

## THE GENEVA PROTOCOL

The August issue of the *International Review* has already mentioned the action undertaken by the ICRC in connection with the Geneva Protocol of June 17, 1925, and with reference to the war in Vietnam. This Protocol forbids the use in war of asphyxiating, poisonous or other gases and of bacteriological methods of warfare. A reminder of the provisions may not be amiss.

*The undersigned Plenipotentiaries, in the name of their respective Governments :*

*Whereas the use in war of asphyxiating, poisonous or other gases, and of all analogous liquids, materials or devices, has been justly condemned by the general opinion of the civilised world ; and*

*Whereas the prohibition of such use has been declared in Treaties to which the majority of Powers of the world are Parties ; and*

*To the end that this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations ;*

*Declare :*

*That the High Contracting Parties, so far as they are not already Parties to Treaties prohibiting such use, accept this prohibition, agree to extend this prohibition to the use of bacteriological methods of warfare and agree to be bound as between themselves according to the terms of this declaration.*

*The High Contracting Parties will exert every effort to induce other States to accede to the present Protocol. Such accession will*

## THE GENEVA PROTOCOL

*be notified to the Government of the French Republic, and by the latter to all signatory and acceding Powers, and will take effect on the date of the notification by the Government of the French Republic.*

*The present Protocol, of which the French and English texts are both authentic, shall be ratified as soon as possible. It shall bear to-day's date.*

*The ratifications of the present Protocol shall be addressed to the Government of the French Republic, which will at once notify the deposit of such ratification to each of the signatory and acceding Powers.*

*The instruments of ratification of and accession to the present Protocol will remain deposited in the archives of the Government of the French Republic.*

*The present Protocol will come into force for each signatory Power as from the date of deposit of its ratification, and, from that moment, each Power will be bound as regards other Powers which have already deposited their ratifications.*

It will be recalled that, in this respect, the XXth International Conference of the Red Cross, in its resolution No. XXVIII, invited all governments which had not already acceded to this Protocol to do so. Pursuant thereto, on July 27, 1966, the ICRC approached 80 governments not bound by that agreement. This move has not been without some result.

The Holy See and Monaco have lodged notifications of accession with the French government, whilst the government of Gambia has informed the French government that it considers itself bound by the earlier United Kingdom ratification. Cyprus too considers itself bound by the same ratification and has announced its intention to send notification to that effect to the French government.

The governments of the Ivory Coast, the Maldive Islands, the Democratic Republic of the Congo and Laos have made known their decision to accede to the Protocol and to notify the French government accordingly in the near future. In addition, Honduras, Guiana, Jamaica, Guatemala, Nicaragua, Argentina, San Marino and the Philippines have conveyed to the ICRC that they view with favour, and have directed the relevant government departments to study, their accession.

As can be seen, this ICRC follow-up of the resolution adopted by the XXth International Conference seems to have met with some success. It is to be hoped that yet more countries will follow the example of those which have acceded.

The ICRC informed the United Nations Secretary-General of its action and of the results obtained. In this connection, it is worth noting that in a resolution adopted on December 5, 1966, the U.N. General Assembly:

1. Invites *all States to conform strictly to the principles and the aims of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare signed in Geneva on June 17, 1925, and to condemn all acts contrary to such aims ;*
2. Invites *all States to accede to the Geneva Protocol of June 17, 1925.*

It might be appropriate to point out that the prohibition of the use of poison gas is not covered by the Geneva Conventions, but by the Geneva Protocol concluded in 1925 under League of Nations auspices. It is the French government which is the custodian of this international agreement.

\* \* \*

Nevertheless, the Red Cross is known to have concerned itself constantly with the problem of indiscriminate weapons. It was in fact a forerunner in the movement for their abolition. In 1921, the Xth International Conference of the Red Cross voted a resolution on the subject, the main part of which reads as follows:

In order to render war less inhuman, to protect the civil population to the greatest extent possible against the effects of armed conflict, in which it should not be implicated, and to eliminate practices which aggravate the evils of war for both civilians and the armed forces, the Governments are invited to make the following additions by treaty to the IVth Hague Convention concerning the Laws and Customs of War on Land (1907) :

“ Absolute prohibition of the use of gas in whatever manner, vaporized, by projectile or otherwise, as a weapon of warfare.”

## THE GENEVA PROTOCOL

The same problem was broached by succeeding International Conferences which sought the same universal prohibition. To demonstrate the continuity of this aim, we believe it is of interest to recall the principal resolutions. The Red Cross still considers this problem to be topical; the XIXth International Conference referred to it and, as said previously, the XXth International Conference in 1965 showed the importance it attached to the problem in one of its resolutions.

### The XIIth International Red Cross Conference,

1. having noted with great satisfaction that the Geneva Protocol of June 17, 1925, confirming and extending the Washington Treaty of February 6, 1922, and the Versailles Treaty of June 28, 1919, solemnly denounces chemical and bacteriological warfare,

recommends that the Protocol be ratified at the earliest possible moment and that States which have not yet adhered thereto should do so without delay,

2. lest the Protocol be violated, considers it is the duty of the Red Cross, in peacetime, to co-operate with civil and military authorities, in finding the means for the protection and treatment of its personnel, the belligerent armies and more especially the civil population, against the effects of chemical warfare.

