

BOOKS AND REVIEWS

«HUMAN RIGHTS AS THE BASIS OF INTERNATIONAL HUMANITARIAN LAW¹»

In September 1970, the International Institute of Humanitarian Law organised a Congress in San Remo on the subject of *Human Rights as the Basis of International Humanitarian Law*. The Proceedings of that Congress have now been published in the form of an attractively bound volume which contains the texts of the general reports submitted to the four plenary meetings and statements made, together with the summary records of ensuing discussions. Various documents have been annexed including several of the resolutions adopted by the XXth and XXIst International Conferences of the Red Cross on respect for human rights during periods of armed conflict.

The ICRC was represented in San Remo by Mr. Frédéric Siordet, an honorary member, who concluded his address with the following words: " Our humanitarian law was founded a hundred years ago on principles which, originally, were generally recognized. We admit that many of these principles have, for some decades now, succumbed to indiscriminate attack and, while we rush to rebuild our towns, we have shown less zeal in rebuilding our moral values. This is the crux of the problem, there lies the task common to all those who believe that Law is able to create solid dykes to stem the flow of war. Principles must be restored and reaffirmed so that everyone may understand that the observation of existing or new rules resulting therefrom is of vital interest to each and every one of us. On this general sentiment alone will it be possible to raise a solid barrage against the outbreak of violence which is leading mankind to self-extinction. There can never be enough men of good will to handle this task ".

In his opening address, Mr. Arthur H. Robertson said that humanitarian law and human rights were growing ever closer, this being clearly seen from the texts of the Teheran Conference, the

¹ Grassi, Istituto editoriale ticinese, Lugano-Bellinzona (Svizzera), 1971, 385 p.

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Istanbul Conference and the Resolutions of the United Nations General Assembly on respect for human rights in armed conflicts. That led to the conclusion that humanitarian law and the law of human rights should be subjected to a system of international control.

Professor G.I.A.D. Draper, who gave the opening address to the second working session, concluded by saying: "The relationship between human rights and the law of war has been established. It has now to be exploited with skill, patience and despatch if man's confidence in man is to be made a living reality".

According to Professor Paul de la Pradelle, Rapporteur of the third plenary meeting, sovereignty is the main obstacle to the development both of human rights and of humanitarian law. "The Geneva Conventions form a whole, it is not possible to divide that whole—to break its unity". However, "although humanitarian law applicable to armed conflicts can and must enter the law of nations, it must remain independent, in keeping with its historical significance and its traditional use which must be protected. A public international order to protect mankind may take maximum effect, as far as sovereignties are concerned, in this safeguarded sector".

This volume contains also some interesting statements, on the international protection of refugees, which consider legal aid to those who, owing to their refugee status, cannot claim the protection of the consular authorities of their country of origin.

It appears from these Proceedings, that the general opinion is that a revision of the Geneva Conventions would be out of place but that it would be advisable, according to Professor Patrignic and others, to supplement them with protocols protecting especially victims of internal conflicts. We know that one of the main trends to appear at the Meeting of Government Experts convened by the ICRC in May 1971, was towards an extension of human rights rather than of the law of war in just such cases of internal conflict. Perusal of this publication shows that the opinions of various figures of the legal and moral world are combining to slowly form this general consent without which Law will never be respected.

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