipe*.
- MEXICO — Mexican Red Cross, Calle Luis Vives 200, Col. Polanco, *México 10, Z.P. 11510*.
- MONACO — Red Cross of Monaco, 27 boul. de Suisse, *Monte Carlo*.
- MONGOLIA — Red Cross Society of Mongolia, Central Post Office, Post Box 537, *Ulan Bator*.
- MOROCCO — Moroccan Red Crescent, B.P. 189, *Rabat*.
- MOZAMBIQUE — Cruz Vermelha de Moçambique, Caixa Postal 2986, *Maputo*.
- NEPAL — Nepal Red Cross Society, Tahachal Kalimati, P.B. 217 *Kathmandu*.
- NETHERLANDS — The Netherlands Red Cross, P.O.B. 28120, 2502 *KC The Hague*.
- NEW ZEALAND — The New Zealand Red Cross Society, Red Cross House, 14 Hill Street, *Wellington 1*. (P.O. Box 12-140, *Wellington Thorndon*.)
- NICARAGUA — Nicarágua Red Cross, Apartado 3279, *Managua D.N.*
- NIGER — Red Cross Society of Niger, B.P. 11386, *Niamey*.
- NIGERIA — Nigerian Red Cross Society, 11 Eko Akete Close, off St. Gregory's Rd., P.O. Box 764, *Lagos*.
- NORWAY — Norwegian Red Cross, P.O. Box 6875, St. Olavspl. N-0130 *Oslo 1*.
- PAKISTAN — Pakistan Red Crescent Society, National Headquarters, Sector H-8, *Islamabad*.
- PANAMA — Red Cross Society of Panama, Apartado Postal 668, Zona 1, *Panamá*.
- PAPUA NEW GUINEA — Papua New Guinea Red Cross Society, P.O. Box 6545, *Boroko*.
- PARAGUAY — Paraguayan Red Cross, Brasil 216, esq. José Berges, *Asunción*.
- PERU — Peruvian Red Cross, Av. Camino del Inca y Nazarenas, Urb. Las Gardenias — Surco — Apartado 1534, *Lima*.
- PHILIPPINES — The Philippine National Red Cross, Bonifacio Drive, Port Area, P.O. Box 280, *Manila 2803*.
- POLAND — Polish Red Cross, Mokotowska 14, 00-950 *Warsaw*.
- PORTUGAL — Portuguese Red Cross, Jardim 9 Abril, 1 a 5, 1293 *Lisbon*.
- QATAR — Qatar Red Crescent Society, P.O. Box 5449, *Doha*.
- ROMANIA — Red Cross of the Socialist Republic of Romania, Strada Biserica Amzei, 29, *Bucarest*.
- RWANDA — Rwandese Red Cross, B.P. 425, *Kigali*.
- SAINT LUCIA — Saint Lucia Red Cross, P.O. Box 271, *Castries St. Lucia, W. I.*
- SAN MARINO — Red Cross of San Marino, Comité central, *San Marino*.
- SÃO TOMÉ AND PRÍNCIPE — Sociedade Nacional da Cruz Vermelha de São Tomé e Príncipe, C.P. 96, *São Tomé*.
- SAUDI ARABIA — Saudi Arabian Red Crescent Society, *Riyadh 11129*.
- SENEGAL — Senegalese Red Cross Society, Bd Franklin-Roosevelt, P.O.B. 299, *Dakar*.
- SIERRA LEONE — Sierra Leone Red Cross Society, 6, Liverpool Street, P.O.B. 427, *Freetown*.
- SINGAPORE — Singapore Red Cross Society, Red Cross House 15, Penang Lane, *Singapore 0923*.
- SOMALIA (Democratic Republic) — Somali Red Crescent Society, P.O. Box 937, *Mogadishu*.

- SOUTH AFRICA** — The South African Red Cross Society, Essanby House 6th Floor, 175 Jeppe Street, P.O.B. 8726, *Johannesburg 2000*.
