

BOOKS AND REVIEWS

JEAN PICTET: " LE DROIT HUMANITAIRE ET LA PROTECTION DES VICTIMES DE LA GUERRE " ¹

A series of lectures on the law of war was added in 1972 to the various courses on human rights which are arranged every summer by the International Institute of Human Rights at the University of Strasbourg. The Henry-Dunant Institute, which is organizing the new series of lectures, has sought to make them known to a wider circle of readers, and is publishing their texts, setting out the very different aspects of the law of armed conflicts, in several successive volumes.

The first volume in this series ² is by Mr. Jean Pictet, Vice-President of the ICRC and lecturer at the University of Geneva. Its study cannot be too highly recommended to all those who take an interest, whether closely or slightly, in this particular branch of international humanitarian law. Its significance and topical importance are clearly apparent from a perusal of the titles of its four main chapters: *What is international humanitarian law?—The principles of humanitarian law—The general provisions of the Geneva Conventions—The rules for the application of the Conventions.*

Most clearly and convincingly, Mr. Pictet unfolds the subject of his lectures, the characteristics of which are of a moral as much as of a legal character, and summarizes a topic containing particular significance in this rapidly changing world of ours. Humanitarian law symbolizes, indeed, the defence of essential human rights, which are today threatened in many parts of the world. The designation "humanitarian" is thus quite satisfactory, since the provisions contained therein are a transposition in positive law of considerations of a moral order. The book will therefore be read with advantage not only by jurists but also by those who are deeply concerned with problems pertaining to social philosophy and to the sociological aspects of institutions. Furthermore, it will constitute a valuable

¹ A. W. Sijthoff, Leiden-Henry-Dunant Institute, Geneva, 1973.

² This first volume is in French.

reference work where teaching is concerned, for international humanitarian law, having by now established itself in the universities and research centres of several countries, will rescue, to the extent that it will become more widely known by those who will have to apply it, an increasingly large number of lives and will aid mankind to become conscious of its duties towards the victims.

There is a close relationship between the law of armed conflicts and human rights, and Mr. Pictet was one of the first to bring it out clearly, but without attempting to attach the latter to the former. For he considers that though there is unquestionably a connection between the law of armed conflicts and human rights and that they are in fact complementary, this does not mean at all that they are not distinct from each other. Indeed, the division is bound to remain as, on analysis, vast differences between the two legal systems become further apparent, showing that the first is applicable in time of war, while the second holds good essentially in time of peace.

When the Geneva Conventions are faithfully and honourably applied, they already offer, in their present form, effective protection to victims of war. That is why the ICRC, in undertaking to develop humanitarian law, does not seek to recast these instruments in a new form, nor does it even attempt to revise them, but only to supplement them by the addition of Protocols. The chapter devoted by Mr. Pictet to the principles of humanitarian law occupies, thus, a central place in this project and illuminates the chapters that follow, which take up the largest amount of space in the book and in which are summarized the general provisions and rules of application of the Conventions.

As the results obtained are constantly liable to be jeopardized by the technical advances of science, humanitarian ideals demand that law, too, should have an increasingly large field of application and that the protection of war victims, the present outlines of which are summarized, and its profound significance elucidated by Mr. Pictet in his admirable work, should be rendered ever more efficacious.

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