

INTERNATIONAL CONGRESS ON HUMANITARIAN LAW

From 24 to 27 September 1970 an International Congress on humanitarian law met at San Remo (Italy) attended by jurists from Africa, America, Asia and Europe to found the International Institute of Humanitarian Law whose headquarters will be in the Nobel villa at San Remo.

This new Institute intends to organize discussions among research workers and experts in humanitarian law, to co-ordinate its activity with that of public and private institutions concerned with humanitarian law, to convene congresses, to award scholarships and prizes, to issue publications and, in general, to support any initiative likely to promote opinion in favour of a wider dissemination and more effective application of humanitarian law.

The Congress, at which the ICRC was represented by Mr. Frédéric Siordet, Honorary Member of the ICRC, adopted a "Declaration" which we quote below, reaffirming the principles set forth in Resolution XXVIII of the XXth International Conference of the Red Cross (Vienna, 1965) and expressing certain wishes and recommendations with a view to the better application and development of humanitarian law in general.

SAN REMO DECLARATION

*The International Congress of Humanitarian Law*¹

Recalling the obligation of all States to refrain from having recourse to threats and to the use of force in international relations, and to settle their disputes in a peaceful manner;

Considering that the common foundation of the rules of international humanitarian law and of the international rules securing the protection of human rights lies in the respect of the human person;

that the respect of these rules is essential for peaceful co-existence among all human beings;

that, consequently, the violation of these same rules is not a matter which falls within the sole domain of the State;

¹ Our translation.

Reaffirms

that the right of the parties engaged in armed conflicts, whether international or internal, to choose means of injuring the enemy is not unlimited;

that it is prohibited to launch attacks against the civilian population as such;

that distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as far as possible;

that the general principles of the law of war be applied to nuclear and similar weapons;

Expresses the wish

that violations of the rules embodied in Conventions having a humanitarian character be punished by impartial international courts;

that, at least, the rules relative to the exercise by a protecting power of its rights be improved so as to allow injured parties to have direct access to an international authority comparable to that of the United Nations High Commissioner for Human Rights, the institution of which can no longer be delayed;

Considering that the Geneva Conventions of 1949 constitute a step forward in the development of international law;

Recommends

all who are interested in the further development of international humanitarian law, international organizations, scientific institutions, and particularly the San Remo *International Institute of Humanitarian Law*, to first apply themselves to specific aims the pursuit of which should contribute to giving effect to the ideas inspiring their efforts, e.g.:

- 1) the adaptation of the law of war (The Hague 1907) to the Geneva Conventions of 1949;
- 2) the adjustment of the rules referred to in article 4(2) of the International Covenant on Political and Civil Rights and in article 15 of the European Convention on Human Rights so that they concord with those of article 3 of the Geneva Conventions of 1949;
- 3) the drawing up of codicils related to article 3 of the Geneva Conventions of 1949 and bearing on:
 - a) the power of impartial bodies (such as the International Court of Justice) to determine the existence of armed conflict as provided for in the said article 3;

- b) the distinction between acts subject to the law of war and crimes against innocent parties, such as air piracy, the taking of hostages and breaches of diplomatic immunity, which are acts proving their authors to be unworthy of combatant or political refugee status;
- 4) the promotion among the world population of better knowledge of and respect for the rules of humanitarian law, through the most advanced media made available by modern technology, and particularly by computer storage of a) national and international rules on the law of war and the penalties for breaches thereof and b) national and international sentences penalizing the culprits of such breaches;
- 5) the resumption of studies of projects which, consistent with the provisions of the European Convention on consular functions, are designed to strengthen respect for international humanitarian law;
- 6) the study of ways and means of granting legal assistance to persons deprived of the consular protection of their country.

MILITARY MEDICINE

In World Health,¹ Dr. Bouissou, a French Navy physician, describes how military medicine, born on the battlefield, has contributed to the development of science. We give below some passages from his article which refers to the work of the Red Cross and of the army medical services under the sign of the Red Cross, Red Crescent and Red Lion and Sun.

The wars of the late nineteenth century were characterized by the unpreparedness, lack of foresight and disorganization of medical services, but some military surgeons nevertheless deserve to be remembered. For instance, the German surgeon Friedrich von Esmarch was ahead of everybody else in applying antisepsis; the Russian surgeon Nikolai Pirogoff was one of the first to use anaesthesia with ether on the battlefield.

¹ The magazine of the World Health Organization, May 1970.