- SPAIN** — Spanish Red Cross, Eduardo Dato, 16, *Madrid 28010*.
- SRI LANKA** (Dem. Soc. Rep. of) — The Sri Lanka Red Cross Society, 106, Dharmapala Mawatha, *Colombo 7*.
- SUDAN** (The Republic of the) — The Sudanese Red Crescent, P.O. Box 235, *Khartoum*.
- SURINAME** — Suriname Red Cross, Gravenberchstraat 2, Postbus 2919, *Paramaribo*.
- SWAZILAND** — Baphalali Swaziland Red Cross Society, P.O. Box 377, *Mbabane*.
- SWEDEN** — Swedish Red Cross, Box 27 316, 102-54 *Stockholm*.
- SWITZERLAND** — Swiss Red Cross, Rainmattstrasse 10, B.P. 2699, 3001 *Berne*.
- SYRIAN ARAB REPUBLIC** — Syrian Arab Red Crescent, Bd Mahdi Ben Barake, *Damascus*.
- TANZANIA** — Tanzania Red Cross National Society, Upanga Road, P.O.B. 1133, *Dar es Salaam*.
- THAILAND** — The Thai Red Cross Society, Paribatra Building, Chulalongkorn Memorial Hospital, *Bangkok 10500*.
- TOGO** — Togolese Red Cross, 51, rue Boko Soga, P.O. Box 655, *Lomé*.
- TONGA** — Tonga Red Cross Society, P.O. Box 456, *Nuku'Alofa, South West Pacific*.
- TRINIDAD AND TOBAGO** — The Trinidad and Tobago Red Cross Society, P.O. Box 357, *Port of Spain, Trinidad, West Indies*.
- TUNISIA** — Tunisian Red Crescent, 19, rue d'Angleterre, *Tunis 1000*.
- TURKEY** — The Turkish Red Crescent Society, Genel Baskanligi, Karanfil Sokak No. 7, 06650 Kizilay-*Ankara*.
- UGANDA** — The Uganda Red Cross Society, Plot 97, Buganda Road, P.O. Box 494, *Kampala*.
- UNITED ARAB EMIRATES** — The Red Crescent Society of the United Arab Emirates, P.O. Box No. 3324, *Abu Dhabi*.
- UNITED KINGDOM** — The British Red Cross Society, 9, Grosvenor Crescent, *London, S.W.1X. 7EJ*.
- USA** — American Red Cross, 17th and D. Streets, N.W., *Washington, D.C. 20006*.
- URUGUAY** — Uruguayan Red Cross, Avenida 8 de Octubre 2990, *Montevideo*.
- U.R.S.S** — The Alliance of Red Cross and Red Crescent Societies of the U.S.S.R., I, Tcheremushkinskii proezd 5, *Moscow, 117036*.
- VENEZUELA** — Venezuelan Red Cross, Avenida Andrés Bello, N.º 4, Apartado, 3185, *Caracas 1010*.
- VIET NAM** (Socialist Republic of) — Red Cross of Viet Nam, 68, rue Ba-Triêu, *Hanoi*.
- WESTERN SAMOA** — Western Samoa Red Cross Society, P.O. Box 1616, *Apia*.
- YEMEN ARAB REPUBLIC** — Red Crescent Society of the Yemen Arab Republic, P.O. Box 1257, *Sana'a*.
- YEMEN** (People's Democratic Republic of) — Red Crescent Society of the People's Democratic Republic of Yemen, P. O. Box 455, Crater, *Aden*.
- YUGOSLAVIA** — Red Cross of Yugoslavia, Simina ulica broj 19, *11000 Belgrade*.
- ZAIRE** — Red Cross Society of the Republic of Zaire, 41, av. de la Justice, Zone de la Gombe, B.P. 1712, *Kinshasa*.
- ZAMBIA** — Zambia Red Cross Society, P.O. Box 50 001, 2837 Brentwood Drive, Longacres, *Lusaka*.
- ZIMBABWE** — The Zimbabwe Red Cross Society, P.O. Box 1406, *Harare*.

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