The International Committee is requested to keep itself informed of the progress achieved on this programme, and to get in touch with the National Societies on the subject.

3. In general, the International Red Cross and the National Red Cross Societies should place among their foremost concerns international moral resistance and propaganda against chemical and bacteriological warfare, together with scientific and technical preparation of the best preventive and remedial measures against such methods of warfare.

### The XIIIth International Red Cross Conference,

conscious that, in condemning chemical and bacteriological warfare, it is expressing the general opinion of the civilised world,

noting that the Geneva Protocol of June 17, 1925, concerning prohibition of the use of asphyxiating, poison or similar gases, and

of bacteriological warfare, has so far been ratified by only a very small number of States,

requests the International Committee of the Red Cross to bring once again to the attention of the Governments the great desirability, on humanitarian grounds, that they should declare their final adhesion to the said Protocol at the earliest possible date.

The XIIIth International Red Cross Conference,

having taken note of the measures adopted by the International Committee of the Red Cross to carry out the mandate concerning chemical warfare given it by the XIIth International Red Cross Conference in Geneva,

recalls that international law expressly condemns attack by belligerent forces on the civilian population,

approves the Resolutions and Recommendations of the Commission of Experts convoked by the International Committee of the Red Cross, which concern the work of the International and National Red Cross for the protection of the civilian populations against the dangers of chemical warfare,

particularly requests Governments and National Red Cross Societies to give whole-hearted support to the work of the national Joint Commissions,

requests the International Committee of the Red Cross to enlarge the Commission of Experts in such a way as to enable it to examine all aspects of the problem of chemical warfare, including its use with other means of offence, and to convoke the Commission periodically.

The XIVth International Red Cross Conference,

1. renews the declarations of preceding Conferences relative to chemical and bacteriological warfare, and urges the International Committee of the Red Cross to pursue its efforts towards hastening the ratification of the Geneva Protocol of June 17th, 1925, prohibiting the use of asphyxiating, poisonous or similar gases in warfare by all Powers having signed, or adhered to, the Geneva Convention.

## THE GENEVA PROTOCOL

### 2. The XIVth International Red Cross Conference,

approves of the measures taken by the International Committee of the Red Cross in carrying out the mandate entrusted to it by the XIIIth Conference, and urges it to continue its efforts towards the protection of civilian populations against chemical warfare, in accordance with the Resolutions of the International Commission of Experts,

and expresses the hope that the National Red Cross Societies will grant immediate financial support to the International Committee to enable it to carry these efforts to a successful conclusion, particularly in developing an information centre and in organising competitions, with prizes, between scientists and manufacturers; without such pecuniary support, the future of this work would be seriously compromised.

### 3. The XIVth International Red Cross Conference,

deems it the bounden duty of the National Red Cross Societies: to take every useful precaution, in conformity with the appropriate instructions issued by their respective Governments, for the passive defence of the civilian populations against the dangers of warfare, whether chemical alone or combined with other forms of attack,

to provoke, if need be, these governmental instructions,

to apply them within the limits set by the Governments, while using the widest possible initiative in cases where the Governments have specified nothing formal as to the choice of methods,

to keep their respective Governments periodically informed of progress made in this direction,

the Conference hopes further that the Governments will concern themselves with the active defence of large cities against attacks from the air; such measures would be purely military in character but are vital to the protection of the population.

4. From a study of the Resolutions of the Experts sitting at Brussels and Rome, it is apparent that a war would expose civilian populations to very grave perils and that it might become almost

impossible, particularly in the case of large agglomerations, to protect them,

this possibility is the more serious inasmuch as it appears, after consultation with jurists, that the protection of civilians against the effects of warfare is properly guaranteed by no Diplomatic Convention. The Conference deems that it is the duty of the International Committee to study the means whereby this state of affairs might be remedied and made known.

The XVth International Red Cross Conference,

while noting that since the XIVth Conference the number of Governments which have ratified the Geneva Protocol of June 17th, 1925, concerning the prohibition of the use in war of asphyxiating, poisonous or similar gases, and of bacteriological methods of warfare, has considerably increased,

recommends that the International Committee of the Red Cross continue its endeavours to secure the ratification of the said Protocol, or adhesion to the said Protocol, by all countries which are parties to the Geneva Conventions,

thanks the International Committee for the initiative which it has taken in order to develop in time of peace and in time of war measures for the protection of civilian populations against poison gas,

expresses the hope that the International Committee will be placed in the position to continue the technical investigation which it has already undertaken in spite of the difficulties of all kinds confronting it,

approves the activity of the Documentation Centre, and invites National Societies to give their financial assistance to the International Committee, in order to contribute to the development of this Centre,

notes the conclusions of the International Commission of Jurists of 1931, and expresses the hope that the studies of this Commission will be continued with a view to finding means for the legal protection of the civilian population against the dangers of aerial warfare in its various forms.