

INTERNATIONAL COMMITTEE OF THE RED CROSS

Development of International Humanitarian Law

GENEVA, 15 APRIL 1970

Circular No. 478

*To the Central Committees of Red Cross, Red Crescent and Red Lion
and Sun Societies*

LADIES AND GENTLEMEN,

The XXIst International Conference of the Red Cross, meeting at Istanbul in September 1969, devoted its Resolution XIII to the reaffirmation and development of the laws and customs applicable in armed conflicts. That resolution, the text of which is appended hereto, assigns to the International Committee of the Red Cross some heavy tasks, in particular that of drawing up proposals in that field for submission to governments.

The International Committee set to work immediately after the Conference, for the undertaking is of obvious urgency. With the assistance of consultants of various nationalities, the International Committee is at this moment compiling full documentary material containing concrete proposals which it intends to submit in the Spring of 1971 to a conference of governmental experts who, in accordance with the aforesaid resolution, should be representative of the world's main legal and social systems. That conference, to which some thirty governments will be invited to send experts may be followed by a second.

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The International Committee hopes to be able in this way to draft proposals likely to meet with approval as widely as possible and which it will submit to all States parties to the Geneva Conventions.

In addition, complying with the wish expressed by the International Conference of the Red Cross, the Committee is maintaining close liaison with the United Nations Organization, and particularly with the Secretary-General. It was represented, *inter alia*, at the General Assembly's proceedings which resulted in Resolution 2597 encouraging the Secretary-General to continue his studies in co-operation with the International Committee, with particular attention to certain subjects. A representative of the Committee also attended the meeting of the Human Rights Commission in March 1970 at New York, when it examined the Secretary-General's report. Moreover, to co-operate with the Secretary-General in these studies, as desired by the General Assembly, the International Committee will provide him with a preliminary report on non-international armed conflicts, guerrilla warfare, and the status of irregular combatants.

Furthermore, as the Istanbul Resolution XIII encourages it, with a view to co-ordination of work, the ICRC continues to concern itself actively for the studies and events, often of genuine value, which private organizations devote to certain aspects of humanitarian law. It has given accounts of some of those events in its periodical publications.

As it has always done in matters of this kind, the International Committee is making a point of associating National Societies closely in this important undertaking. It will keep them regularly informed on progress, either in circular letters or in news bulletins. It expresses the hope that National Societies will forthwith send it any advice or suggestions they wish to offer. Already at this present stage, any further remarks concerning the two reports entitled "Reaffirmation and Development of the Laws and Customs applicable in Armed Conflicts" and "Protection of Victims of Non-International Conflicts" which the Committee submitted to the XXIst International Conference will be of the greatest value.

If National Societies particularly interested in these problems so wish, the International Committee would be prepared to convene

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them to a meeting, so that they may exchange their observations with it and among themselves. Such a meeting could take place either at the end of this year or at the beginning of 1971, as it would be useful to hold it before the conference of governmental experts advocated by the XXIst Conference.

The International Committee thanks beforehand those National Societies which, following this circular, are kind enough to let it have their suggestions.

Yours sincerely,

FOR THE INTERNATIONAL COMMITTEE
OF THE RED CROSS

Marcel A. NAVILLE

President

THE XXIst INTERNATIONAL CONFERENCE OF THE RED CROSS

RESOLUTION XIII

**Reaffirmation and Development of the Laws and Customs
applicable in Armed Conflicts**

The XXIst International Conference of the Red Cross,

considering that armed conflicts and other forms of violence which continue to rage in the world, continuously imperil peace and the values of humanity,

noting that, in order to strive against such dangers, the limits imposed upon the waging of hostilities by the requirements of humanity and the dictates of the public conscience should be continuously reaffirmed and defined,

recalling the resolutions previously adopted on this matter by International Conferences of the Red Cross and, in particular, Resolution No. XXVIII of the XXth International Conference,

recognizing the importance of the United Nations General Assembly Resolution No. 2444 adopted on 19 December 1968 on respect for human rights in armed conflicts, as well as Resolution No. 2454 adopted on 20 December 1968,

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having taken note with gratitude of the work undertaken by the ICRC in this field, following Resolution No. XXVIII of the XXth International Conference and, in particular, of the extensive report which the ICRC has prepared on this subject,

underlines the necessity and the urgency of reaffirming and developing humanitarian rules of international law applicable in armed conflicts of all kinds, in order to strengthen the effective protection of the fundamental rights of human beings, in keeping with the Geneva Conventions of 1949,

requests the ICRC on the basis of its report to pursue actively its efforts in this regard with a view to

1. proposing, as soon as possible, concrete rules which would supplement the existing humanitarian law,
2. inviting governmental, Red Cross and other experts representing the principal legal and social systems in the world to meet for consultations with the ICRC on these proposals,
3. submitting such proposals to Governments for their comments, and,
4. if it is deemed desirable, recommending the appropriate authorities to convene one or more diplomatic conferences of States parties to the Geneva Conventions and other interested States, in order to elaborate international legal instruments incorporating those proposals,

encourages the ICRC to maintain and develop, in accordance with the United Nations General Assembly Resolution No. 2444, the co-operation established with that organisation in order to harmonize the various studies undertaken, and to collaborate with all other official and private organisations with a view to ensuring the co-ordination of such studies,

requests National Red Cross Societies to create active public interest in such a cause, which is of concern to all mankind,

urges all Governments to support the efforts of the International Red Cross in this respect.
