

# M I S C E L L A N E O U S

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## COMMISSION MEDICO-JURIDIQUE DE MONACO

The *Commission médico-juridique de Monaco*, consisting of doctors and jurists from various countries, held its seventh session in the Principality of Monaco from 18 to 21 April 1974. This session, presided over by Mr. Jean-Charles Marquet, marked the fortieth anniversary of the creation of the Commission. H.S.H. Prince Rainier of Monaco graciously honoured the assembly with his presence. The ICRC, invited as usual to send an observer, was represented by its Vice-President, Mr. Jean Pictet.

The session was entirely devoted to a consideration of the results of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which had not long before held its first session in Geneva.

Dr. Etienne Boeri, Secretary-General of the Commission, first spoke on the contribution brought by the *Commission de Monaco* to the Geneva Conventions, more particularly to questions relating to hospital and safety zones and medical aircraft. The Commission noted with satisfaction the progress that had been made in those matters, and the ICRC representative thanked the Monaco institution for its able co-operation.

Professor Paul de la Pradelle gave a magisterial discourse on the "fundamental aspects of international humanitarian law", and Professor Jovića Patrnoćić read a paper in which he advanced some thoughts on the evolution of the Diplomatic Conference.

At the end of the general discussion that ensued, several resolutions were adopted by the *Commission*. The most significant of these are given here.<sup>1</sup>

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<sup>1</sup> Our translation.

### Resolution I

*The Commission médico-juridique, at its VIIth session in Monaco on 18, 19 and 20 April 1974,*

*Having taken note of the results of the work of the first session of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,*

*Desirous, in line with its earlier studies, of contributing to a work which it deems to be of supreme importance for the safeguard of humanitarian principles in armed conflicts,*

*Vigorously affirms the autonomous and specific nature of humanitarian law, the traditional purpose of which is to protect the victims of armed conflicts within the meaning of the Geneva Conventions,*

*Judges it essential to pursue all the studies that may be appropriate to lay down the principles of humanitarian law, ensure its development, preserve the indefectible ties of those principles to the fundamental rules of general international law and thus avoid the pitfalls liable to compromise its application,*

*Considers it advisable to condemn without delay any interpretation of humanitarian law which, due to any motives whatsoever linked to a characterization of the conflict, to the nature of the combatants or to differences in the manner in which relief or treatment is given, might lead to discrimination in the application of the rules of the Geneva Conventions which are intended for the benefit of all the victims of armed conflicts,*

*Recalls in this connection its commitment to the fundamental principles governing the practice of medicine,*

*Hopes that all advances made in the organization of relief and the care of victims will be placed at the disposal of all parties to conflicts.*

### Resolution II

*The Commission médico-juridique, at its VIIth session in Monaco on 18, 19 and 20 April 1974,*

Referring to the work carried out at its earlier meetings from 1934 to 1939 on "Hospital zones and localities",

Concerned at the present evolution of war concepts and their repercussions on hospital techniques,

Having studied the proposals contained in the draft Protocols Additional to the Geneva Conventions of 12 August 1949, submitted by the ICRC to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law in Armed Conflicts at its first session in 1974,

#### CONSIDERS:

(1) that, in spite of organizational and operational difficulties, the creation of "Hospital zones and localities", mentioned in the First Geneva Convention, provides, from the angle of hospital strategy for the immediate as well as the definitive treatment of war casualties, an appropriate and highly efficient answer to the conditions arising from all the forms of armed conflicts at present possible, including situations of nuclear war, with the massive losses which they entail,

(2) that the "Hospital and safety zones and towns" for the civilian population, as provided for in the Fourth Convention, retain their utility, but that certain difficulties of organization inherent in such localities do not militate in favour of their systematic assimilation with the "Hospital zones for war casualties" mentioned in the First Convention,

(3) that the status of "Non-defended zones and localities" and "Neutralized zones and localities", proposed by the ICRC in the draft Protocols Additional to the Geneva Conventions, adequately meets the requirements for the protection of civilian populations, by taking better into account de facto situations and by not requiring the creation and operation of "Hospital and safety zones",

Noting, nevertheless, that certain ambiguities and omissions subsist in the articles and model agreements on the conditions of supervision and the consequences of shortcomings that may be either alleged or found;

## MISCELLANEOUS

Deeming it expedient to compile as full a list as possible of the events which have occurred from time to time during the armed conflicts of the last few decades and shown that action improvised during the course of military operations is actually possible.

### DECIDES:

1. To entrust to a Working Group the study of this latter point, because of its significance in the search for practical conditions that could open the way for the fullest protection of military and civilian wounded persons and of civilian populations in armed conflicts,

2. To undertake the compilation of this systematic list, in co-operation with the San Remo International Institute of Humanitarian Law, and the utilization of the documentation prepared by the International Committee of the Red Cross.

### Resolution III

*The Commission médico-juridique, at its VIIth session in Monaco on 18, 19 and 20 April 1974,*

*Noting with satisfaction that one of the first results obtained at the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts was the adoption by one of its commissions of draft regulations concerning the identification and marking of medical aircraft personnel, units and means of transport,*

*Expresses the wish that the protective status of medical aircraft, to the preparation of which the Diplomatic Conference has successfully and efficaciously contributed, will be definitively adopted at its second session in 1975,*

*and is confident that the delegations of the Principality of Monaco will play their part in bringing this about.*